

# SENATE JOURNAL

— 1999 —

REGULAR SESSION  
FIFTY-SIXTH LEGISLATURE  
**STATE OF WASHINGTON**  
AT  
**OLYMPIA, the State Capitol**

1999 Regular Session Convened January 11, 1999  
Adjourned Sine Die April 25, 1999

1999 First Special Session Convened May 17, 1999  
Adjourned Sine Die May 19, 1999

Compiled, Edited and Indexed by  
Tony M. Cook, *Secretary of the Senate*



MARY WILEY  
*Minute and Journal Clerk*

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LIEUTENANT GOVERNOR BRAD OWEN, *President of the Senate*  
SENATOR R. LORRAINE WOJAHN, *President Pro Tempore*  
SENATOR ALBERT BAUER, *Vice President Pro Tempore*

# Senate Caucus Officers

## 1999

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*Majority Caucus Chair* ..... HARRIET A. SPANEL  
*Majority Floor Leader* ..... BETTI L. SHELDON  
*Majority Whip* ..... ROSA FRANKLIN  
*Majority Caucus Vice Chair* ..... KEN JACOBSEN  
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*Majority Assistant Whip* ..... TRACEY EIDE

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*Republican Assistant Floor Leader* ..... BILL FINKBEINER  
*Republican Assistant Whip* ..... JIM HONEYFORD

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*Secretary of the Senate* ..... TONY M. COOK  
*Deputy Secretary of the Senate* ..... BRAD HENDRICKSON  
*Sergeant at Arms* ..... GENE GOTOVAC  
*Minute and Journal Clerk* ..... MARY WILEY  
*Readers* ..... GORDON DOUGLASS AND DALE LARSON

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**JOURNAL OF THE SENATE  
1999 REGULAR SESSION  
STATE OF WASHINGTON  
FIFTY-SIXTH LEGISLATURE**

**FIRST DAY**

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**NOON SESSION**

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Senate Chamber, Olympia, Monday, January 11, 1999

At 12:00 noon, pursuant to law, the Senate of the 1999 Regular Session of the Fifty-sixth Legislature of the state of Washington assembled in the Senate Chamber at the State Capitol. Lieutenant Governor Brad Owen, President of the Senate, called the Senate to order.

The Washington State Patrol Honor Guard, consisting of Troopers Ted Dehart, Craig Anders, Wilhelmina Boxhoorn, Zachary Elmore, Darrin Latimer, John Sager and Lance Ramsay, presented the Colors.

The President led the Senate in the Pledge of Allegiance.

Reverend Lance Williamson, pastor of the Evergreen Presbyterian Church in Graham, Washington, offered the prayer.

**INTRODUCTION OF LAKEFAIR QUEEN**

The President welcomed and introduced Nikki Chow, the 1998-1999 Lakefair Queen, who was seated on the rostrum. With permission of the Senate, business was suspended for Queen Nikki to welcome the Senators to Olympia.

EDITOR'S NOTE: The following letters of resignation, appointment and oaths of office were received during the 1998 Interim:

LETTER OF RESIGNATION

WASHINGTON STATE SENATE

Senator Ann Anderson  
42nd Legislative District

September 11, 1998

Mike O'Connell  
Secretary of the Senate  
P.O. Box 40482  
Olympia, WA 98504

Dear Mike:

This correspondence is to notify you of my formal resignation from my 42nd District Senate Seat that will be effective as of September 15, 1998.

As you may know by now, Governor Locke has appointed me to the Tax Appeals Board. As a criteria for serving, no member of that board can concurrently hold another elected office. Hence my notice of resignation.

Obviously it is with some sadness that I submit this letter after serving in the Senate for twelve years. However, I am looking forward to the challenge of serving on the Tax Appeals Board, not to mention the less stress associated with the job.

Sincerely,

ANN ANDERSON, State Senator, 42nd Legislative District

CERTIFICATE OF APPOINTMENT  
WHATCOM COUNTY COUNCIL

The Whatcom County Council voted at their regular Council Meeting of November 10, 1998, to appoint Mr. Joe Elenbaas to fill the Washington State Senate position in the 42nd District vacated by Ann Anderson's resignation until the newly-elected member takes office. The vote was 4-3 in favor with Dawson opposed, and Sutter and Imhof abstaining.

MARINA ENGELS, Deputy Clerk of the Council

EDITOR'S NOTE: After being appointed by the Whatcom County Office to fill the unexpired term of Senator Ann Anderson, Joe Elenbaas took the oath of office for State Senator for the 42nd Legislative District.

OATH OF OFFICE FOR UNEXPIRED TERM  
OATH OF SENATOR FOR THE STATE OF WASHINGTON  
42nd LEGISLATIVE DISTRICT

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

SENATOR JOSEPH ELENBAAS

Subscribed and sworn to before me this 12th day of November, 1998

SHIRLEY FORSLOF  
WHATCOM COUNTY AUDITOR

EDITOR'S NOTE: After the returns of the general election of November 3, 1998, were certified, Georgia Gardner took the oath of office to fill the unexpired term of State Senator for the 42nd Legislative District.

OATH OF OFFICE FOR UNEXPIRED TERM  
OATH OF SENATOR FOR THE STATE OF WASHINGTON  
42nd LEGISLATIVE DISTRICT

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

SENATOR GEORGIA GARDNER

Subscribed and sworn to before me this 23rd day of November, 1998

CHARLES Z. SMITH  
Supreme Court Justice

LETTER OF RESIGNATION

WASHINGTON STATE SENATE  
Senator Eugene Prince  
9th Legislative District

December 31, 1998

The Honorable Gary Locke  
Office of the Governor

2nd Floor Legislative Building  
Olympia, WA 98504

Dear Gary:

I am writing to notify you of my decision to resign my current position as State Senator of the 9th Legislative District.

I would like to make this effective as of Sunday, January 10th, at midnight - leaving my position open for appointment on Monday, January 11, 1999.

Thank you very much.

Sincerely,

EUGENE PRINCE, State Senator, 9th Legislative District

MESSAGE FROM THE SECRETARY OF STATE

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

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

SENATORS ELECTED NOVEMBER 3, 1998

DISTRICT NAME COUNTIES REPRESENTED

No. 6 West, James (R)	Spokane (part)	
No. 7 Morton, Bob (R)	Ferry, Lincoln, Okanogan (part),	Pend Oreille, Spokane (part), Stevens
No. 8 Hale, Patricia (R)	Benton (part)	
No. 13 Hochstatter, Harold (R)	Benton (part), Grant (part),	Kittitas, Yakima (part)
No. 15 Honeyford, Jim (R)	Benton (part), Klickitat,	Skamania (part), Yakima (part)
No. 21 Shin, Paull (D)	Snohomish (part)	
No. 26 Oke, Bob (R)	Kitsap (part), Pierce (part)	
No. 29 Franklin, Rosa (D)	Pierce (part)	
No. 30 Eide, Tracey (D)	King (part), Pierce (part)	
No. 31 Roach, Pam (R)	King (part), Pierce (part)	
No. 32 Fairley, Darlene (D)	King (part)	
No. 33 Patterson, Julia (D)	King (part)	
No. 34 Heavey, Michael (D)	King (part)	
No. 35 Sheldon, Timothy (D)	Grays Harbor (part), Kitsap (part),	Mason, Thurston (part)
No. 36 Kohl, Jeanne (D)	King (part)	
No. 37 Kline, Adam (D)	King (part)	
No. 38 Costa, Jeri (D)	Snohomish (part)	
No. 42 Gardner, Georgia (D)	Whatcom (part)	

- No. 43 Thibaudeau, Pat (D) King (part)
- No. 44 Long, Jeanine (R) Snohomish (part)
- No. 45 Finkbeiner, Bill (R) King (part)
- No. 46 Jacobsen, Ken (D) King (part)
- No. 47 Johnson, Stephen (R) King (part)
- No. 48 McDonald, Dan (R) King (part)

STATE SENATORS "HOLDOVERS"

DISTRICT NAME    COUNTIES REPRESENTED

- No. 1 McAuliffe, Rosemary (D) King (part), Snohomish (part)
- No. 2 Rasmussen, Marilyn (D) Pierce (part)
- No. 3 Brown, Lisa (D) Spokane (part)
- No. 4 McCaslin, Bob (R) Spokane (part)
- No. 5 Rossi, Dino (R) King (part)
- No. 9 (Vacant) Adams, Asotin (part),  
Spokane (part), Whitman
- No. 10 Haugen, Mary Margaret (D) Island, Skagit (part),  
Snohomish (part)
- No. 11 Prentice, Margarita (D) King (part)
- No. 12 Sellar, George (R) Chelan, Douglas, Grant (part),  
Okanogan (part)
- No. 14 Deccio, Alex (R) Yakima (part)
- No. 16 Loveland, Valoria (D) Asotin (part), Columbia, Franklin,  
Garfield, Walla Walla
- No. 17 Benton, Don (R) Clark (part), Skamania (part)
- No. 18 Zarelli, Joseph (R) Clark (part), Cowlitz (part),  
Lewis (part)
- No. 19 Snyder, Sid (D) Cowlitz (part), Grays Harbor  
(part), Pacific, Wahkiakum
- No. 20 Swecker, Dan (R) Lewis (part), Pierce (part),  
Thurston (part)
- No. 22 Fraser, Karen (D) Thurston (part)
- No. 23 Sheldon, Betti (D) Kitsap (part)
- No. 24 Hargrove, James (D) Clallam, Grays Harbor (part),  
Jefferson
- No. 25 Goings, Calvin (D) King (part), Pierce (part)
- No. 27 Wojahn, R. Lorraine (D) Pierce (part)
- No. 28 Winsley, Shirley (R) Pierce (part)
- No. 39 Stevens, Val (R) King (part), Snohomish (part)
- No. 40 Spanel, Harriet (D) San Juan, Skagit (part),  
Whatcom (part)
- No. 41 Horn, Jim (R) King (part)
- No. 49 Bauer, Albert (D) Clark (part)

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

(Seal)

RALPH MUNRO

Secretary of State

FURTHER MESSAGE FROM THE SECRETARY OF STATE

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

I, Ralph Munro, Secretary of State of the state of Washington, do hereby certify that according to the provisions of RCW 29.62.130, I have canvassed the returns of the 1,939,421 votes cast by the 3,119,562 registered voters of the state for and against the initiatives and referendum which were submitted to the vote of the people at the state general election held on the 3rd day of November, 1998, as received from the County Auditors.

INITIATIVE TO THE PEOPLE 688

"Shall the state minimum wage be increased from \$4.90 to \$5.70 in 1999 and to \$6.50 in 2000, and afterwards be annually adjusted for inflation?"

YES 1,259,470  
NO 644,764

INITIATIVE TO THE PEOPLE 692

"Shall the medical use of marijuana for certain terminal or debilitating conditions be permitted, and physicians authorized to advise patients about medical use of marijuana?"

YES 1,121,851  
NO 780,631

INITIATIVE TO THE PEOPLE 694

"Shall the termination of a fetus' life during the process of birth be a felony crime except when necessary to prevent the pregnant woman's death?"

YES 802,376  
NO 1,070,360

REFERENDUM BILL 49

"Shall motor vehicle excise taxes be reduced and state revenues reallocated; \$1.9 billion in bonds for state and local highways approved; and spending limits modified?"

YES 1,056,786  
NO 792,783

INITIATIVE TO THE LEGISLATURE 200

"Shall government be prohibited from discriminating or granting preferential treatment based on race, sex, color, ethnicity or national origin in public employment, education and contracting?"

YES 1,099,410  
NO 788,930

I, further certify that, according to the provisions of RCW 43.07.030, I have canvassed the returns of the votes cast at the state general election held on the 3rd day of November, 1998, for all federal, legislative and joint judicial offices, and that the votes cast for candidates for these offices are as follows:

UNITED STATES SENATE

Patty Murray (D) 1,103,184

Linda Smith (R) 785,377

U.S. REPRESENTATIVE, District 1

Jay Inslee (D) 112,726  
Rick White (R) 99,910  
Bruce Craswell (AH) 13,837

U.S. REPRESENTATIVE, District 2

Grethe Cammermeyer (D) 100,776  
Jack Metcalf (R) 124,125

U.S. REPRESENTATIVE, District 3

Brian Baird (D) 120,364  
Don Benton (R) 99,855

U.S. REPRESENTATIVE, District 4

Gordon Allen Pross (D) 43,043  
Doc Hastings (R) 121,684  
Peggy S. McKerlie (RFM) 11,363

U.S. REPRESENTATIVE, District 5

Brad Lyons (D) 73,545  
George Nethercutt. (R) 110,040  
John Beal (AH) 9,673

U.S. REPRESENTATIVE, District 6

Norm Dicks (D) 143,308  
Bob Lawrence (R) 66,291

U.S. REPRESENTATIVE, District 7

Jim McDermott (D) 183,076  
Stan Lippmann (RFM) 19,545  
Jeff Powers (SW) 4,921

U.S. REPRESENTATIVE, District 8

Heidi Behrens-Benedict (D) 91,371  
Jennifer Dunn (R) 135,539

U.S. REPRESENTATIVE, District 9

Adam Smith (D) 111,948  
Ron Taber (R) 61,108

STATE REPRESENTATIVE, District 1, Position 1

Al O'Brien (D) 20,532  
Ian Elliot (R) 16,027

STATE REPRESENTATIVE, District 1, Position 2

Jeanne A. Edwards (D) 19,137  
Mike Sherstad (R) 17,478

STATE SENATOR, District 7

Bob Morton (R) 33,431

STATE REPRESENTATIVE, District 7, Position 1

Bob Sump (R) 31,621

STATE REPRESENTATIVE, District 7, Position 2

Cathy McMorris (R) 32,947

STATE REPRESENTATIVE, District 9, Position 1

Annette S. Hendricks (D) 9,620  
Larry Sheahan (R) 18,742  
John J. Gearhart (LBT) 1,233

STATE REPRESENTATIVE, District 9, Position 2

Bob Bobincheck (D) 9,634  
Mark G. Schoesler (R) 19,664

STATE REPRESENTATIVE, District 10, Position 1

Dave Anderson (D) 24,503  
Gordon Koetje (R) 17,568

STATE REPRESENTATIVE, District 10, Position 2

Alec McDougall (D) 20,390  
Kelly Barlean (R) 20,694

STATE REPRESENTATIVE, District 12, Position 1

Clyde Ballard (R) 28,499

STATE REPRESENTATIVE, District 12, Position 2

Linda Evans Parlette (R) 27,312

STATE SENATOR, District 13

J. T. Gregor (D) 11,437  
Harold Hochstatter (R) 23,245

STATE REPRESENTATIVE, District 13, Position 1

Steve J. Drussell II (D) 9,658  
Gary D. Chandler (R) 24,964

STATE REPRESENTATIVE, District 13, Position 2

Vince "TUB" Tomaso (D) 9,741  
Joyce Mulliken (R) 24,493

STATE SENATOR, District 15

Kevin Jackson (D) 8,640  
Jim Honeyford (R) 15,466

STATE REPRESENTATIVE, District 15, Position 1

Walter J. Braten (D) 8,951

Bruce Chandler (R) 14,629

STATE REPRESENTATIVE, District 15, Position 2

Dolores Ledesma (D) 7,773 Barb Lisk (R) 16,261

STATE REPRESENTATIVE, District 16, Position 1

Dave Mastin (R) 24,307

STATE REPRESENTATIVE, District 16, Position 2

Bill Grant (D) 23,638

STATE REPRESENTATIVE, District 17, Position 1

Bob Watrous (D) 19,202

Marc Boldt (R) 22,552

STATE REPRESENTATIVE, District 17, Position 2

Mike Carmichael (D) 18,994

Jim Dunn (R) 22,526

STATE REPRESENTATIVE, District 18, Position 1

Chris Mahre (D) 19,635

Tom Mielke (R) 23,669

STATE REPRESENTATIVE, District 18, Position 2

John Pennington (R) 32,873

STATE REPRESENTATIVE, District 19, Position 1

Brian Hatfield (D) 26,810

STATE REPRESENTATIVE, District 19, Position 2

Mark L. Doumit (D) 26,473

STATE REPRESENTATIVE, District 20, Position 1

Tom Beattie (D) 16,438

Richard DeBolt (R) 23,817

STATE REPRESENTATIVE, District 20, Position 2

Robert Strong (D) 15,352

Gary Alexander (R) 24,842

STATE REPRESENTATIVE, District 24, Position 1

Hugh Haffner (D) 19,056

Jim Buck (R) 27,008

STATE REPRESENTATIVE, District 24, Position 2

Lynn Kessler (D) 33,631

STATE REPRESENTATIVE, District 25, Position 1

Richard Hildeth (D) 16,376

Joyce McDonald (R) 21,451

STATE REPRESENTATIVE, District 25, Position 2

Jim Kastama (D) 22,373

Grant Owen Pelesky (R) 15,892

STATE SENATOR, District 26

Beth Wilson (D) 22,769  
Bob Oke (R) 24,231

STATE REPRESENTATIVE, District 26, Position 1

Patricia Lantz (D) 25,659  
Lois McMahan (R) 20,980

STATE REPRESENTATIVE, District 26, Position 2

Jim Shea (D) 19,317  
Tom Huff (R) 26,422

STATE SENATOR, District 30

Tracey J. Eide (D) 18,616  
Ray Schow (R) 16,323

STATE REPRESENTATIVE, District 30, Position 1

Mike Miloscia (D) 18,984  
Skip Priest (R) 15,457

STATE REPRESENTATIVE, District 30, Position 2

Maryann Mitchell (R) 25,269

STATE SENATOR, District 31

George Tracy (D) 14,988  
Pam Roach (R) 20,904

STATE REPRESENTATIVE, District 31, Position 1

Michael Stensen (D) 17,988  
Dan Roach (R) 17,557

STATE REPRESENTATIVE, District 31, Position 2

Christopher Hurst (D) 19,623  
Les Thomas (R) 16,131

STATE SENATOR, District 35

Tim Sheldon (D) 33,699

STATE REPRESENTATIVE, District 35, Position 1

Kathy Haigh (D) 21,510  
Peggy Johnson (R) 20,836

STATE REPRESENTATIVE, District 35, Position 2

William "IKE" Eickmeyer (D) 23,292  
Dick Taylor (R) 18,061

STATE REPRESENTATIVE, District 39, Position 1

Hans Dunshee (D) 24,505  
Ken Estes (R) 18,075

STATE REPRESENTATIVE, District 39, Position 2

Patricia Patterson (D) 20,030  
John Koster (R) 21,582

STATE REPRESENTATIVE, District 40, Position 1

Dave Quall (D) 31,552

STATE REPRESENTATIVE, District 40, Position 2

Jeff Morris (D) 25,033

Steve Chronister (R) 17,305

SUPREME COURT JUSTICE, Position 1

Faith Ireland (NP) 933,647

James Patrick "Jim" Foley (NP) 602,290

SUPREME COURT JUSTICE, Position 5

Barbara Madsen (NP) 1,026,430

Jim Bates (NP) 480,088

SUPREME COURT JUSTICE, Position 6

Richard B. Sanders (NP) 1,191,678

COURT OF APPEALS, DIVISION 2, DISTRICT 3, Position 2

(Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum)

C.C.Bridgewater (NP) 104,001

COURT OF APPEALS, DIVISION 3, DISTRICT 1, Position 2

(Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens)

Kenneth H. Kato (NP) 112,306

COURT OF APPEALS, DIVISION 3, DISTRICT 2, Position 1

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

Dennis J. Sweeney (NP) 74,329

SUPERIOR COURT JUDGE, Position 1

(Chelan, Douglas)

Lesley A. Allan (NP) 19,443

IN WITNESS WHEREOF, I have set my hand  
and affixed the seal of the state of Washington,  
this 3rd day of December, 1998.

(Seal)

RALPH MUNRO,

Secretary of State

EDITOR'S NOTE: Senator West, 6th District; Senator Hale, 8th District; Senator Shin, 21st District; Senator Franklin, 29th District; Senator Fairley, 32nd District; Senator Patterson, 33rd District; Senator Heavey, 34th District; Senator Kohl, 36th District; Senator Kline, 37th District; Senator Costa, 38th District; Senator Gardner, 42nd District; Senator Thibaudeau, 43rd District; Senator Long, 44th District; Senator Finkbeiner, 45th District; Senator Jacobsen, 46th District; Senator Johnson, 47th District; and Senator McDonald 48th District; all representing single counties, were certified by their county election officials.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Heavey and Johnson to escort the Honorable Phil Talmadge, Justice of the Supreme Court of the state of Washington, to the Senate Chamber and a seat upon the rostrum.

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

#### ROLL CALL

The Acting Secretary called the roll of the following holdover members of the Senate and all were present: Senators Al Bauer, Don Benton, Lisa Brown, Alex Deccio, Karen Fraser, Calvin Goings, Jim Hargrove, Mary Margaret Haugen, Jim Horn, Valoria Loveland, Rosemary McAuliffe, Bob McCaslin, Margarita Prentice, Marilyn Rasmussen, Dino Rossi, George Sellar, Betti Sheldon, Sid Snyder, Harriet Spanel, Val Stevens, Dan Swecker, Shirley Winsley, R. Lorraine Wojahn and Joseph Zarelli.

#### ROLL CALL

The Acting Secretary called the roll of the following newly reelected Senators and all were present: Senators Darlene Fairley, Bill Finkbeiner, Rosa Franklin, Pat Hale, Mike Heavey, Harold Hochstatter, Ken Jacobsen, Stephen Johnson, Adam Kline, Jeanne Kohl-Welles, Jeanine Long, Dan McDonald, Bob Morton, Bob Oke, Julia Patterson, Pam Roach, Tim Sheldon, Pat Thibaudeau and Jim West.

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

Justice Phil Talmadge thereupon administered the oath of office to each of the newly reelected members.

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

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

#### ROLL CALL

The Acting Secretary of the Senate called the roll of the following newly elected members of the Senate and all were present: Jeralita Costa, Tracey Eide, Georgia Gardner, Jim Honeyford and Paull Shin.

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

Justice Phil Talmadge thereupon administered the oath of office to each of the newly elected members.

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

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

#### ELECTION OF PRESIDENT PRO TEMPORE

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

#### REMARKS BY SENATOR SNYDER

Senator Snyder: "Mr. President and members of the Senate, it is with a great deal of pride that I place the name of Lorraine Wojahn as President Pro Tempore of the Washington State Senate. It is with all sincerity that I say it is an honor and a privilege to be able to place in nomination the name of Senator Lorraine Wojahn as President Pro Tempore. She has had experience in the job; she held this position for two years. She has a toughness in her presiding; she has good sense and a grasp of the rules of the Washington State Senate and the Constitution. Her rulings on scope and object have always been fair and to the point.

"Also, as Justice Talmadge knows, she gained a name, which probably fits her very well--she is known as the 'Norse Goddess of Terror' in these Chambers. I really think she will serve us all very well in the position of President Pro Tempore when she presides in the absence of our Lieutenant Governor. Thank you."

## REMARKS BY SENATOR WINSLEY

Senator Winsley: "Thank you, Mr. President. In the spirit of bi-partisanship, it gives me the honor to rise and second the nomination of Senator Wojahn as President Pro Tempore. Senator Wojahn is a member of that prestigious delegation from Pierce County--the twenty seventh district. Senator Wojahn has served as a member of this institution for a number of years and always it is with fairness and respect and I know that she will continue to serve us in that manner. Senator Wojahn, herself, is an institution and for certain she has a vast institutional memory obtained from many years of service.

"This weekend, I was reading that on December fifth, Senator Strom Thurmond was reelected for his sixth term as President Pro Tempore of the United States Senate at the age of ninety-six. I soon figured out that he was old enough to be Senator Wojahn's father and I thought that Senator Wojahn is just a youngster and she can serve in this Senate for at least twenty more years--and we are all looking forward to it. Thank you and I guess I said it was an honor to place her name in nomination for President Pro Tempore."

## MOTION

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

## ROLL CALL

The Acting Secretary called the roll and Senator R. Lorraine Wojahn was elected President Pro Tempore: Wojahn, 48;  
Voting Wojahn: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, and Zarelli - 48.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Spanel and Hale as a committee of honor to escort Senator Wojahn to the rostrum. Justice Phil Talmadge administered the oath of office to Senator Wojahn.

The President introduced President Pro Tempore of the Washington State Senate, Senator R. Lorraine Wojahn.

## REMARKS BY SENATOR WOJAHN

Senator Wojahn: "I didn't think the Lieutenant Governor would give up the podium. I am surprised and I thank you very much. I want to thank you for your support. I hope that we can join together in the problems of the people in the state of Washington to come to resolutions that will be a credit to both of us--both parties. I think that we can do this; I think that we have every hope of doing the things that are needed. Certainly, there are many, many things that are needed and there is not enough money to do everything. It is going to be a tough session, but I think we can do it with your cooperation and certainly with mine, we will accomplish what we intend to do and go home and making ourselves, at least, welcome back in our districts after the session. Thank you very much."

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

## ELECTION OF VICE PRESIDENT PRO TEMPORE

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

## REMARKS BY SENATOR BETTI SHELDON

Senator Betti Sheldon: "Thank you, Mr. President, I would like to place in nomination for the office of Vice President Pro Tempore of the Senate the name of Senator Al Bauer. I think our Senate is very fortunate because we have a couple of individuals here who have served our state very long terms and very well. Senator Bauer has served in the Legislature for over

twenty-eight years. During that time, he has held a number of leadership positions, including the one for which he is now nominated. It is with a great deal of pleasure that I place his name in nomination. He is an outstanding individual and a fair-minded and experienced legislator. I hope you will support him. Thank you."

#### REMARKS BY SENATOR JACOBSEN

Senator Jacobsen: "Thank you, Mr. President. It is a pleasure and an honor that I rise to second the nomination of Senator Bauer. I have had the pleasure of knowing Senator Bauer for twenty years--we served as counterparts on the higher education committee. I know in Al's life, I think that he represents, in a lot of ways, the American Century--the journey from Lewiston, Montana, to Oregon. He defended democracy during World War II and afterwards he took advantage of the GI Bill to get a Masters in Education and a minor in Poly Si. He also stood for a love of democracy. When he decided to practice his minor and joined the Washington State Legislature in 1971--and I would say that he has mastered this institution and would make an outstanding Vice President Pro Tempore of the Senate. I urge everybody to endorse Senator Bauer."

#### REMARKS BY SENATOR SELLAR

Senator Sellar: "Thank you, Mr. President. I would just like to take this opportunity to second that nomination. I have worked with Senator Bauer on a number of things and I think he brings the fairness to the podium of both our Lieutenant Governor and Senator Wojahn and it will be a great compliment to the rostrum."

#### MOTION

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

#### ROLL CALL

The Acting Secretary called the roll and Senator Bauer was elected Vice President Pro Tempore: Bauer, 48;  
Voting Bauer Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, and Zarelli - 48.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Shin and Winsley as a committee of honor to escort Senator Bauer to the rostrum. Justice Phil Talmadge administered the oath of office to Senator Bauer.  
The President introduced Senator Al Bauer as Vice President Pro Tempore of the Washington State Senate.

#### REMARKS BY SENATOR AL BAUER

Senator Bauer: "Thank you very much. If this spirit that we have here today of cooperation and good will continues through this session, the public will be served well and appreciate that they did not make any mistakes in whom they elected to represent them here in the Senate."

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

#### ELECTION OF SECRETARY OF THE SENATE

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

#### REMARKS BY SENATOR SNYDER

Senator Snyder: "I would like to place the name of Tony Cook in nomination for Secretary of the Senate. Thank you, Mr. President. I am really blessed today to be able to place the name of Senator Wojahn as President Pro Tempore and also to nominate Tony Cook for Secretary of the Senate. I am sure Tony will join that long list of Secretaries of the Senate that have performed so well--going back at least ten years, since my tenure.

"Tony has been associated with the Legislature and state government since 1973. Right after he graduated from Stanford University, he served here; he worked at the University of Washington later on. When Senator Bob Bailey was appointed to the Utilities and Transportation Commission, Tony spent several years on their staff. He rejoined us first as Senate caucus staff and then later on, he was one of the Senate attorneys and in recent years, he has been serving as the attorney for the Ethics Committee.

"I think we will all be well-served with Tony in this capacity, as we have with his two predecessors or three predecessors. We are looking forward to the same usual treatment that all members are created equal in the mind of the Secretary of the Senate and I know Tony will carry on that tradition very well. Again, I am duly honored to be able to place Tony's name in nomination for Secretary of the Senate."

#### REMARKS BY PRESIDENT OWEN

President Owen: "Senator Snyder has moved the nomination of Tony Cook as Secretary of the Senate. I might add and just say Senator Snyder that you are modest. We know that the standard for the Secretary of the Senate was set by the number of years that you graciously served this institution as Secretary of the Senate."

#### REMARKS BY SENATOR McCASLIN

Senator McCaslin: "Ladies and gentlemen of the Senate, I am honored to second the nomination of Tony Cook. First, Senator Snyder said everything that I was going to say and what he missed the President said. I could say an awful lot of good things about Tony, but this is only a hundred and five day session, so we will get along. You didn't mention that he graduated with honors from Stanford--undergraduate. I don't know what he did as a Juris Doctor, but, Tony, I am going to give you the highest honors for that.

"When I first met Tony back in the eighties, when we had a water problem in my district, and we wanted to go from a private water company to a public water company, Tony came down and did a fantastic job. I consider him a close personal friend today, so I am prejudiced, but I know he will be an excellent--an excellent--Secretary of the Senate, as was Sid Snyder. I know how to butter up to the majority leader."

#### REMARKS BY SENATOR HARGROVE

Senator Hargrove: "I know I am leaving the script here, but we have had one famous nickname for Senator Wojahn that was given. I just wanted everyone to know that Tony Cook is known as 'Dr. No.' I am a little apprehensive about that, but nonetheless, I think he will do a good job."

#### MOTION

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

#### ROLL CALL

The Acting Secretary called the roll and Tony Cook was elected Secretary of the Senate: Cook, 48;

Voting Cook: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, and Zarelli - 48.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Rasmussen and Sellar as a committee of honor to escort Tony Cook to the rostrum.

Justice Phil Talmadge administered the oath of office to Tony Cook.

The President introduced Tony Cook as Secretary of the Senate.

#### REMARKS BY TONY COOK

Secretary of the Senate Tony Cook: "Thank you. I thank you very much for this honor and privilege to be able to serve you. On behalf of the entire staff, I just want to say that we will do everything that we can to make this the very best session ever. Thank you."

The committee of honor escorted Secretary of the Senate Tony Cook to his seat on the rostrum and the committee was discharged.

#### PERSONAL PRIVILEGE

Senator Snyder: "A point of personal privilege, please. Mr. President and members of the Senate, I just wanted to personally thank Mike O'Connell. I know that I speak on behalf of all the members in our caucus and the entire Senate on what a magnificent and fair job he has done as serving as Secretary of the Senate. We always felt we were treated fair on the Democrat side of the aisle; I know you put a big effort into doing your very best--and you did your very best and it certainly did show with all the kindnesses and decisions that you made during your tenure as Secretary of the Senate.

"Just to continue, I also want to mention the fact that--he is not here today, he is retired--the wonderful job of Senator Newhouse and Senator Morton in their positions as President Pro Tempore and Vice President Pro Tempore. I thought we were always treated in a very, very fair manner. I only need to stand once, but we will be also electing a new Sergeant at Arms in a moment and the same words that I have used for the other three certainly goes to the Sergeant at Arms, Denny Lewis.

"Thanks to all of you four people."

#### ELECTION OF SERGEANT AT ARMS

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

#### REMARKS BY SENATOR BAUER

Senator Bauer: "Thank you, Mr. President. It is my pleasure and honor to place in nomination for Sergeant at Arms of the Senate, Gene Gotovac as Sergeant at Arms of the Senate. Gene came here about fifteen years ago. When John Cherberg, President of the Senate--the late John Cherberg--realized his talents, he hired him. Gene has been very accommodating, over the past fifteen years, to Senate needs and wishes and has the respect of everyone in this body, I am sure. In addition to that, he has a talent of knowing where the clams are in the spring and he can advise you accordingly. I urge your support."

#### REMARKS BY SENATOR HALE

Senator Hale: "Thank you, Mr. President. It is a pleasure for me to second the nomination of Gene Gotovac as Sergeant at Arms. As Senator Bauer pointed out, Gene has served the Senate for more than fifteen years. He has a deep love for this institution and I have every confidence that he will serve again with distinction."

#### MOTION

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

#### ROLL CALL

The Secretary called the roll and Gene Gotovac was elected Sergeant at Arms of the Senate: Gotovac, 48;

Voting Gotovac: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, and Zarelli - 48.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Jacobsen and McCaslin as a committee of honor to escort Gene Gotovac to the rostrum.

Justice Phil Talmadge administered the oath of office to Gene Gotovac.

The President introduced Gene Gotovac as Sergeant at Arms of the Senate.

#### REMARKS BY GENE GOTOVAC

Sergeant at Arms Gene Gotovac: "At this time, I want to thank a lot of people--a lot of good fellow employees--that have helped me when I needed help. I want to thank the Senators for your support and trusting me. Thank you."

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

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Kline and Oke to escort the Honorable Phil Talmadge from the Senate Chamber.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Dr. Hyun Uk Kim, a member of Congress and Chair of the Education and Foreign Affairs Committee for the Republic of Korea.

With permission of the Senate, business was suspended to permit Congressman Kim to address the Senate.

#### MOTION

On motion of Senator Betti Sheldon, the following resolution was adopted:

#### SENATE RESOLUTION 1999-8600

By Senators Snyder, Spanel, McDonald and Hale

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

#### APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution 1999-8600, the President appointed Senators Costa, Eide, Honeyford, Horn, Gardner and Stevens to notify the House of Representatives that the Senate is organized and ready to transact business.

#### MOTION

On motion of Senator Betti Sheldon, the appointments were confirmed.

The committee retired to the House of Representatives.

#### PERSONAL PRIVILEGE

Senator Deccio: "Mr. President, a point of personal privilege. I read your letter of today reiterating the rules of decorum and good manners in the Senate. I think we need to be reminded of that quite often and thank you for taking the time to bring that before us again and I am sure you are going to have to do that several times during the session. So, thank you."

#### REPLY BY THE PRESIDENT

President Owen: "I appreciate that very much, Senator Deccio."

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 5000 by Senators Rossi, Hochstatter and Patterson

AN ACT Relating to salmon species enrichment license plates; and adding new sections to chapter 46.16 RCW.  
Referred to Committee on Transportation.

SB 5001 by Senators Morton, Deccio, Honeyford, T. Sheldon, Swecker, Hargrove, Rossi, Hochstatter, Oke and Rasmussen

AN ACT Relating to hunting cougar; and amending RCW 77.16.360.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5002 by Senators Jacobsen, Oke, Honeyford, T. Sheldon, Kline, Winsley, Rossi, Patterson, Rasmussen and Costa

AN ACT Relating to a fish and wildlife hot line; and adding a new section to chapter 77.12 RCW.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5003 by Senators Winsley, Honeyford, Johnson, Swecker, Morton, Rossi, Hale, Oke and Benton

AN ACT Relating to eliminating the state property tax; amending RCW 84.52.065, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145, 36.73.060, 36.83.030, 36.100.050, 67.38.130, and 84.52.010; reenacting and amending RCW 84.69.020; and creating a new section.  
Referred to Committee on Ways and Means.

SB 5004 by Senators Loveland, Winsley and Patterson

AN ACT Relating to validation of school bond elections; amending RCW 29.27.080; and declaring an emergency.  
Referred to Committee on State and Local Government.

SB 5005 by Senators Loveland, Haugen, Winsley and Rasmussen

AN ACT Relating to highway information signs; and amending RCW 47.36.320 and 47.36.330.  
Referred to Committee on Transportation.

SB 5006 by Senators Morton, Stevens and Swecker

AN ACT Relating to exempting animal pregnancy testing from veterinary licensing requirements; and amending RCW 18.92.060.  
Referred to Committee on Agriculture and Rural Economic Development.

SB 5007 by Senators Morton, Benton and Rasmussen

AN ACT Relating to the state conservation commission; and amending RCW 89.08.030.  
Referred to Committee on Agriculture and Rural Economic Development.

SB 5008 by Senators Morton, Deccio, Honeyford and Hochstatter

AN ACT Relating to forest practices; and reenacting and amending RCW 76.09.060.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5009 by Senator Morton

AN ACT Relating to occupational drivers' licenses; amending RCW 46.20.394; and reenacting and amending RCW 46.20.391.

Referred to Committee on Judiciary.

SB 5010 by Senators Kohl-Welles, Hargrove, Long, Goings, Swecker, Winsley, Oke, Benton and Costa

AN ACT Relating to sexual misconduct by employees of custodial agencies; adding a new section to chapter 13.40 RCW; adding a new section to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 5011 by Senators Long, Hargrove, Franklin, Loveland, Winsley, Patterson, Deccio, McCaslin, Goings, Oke and Costa

AN ACT Relating to dangerous mentally ill offenders; amending RCW 71.05.212, 71.24.015, and 71.24.300; adding new sections to chapter 72.09 RCW; adding new sections to chapter 71.05 RCW; adding a new section to chapter 71.24 RCW; creating new sections; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 5012 by Senators Prentice, Winsley and Rasmussen (by request of Pollution Liability Insurance Agency)

AN ACT Relating to the pollution liability insurance program trust account; amending RCW 70.148.020; and providing an expiration date.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5013 by Senators Prentice, Winsley, Rossi and Oke (by request of Gambling Commission)

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

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5014 by Senators Kohl-Welles, Long, Hargrove, Patterson, Thibaudeau, Franklin, Goings, Kline, Winsley, Eide, Brown, Rasmussen and Costa

AN ACT Relating to economic incentives for employer-sponsored child care benefits; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Labor and Workforce Development.

SB 5015 by Senators Long, Hargrove, Winsley and Costa

AN ACT Relating to technical, clarifying, nonsubstantive amendments to community mental health services; amending RCW 71.24.025, 71.24.030, 71.24.035, 71.24.049, 71.24.110, 71.24.220, 71.24.300, 71.24.400, 71.24.405, 71.24.415, and 71.24.460; adding a new section to chapter 71.24 RCW;

HELD.

SB 5016 by Senators McAuliffe, Franklin and Winsley

AN ACT Relating to the dissemination of information about the involuntary commitment process for persons incapacitated by chemical dependency; amending RCW 70.96A.050; and adding a new section to chapter 70.96A RCW.

Referred to Committee on Human Services and Corrections.

SB 5017 by Senators McAuliffe, B. Sheldon, Thibaudeau, Patterson, Fraser, Franklin, Kline, Winsley and Kohl-Welles

AN ACT Relating to access to firearms by minors; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Senate Judiciary.

SB 5018 by Senators B. Sheldon, Fraser and Swecker

AN ACT Relating to the permit assistance center; amending RCW 90.60.020, 90.60.030, and 90.60.100; repealing RCW 43.131.387 and 43.131.388; providing an effective date; and declaring an emergency.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5019 by Senators Patterson, Thibaudeau and McAuliffe

AN ACT Relating to opiate substitution treatment programs; amending RCW 70.96A.400, 70.96A.410, and 70.96A.420; creating a new section; and providing an expiration date.  
Referred to Committee on Human Services and Corrections.

SB 5020 by Senators Snyder and Winsley

AN ACT Relating to recreational licenses; amending RCW 77.32.050; and creating a new section.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5021 by Senators Snyder, Swecker, Winsley and Benton

AN ACT Relating to the property taxation of nonprofit organizations providing demonstration farms with research and extension facilities, public agricultural museums, and educational tour sites; amending RCW 84.34.108; reenacting and amending RCW 84.36.805 and 84.36.810; and adding a new section to chapter 84.36 RCW.  
Referred to Committee on Ways and Means.

SB 5022 by Senators Goings, Hargrove and Rasmussen

AN ACT Relating to the redivision of land within five years of a short subdivision; and amending RCW 58.17.020 and 58.17.060.  
Referred to Committee on State and Local Government.

SB 5023 by Senators Goings, Rasmussen and Costa

AN ACT Relating to aggravating circumstances affecting sentencing decisions; and amending RCW 9.94A.390 and 13.40.150.  
Referred to Committee on Senate Judiciary.

SB 5024 by Senators Loveland and Winsley

AN ACT Relating to clarifying statutes to be consistent with the state supreme court decision on property tax value averaging; amending RCW 84.04.030, 84.40.030, 84.40.040, 84.40.045, 84.41.041, 84.48.010, 84.48.065, 84.48.075, 84.48.080, 84.12.270, 84.12.280, 84.12.310, 84.12.330, 84.12.350, 84.12.360, 84.16.040, 84.16.050, 84.16.090, 84.16.110, 84.16.120, 84.36.041, 84.52.063, and 84.70.010; reenacting and amending RCW 84.40.020; and repealing RCW 84.04.018 and 84.40.0305.  
Referred to Committee on Ways and Means.

SB 5025 by Senators Spanel and Long (by request of Legislative Ethics Board)

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

SB 5026 by Senator Swecker

AN ACT Relating to fisheries; and creating a new section.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5027 by Senators Goings and Swecker

AN ACT Relating to dangerous dogs; and amending RCW 16.08.070, 16.08.080, and 16.08.100.

Referred to Committee on Senate Judiciary.

SB 5028 by Senators Swecker, Goings and Rossi

AN ACT Relating to dangerous dogs; and amending RCW 16.08.080.

Referred to Committee on Senate Judiciary.

SB 5029 by Senators Franklin, Winsley, Roach, Jacobsen, Long, Fraser, Bauer and Rasmussen (by request of Joint Committee on Pension Policy)

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

Referred to Committee on Ways and Means.

SB 5030 by Senators Long, Fraser, Winsley, Franklin, Bauer, Jacobsen, Roach, T. Sheldon, Johnson and Rasmussen (by request of Joint Committee on Pension Policy)

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

Referred to Committee on Ways and Means.

SB 5031 by Senators Long, Fraser, Winsley, Franklin, Bauer, Jacobsen, Roach, Johnson, Kline and Rasmussen (by request of Joint Committee on Pension Policy)

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

Referred to Committee on Ways and Means.

SB 5032 by Senators Fraser, Winsley, Long, Jacobsen, Bauer, Franklin, Roach, Kline and Rasmussen (by request of Joint Committee on Pension Policy)

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

Referred to Committee on Ways and Means.

SB 5033 by Senators Winsley, Fraser, Long, Jacobsen, Bauer, Franklin, Roach and Rasmussen (by request of Joint Committee on Pension Policy)

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

Referred to Committee on Ways and Means.

SB 5034 by Senators Bauer, Long, Fraser, Franklin, Jacobsen, Winsley and Roach (by request of Joint Committee on Pension Policy)

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

Referred to Committee on Ways and Means.

SB 5035 by Senators Heavey, McCaslin and Haugen (by request of Board for Judicial Administration)

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

Referred to Committee on Senate Judiciary.

SB 5036 by Senators McCaslin and Heavey (by request of Board for Judicial Administration)

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

Referred to Committee on Senate Judiciary.

SB 5037 by Senators McCaslin, Heavey and Rasmussen (by request of Board for Judicial Administration)

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

Referred to Committee on Senate Judiciary.

SB 5038 by Senators Goings, Prentice, McCaslin, Winsley and Costa (by request of Criminal Justice Training Commission)

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

Referred to Committee on Senate Judiciary.

SB 5039 by Senators Fairley, Horn and Honeyford (by request of Department of Labor and Industries)

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

Referred to Committee on Labor and Workforce Development.

SB 5040 by Senators Fairley and Horn (by request of Department of Labor and Industries)

AN ACT Relating to boilers and unfired pressure vessels; and amending RCW 70.79.010, 70.79.030, 70.79.080, 70.79.090, 70.79.130, 70.79.140, 70.79.150, 70.79.160, 70.79.280, and 70.79.310.

Referred to Committee on Labor and Workforce Development.

SB 5041 by Senators Bauer, Benton and Costa

AN ACT Relating to mobile home parks; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5042 by Senators Goings, Johnson, Swecker, Benton, Rasmussen and Costa

AN ACT Relating to excise tax reduction for motor homes; and adding a new section to chapter 82.44 RCW.

Referred to Committee on Transportation.

SB 5043 by Senator Hale

AN ACT Relating to extending the expiration date of the Hanford sublease rent account; amending RCW 43.31.207; and providing an expiration date.

Referred to Committee on Ways and Means.

SB 5044 by Senator Brown

AN ACT Relating to air pollution control authority boards of directors; and amending RCW 70.94.100.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5045 by Senators Brown and Kline

AN ACT Relating to connection of mobile home parks to public sewer systems; and amending RCW 35.67.370.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5046 by Senators Long, Hargrove and Costa

AN ACT Relating to creating an additional hearing procedure when the court disagrees with the mental health evaluation conducted by a professional person; amending RCW 71.05.235; providing an effective date; and declaring an emergency.  
Referred to Committee on Human Services and Corrections.

SB 5047 by Senators Long, Hargrove and Costa

AN ACT Relating to the sharing of information among mental health professionals; and amending RCW 71.05.390.  
Referred to Committee on Human Services and Corrections.

SB 5048 by Senators Long and Hargrove

AN ACT Relating to technical corrections to chapters 10.77 and 71.05 RCW; amending RCW 10.77.010, 10.77.240, 10.77.940, 71.05.020, 71.05.245, 71.05.320, 71.05.425, and 71.05.940; reenacting RCW 71.05.640, 71.05.670, 71.05.680, and 71.05.690; and creating a new section.  
Referred to Committee on Human Services and Corrections.

SB 5049 by Senators Rasmussen, Goings, Franklin, T. Sheldon, Swecker and Patterson

AN ACT Relating to methamphetamine manufacture; reenacting and amending RCW 9.94A.310; adding a new section to chapter 9.94A RCW; and prescribing penalties.  
Referred to Committee on Judiciary.

SB 5050 by Senators Prentice, Kline and Deccio

AN ACT Relating to treatment of intractable pain with controlled substances; adding a new chapter to Title 69 RCW; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 5051 by Senators Goings, Winsley, Hale, Oke, Benton, Rasmussen and Costa

AN ACT Relating to business and occupation tax for new small businesses; adding a new section to chapter 82.04 RCW; and providing an effective date.  
Referred to Committee on Ways and Means.

SB 5052 by Senators Rossi, Johnson and Benton

AN ACT Relating to high-occupancy vehicle lanes; and amending RCW 46.61.165.  
Referred to Committee on Transportation.

SB 5053 by Senators Fairley, Goings, Oke and Costa

AN ACT Relating to assaults against children; amending RCW 9A.36.120, 9A.36.130, 9A.36.140, and 13.40.0357; and prescribing penalties.  
Referred to Committee on Senate Judiciary.

SB 5054 by Senator Jacobsen

AN ACT Relating to the office of student assistance; amending RCW 28B.04.020, 28B.04.030, 28B.04.040, 28B.04.060, 28B.04.080, 28B.04.085, 28B.04.110, 28B.10.215, 28B.10.220, 28B.10.792, 28B.10.802, 28B.10.804, 28B.10.806, 28B.10.808, 28B.10.810, 28B.10.818, 28B.10.820, 28B.10.821, 28B.10.822, 28B.12.030, 28B.12.040, 28B.12.050, 28B.12.060, 28B.12.070, 28B.15.760, 28B.15.762, 28B.15.764, 28B.80.240, 28B.80.245, 28B.80.360, 28B.101.030, 28B.102.020, 28B.102.030, 28B.102.040, 28B.102.045, 28B.102.050, 28B.102.060, 28B.102.070, 28B.103.010, 28B.108.010, 28B.108.020, 28B.108.030, 28B.108.040, 28B.108.050, 28B.108.060, 28B.108.070, 28B.109.010, 28B.109.020, 28B.109.030, 28B.109.040, 28B.109.050, 28B.109.060, 28B.109.070, 28B.109.080, 28B.115.020, 28B.115.030, 28B.115.050, 28B.115.070, 28B.115.080, 28B.115.090, 28B.115.100, 28B.115.120, 28B.115.130, 28B.115.140, 28A.600.120, 28A.600.130, 28A.600.140, and 28A.600.150; reenacting and amending RCW 28B.115.110; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 28B RCW; creating a new section; and recodifying RCW 28B.80.240, 28B.80.245, 28B.80.246, and 28B.80.360.  
Referred to Committee on Higher Education.

SB 5055 by Senators Jacobsen and Kline

AN ACT Relating to electric and hybrid vehicles; and amending RCW 82.44.010.  
Referred to Committee on Transportation.

SB 5056 by Senators Jacobsen, Winsley and Rasmussen

AN ACT Relating to the Washington service scholars program; adding new sections to chapter 28A.600 RCW; adding a new section to chapter 28B.80 RCW; creating a new section; and making an appropriation.  
Referred to Committee on Higher Education.

SB 5057 by Senators Jacobsen and Rasmussen

AN ACT Relating to financial aid; adding a new section to chapter 28B.10 RCW; and adding a new chapter to Title 28B RCW.  
Referred to Committee on Higher Education.

SB 5058 by Senators Prentice and Winsley (by request of Department of Financial Institutions)

AN ACT Relating to the establishment and authority to conduct the business of state-chartered financial institutions; amending RCW 30.08.080, 30.08.020, 32.04.082, 32.08.140, 32.08.142, 32.08.146, 32.12.020, 32.12.090, 32.16.040, 32.16.050, 32.20.010, 32.20.020, 32.20.330, 32.20.400, 32.20.445, 32.32.500, 32.32.520, 32.34.010, 32.34.020, and 32.34.060; reenacting and amending RCW 32.04.080 and 32.04.085; adding new sections to chapter 30.08 RCW; adding a new section to chapter 32.20 RCW; adding a new section to chapter 32.34 RCW; and repealing RCW 32.20.160.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5059 by Senators Brown and Morton

AN ACT Relating to the transportation impacts of low-level radioactive waste; amending RCW 43.200.010; and adding a new section to chapter 43.200 RCW.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5060 by Senators Eide, Goings, Haugen, Benton, Gardner, Patterson, West, Brown, Johnson and Oke

AN ACT Relating to state highway bonds; and amending RCW 47.10.812.

Referred to Committee on Transportation.

SB 5061 by Senators Haugen, Benton, Goings and Gardner (by request of Office of Financial Management)

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

Referred to Committee on Transportation.

SB 5062 by Senators Rasmussen, Swecker, T. Sheldon, Horn, Prentice and Winsley

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

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5063 by Senators B. Sheldon, Winsley, Kohl-Welles, Thibaudeau, Patterson, Hale, Bauer, Kline, Oke, Eide, Brown, Costa and McAuliffe

AN ACT Relating to adult recipients of temporary assistance for needy families enrolled in education programs; amending RCW 74.08A.250 and 74.08A.260; and creating a new section.

Referred to Committee on Labor and Workforce Development.

SB 5064 by Senators Haugen, Horn, Gardner, Benton, Long, Costa, B. Sheldon, Swecker, Patterson, Jacobsen, Shin, Oke, Morton, Eide, Spanel, Johnson, Goings, Sellar, Fraser, Thibaudeau, Franklin, Winsley, Rasmussen and McAuliffe

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

Referred to Committee on Transportation.

SB 5065 by Senators Rasmussen, Goings, Deccio, Honeyford, Winsley, Rossi, Hochstatter, Oke and Costa

AN ACT Relating to revocation of driving privileges; amending RCW 46.20.265, 66.44.365, 69.41.065, 69.50.420, and 69.52.070; and prescribing penalties.

Referred to Committee on Senate Judiciary.

SB 5066 by Senators Fairley, Hargrove, Benton and Kohl-Welles

AN ACT Relating to reports to the legislature; adding a new section to chapter 44.04 RCW; and prescribing penalties.

Referred to Committee on State and Local Government.

SB 5067 by Senators Morton and Brown

AN ACT Relating to the reclamation, closure, or decommissioning of a uranium or thorium mill or tailings facility; and amending RCW 70.121.030.

Referred to Committee on Environmental Quality and Water Resources.

SB 5068 by Senators Roach, Honeyford, Stevens, T. Sheldon, Swecker, Rossi and Rasmussen

AN ACT Relating to hunting cougar with the aid of dogs; amending RCW 77.16.360; adding new sections to chapter 77.12 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5069 by Senators Patterson, Kohl-Welles, Brown, B. Sheldon, Kline, Winsley, Eide, Rasmussen and McAuliffe

AN ACT Relating to child care access; adding a new section to chapter 74.08A RCW; and creating a new section.  
Referred to Committee on Labor and Workforce Development.

SB 5070 by Senators Patterson, Franklin, Costa, B. Sheldon, Goings, Swecker, Hargrove, Winsley and Oke

AN ACT Relating to delivery of a controlled substance to a pregnant woman; amending RCW 9.94A.390 and 13.40.150; providing an effective date; and declaring an emergency.  
Referred to Committee on Senate Judiciary.

SB 5071 by Senators Patterson, Prentice, Shin, Thibaudeau, Hale, Gardner, Fraser, Spanel, Haugen, Snyder, Morton, Loveland, B. Sheldon, Winsley, Wojahn, Costa and McAuliffe

AN ACT Relating to false and misleading statements in political campaigns for public office; amending RCW 42.17.530; and creating a new section.  
Referred to Committee on State and Local Government.

SB 5072 by Senator Morton

AN ACT Relating to the reclamation, closure, or decommissioning of a uranium or thorium mill or tailings facility; and amending RCW 70.121.030.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5073 by Senators Morton and Hochstatter

AN ACT Relating to the sale of land granted to the state by the United States; and amending RCW 79.01.096.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5074 by Senators Roach, Honeyford, T. Sheldon, Johnson and Rasmussen

AN ACT Relating to crimes related to mail; reenacting and amending RCW 9.94A.320; adding a new chapter to Title 9A RCW; and prescribing penalties.  
Referred to Committee on Senate Judiciary.

SJM 8000 by Senators Kohl-Welles, Deccio, Thibaudeau, Winsley, Prentice, Hale, Patterson, Wojahn, Loveland, Shin, B. Sheldon, Benton, Spanel, Fairley, T. Sheldon, Bauer, Jacobsen, Eide, Gardner, Franklin, Fraser, Kline, McCaslin, Johnson, Oke, Rasmussen, Costa and McAuliffe

Requesting additional funds for prostate cancer research.

Referred to Committee on Health and Long-Term Care.

SCR 8400 by Senators Jacobsen and Kohl-Welles

Recognizing a state poet laureate.

Referred to Committee on State and Local Government.

SCR 8401 by Senator Snyder

Notifying the Governor that the Legislature is organized.

HOLD.

## MOTIONS

On motion of Senator Betti Sheldon, Senate Bill No. 5009 was referred to the Committee on Judiciary.  
On motion of Senator Betti Sheldon, Senate Bill No. 5042 was referred to the Committee on Transportation.

## MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5015 was held on the desk.

## MOTIONS

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.  
On motion of Senator Betti Sheldon, the rules were suspended and Senate Concurrent Resolution No. 8401, which was held on the Introduction and First Reading Calendar earlier today, was advanced to second reading.

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8401, by Senator Snyder

Notifying the Governor that the Legislature is organized.

The concurrent resolution was read the second time.

## MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8401 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.  
SENATE CONCURRENT RESOLUTION NO. 8401 was adopted by voice vote.

## APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Concurrent Resolution No. 8401, the President appointed Senators Franklin and Long to join a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to conduct business.

## MOTION

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

## POINT OF PERSONAL PRIVILEGE

Senator Snyder: "A point of personal privilege, Mr. President. You know, this has been a lovely first day and it has been all love and kisses. We had sensitivity training last week and we all gained a lot from that. Senator McDonald stood up during the middle of it and said to me, 'I love you man,' and I took it very seriously, but he was a little annoyed when he went to leave and I said 'Good riddance'--no, I didn't either. I do seriously want to say that I think that my motto for this session is going to be civility, moderation and cooperation, but I don't want cooperation to be taken for capitulation, but I think that the message the voters sent us this last fall was--they wanted us to come to Olympia and forget about partisan politics as much as possible and try to get in and work hard and try to do what is good for the citizens and the public of the state of Washington. I certainly pledge to do that. I know we will have our disagreements, but I go back to the old saying that 'We can certainly have our disagreements without being disagreeable.'

"A couple of other things come to mind that I think maybe apply--that I have heard--they are old sayings and one of them is--especially in this business you want to be careful--because 'The fanny you kick today may be the fanny you have to kiss

next week.' You know, we also get to thinking that we are pretty important around here and another old saying that comes to mind is 'We're peacocks today, but feather dusters tomorrow.'"

#### POINT OF PERSONAL PRIVILEGE

Senator McDonald: "Mr. President and fellow members of the Senate. I do think it has been a good start and I expect it to be a good session. I have said that during this time that I have been in the Legislature--I have nine years in the minority, nine years in the majority and two in the co-majority. I remember the first two years I was here, it was Minnesota and Washington State--both had ties in the House. In Minnesota, there was an absolute melt-down and in the state of Washington, I think everybody looked at it as a relatively productive session.

"I think, we too, have a strong tradition of making that work. I agree with Senator Snyder that cooperation and bipartisanship doesn't mean that you don't have disagreements on issues of principal. I think you can do that in a way--and we intend to do that in a way that is not personal and it is simply about the issue and to keep that to a minimum. I look forward--very much forward--for a very productive session and I appreciate Senator Snyder's kind words and wisdom--which I will not try to match, I will guarantee you--particularly that one story."

#### MOTION

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

#### MESSAGES FROM THE HOUSE

January 11, 1999

MR. PRESIDENT:

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

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

January 11, 1999

MR. PRESIDENT:

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

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4400 by Representatives Kessler and Lisk

Calling a joint session to receive the Governor.

HCR 4401 by Representatives Lisk and Kessler

Calling a joint session to receive the Chief Justice.

#### MOTIONS

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

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

HOUSE CONCURRENT RESOLUTION NO. 4400 was adopted by voice vote.

#### MOTIONS

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

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

HOUSE CONCURRENT RESOLUTION NO. 4401 was adopted by voice vote.

#### COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Kastma, Tomiko-Santos, Schoesler and Sheahan appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business.

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

The President announced the following Proposed 1999 Senate Standing Committee Assignments:

#### MEMBERSHIP OF SENATE STANDING COMMITTEES

1999

**Agriculture and Rural Economic Development (9) -- Rasmussen, Chair; T. Sheldon, Vice Chair;** Gardner, Honeyford, Morton, Prentice, Snyder, \*Stevens, Swecker.

**Commerce, Trade, Housing and Financial Institutions (11) -- Prentice, Chair; Shin, Vice Chair;** Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West, \*Winsley.

**Education (13) -- McAuliffe, Chair; Eide, Vice Chair;** Bauer, Benton, Brown, \*Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker, Zarelli.

**Energy, Technology and Telecommunications (7) -- Brown, Chair; Goings, Vice Chair;** Fairley, Fraser, \*Hochstatter, Roach, Rossi.

**Environmental Quality and Water Resources (7) -- Fraser, Chair; Eide, Vice Chair;** Honeyford, Jacobsen, McAuliffe, \*Morton, Swecker.

**Health and Long-Term Care (7) -- Thibaudeau, Chair; Wojahn, Vice Chair;** Costa, \*Deccio, Franklin, Johnson, Winsley.

**Higher Education (11) -- Kohl-Welles, Chair; Shin, Vice Chair;** Bauer, Finkbeiner, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon, West.

**Human Services and Corrections (9) -- Hargrove, Chair; Costa, Vice Chair;** Franklin, Kohl-Welles, \*Long, McCaslin, Patterson, Stevens, Zarelli.

**Judiciary (12) -- Heavey, Chair; Kline, Vice Chair;** Costa, Goings, Hargrove, Haugen, Johnson, Long, \*McCaslin, Roach, Thibaudeau, Zarelli.

**Labor and Workforce Development (6) -- Fairley, Chair; Franklin, Vice Chair;** \*Hochstatter, Kline, Oke, Wojahn.

**Natural Resources, Parks and Recreation (9) -- Jacobsen, Chair; T. Sheldon, Vice Chair;** Hargrove, Morton, \*Oke, Rossi, Snyder, Spanel, Stevens.

**Rules (16) \*\*Owen, Chair; Wojahn, Vice Chair;** Bauer, Costa, Deccio, Eide, Franklin, Goings, Hale, Hochstatter, Horn, Johnson, \*McDonald, Sellar, B. Sheldon, Snyder, Spanel.

**State & Local Government (7) -- Patterson, Chair; Gardner, Vice Chair;** Haugen, Horn, Kline, McCaslin.

**Transportation (20) -- Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair;** \*Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, T. Sheldon, Shin, Swecker.

**Ways & Means (21) -- Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair;** Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, \*West, Winsley, Wojahn, Zarelli.

\* - Ranking Minority Member

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

EDITOR'S NOTE: The Committees on Higher Education, State and Local Government and Transportation are each short of a committee member at this time. Senator Prince had been appointed to these committees before his resignation. Adjustments to these committees will be made after his replacement is announced.

MOTION

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

REPORT OF COMMITTEE

The Senate committee composed of Senators Costa, Eide, Honeyford, Horn, Gardner and Stevens appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business.

The report was received and the committee was discharged.

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Brad Owen  
President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504  
Dear President Owen:

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

Second Engrossed Senate Bill No. 5185;  
Substitute Senate Bill No. 5309;  
Engrossed Substitute Senate Bill No. 5527;  
Engrossed Substitute Senate Bill No. 5703;  
Substitute Senate Bill No. 6396;  
Engrossed Substitute Senate Bill No. 6497;  
Substitute Senate Bill No. 6545;  
Substitute Senate Bill No. 6574;

Senate Bill No. 6588;  
Substitute Senate Bill No. 6602; and  
Senate Bill No. 6699.

IN TESTIMONY WHEREOF, I have  
hereunto set my hand, and affixed  
the seal of the state of Washington  
this 11th day of January, 1999.

(Seal)

RALPH MUNRO

Secretary of State

**VETOED BILLS**

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SECOND ENGROSSED SENATE BILL NO. 5185

March 31, 1998

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

I am returning herewith, without my approval, Second Engrossed Senate Bill No. 5185 entitled:  
"AN ACT Relating to growth management hearings boards;"

Second Engrossed Senate Bill No. 5185 would substantially weaken the authority of the Growth Management Hearings Boards. Among other provisions, the bill would prohibit the Boards from determining the validity and invalidity of city or county comprehensive plans or development regulations. These changes would effectively take the accountability out of complying with the Growth Management Act.

This bill would also lead to citizens, organizations, and government agencies going to the courts to resolve major disagreements about implementation of the Growth Management Act. It would replace an efficient dispute resolution system with a process that relies on our overburdened court system.

For these reasons, I have vetoed Second Engrossed Senate Bill No. 5185 in its entirety.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5309

April 3, 1998

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

I am returning herewith, without my approval, Substitute Senate Bill No. 5309 entitled:  
"AN ACT Relating to excise tax exemptions related to horses;"

Substitute Senate Bill No. 5309 would exempt the wholesale sale and retail sale of all horses, and the services of boarding and breeding of all horses from the business and occupation tax. The bill would also exempt all horse feed from the retail sales tax.

Today most horses are not owned by farmers or used for agricultural purposes; they are pets or hobbies. Horses used for agricultural purposes or raised as an agricultural product already receive tax breaks. The tax breaks that would be provided by Substitute Senate Bill No. 5309 would mainly help those people in our state who are most able to pay the taxes. Nationally, more than 60 percent of horse owners have a median household income in excess of the median household income in Washington.

Many of the tax exemptions in Substitute Senate Bill No. 5309 would represent a significant departure from current law, and would set a bad precedent. It would be difficult to justify not giving other pet owners similar tax breaks.

For these reasons, I have vetoed Substitute Senate Bill No. 5309 in its entirety.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5527

March 31, 1998

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

I am returning herewith, without my approval, Engrossed Substitute Senate Bill No. 5527 entitled:

"AN ACT Relating to incentives for water-efficient irrigation systems;"

Engrossed Substitute Senate Bill No. 5527 would allow water right holders who conserve water through the use of efficient irrigation techniques to apply that water to new parcels of land, or sell or lease it to others, including the state.

A water right has specific parameters limiting the amount of water, the land on which, and purpose for which it may be used. Those parameters protect the public's interest by ensuring that only the necessary amount of water is used, leaving excess water available for other important uses, after the needs of the water rights holder have been met.

We do not have enough water available in Washington to meet all of our needs. The state has a compelling interest in assuring that water is allocated fairly among different uses, such as increasing in-stream flows for fish. This is an especially important issue today when many streams are over-allocated and have inadequate flows for fish that have been, or may soon be, listed under the federal Endangered Species Act. If we do not take steps to protect fish, the federal government will do it for us, including federal limitations on our water use.

During the interim I will ask the Joint Natural Resource Cabinet to develop a proposal for the next legislative session that will provide an equitable way to allocate conserved water between off-stream and in-stream uses, and that provides incentive for irrigators to conserve. Water allocation issues should also be resolved collaboratively through watershed planning efforts.

For these reasons, I have vetoed Engrossed Substitute Senate Bill No. 5527 in its entirety.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5703

April 2, 1998

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

I am returning herewith, without my approval, Engrossed Substitute Senate Bill No. 5703 entitled:

"AN ACT Relating to granting water rights;"

This bill would allow a person using water without a water right to continue using that water on an interim basis, until a court adjudicates the water right, or the Department of Ecology grants a water right based upon the completion of a watershed management plan. Where no planning is occurring, the Department of Ecology would retain authority to act on a water right application.

I vetoed similar legislation last year because it allowed continued interim use of non-permitted water, with a strong predisposition that such use be transformed into a permanent water right. This bill would have set up a separate, parallel track for the issuance of water rights and would have been unfair to the tens of thousands of individuals, farmers, companies, local governments and utilities who have complied with the law for obtaining a water right.

I recognize the economic concerns of those who use non-permitted water, and my administration recommended very specific conditions that could make the use of non-permitted water on an interim basis acceptable. However, several of those conditions were not accepted by the Legislature.

For these reasons, I have vetoed Engrossed Substitute Senate Bill No. 5703 in its entirety.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6396

April 3, 1998

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

I am returning herewith, without my approval, Substitute Senate Bill No. 6396 entitled:

"AN ACT Relating to the Washington center for real estate research;"

Substitute Senate Bill No. 6396 would codify the Washington Center for Real Estate Research in the Washington State University College of Business and Economics. This Center has been in existence since 1989 without statutory mention, and I do not think it should be codified now. I support the Center and the good work of real estate professionals, which have had a very positive impact on the economic health of our state. However, I have a fundamental disagreement with the establishment of programs or centers at our higher education institutions by statute.

I am not opposed to generating funding for the Center through a fee on real estate licenses, and I am certainly not opposed to the Center. But the funding should be directed to the Center through a mechanism that does not create the Center in statute.

For this reason, I have vetoed Substitute Senate Bill No. 6396 in its entirety.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6497

April 2, 1998

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

I am returning herewith, without my approval, Engrossed Substitute Senate Bill No. 6497 entitled:

"AN ACT Relating to the taking of private property;"

Under current law the Attorney General has adopted guidelines for use by state agencies and local governments in evaluating whether proposed actions constitute an unconstitutional taking of private property, when they are planning under the Growth Management Act (GMA). Engrossed Substitute Senate Bill No. 6497 would require state agencies and local governments to address the Attorney General's guidelines and make written findings and conclusions as to whether a proposed action may result in an unconstitutional taking. State and local governments are already required to comply with the state and federal constitutions and are subject to judicial correction if their actions result in unconstitutional takings.

Though well intended, Engrossed Substitute Senate Bill No. 6497 would impose unreasonable administrative obligations on local and state governments and imply significant additional legal costs. In return it would make no improvement in the protection of private property rights.

Addressing the fundamental importance of property rights under the GMA remains very important to me. I remain committed, however, to supporting efficient and effective administration of land use law by local and state governments. Engrossed Substitute Senate Bill No. 6497 does not create better decision-making or more sophisticated constitutional analysis.

For these reasons, I have vetoed Engrossed Substitute Senate Bill No. 6497 in its entirety.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6545

March 25, 1998

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

I am returning herewith, without my approval, Substitute Senate Bill No. 6545 entitled:  
"AN ACT Relating to treatment programs for impaired physicians;"  
Substitute Senate Bill No. 6545 is identical to Second Substitute House Bill No. 1618, which I signed today.  
For this reason, I have vetoed Substitute Senate Bill No. 6545 in its entirety.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6574

March 31, 1998

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

I am returning herewith, without my approval, Substitute Senate Bill No. 6574 entitled:  
"AN ACT Relating to the learning materials loan program;"  
Substitute Senate Bill No. 6574 would require local school districts to make a "good faith effort" to accommodate annual loan requests from any state-approved private religious or nonsectarian school for current textbooks and workbooks on the district's adoption list. This bill, which does not define "good faith effort" and for which there is no appropriation, would likely place a financial hardship on school districts — especially those with disproportionate numbers of private schools.

Last year, I signed House Bill No. 1367, enabling public schools to loan surplus educational materials to private nonreligious, nonsectarian schools where previously they were available solely for purchase, rent, or lease. Accordingly, these private schools already have access to public school materials in a way that does not unduly jeopardize the adequacy of education programs for public school children. Washington state funds K-12 public education based on public school enrollment, not private school enrollment. This bill would have a financial impact on public education, yet is not accompanied by any commensurate change in the state school finance system.

This bill also conflicts with our state constitution by directing state funds to private religious schools. The Washington Constitution clearly states that "the entire revenue derived from the common school fund and the state tax for common schools shall be exclusively applied to the support of the common schools" and that "no public money or property shall be appropriated for, or applied to any religious worship, exercise or instruction, or the support of any religious establishment." Substitute Senate Bill No. 6574 would divert resources away from the state's common schools.

For these reasons, I have vetoed Substitute Senate Bill No. 6574 in its entirety.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SENATE BILL NO. 6588

April 3, 1998

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

I am returning herewith, without my approval, Senate Bill No. 6588 entitled:

"AN ACT Relating to exempting movie theater snack counters from the special stadium sales and use tax imposed on restaurants;" Senate Bill No. 6588 would exempt snack bars in movie theaters, other theaters, and centers for the performing arts in King County from the special one-half percent sales tax imposed on restaurants, taverns and bars. The revenue generated by this special sales tax is pledged to repay the bonds that were sold to finance the construction of the new baseball stadium.

Reducing a revenue stream that has been pledged for bond repayment is poor financial management and poor tax policy. If these revenues are lost, bond holders could have cause to bring suit. Any litigation could, in turn, result in reduced bond ratings. In addition, other types of eating and drinking establishments that must pay the tax will want a similar exemption, seriously threatening funding of the new baseball stadium.

For these reasons, I have vetoed Senate Bill No. 6588 in its entirety.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6602

April 3, 1998

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

I am returning herewith, without my approval, Substitute Senate Bill No. 6602 entitled:

"AN ACT Relating to carbonated beverage taxes;"

In 1994, the voters approved Referendum 43, the first tax increase after Initiative 601. This referendum, among other things, increased the tax on carbonated beverage syrup to provide the funds we need to prevent youth violence and provide drug education and drug enforcement programs. The current tax on carbonated beverage syrup is \$1.00 per gallon.

Substitute Senate Bill No. 6602 authorizes a business to claim a credit for one-half of the amount of syrup taxes paid, against its business and occupations tax liability. Allowing one state tax to be credited against another essentially transfers part of the costs for youth violence and drug programs to the state general fund. This is not what the voters agreed to do when they passed Referendum 43.

For these reasons, I have vetoed Substitute Senate Bill No. 6602 in its entirety.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SENATE BILL NO. 6699

April 1, 1998

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

I am returning herewith, without my approval, Senate Bill No. 6699 entitled:

"AN ACT Relating to information provided by former or current employers to a prospective employer;"

I strongly agree with the intent of this legislation. As an employer, I have personally experienced the frustrations that result from current law.

It is clear that the laws applying to employee references need to be reformed. In recent years, employers have been reluctant to provide job reference information regarding former employees, for fear of liability. The consequence is that

employers often cannot get adequate information to make good hiring decisions. This can be a big problem in the case of workplace violence or employee theft. Employers who have fired employees because of violence or theft have not divulged that information to prospective employers. Later, such employees have repeated that behavior endangering the life and property of others. Conversely, good employees are disadvantaged because many employers have strict policies against providing more than minimal information, such as confirming dates of employment only.

However, Senate Bill No. 6699 is not crafted finely enough to properly solve these problems. When I met with proponents of this bill, there was disagreement even among them whether reports of an employee's activities outside of work could be discussed in a job reference. Among other concerns, Senate Bill No. 6699 conflicts with the state's anti-blacklisting statute (RCW 49.44.010) and would effectively take away any civil remedy an employee could seek if blacklisted. Blacklisting occurs when employers band together to exclude from employment, employees who are trying to organize a union, or participate in "undesirable" religious or political organizations.

I strongly agree with the intent of Senate Bill No. 6699, but it needs further refinement. During the interim I will convene a group of knowledgeable lawyers and stakeholders representing all sides of this issue to develop legislation that will address these concerns. And, I will make my staff available to assist the group.

I urge the various interest groups to work together to develop a compromise that satisfies employers' need for freer flow of information, while maintaining meaningful protection for employees. Efforts that were made by Representatives Lantz and Hickel to provide for statements made by an employer with malice or a reckless disregard of truthfulness come much closer to a balanced law that would work for both employers and employees.

For these reasons, I have vetoed Senate Bill No. 6699 in its entirety.

Respectfully submitted,

GARY LOCKE, Governor

#### FURTHER MESSAGE FROM THE SECRETARY OF STATE

The Honorable Brad Owen  
President of the State Senate  
Legislature of the State of Washington  
Olympia, Washington 98504  
Dear President Owen:

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

Engrossed Substitute Senate Bill No. 5305;  
Engrossed Substitute Senate Bill No. 6108;  
Substitute Senate Bill No. 6161;  
Engrossed Substitute Senate Bill No. 6165;  
Engrossed Substitute Senate Bill No. 6204;  
Substitute Senate Bill No. 6208;  
Second Substitute Senate Bill No. 6214;  
Senate Bill No. 6219;  
Engrossed Substitute Senate Bill No. 6238;  
Engrossed Substitute Senate Bill No. 6328;  
Second Substitute Senate Bill No. 6330;  
Senate Bill No. 6348;  
Engrossed Substitute Senate Bill No. 6456;  
Engrossed Substitute Senate Bill No. 6470;  
Engrossed Second Substitute Senate Bill No. 6509;  
Engrossed Substitute Senate Bill No. 6533;  
Second Substitute Senate Bill No. 6544;  
Engrossed Substitute Senate Bill No. 6560;  
Engrossed Second Substitute Senate Bill No. 6562;  
Engrossed Senate Bill No. No. 6628; and

Substitute Senate Bill No. 6655.

hereunto set my hand, and affixed

(Seal)

IN TESTIMONY WHEREOF, I have

the seal of the state of Washington  
this 11th day of January, 1999.

RALPH MUNRO

Secretary of State

**PARTIALLY VETOED BILLS**

MESSAGE FROM THE GOVERNOR

PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5305

April 2, 1998

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

I am returning herewith, without my approval as to sections 6, 7, and 8, Engrossed Substitute Senate Bill No. 5305 entitled:

"AN ACT Relating to controlling drugs used to facilitate rape;"

I support the main goal of Engrossed Substitute Senate Bill No.5305, to treat flunitrazepam, the so-called "date rape" drug, with the seriousness it deserves. However, prosecutors and legislators who sponsored and worked for passage of this bill have asked me to veto sections 6 and 7. Those sections would add confusing language to the definitions of second-degree rape and indecent liberties, two very serious sex offenses. The language is not necessary to convict people who use drugs to make victims helpless, and it could make conviction more difficult for other crimes by requiring proof that the accused person knew of the victim's helpless condition.

Section 8 of Engrossed Substitute Senate Bill No. 5305 would require rape crisis centers, law enforcement, and hospital emergency rooms to train personnel who investigate sexual assault cases on how to recognize and test for sedatives like flunitrazepam, and how to preserve evidence for use in court. The intent of that section is commendable, but it is vague and lacks any mechanism for implementation. For example, it does not adequately specify who is required to train whom. It is also misplaced in the criminal code. I urge the interested parties to work together to develop effective, workable legislation on this subject for the next session.

For these reasons, I have vetoed sections 6, 7, and 8 of Engrossed Substitute Senate Bill No. 5305.

With the exception of sections 6, 7, and 8, I am approving Engrossed Substitute Senate Bill No. 5305.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR

PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6108

April 3, 1998

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

I am returning herewith, without my approval as to sections 115(5); 117(18); 120; 122(6); 124(3); 124(4); 125; 204(3)(b); 205(1)(f); 205(1)(k); 207(9); 211(5); 215(2); 217(11); 219(28); 222(3); 222(8); 222(9); 302(18); 302(19); 302(20); 303(4); 303(5); 307(34); 308, page 112, lines 4-5; 308(10); 308(11); 309(6); 309(7); 906; 907; 908; Engrossed Substitute Senate Bill No. 6108 entitled:

"AN ACT Relating to fiscal matters;"

**Section 125, Page 32 (For the Horse Racing Commission)**

The proviso in section 125 directs the Horse Racing Commission to conduct a study with the Gambling Commission on the impact to the race tracks and the horse racing and breeding industry of allowing gambling at race tracks. This proviso does not provide the direction or the funds that are needed to ensure that all affected interests, including the tribes, will come together to perform a thorough study of a very complex issue.

**Section 204(3)(b), Pages 50-51 (For the Department of Social and Health Services, Mental Health Program—Special Commitment Center)**

Section 204(3)(b) requires the Department to develop a staffing model for the Special Commitment Center by October 1, 1998. I am vetoing this proviso because the October 1998 deadline does not provide adequate time to develop a proper staffing model after the scheduled relocation of the Special Commitment Center from Monroe to McNeil Island in April 1998. I am, however, directing the Department to submit an interim report on staffing by October 1, 1998, to be followed up with a comprehensive staffing model that will be completed in time for budget development for the 1999-01 Biennium.

**Section 205(1)(f), Page 54 (For the Department of Social and Health Services, Developmental Disabilities Program—Number of Developmentally Disabled Clients Served)**

Section 205(1)(f) directs that the Department shall not reduce the number of persons served in community residential, employment and day programs, or family support below levels identified in the 1997 Legislative Budget Notes in order to undertake activities proposed by the Department but not funded in the supplemental appropriations act. Because the Legislature did not fully fund the costs of maintaining current service levels in community programs, this proviso could have required reductions in current services to families and disabled individuals. This proviso unduly restricts the ability of the secretary to manage the division's programs. In addition, I do not support attempts to enact Legislative Budget Notes into law through reference in a proviso. For these reasons I am vetoing this section. I am, however, directing that the Department shall make all efforts not to reduce the number of persons being served in these three programs below their current levels.

**Section 205(1)(k), Page 55 (For the Department of Social and Health Services, Developmental Disabilities Program—Autism Pilot Program)**

Section 205(1)(k) requires the Department to contract for a pilot program to test an alternative delivery model for services to persons with autism. I am vetoing this section for the reason that no funding was provided in the supplemental appropriations act for this requirement.

**Section 207(9), Page 63 (For the Department of Social and Health Services, Economic Services Program—TANF Funding For Local Nonprofit Agencies)**

This subsection earmarks \$5 million in federal Temporary Assistance to Needy Families (TANF) block funding to provide grants to community action agencies and other local nonprofit organizations. As welfare caseloads decline, it will be necessary to reinvest a portion of our budgetary savings into community-based programs — similar in purpose to those described in this subsection — for WorkFirst participants who need intensive assistance in order to get and keep a job. It is, however, too early in the implementation of WorkFirst to earmark a set amount of funding for the specific purposes identified in this subsection. For this reason, I am vetoing this subsection.

**Section 222(3), Page 90 (For the Employment Security Department—Job Placement Levels)**

Section 222(3) requires the Department to maintain the current level of job placement services at all 32 community and technical college location sites through the remainder of the 1997-99 Biennium. Because the Legislature did not provide resources to maintain this activity, it would be impossible for the Department to continue the current level of service. Therefore, I am vetoing section 222(3); however, I am directing the Employment Security Department to coordinate with the State Board for Community and Technical Colleges to ensure the greatest level of service possible is provided.

**Section 222(8), Page 91 (For the Employment Security Department—Additional Tax Information)**

Section 222(8) requires the Department to disclose additional tax information on the 1999 employer tax rate notice. While I support the disclosure of tax related information, this section requires information that could mislead employers about the relationship between the taxes they had paid and the benefits their former employees had received. In addition, tax rates are calculated on a fiscal year basis, while this subsection requires information be provided for a calendar year. It is impossible for the Department to correlate the fiscal year tax rate calculation with the calendar year information. For these reasons, I am vetoing this subsection and directing the Employment Security Department to conduct a study, in consultation with all interested parties, on how to improve the disclosure of information on the employer rate notice.

**Section 222(9), Pages 91-92 (For the Employment Security Department—Federal Waiver For Welfare-To-Work Grant Program)**

As a condition for receiving \$20,157,000 in federal funding, Section 222(9) requires the Governor to successfully obtain an approved federal waiver for use of an alternative agency or agents to administer the welfare-to-work grants. I am

vetoing this subsection because I do not want the success of an important program to depend on the success of obtaining a federal waiver; however, I have directed the Employment Security Department to pursue a federal waiver as required by the Legislature.

**Section 302(18), Page 98 (For the Department of Ecology—Coastal Erosion Project Grants)**

I am deeply concerned for people whose homes and businesses are threatened by erosion along our state's coastline. As a result, I am signing provisions which provide \$275,000 in the operating budget and \$150,000 in the capital budget for coastal erosion projects in Ocean Shores. However, the Legislature has redirected \$250,000 of funds previously committed to the Department of Ecology for a long-term coastal erosion study to the Department of Community, Trade, and Economic Development (CTED) for new coastal erosion project grants. The Coastal Erosion Study begun by the Department of Ecology and the U.S. Geological Survey in 1996 is already providing sound information for decision making and will continue to provide important information over the next three years. This redirection of funds would seriously compromise this effort. The study is critical to the state, as well as local communities, to make decisions based upon sound science and good information. Therefore I am vetoing this subsection.

Although I am vetoing this subsection, I am directing CTED to immediately begin designing a collaborative process, involving all appropriate interests, to develop short- and long-term policy recommendations on coastal erosion. These recommendations will be based on sound economic and environmental principles, as well as solid scientific research and information. Because I believe the people who will be most directly affected by the outcome should have a say in the process, CTED is to include representatives from communities experiencing coastal erosion, state agencies with mandates to protect coastal resources, and other affected stakeholders.

**Section 302(19), Pages 98-99 (For the Department of Ecology—Rural Economic Development Project Assistance To Businesses)**

This subsection requires the Department of Ecology (DOE) to expedite its assistance to businesses seeking permitting and technical help, and to give top priority to projects in rural counties which have initiated coordinated permit processing through DOE's Permit Assistance Center. To date, only one project has met these conditions. Although I strongly support efforts to promote business development in rural areas, it is unfair to give one potential project preference over all others in rural communities throughout the state.

**Section 302(20), Page 99 (For the Department of Ecology—Lake Steilacoom Scientific Review Contract)**

This subsection requires the Department of Ecology to contract with a panel selected by the Society of Environmental Toxicology and Chemistry for a scientific review of various permits and studies related to efforts to control aquatic weeds in Lake Steilacoom. The Legislature failed to provide any funding for this study, which is estimated to cost \$150,000 to \$200,000. In addition, a review of DOE permits related to Lake Steilacoom would have very little benefit because such a review would not have any legal standing and would be after the allowable time limit for appeals has expired.

**Section 308, Page 112, Lines 4-5 and Section 308(10) Page 113 (For the Department of Natural Resources—Mobile Radio Replacement)**

To comply with Federal Communication Commission requirements, the Department of Natural Resources needs to replace the mobile radio system it now uses for communications while fighting wildfires, an activity funded by the state General Fund. The appropriation in this section, however, is from the Natural Resources Equipment Account, a revolving fund at the Department for ongoing maintenance and replacement of equipment primarily used in the management of public lands held in trust for a variety of beneficiaries, including public schools. Revenues from trust lands, other than those necessary to manage the lands, must be distributed to the trust beneficiaries in accordance with constitutional requirements. Since there is only a nominal fund balance in the Natural Resources Equipment Account attributable to the fire program, the effect of this appropriation would be to inappropriately use revenues generated from trust lands to subsidize fire fighting activities. Therefore, I have vetoed this appropriation and proviso. I will work with the Department to explore alternative options for both the short- and long-term replacement of mobile radio equipment.

**Sections 906, 907, and 908, Pages 204-206 (Agricultural Fair Theme Games and Lottery Distribution to the Fair Fund)**

Section 906, 907 and 908 seek to replace pari-mutuel tax revenues that support the State Fair Fund and the State Trade Fair Fund with lottery proceeds. Section 906 requires the Washington State Lottery to conduct two to four games with agricultural themes per year in the 1997-99 Biennium. The Washington State Lottery will be unable to meet this obligation for Fiscal Year 1998 due to the length of time required to develop the agricultural theme scratch games. Section 907 distributes lottery proceeds to the State Fair Fund. Lottery proceeds support the General Fund and this proposal could potentially lower the expenditure limit under Initiative 601 if the new games did not increase total lottery revenues. For these reasons, I am vetoing Sections 906, 907, and 908 of the appropriations act to eliminate the possibility of lowering the Initiative 601 expenditure limit and to eliminate confusion regarding conducting agricultural fair theme scratch games by the Washington State Lottery.

I am vetoing the following sections in the operating appropriations bill because the language in each relates to bills that did not pass the Legislature.

**Section 115(5), Page 16 (For the Attorney General—Regulating Travel Sales)**

This subsection stipulates that if Engrossed Substitute House Bill No. 2027 is not enacted, the subsection is null and void. Engrossed Substitute House Bill No. 2027 was not passed by the Legislature, therefore, I have vetoed Section 115(5) of the appropriations act to eliminate confusion regarding the conditions and limitations for the Attorney General.

**Section 120, Page 27 (For the Washington State Lottery Commission—Implementation of EHB 3120)**

Subsection 3 stipulates that if Engrossed House Bill 3120 is not enacted, subsections 1 and 2 are null and void. Engrossed House Bill No. 3120 was not passed by the Legislature; therefore, I have vetoed Section 120 of the appropriations act to eliminate confusion regarding the conditions and limitations for the Washington State Lottery.

**The following sections are vetoed in the appropriations bill because of provisions or vetoes in other bills:**

**Section 124(4), Page 32 (For the Insurance Commissioner—ESHB 2439, Bicycle Safety)**

This subsection allocates \$100,000 from the Insurance Commissioners Regulatory Account to the Traffic Safety Commission to implement the Cooper Jones Act (Engrossed Substitute House Bill No. 2439). The bill that passed the Legislature, which I signed, has the authority to expend \$100,000 from the Bicycle and Pedestrian Safety Account. Therefore this appropriation from the Insurance Commissioners Regulatory Account is not needed. For these reasons I am vetoing this subsection.

**Section 303(4), Page 101 (For the Department of Ecology—ESSB 5703, Water Right Beneficial Use)**

Engrossed Substitute Senate Bill No. 5703 allows the interim use of water without authorization (a water right) until either the court grants a water right or DOE grants a water right based on completion of a watershed plan where a planning effort is underway. Allowing the use of this water is unfair to those who have forgone the use of water by following the normal process for obtaining a water right. Because I have vetoed this bill, I have also vetoed this section to avoid confusion.

**Section 117(18), Page 22 (For the Department of Community, Trade, and Economic Development); Section 122(6), Page 30 (For the Department of Revenue); Section 124(3), Page 32 (For the Insurance Commissioner); Section 211(5), Pages 68 and 69 (For Department of Social and Health Services, Administration and Supporting Services Program); Section 215(2), Page 73 (For the Human Rights Commission); Section 217(11), Page 78 (For the Department of Labor and Industries); Section 219(28), Pages 84 and 85 (For the Department of Health); Section 303(5), Page 101 (For the Department of Ecology); Section 307(34), Page 111 (For the Department of Fish and Wildlife); Section 308(11), Page 113 (For the Department of Natural Resources); Section 309(6), Page 115 (For the Department of Agriculture)—E2SHB 2345, Regulatory Reform**

These subsections stipulate that the funding provided to implement Engrossed Second Substitute House Bill No. 2345, Regulatory Reform, will lapse if sections 1, 3, 4, 10, 11, and 12 are not enacted. I have vetoed these sections of Engrossed Second Substitute House Bill No. 2345 because I do not believe that these provisions are in the best interest of the state. Therefore, I have also vetoed these sections of the appropriations act to eliminate confusion regarding the expenditure authority for these agencies.

**Section 309(7) Page 115 (For the Department of Agriculture—ESSB 6204 Livestock Identification)**

This subsection stipulates that the funding provided to implement sections 2 and 98 of Engrossed Substitute Senate Bill No. 6204 shall lapse if these sections of the bill are not enacted. I have vetoed these sections of Engrossed Substitute Senate Bill No. 6204, and most other sections of the bill, because they do not address programmatic and financial issues pertaining to the livestock identification program in an effective and fiscally responsible manner. Therefore, I have also vetoed Section 309(7) of the appropriations act to eliminate confusion regarding the appropriation authority of the Department of Agriculture.

**Other Comments**

Section 301(2) for the Columbia River Gorge Commission requires Clark County to direct \$30,000 each year from its grants for implementing the Scenic Area Management Plan to Skamania County to cover the county's cost of implementing this same plan. Although I am not vetoing this section, I continue to be troubled by the Legislature's decision not to provide adequate funding for both the Gorge Commission and the counties within the National Scenic Area. The current budget is still \$85,000 a year below what the county has identified as its costs to implement the Scenic Area Act. The Legislature also failed to provide adequate funding for the Gorge Commission itself. As we develop the budgets for next biennium, it is important to understand that the Scenic Area Act cannot be successful without stable and adequate funding.

Section 304(7) for the State Parks and Recreation Commission requires that the Snowmobile Account and the Winter Recreation Program Account provide funds to support the Northwest Avalanche Center (NWAC). The NWAC provides important weather and avalanche forecasts that benefit back country users, search and rescue personnel, counties, ski patrols, the state Department of Transportation (WSDOT), and the Washington State Patrol, as well as snowmobilers and winter recreationalists. Although I have not vetoed this section, I do not support the decision by the Legislature to appropriate \$40,000

from these accounts for the operation of the NWAC. These programs have already voluntarily contributed \$11,000 to the NWAC. This higher level of funding is disproportionate to the benefit derived by the winter recreationalists whose user fees would be diverted from direct program services to the NWAC. Furthermore, these user fees are collected statewide, while the NWAC only provides services in the Cascades and Olympics. As a result, I anticipate seeking future General Fund-State support to reimburse these dedicated funds. I also urge the NWAC, user groups, State Parks, and WSDOT, to continue to work with the Office of Financial Management and the Legislature to find alternative long term funding sources for the NWAC.

With the exception of sections 115(5); 117(18); 120; 122(6); 124(3); 124(4); 125; 204(3)(b); 205(1)(f); 205(1)(k); 207(9); 211(5); 215(2); 217(11); 219(28); 222(3); 222(8); 222(9); 302(18); 302(19); 302(20); 303(4); 303(5); 307(34); 308, page 112, lines 4-5; 308(10); 308(11); 309(6); 309(7); 906; 907; 908; Engrossed Substitute Senate Bill No. 6108 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6161

April 1, 1998

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

I am returning herewith, without my approval as to section 8, Substitute Senate Bill No. 6161 entitled:

"AN ACT Relating to dairy nutrient management;"

Substitute Senate Bill No. 6161 makes significant changes in the operation and regulation of dairies in the state of Washington. This bill will be of great benefit to our water quality and the public's health. I commend the dairy industry for its strong support of this bill.

Section 8 of Substitute Senate Bill No. 6161 would create a Dairy Nutrient Management Program Advisory and Oversight Committee, consisting of governmental and non-governmental members. That committee would provide "direction to and oversight of" the dairy nutrient management program. Clearly, the state can benefit from the advice and counsel of those who will be most affected by this bill. However, the dairy inspection program is a governmental program and must be carried out by the Department of Ecology, the responsible governmental entity. It is inappropriate to give directive and oversight responsibilities to a non-governmental body. In addition, the portion of section 8 that provides for compensation of committee members contains drafting errors and is defective.

Very clearly, the advisory functions spelled out in section 8 are beneficial to the effective operation of the program. With this message, I am directing the Department of Ecology to establish such a committee to perform the advisory functions provided for in section 8(5).

For these reasons, I have vetoed section 8 of Substitute Senate Bill No. 6161.

With the exception of section 8, Substitute Senate Bill No. 6161 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6165

March 30, 1998

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

I am returning herewith, without my approval as to sections 3, 5, 6, and 8, Engrossed Substitute Senate Bill No. 6165 entitled:

"AN ACT Relating to use of ignition interlock devices;"

Engrossed Substitute Senate Bill No. 6165 requires that ignition interlock devices be used by individuals convicted of drunk driving with a blood alcohol content of 0.15 or higher. I support the intent of this legislation; however, some sections are problematic.

Section 3 of Engrossed Substitute Senate Bill No. 6165 would mandate jail terms of 30, 60, and 90 days for driving without an interlock when required to do so. These mandatory sentences should not be enacted without a clear showing that they are necessary, and without carefully considering the costs to local governments. Before further restricting judges' discretion in these cases, we should gain experience with mandatory interlock use, frequency of violations, and reasons for violations. Section 3 would deny courts discretion to consider emergencies or other circumstances that might excuse or mitigate this behavior. Driving without an interlock in violation of a court order is currently punishable by up to 90 days in jail. I believe courts should continue to have sentencing discretion, especially in the early stages of mandatory interlock use.

Section 5 of Engrossed Substitute Senate Bill No. 6165 would require that vehicles driven without interlocks, in violation of court orders, be impounded "for use as evidence." I am concerned about the substantial costs this requirement could impose on local governments. Currently, police officers have the authority to take custody of evidence when they need to do so, but they may not need to do so in all interlock violation cases. Impoundment, at the driver's expense, would be an appropriate remedy for violating court orders after a DUI, but this section does not assure that the driver, rather than the local government, would be financially responsible.

Section 6 of Engrossed Substitute Senate Bill No. 6165 would require that all DUI charges be filed in court, and defendants be arraigned on those charges, within 21 days after arrest. I share the policy goal behind this section — to assure that defendants have a reasonable chance to qualify for deferred prosecution in appropriate cases. However, the effect of that requirement amounts to a 21-day statute of limitation on DUI cases. The vast majority of these cases can and should be charged much sooner than 21 days after arrest. But some require more time for legitimate investigative reasons, like getting blood test results or determining whether accident victims will recover. These are likely to be the more serious cases involving drunk driving, cases that should not be subject to dismissal because of such a deadline. The goal of informing defendants about deferred prosecution can be accomplished by bringing them to court promptly after arrest or filing charges, as required by section 2 of Engrossed Second Substitute Senate Bill No. 6293, which I signed today. Finally, I am concerned that section 6 falls outside the subject of the bill as expressed in the title, in violation of Article II, Section 19 of the State Constitution.

Section 8 of Engrossed Substitute Senate Bill No. 6165 would require that the Office of Financial Management verify claims from local governments for increased levels of services mandated by the act. This section would add an unnecessary additional bureaucratic layer to the existing statutory and procedural process for handling these claims. I will direct the Office of Financial Management and the Department of General Administration to work collaboratively with the appropriate legislative committees to ensure that timely and accurate information is provided to the Legislature.

For these reasons, I have vetoed sections 3, 5, 6, and 8 of Engrossed Substitute Senate Bill No. 6165.

With the exception of sections 3, 5, 6, and 8, Engrossed Substitute Senate Bill No. 6165 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6204

April 1, 1998

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

I am returning herewith, without my approval as to sections 1, 2, 3, 4, and 7 through 101, Engrossed Substitute Senate Bill No. 6204 entitled:

"AN ACT Relating to livestock identification;"

Engrossed Substitute Senate Bill No. 6204 would transfer program administration for livestock inspection to a seven-member board, all of whose voting members would be industry representatives. The board would administer a regulatory program with rule-making, fee-setting and enforcement powers. It would use its budget without legislative appropriation and be given a vast array of responsibilities, including entering into agreements with other states on behalf of Washington.

This approach is fraught with problems, conflicts of interest, and lacks any accountability to the public. But most seriously, the underlying problem — the inadequate fee system under the current law — is not remedied by this bill. Under this

bill, the program fund balance would still be \$187,000 in the red at the end of the current biennium and \$193,000 in the red at the end of next biennium. It is unacceptable for the Legislature to continue avoiding the difficult issue of inadequate funds, and instead simply create a new entity to oversee livestock inspections.

I do support section 5 of this bill, which will allow families to register "heritage brands" that have been in their families for many years, and section 6, which will enable veterinarians to be certified to conduct livestock identification.

For these reasons, I have vetoed sections 1, 2, 3, 4, and 7 through 101 of Engrossed Substitute Senate Bill No. 6204.

With the exception of 1, 2, 3, 4, and 7 through 101, Engrossed Substitute Senate Bill No. 6204 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6208

April 2, 1998

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

I am returning herewith, without my approval as to sections 2, 3, 5, 10, 41 and 42, Substitute Senate Bill 6208 entitled: "AN ACT Relating to at-risk youth;"

This bill clarifies the processes for the admission of a child for mental health or chemical dependency treatment. It clearly separates the procedures for voluntary outpatient and inpatient treatment, parent-initiated treatment and court-authorized involuntary treatment. Safeguards are provided for inpatient mental health and chemical dependency treatment, including an independent review by a mental health or chemical dependency professional, the opportunity for a child to petition the court for review, and automatic release from a facility unless a court allows the child to be retained for further treatment.

Sections 2, 3 and 5 relate to the Department of Social and Health Services contracting with counties for the operation of staff secure group homes. Section 2 would require DSHS to transfer funds to counties to operate these homes based on a formula that is inconsistent with other formulae related to at-risk youth. Section 3 would incorrectly change state child welfare duties to include providing funding to counties to staff these homes. Section 5 apparently would require counties, which would be subcontracting with the state, to in turn subcontract with private vendors to provide staff secure group homes for certain youth. DSHS already contracts for such services, so that section is unnecessary.

Section 10 would require DSHS to report to the Legislature annually on the number of parent-initiated admissions of minors to evaluation and treatment facilities. A costly hospital record review would be needed to gather such information, but no funding was provided.

Sections 41 and 42 would amend the law relating to unlawful harboring of a minor child. The language is redundant with existing law and may lump together effective shelters for youth with those individuals who prey upon them.

For these reasons, I have vetoed sections 2, 3, 5, 10, 41 and 42 of Substitute Senate Bill No. 6208.

With the exception of sections 2, 3, 5, 10, 41 and 42, Substitute Senate Bill No. 6208 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SECOND SUBSTITUTE SENATE BILL NO. 6214

April 2, 1998

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

I am returning herewith, without my approval as to sections 55 and 60, Second Substitute Senate Bill No. 6214 entitled: "AN ACT Relating to mental illness;"

Second Substitute Senate Bill No. 6214 broadens the Involuntary Treatment Act (ITA) commitment standards to take greater account of a history of violence. Among other things, it requires greater information sharing between treatment providers and criminal justice agencies, and creates mechanisms to protect public safety in the context of ITA treatment.

Section 55 of Second Substitute Senate Bill No. 6214 would require the Department of Corrections to report annually to legislative fiscal committees on the efficacy of the regional support networks in implementing this legislation, including information on their administrative costs. While such reporting has value, DOC has neither the audit authority, the specialized expertise, nor the funding to perform this task. The bill already requires evaluations and reports by the Joint Legislative Audit and Review Committee and the Washington State Institute for Public Policy.

Section 60 would cause the entire act to expire on June 30, 2001. "Sunset" provisions can be valuable, but this would be too soon. This complex new law will be difficult to implement and may well require revision in the years to come. The studies required by the Institute for Public Policy and the Joint Legislative Audit and Review Committee can help identify problems and opportunities for improvement.

For these reasons, I have vetoed sections 55 and 60 of Second Substitute Senate Bill No. 6214.

With the exception of sections 55 and 60, Second Substitute Senate Bill No. 6214 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 6219

March 31, 1998

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

I am returning herewith, without my approval as to sections 56, 176(14), 176(15), and 176(17), Senate Bill No. 6219 entitled:

"AN ACT Relating to reports to the legislature;"

Senate Bill No. 6219 is an excellent piece of legislation that will contribute to the efficiency of state government. It eliminates approximately 230 obsolete or unnecessary reports that agencies are required to submit to the Legislature by amending or repealing numerous sections of law.

However, the statutes that would be repealed by sections 176 (14), (15), and (17) also contain substantive language regarding ongoing programs that should be retained in law. To avoid inadvertent disruption of the programs, I have vetoed those sections.

Section 56 of Senate Bill No. 6219 would amend RCW 43.19.554 by removing a reference to a report from the Department of General Administration on motor vehicle management. However, House Bill No. 2568, which I signed on March 23, 1998, already repealed that section.

For these reasons, I have vetoed sections 56, 176 (14), 176 (15), and 176 (17) of Senate Bill No. 6219.

With the exception of sections 56, and 176 (14), 176 (15), and 176 (17), I am approving Senate Bill No. 6219.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6238

April 3, 1998

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

I am returning herewith, without my approval as to section 6, Engrossed Substitute Senate Bill No. 6238 entitled:  
"AN ACT Relating to dependent children;"

This bill requires the Department of Social and Health Services to specify, via affidavit, evidence that harm will come to a particular child if the child is not taken from his home. The affidavit must contain evidence of the risk of imminent harm. The bill also requires quicker access to information for parents, to help give them an adequate opportunity to make their case at the shelter care hearing. Under this legislation, parents will be able to become more engaged in the process of identifying the services they require to prevent serious harm to a child, were the child returned to them.

Section 6 of this legislation would require DSHS to publish a great deal of new information in its annual quality assurance report. The required information is not now collected, and there is no indication why DSHS should start collecting it, or what the usefulness of that information would be. And, no funding was provided for this purpose.

For these reasons, I have vetoed section 6 of Engrossed Substitute Senate Bill No. 6238.

With the exception of section 6, Engrossed Substitute Senate Bill No. 6238 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6328

March 27, 1998

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

I am returning herewith, without my approval as to section 123, Engrossed Substitute Senate Bill No. 6328 entitled:  
"AN ACT Relating to fish and wildlife code enforcement;"

The codes for the former Departments of Fish and Wildlife were not properly dealt with when those departments were merged several years ago. Engrossed Substitute Senate Bill No. 6328 consolidates and standardizes the enforcement code for the Department of Fish and Wildlife. This bill is long overdue, and I commend the Department and the Legislature for their hard work in developing this legislation.

Section 123 of Engrossed Substitute Senate Bill No. 6328 amends a part of the statute that is also amended in Substitute Senate Bi

ll No. 6330. The double amendment appears to have been unintended, and would cause confusion.

For this reason, I have vetoed section 123 of Engrossed Substitute Senate Bill No. 6328.

With the exception of section 123, Engrossed Substitute Senate Bill No. 6328 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SECOND SUBSTITUTE SENATE BILL NO. 6330

March 27, 1998

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

I am returning herewith, without my approval as to sections 34 and 37, Second Substitute Senate Bill No. 6330 entitled:  
"AN ACT Relating to fish and wildlife licenses;"

Second Substitute Senate Bill No. 6330 will simplify the recreational hunting and license system, which will ultimately reduce the number of license documents and improve service to the public. The bill is also necessary to implement a point-of-sale license system which allows dealers to make sales through an on-line terminal rather than using the existing paper system.

Sections 34 and 37 of Second Substitute Senate Bill No. 6330 would amend statutes that were repealed by Engrossed Substitute Senate Bill No. 6328, which I signed today. This partial veto will ensure that the two bills are consistent.

For these reasons, I have vetoed sections 34 and 37 of Second Substitute Senate Bill No. 6330.  
With the exception of sections 34 and 37, Second Substitute Senate Bill No. 6330 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 6348

April 3, 1998

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

I am returning herewith, without my approval as to sections 3 and 4 of Senate Bill No. 6348 entitled:

"AN ACT Relating to eliminating requirements for filing certificates or annual summaries for sales and use tax exemptions on manufacturing machinery and equipment;"

Senate Bill No. 6348 amends the state retail sales and use tax statutes to relieve taxpayers of the burden of making reports and annual summaries of tax exempt purchases, for submission to the Department of Revenue.

One of my goals as Governor is the simplification of our tax system and the reduction of regulations for businesses. The Department of Revenue developed this legislation in an effort to reach that goal. The original intent of the bill was to immediately relieve taxpayers eligible for the machinery and equipment tax exemption from the burden of submitting duplicate exemption certificates or purchase summaries to the Department.

The Legislature amended the bill by adding sections 3 and 4. Section 4 would require taxpayers to submit, for an additional six months, reports of machinery and equipment purchases before qualifying for the sales and use tax exemption. However, section 3 would not require the Department to deny exemptions if the taxpayers did not send in reports. This would create conflicting policies and extend the period during which businesses must submit redundant paperwork to the Department. This is unnecessary, burdensome, and contrary to the bill's original purpose.

For these reasons, I have vetoed sections 3 and 4 of Senate Bill No. 6348.

With the exception of sections 3 and 4, Senate Bill No. 6348 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6456

April 3, 1998

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

I am returning herewith, without my approval as to sections 202(6); 202(8), page 8, line 20 through page 9, line 6; 203(13); 207(2); 209, page 18, lines 1 through 2; 209(3); 209(4); 209(5); 211(12); 211(13); 212(3); 214(4); 214(5); 220(10); 221(7); 301(4); 402, page 42, lines 29 through 30; 403; 501; 502; 507 and 508, Engrossed Substitute Senate Bill No. 6456 entitled:

"AN ACT Relating to transportation funding and appropriations;"

Engrossed Substitute Senate Bill No. 6456 provides a supplemental budget for the 1997-99 transportation budget.

**Section 202(6), page 7 (Legislative Transportation Committee)**

Section 202(6) directs the Legislative Transportation Committee to study and report findings to the Legislature regarding the design-build method of contracting. I am vetoing this proviso because it is unnecessary in light of passage of Substitute Senate Bill No. 6439, which requires the Department of Transportation (DOT) to conduct a demonstration program

using the design-build method of contracting and requires the DOT to present a report within one year of completion of the demonstration projects.

**Section 202(8), page 8, line 20 through page 9, line 6 (Legislative Transportation Committee)**

Section 202(8) provides a \$1 million appropriation for the purpose of convening a panel of citizens to conduct a comprehensive analysis of state-wide transportation needs, funding, and policies. The panel is to be appointed by the legislature and the Governor.

While there is no question about the commitment of all parties, including myself, to conduct a creditable and timely review of transportation issues, I have vetoed page 8, line 20 through page 9, line 6 in order to provide maximum flexibility to the panel to manage the review as effectively as possible within the available dollars. The review activities outlined in the vetoed provisos can serve as guidance, rather than limits, for the panel as they start their deliberations. The veto of these subsections does not preclude the panel from addressing the same issues, but it does allow the panel to adjust the scope and emphasis of the study activities as information is developed.

**Section 203(13), page 11 (Washington State Patrol—Field Operations Bureau)**

Section 203 (13) prohibits the Chief of the Washington State Patrol from using funding provided in Chapter 457, Laws of 1997 and in this act to increase salaries for positions above the rank of captain. I am vetoing this proviso because it unduly restricts the ability of the Chief to manage the State Patrol. It is also retroactive, and would reduce current salaries. Finally, it contravenes the existing statutory authority in RCW 43.43.020, which grants the Chief the authority to determine the compensation of her officers.

**Section 207(2), pages 15-16 (Department of Licensing—Information Systems)**

Section 207 (2) stipulates that if the driver's license fee increase contained in Engrossed Substitute House Bill No. 2730 is not enacted by June 30, 1998, the appropriations provided in this subsection lapse. Engrossed Substitute House Bill 2730 was not passed by the Legislature; therefore, I have vetoed this subsection to eliminate possible confusion about whether the Department of Licensing must work to implement the enumerated Business and Technology Assessment Project recommendations without the requisite funding.

**Section 209, page 18, lines 1 through 2, (Department of Licensing—Driver Services)**

This section reduces the state highway safety fund appropriation to the Department of Licensing. I am vetoing the supplemental appropriation in order to partially restore an inadvertent reduction that was subtracted twice. A recent court decision, regarding the limitations to the Governor's veto powers, dictates a budget level that is \$2,503,000 less than the original appropriation. When the supplemental budget adjustments were calculated, this reduction occurred twice. The effect of this veto is to reinstate \$868,000 in state highway safety funds to the department. A legislative adjustment of \$1,635,000 will be required in the 1999 legislative session in order to fully restore the intended funding level for the department. The complete restoration of these funds will ensure that the department continues to maintain existing service levels and implements recently enacted legislation. Since the double count appears to have been an inadvertent error, I am requesting that the department make plans for the intended funding level for the remainder of the biennium in anticipation of a legislative adjustment in the 1999 session.

**Section 209(3), page 18 (Department of Licensing—Driver Services)**

Section 209(3) stipulates that the \$117,000 highway safety account—state appropriation shall lapse if House Bill No. 3054 is not enacted by June 30, 1998. House Bill No. 3054 was not passed by the Legislature; therefore, I have vetoed this subsection to eliminate any possible confusion.

**Section 209(4), page 18 (Department of Licensing—Driver Services)**

Section 209(4) stipulates that the \$80,000 highway safety account—state appropriation shall lapse if House Bill No. 2730 is not enacted by June 30, 1998. House Bill No.2730 was not passed by the Legislature; therefore, I have vetoed this subsection to eliminate any possible confusion.

**Section 209(5), page 18 (Department of Licensing—Driver Services)**

Section 209(5) stipulates that the \$124,000 highway safety account—state appropriation shall lapse if Senate Bill No. 6591 is not enacted by June 30, 1998. Senate Bill No. 6591 was not passed by the Legislature; therefore, I have vetoed this subsection to eliminate any possible confusion.

**Section 211(12), page 21-22 (Department of Transportation—Improvements—Program I)**

Section 211(12) requires the Department of Transportation (DOT) to develop criteria for programming and prioritization of highway infrastructure projects that will contribute to economic development as required by RCW 47.05.051 (2). Additionally, this subsection provides that the DOT shall report the criteria to the Legislative Transportation Committee by December 1, 1998. I am vetoing this proviso because it is unnecessary. The DOT already factors economic development in the

prioritization of projects in its improvement program. If the Legislature wishes to modify the prioritization scheme, they may amend RCW 47.05.051.

**Section 211(13), page 22 (Department of Transportation—Improvements—Program I)**

Section 211(13) prohibits the Department of Transportation (DOT) from contracting any of the preliminary engineering services funded by this act without prior approval of the Legislative Transportation Committee. I am vetoing this proviso because it infringes on DOT's ability to manage its construction program. By hampering the DOT's ability to contract preliminary engineering, program delivery may be thwarted. Additionally, a legislative committee should not be placed in the role of approving customary functions of an executive branch agency.

**Section 212(3), page 23 (Department of Transportation—Transportation Economic Partnerships—Program K)**

Section 212(3) provides \$100,000 of the motor vehicle fund—state appropriation solely for the purpose of the program evaluation and audit of the Public Private Initiatives program required under RCW 47.46.030(2). Further, the subsection provides that the Legislative Transportation Committee (LTC) shall act as project manager and be responsible for hiring the consultants to conduct the evaluation and audit. I am vetoing this subsection because it contravenes RCW 47.46.030 (2), which charges the Department of Transportation (DOT) with the duty to conduct a program and fiscal audit of the Public-Private Initiatives Program. However, the statute provides that DOT shall consult with and submit progress reports to the LTC. DOT has agreed to proceed accordingly.

**Section 214(4), page 25 (Department of Transportation—Preservation—Program P)**

Section 214(4) requires the Transportation Commission to develop a comprehensive policy on tolls and to submit a report to the Legislative Transportation Committee and the Office of Financial Management by March 1, 1999. While this is a worthwhile and important subject, I believe it is more properly addressed as an option in the larger context of long-term transportation funding.

**Section 214(5), page 25 (Department of Transportation—Preservation—Program P)**

Section 214(5) requires the Department of Transportation to recommend a plan for accomplishing the preservation work on the Hood Canal Bridge, and the remainder of the twenty-year bridge system plan, under the constraints of current law revenues. Reliance on current revenues to fund major projects, like the Hood Canal Bridge, will preclude a substantial number of other necessary bridge preservation and highway improvement projects. Any review of the bridge system plan must have the flexibility to consider the need for new revenues.

**Section 220(10), page 35 (Department of Transportation—Public Transportation and Rail)**

Section 220(10) provides an additional \$4 million Central Puget Sound Public Transportation Account - State appropriation for the Department of Transportation for activities related to the improvement of the King Street Station. The King Street Station redevelopment project was also submitted to the Transportation Improvement Board (TIB) for state funding from the same account. The project has subsequently been selected for state funding through the TIB prioritization process, making this appropriation unnecessary. Therefore, I am vetoing this subsection to eliminate any possible confusion.

**Section 221(7), pages 37-38 (Department of Transportation—Local Programs—Program Z)**

Section 221(7) provides for the preparation of a consolidation plan for the Transportation Improvement Board (TIB), County Road Administration Board (CRAB), and the Department of Transportation's TransAid Service Center. The 1998 Legislature did consider, but failed to enact, legislation that would have required this same consolidation plan. While I support efforts to streamline government, a more deliberative process that involves the key stakeholders and does not presuppose an outcome must be employed.

**Section 301(4), pages 39-40 (Transportation Agencies Capital Facilities)**

Section 301(4) requires the transportation agencies, the Department of General Administration, and the Office of Financial Management review, analyze, and report to the Legislative Transportation Committee (LTC) on the consolidation of Thurston County, state transportation agencies. I am vetoing this subsection because it mandates action by non-transportation agencies without providing the funding necessary to accomplish such a review. A more deliberative process that involves the key stakeholders, provides the necessary funding, and does not presuppose an outcome must be employed.

**Section 402, lines 29 through 30, page 42 (State Treasurer—Bond Retirement and Interest, And Ongoing Bond Registration and Transfer Charges: For Bond Sale Expenses and Fiscal Agent Charges)**

This item is an increase in the appropriation for the State Treasurer for bond sale expenses and fiscal agent charges. Because the supplemental expenditures in this budget are not supported by additional bond revenues, this increased appropriation is unnecessary.

**Section 403, page 43**

This section authorizes the State Treasurer to transfer any Transportation Improvement Board balances available in the Highway Bond Retirement Account into the Transportation Improvement Board Bond Retirement Account. To be operative, this

section required passage of House Bill No. 2582. House Bill No. 2582 was not passed by the Legislature; therefore, I have vetoed this section to eliminate any possible confusion.

**Section 501, page 45**

This section directs agencies that spend transportation funds to submit their budget requests and supporting documents to the Office of Financial Management (OFM) and the Legislative Transportation Committee at the same time. All agency budget requests are public documents, and OFM routinely sends a copy of all budget requests to the Legislature for review soon after they are received, making this section unnecessary.

**Section 502, page 45**

Section 502 provides that in the 1999-01 biennium, the Department of Transportation's Public Transportation and Rail Program shall be divided into three separate programs—public transportation, rail-operating, and rail-capital. I am vetoing this section because it infringes on the ability of the department to organize and manage this program. The determination of this level of organizational structure should be left to the agency.

**Section 507, page 48**

Section 507 requires the Department of Transportation to use appropriations for Programs I and P in this act to fund projects identified in the Transportation Executive Management System (TEIS) and Legislative Budget Notes. I am vetoing this section because it circumvents the process established in RCW 47.05. Additionally, I do not support enacting TEIS or Legislative Budget Notes into law through reference.

**Section 508, page 48**

Section 508 repeals a section from the 1997 Transportation Budget that appropriates \$10 million into reserve status for potential funding of the highway construction program should the federal transportation authorization act not be enacted by October 1, 1997. I am vetoing this section because I believe that this reserve is still appropriate as the successor to the Intermodal Surface Transportation Efficiency Act (ISTEA) has not yet been enacted, and Congress appears poised to act soon.

For these reasons, I have vetoed sections 202(6); 202(8), page 8, lines 20 through page 9, line 6; 203(13); 207(2); 209, page 18, lines 1 through 2; 209(3); 209(4); 209(5); 211(12); 211(13); 212(3); 214(4); 214(5); 220(10); 221(7); 301(4); 402, page 42, lines 29 through 30; 403; 501; 502; 507 and 508 of Engrossed Substitute Senate Bill No. 6456.

With the exception of sections 202(6); 202(8), page 8, lines 20 through page 9, line 6; 203(13); 207(2); 209, page 18, lines 1 through 2; 209(3); 209(4); 209(5); 211(12); 211(13); 212(3); 214(4); 214(5); 220(10); 221(7); 301(4); 402, page 42, lines 29 through 30; 403; 501; 502; 507 and 508, Engrossed Substitute Senate Bill No. 6456 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6470

April 3, 1998

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

I am returning herewith, without my approval as to section 8, Engrossed Substitute Senate Bill No. 6470 entitled:  
"AN ACT Relating to the tax treatment of canned and custom software;"

Sections 1 through 7 of Engrossed Substitute Senate Bill No. 6470 specify that the sale of custom software is the provision of a service, as is the customization of canned software, and is taxable under the service classification of the business and occupation (B&O) tax.

Section 8 of this bill would provide a B&O tax credit for software businesses that have their principal place of business in a distressed county. However, the bill as written, would allow a qualifying software company with headquarters in a distressed county to also exempt from the B&O tax all its operations located in a non-distressed county. This could lead to a business establishing only a small office with few employees in the distressed county, defeating the purpose of the legislation. While Section 8 was intended to provide an innovative approach to rural economic development, this language results in a significant tax loophole that will not benefit the citizens of rural distressed counties.

I proposed several economic development packages for distressed counties in the 1998 legislative session, and I strongly agree with the concept presented in section 8 of this bill. However, section 8 of this bill would have unintended consequences. I would support a more finely crafted bill.

For these reasons, I have vetoed section 8 of Engrossed Substitute Senate Bill No. 6470.

With the exception of section 8, Engrossed Substitute Senate Bill No. 6470 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6509

April 1, 1998

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

I am returning herewith, without my approval as to sections 3 and 4, Engrossed Second Substitute Senate Bill No. 6509 entitled:

"AN ACT Relating to training in reading instruction;"

Engrossed Second Substitute Senate Bill No. 6509 creates two separate reading improvement grant programs for the remainder of this biennium. First, the Washington Reading Corps will receive grants for volunteer tutoring and mentoring programs in elementary school reading; and second, grants will provide optional training and materials in reading strategies for kindergarten through second grade teachers.

I am very pleased that the Legislature chose to enact the Washington Reading Corps, which I proposed prior to the 1998 legislative session. I would have preferred a more expansive program, but this is a good start. Each legislator sought to improve our students' reading abilities and I am thankful that the mandates for certain reading strategies are no longer included in this measure. I am, however, disappointed that the Reading Resource Centers championed by Superintendent of Public Instruction Terry Bergeson are not a part of this legislation.

This act is temporary in nature, and section 3 would give it a title. Names should not be given to acts that are designed to last only a single biennium. Section 4 contains a "null and void clause" which is moot.

For these reasons, I have vetoed sections 3 and 4 of Engrossed Second Substitute Senate Bill No. 6509.

With the exception of sections 3 and 4, Engrossed Second Substitute Senate Bill No. 6509 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6533

April 3, 1998

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

I am returning herewith, without my approval as to sections 2 and 3 of Engrossed Substitute Senate Bill No. 6533 entitled:

"AN ACT Relating to property tax exemptions and deferrals for senior citizens and persons retired for reasons of physical disability;"

In order to make property tax exemptions available to more of our senior citizens, Engrossed Substitute Senate Bill No. 6533 raises the income levels below which a senior's income must be to qualify for the exemption. Under the bill, if a senior's annual income is \$18,000 or less, the senior is exempted from all excess levies and regular levies on the greater of \$50,000 or 60% of assessed valuation. For seniors with annual income of \$18,001 to \$24,000, the exemption is from all excess levies and regular levies on the greater of \$40,000 or 35% of assessed valuation. All seniors with annual income below \$30,000 are

exempted from all excess levies. The income limit to qualify for the property assessment freeze is raised from \$28,000 to \$30,000.

I strongly support these increases to help our senior citizens cope with rising property values. However, section 2 of the bill would allow health care insurance and veterans' military disability benefits to be deducted from the calculation of disposable income. This disability provision would create a special and preferred source of income since other disabled seniors would not qualify. It would also represent a precedent that others would likely seek in the future. Section 2 also would change the definition of residence to include land up to five acres, if local land use regulations require. Section 3 of the bill contained a technical change in the definition of residence required by the amendment in section 2.

For these reasons, I have vetoed sections 2 and 3 of Engrossed Substitute Senate Bill No. 6533.

With the exception of sections 2 and 3, Engrossed Substitute Senate Bill No. 6533 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SECOND SUBSTITUTE SENATE BILL NO. 6544

April 1, 1998

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

I am returning herewith, without my approval as to sections 18, 19, 20 and 21, Second Substitute Senate Bill No. 6544 entitled:

"AN ACT Relating to improving long-term care;"

Second Substitute Senate Bill No. 6544 takes care of many issues dealing with adult family homes, boarding homes and long-term care, and, most importantly, transfers the oversight of boarding homes from the Department of Health to the Department of Social and Health Services. This is well-conceived and ambitious legislation, and will go far toward ensuring the safety and quality of care for residents of our adult family and boarding homes.

Sections 18, 19, 20, and 21 would specify when residents of boarding and adult family homes who become bedbound as the result of illness must be seen by a licensed practitioner, and define those practitioners and their duties. While I agree with the intentions of those sections, they would conflict with current patients' rights to refuse treatment and to maintain their preferred residences. Also, those sections are unclear as to provider and resident responsibilities when disagreements arise from such conflicts. Additionally, the impact on people's abilities to pay for additional service has not been analyzed. Before implementing changes in care requirements, additional comment needs to be sought from residents, families and all interested parties, as well as the joint task force created by this bill.

For these reasons, I have vetoed sections 18, 19, 20 and 21 of Second Substitute Senate Bill No. 6544.

With the exception of sections 18, 19, 20 and 21, Second Substitute Senate Bill No. 6544 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6560

April 2, 1998

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

I am returning herewith, without my approval as to sections 9 and 12, Engrossed Substitute Senate Bill No. 6560 entitled:

"AN ACT Relating to retail electrical customers;"

Engrossed Substitute Senate Bill No. 6560 establishes certain protections for consumers of electricity. It also, in section 5, directs the Washington Utilities and Transportation Commission and the Department of Community, Trade and Economic Development to jointly study several important features of our current electric system and potential changes to our electric system.

Section 9 of the bill is technically flawed. That section would nullify the study required by section 5, unless the Legislature funds the study in the budget and specifically references section 5 by section number. The legislature did in fact fund the study in the budget, but referenced only the bill number, not the section number. I believe the Legislature intended to fund the study, and my veto of section 9 will achieve that goal.

Section 12 contains an emergency clause that would have given immediate effect to the bill. Certain provisions of the bill obligate utilities to provide new customers with a list of policies and procedures. The utilities need some time to prepare that information. Without section 12, the bill will take effect on June 11, 1998, which allows adequate preparation time.

For these reasons I have vetoed sections 9 and 12 of Engrossed Substitute Senate Bill No. 6560.

With the exception of sections 9 and 12, Engrossed Substitute Senate Bill No. 6560 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6562

April 3, 1998

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

I am returning herewith, without my approval as to section 16, Engrossed Second Substitute Senate Bill No. 6562 entitled:

"AN ACT Relating to relief of the equine industry by amending the parimutuel tax on horse racing to provide additional support for licensed racing associations, the state fair account, the state trade fair account and the Washington horse racing commission;"

The changes to the parimutuel tax contained in Engrossed Second Substitute Senate Bill No. 6562 were intended to provide a temporary solution to economic problems of the horse racing industry. Unfortunately the provisions of this legislation leave funding for state, county and trade fairs at risk. By reducing the parimutuel tax rate and redistributing tax revenues, Engrossed Second Substitute Senate Bill No. 6562 eliminates funding for the fairs in Fiscal Year 1999, and the 1999-01 Biennium.

In an effort to temporarily replace lost revenues to the fair funds, sections 906 and 907 of Engrossed Substitute Senate Bill No. 6108 (the Omnibus Appropriations Act), direct the Washington State Lottery to conduct two to four lottery games with agricultural themes per year in the 1997-99 Biennium and divert lottery proceeds to the State Fair Fund. I have vetoed sections 906 and 907 of Engrossed Substitute Senate Bill No. 108 because they place unrealistic requirements on the Washington State Lottery to develop new lottery games in a very short time period, and would divert lottery proceeds from the General Fund to replace parimutuel taxes. This would result in lowering the expenditure limit established by Initiative 601.

It is my intent that the funding for state, county and trade fairs be maintained. My actions related to Engrossed Second Substitute Senate Bill No. 6562 and Engrossed Substitute Senate Bill No. 6108 will not jeopardize funding for fairs in 1998, since annual distributions to support fairs are made in March of each year. Current fund balances in the state fair funds are sufficient to support all fairs through 1998. It is my intention to propose to the 1999 Legislature a special funding package which will permit the state to fulfill its obligations for ongoing fair funding by March of 1999.

Section 16 of Engrossed Second Substitute Senate Bill No. 6562 is the "null and void" clause which stipulates that if specific funding for the purposes of this act is not provided by June 30, 1998 in the omnibus appropriations act, Engrossed Second Substitute Senate Bill No. 6562 is null and void. I am vetoing this section in order to develop an adequate funding proposal to support the fairs for Fiscal Year 1999 and the 1999-01 Biennium. The funding proposal that is developed should seek to maintain the current level of support for fairs without affecting the Initiative 601 expenditure limit. State, county and trade fairs are important to hundreds of thousands of our citizens and I am committed to ensuring that adequate funding is available to support them.

For these reasons, I have vetoed section 16 of Engrossed Second Substitute Senate Bill 6562.  
With the exception of section 16, Engrossed Second Substitute Senate Bill No. 6562 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SENATE BILL NO. 6628

March 27, 1998

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

I am returning herewith, without my approval as to sections 2 and 3, Engrossed Senate Bill No. 6628 entitled:  
"AN ACT Relating to the state-owned facilities component of the state-wide transportation plan and intercity passenger rail;"

Section 2 of Engrossed Senate Bill No. 6628 would require an in-depth modal trade-off analysis. Such an analysis is the type of research that we should ultimately seek in our state transportation plan. However, section 2 calls for a cutting-edge type of analysis. There is not sufficient research available to support that type of analysis at this time, and it is unrealistic to expect the Department of Transportation to accomplish such extensive work without any funding.

Section 3 of Engrossed Senate Bill No. 6628 would add additional requirements to the intercity passenger rail plan. While it would certainly be worthwhile for decision makers to have such information, the examination should be more modally comprehensive. That is, similar data should be gleaned for all modes to allow a more fair comparison. And again, without funding from the Legislature, the Department of Transportation cannot conduct such major work without being forced to neglect existing statutory requirements.

For these reasons, I have vetoed sections 2 and 3 of Engrossed Senate Bill No. 6628.

With the exception of sections 2 and 3, Engrossed Senate Bill No. 6628 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6655

April 3, 1998

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

I am returning herewith, without my approval as to sections 6 and 19, Substitute Senate Bill No. 6655 entitled:  
"AN ACT Relating to institutions of higher education;"

Substitute Senate Bill No. 6655 makes several important changes to statutes regarding higher education in the Spokane area. Many of its provisions enact recommendations developed by the Higher Education Coordinating (HEC) Board at my request. I commend the HEC Board for its comprehensive assessment performed on short notice, and I commend the Legislature for its enactment of many of the HEC Board's recommendations.

Substitute Senate Bill No. 6655 dissolves the Spokane Joint Center for Higher Education (the "Joint Center") and transfers the majority of its duties and real estate and other assets to Washington State University (WSU). WSU is required to develop a plan for the management of the Joint Center's Riverpoint Park facility, and a new mission statement and operations plan for its Spokane branch campus.

Under Substitute Senate Bill No. 6655, the Spokane Intercollegiate Research and Technology Institute (SIRTI) will no longer be under the authority of the Joint Center. It will be separately established with its own board of directors and more clearly affiliated with the economic development efforts of the Department of Community, Trade and Economic Development.

The bill also requires the HEC Board to manage an assessment of current and future higher education capital and programmatic needs in Spokane, and also an economic assessment of the Spokane area addressing job expansion, technology-based high wage job development, and basic and applied research needs.

Substitute Senate Bill No. 6655 requires Eastern Washington University (EWU) to develop a new mission statement and operations plan for comprehensive higher education based in Cheney. In addition, the value and role of EWU in Spokane is recognized along with the overriding values of collaboration and coordination among the various public and private higher education institutions in the Spokane area.

Section 6 of Substitute Senate Bill No. 6655 would replicate ambiguous language in other sections of law regarding service delivery control and responsibility for branch campuses. It would not recognize the unique situation in Spokane where two public universities each have a major presence. Section 6 would confuse the roles, opportunity and value offered by EWU and other institutions in the Spokane area. It would leave open an interpretation that these institutions would be excluded from participating in higher education offered at Spokane, which was not the intent of the HEC Board's recommendations. Section 19 establishes an effective date for section 6, and is unnecessary after my veto of section 6.

For these reasons, I have vetoed sections 6 and 19 of Substitute Senate Bill No. 6655.

With the exception of sections 6 and 19, Substitute Senate Bill No. 6655 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MOTION

On motion of Senator Betti Sheldon, the Messages from the Secretary of State regarding the bills that the Governor vetoed and partially vetoed in the 1998 Session were held on the desk.

MOTION

At 1:45 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Tuesday, January 12, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIRST DAY, JANUARY 11, 1999

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

**SECOND DAY**

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**NOON SESSION**

Senate Chamber, Olympia, Tuesday, January 12, 1999

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

December 16, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Greg Nickels, reappointed November 26, 1997, for a term ending August 2, 2000, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

January 16, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Teri Treat, reappointed January 16, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 22, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kathleen Quigg, reappointed January 22, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

February 6, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ron Meyers, appointed February 6, 1998, for a term ending December 31, 2000, as a member of the Public Disclosure Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on State and Local Government.

March 13, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Wendell George, reappointed March 13, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

March 16, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bonnie C. Boyle, appointed March 16, 1998, for a term ending September 30, 2001, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

April 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Russ Cahill, appointed April 20, 1998, for a term ending December 31, 2002, as a member of the Fish and Wildlife Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation.

April 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donald R. Heinicke, appointed April 20, 1998, for a term ending December 31, 2000, as a member of the Fish and Wildlife Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation.

April 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert L. Tuck, appointed April 20, 1998, for a term ending December 31, 2000, as a member of the Fish and Wildlife Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation.

May 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joe Hawe, appointed May 1, 1998, for a term ending August 2, 2002, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

May 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Ronald D. Cantu, appointed May 5, 1998, for a term ending August 2, 2000, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

May 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Walter T. Hubbard, appointed for a term beginning June 20, 1998, and ending July 26, 2003, as a member of the Personnel Appeals Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on State and Local Government.

May 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Alan O. Link, reappointed May 5, 1998, for a term ending April 3, 2002, as a member of the State Board for Community and Technical Colleges.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen Miller, reappointed May 5, 1998, for a term ending June 30, 1999, as a member of the Housing Finance Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

May 8, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Mark Kondo, appointed May 8, 1998, for a term ending April 3, 2002, as a member of the State Board for Community and Technical Colleges.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 8, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jose Ruiz, appointed May 8, 1998, for a term ending April 3, 2001, as a member of the State Board for Community and Technical Colleges.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 18, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert V. Jensen, reappointed for a term beginning July 1, 1998, and ending June 30, 2004, as a member of the Pollution Control/Shorelines Hearings Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Environmental Quality and Water Resources.

June 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jennifer Frankel, appointed June 1, 1998, for a term ending May 31, 1999, as a member of the Board of Regents for the University of Washington.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Amy C. Gillespie, appointed June 1, 1998, for a term ending May 31, 1999, as a member of the Board of Trustees for Central Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Janelle Milodragovich, appointed June 1, 1998, for a term ending May 31, 1999, as a member of the Board of Regents for Washington State University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Margaret E. Sundstrom, appointed June 5, 1998, for a term ending June 17, 2003, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 18, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charlotte Coker, appointed June 18, 1998, for a term ending June 17, 2003, as a member of the Human Rights Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

June 19, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lara Littlefield, appointed June 5, 1998, for a term ending May 31, 1999, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 22, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Rachel Garson, reappointed for a term beginning August 3, 1998, and ending August 2, 2004, as a member of the Lottery Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

June 22, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Adrienne Thompson, appointed June 22, 1998, for a term ending May 31, 1999, as a member of the Board of Trustees for Western Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 22, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard N. Wadley, appointed June 22, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

July 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Henry Chiles, Jr., reappointed June 30, 1998, for a term ending June 15, 2003, as Chair of the Marine Employees' Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Transportation.

July 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tom Karier, appointed July 1, 1998, for a term ending January 15, 2001, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Energy, Technology and Telecommunications.

July 9, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Laurie A. Jinkins, appointed July 9, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

July 9, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Alfred L. Langan, appointed July 9, 1998, for a term ending February 21, 2001, as a member of the Washington State Apprenticeship and Training Council.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Labor and Workforce Development.

July 14, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Geraldine A. Coleman, reappointed July 14, 1998, for a term ending June 30, 2002, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Labor and Workforce Development.

July 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Thomas E. Egan, appointed July 20, 1998, for a term ending June 17, 2003, as Chair of the Board of Industrial Insurance Appeals.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Labor and Workforce Development.

July 21, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dennis R. Colwell, appointed July 21, 1998, for a term ending September 30, 2001, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Denise Mackenstadt, reappointed August 5, 1998, for a term ending July 1, 2003, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

August 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Terry Robertson, reappointed August 5, 1998, for a term ending July 1, 2003, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

August 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Cynthia Roney, reappointed August 5, 1998, for a term ending July 1, 2003, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

August 18, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Hartly Kruger, appointed August 18, 1998, for a term ending January 17, 2002, as a member of the Horse Racing Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

August 18, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Guy Roberts, appointed August 18, 1998, for a term ending January 17, 2001, as a member of the Horse Racing Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

August 18, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dolores Sibonga, appointed August 18, 1998, for a term ending January 17, 2000, as a member of the Horse Racing Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

August 19, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David Boerner, appointed August 19, 1998, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

August 19, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dianne Campbell, reappointed August 19, 1998, for a term ending September 30, 2004, as a member of the Board of Trustees for Cascadia Community College District No. 30.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 19, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

George Kargianis, appointed August 19, 1998, for a term ending June 30, 2004, as a member of the Transportation Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Transportation.

August 19, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Nancy Truitt Pierce, appointed August 19, 1998, for a term ending September 30, 1999, as a member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

J. C. Dell Jackson, reappointed August 20, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 21, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kim Peery, appointed August 21, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 21, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Elizabeth A. Willis, appointed August 21, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Pierce Community College District No. 11.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 26, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ann Miller, reappointed for a term beginning October 1, 1998, and ending September 30, 2003, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 27, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Doug Sayan, appointed for a term beginning October 1, 1998, and ending September 30, 2003, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 27, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sharron Sellers, appointed for a term beginning August 27, 1998, and ending January 19, 2002, as a member of the Board of Pharmacy.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

August 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Nancy Campbell, reappointed August 28, 1998, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

August 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Thomas Felnagle, reappointed August 28, 1998, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

August 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Thomas A. Metzger, reappointed August 28, 1998, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

September 8, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Brian Gain, appointed September 8, 1998, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

September 15, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ann Anderson, appointed September 15, 1998, for a term ending March 1, 2003, as a member of the Board of Tax Appeals.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Ways and Means.

September 29, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paul R. Calderon, appointed September 29, 1998, for a term ending October 1, 2002, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

September 29, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

William A. Glassford, reappointed September 29, 1998, for a term ending October 1, 2000, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

September 29, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

W. Elizabeth Huang, appointed September 29, 1998, for a term ending October 1, 2002, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

September 29, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David E. Lamb, appointed September 29, 1998, for a term ending October 1, 2002, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

September 29, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Perryman, appointed September 29, 1998, for a term ending October 1, 2002, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

September 30, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Yvonne Sanchez, appointed September 30, 1998, for a term ending September 30, 2001, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No 6.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Barbara Andersen, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert B. Fong, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sharon Hart, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert J. Hitt, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sarah Phillips, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary Helen Roberts, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 7, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ark G. Chin, appointed October 7, 1998, for a term ending September 30, 2003, as a member of the Board of Regents for the University of Washington.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 7, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gerald Grinstein, appointed October 7, 1998, for a term ending September 30, 2004, as a member of the Board of Regents for the University of Washington.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 14, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Arun G. Jhaveri, appointed October 14, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Highline Community College District No. 9.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 19, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Wendell DeBoer, appointed October 19, 1998, for a term ending September 25, 2000, as a member of the Clemency and Pardons Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

October 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Juan Cotto, appointed October 20, 1998, for a term ending June 17, 1999, as a member of the Human Rights Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

October 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Robert W. Winsor, reappointed October 20, 1998, for a term ending September 25, 2002, as a member of the Clemency and Pardons Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Law and Judiciary.

October 27, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dennis A. Duncan, appointed October 27, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 27, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

A.M. Jorgensen, reappointed October 27, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Renton Technical College District No. 27.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen Lane, appointed October 28, 1998, for a term ending September 30, 2004, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. George Mohoric, appointed October 28, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Erik W. Pearson, appointed October 28, 1998, for a term ending September 30, 2001, as a member of the Board of Trustees for Western Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Betty Woods, appointed October 28, 1998, for a term ending September 30, 2004, as a member of the Board of Trustees for Western Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 29, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Josie Wannarachue, appointed October 29, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 6, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James W. Cunningham, appointed November 6, 1998, for a term ending September 20, 2003, as a member of the Board of Trustees for Bellingham Technical College District No. 25.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 9, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary Grant Tompkins, appointed November 9, 1998, for a term ending September 30, 1999, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 10, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Clarence F. "Joe" Legel, appointed November 10, 1998, for a term ending June 19, 1999, as a member of the Health Care Facilities Authority.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

November 10, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jon W. McFarland, appointed November 10, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 10, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joyce C. Stewart, appointed November 10, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 16, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Susan P. Brady, to be reappointed January 1, 1999, for a term ending December 31, 2004, as a member of the Public Disclosure Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on State and Local Government.

November 16, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Aaron C. Gutierrez, appointed June 19, 1998, for a term ending May 31, 1999, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 16, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard Hemstad, to be reappointed January 2, 1999, for a term ending January 1, 2005, as a member of the Utilities and Transportation Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Energy, Technology and Telecommunications.

December 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lorna Ovena, appointed December 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

December 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James K. Rottle, to be appointed January 1, 1999, for a term ending September 30, 2003, as a member of the Board of Trustees for Green River Community College District No. 10.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

December 2, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mark Wolfram, appointed December 2, 1998, for a term ending September 30, 1999, as a member of the Board of Trustees for Cascadia Community College District No. 30.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

December 18, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Fred Stephens, appointed December 18, 1998, for a term ending at the pleasure of the Governor, as Director of the Department of Licensing.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Transportation.

January 11, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Frank L. Cassidy, Jr., reappointed November 17, 1998, for a term ending January 15, 2002, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Energy, Technology and Telecommunications.

January 11, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Patrick H. LePley, reappointed November 16, 1998, for a term ending January 17, 2005, as a member of the Horse Racing Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

MESSAGE FROM THE HOUSE

January 11, 1999

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8401, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8401.

INTRODUCTION AND FIRST READING

SB 5075 by Senators Jacobsen, Oke, Sellar, Rossi and Rasmussen

AN ACT Relating to extending the recreational use immunity to adjoining land owners; and amending RCW 4.24.200 and 4.24.210.

Referred to Committee on Judiciary.

SB 5076 by Senators Oke, Jacobsen and T. Sheldon

AN ACT Relating to Puget Sound marine fish preserves; adding a new section to chapter 75.54 RCW; adding a new section to chapter 79.96 RCW; and creating a new section.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5077 by Senators Jacobsen, Goings, Deccio, Wojahn, Costa, Thibaudeau and McAuliffe

AN ACT Relating to community outdoor athletic fields; amending RCW 82.14.360; and creating a new section.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5078 by Senators Jacobsen, Goings, Wojahn and Costa

AN ACT Relating to parks and recreation facilities; amending RCW 36.70A.020, 36.70A.030, 36.70A.040, 36.70A.060, 36.70A.070, 36.70A.080, 36.70A.110, 36.70A.160, 36.70A.177, 36.70A.200, and 43.99.120; adding a new section to chapter 43.99 RCW; creating a new section; and making appropriations.  
Referred to Committee on State and Local Government.

SB 5079 by Senators Rasmussen and Fraser

AN ACT Relating to the revocation of state certification of projects under federal water quality laws; and adding a new section to chapter 90.48 RCW.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5080 by Senator Swecker

AN ACT Relating to requiring plans for biomedical waste operations; amending RCW 70.95K.010; adding a new section to chapter 70.95K RCW; and creating a new section.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5081 by Senator Swecker

AN ACT Relating to biomedical waste treatment technologies; and amending RCW 70.95K.020.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5082 by Senators Swecker and Rasmussen

AN ACT Relating to microbial inactivation of biomedical waste; amending RCW 70.95K.010 and 70.42.090; and adding a new section to chapter 70.95K RCW.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5083 by Senator Swecker

AN ACT Relating to biomedical waste treatment and disposal; creating a new section; and making an appropriation.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5084 by Senators Hargrove and Long

AN ACT Relating to modifying the procedure for determining the administrative costs allowed for the community public health and safety networks; amending RCW 70.190.010 and 70.190.090.  
Referred to Committee on Human Services and Corrections.

SB 5085 by Senator Swecker

AN ACT Relating to expenditures from the county road fund; and adding a new section to chapter 36.82 RCW.  
Referred to Committee on State and Local Government.

SB 5086 by Senator Swecker

AN ACT Relating to property tax increases by library districts; adding a new section to chapter 84.55 RCW; and creating a new section.  
Referred to Committee on Ways and Means.

SB 5087 by Senator Swecker

AN ACT Relating to compliance with the federal clean water act; amending RCW 90.48.260; and creating a new section.

Referred to Committee on Environmental Quality and Water Resources.

SB 5088 by Senator Swecker

AN ACT Relating to residential education programs in southwest Washington; and adding a new section to chapter 28A.190 RCW.

Referred to Committee on Human Services and Corrections.

SB 5089 by Senator Swecker

AN ACT Relating to control measures to implement total maximum daily load analyses developed under the federal clean water act; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Environmental Quality and Water Resources.

SB 5090 by Senators Swecker, Morton and Rasmussen

AN ACT Relating to land use and environmental review and permitting and economic development in rural counties; amending RCW 36.70B.020, 90.60.030, 43.21C.033, 43.21C.034, 43.157.010, and 43.160.060; adding a new section to chapter 36.70B RCW; adding a new section to chapter 90.60 RCW; adding a new section to chapter 36.70C RCW; repealing RCW 43.131.387 and 43.131.388; and declaring an emergency.

Referred to Committee on Agriculture and Rural Economic Development.

SB 5091 by Senator Swecker

AN ACT Relating to water resource management; amending RCW 90.03.330 and 90.44.090; adding new sections to chapter 90.82 RCW; adding a new section to chapter 90.14 RCW; adding a new section to chapter 43.27A RCW; creating a new section; and repealing RCW 90.03.060, 90.03.070, 90.03.090, 90.03.100, 90.08.040, 90.08.050, 90.08.060, and 90.08.070.

Referred to Committee on Environmental Quality and Water Resources.

SB 5092 by Senators Goings and Costa

AN ACT Relating to displaying a deadly weapon; and amending RCW 9A.56.010.

Referred to Committee on Judiciary.

SB 5093 by Senators Costa and McCaslin

AN ACT Relating to the admissibility of confessions and admissions in criminal and juvenile offense proceedings; adding a new section to chapter 10.58 RCW; and creating a new section.

Referred to Committee on Judiciary.

SJM 8001 by Senators Jacobsen, Oke and Bauer

Relating to the federal land and water conservation fund.

Referred to Committee on Natural Resources, Parks and Recreation.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5075 was referred to the Committee on Judiciary.

#### MOTION

At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 4:30 p.m.

The Senate was called to order at 4:30 p.m. by President Owen.

#### MOTION

At 4:40 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease to retire to the House of Representatives for the purpose of a Joint Session.

#### JOINT SESSION

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

Co-Speaker Chopp of the House of Representatives instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate Brad Owen, President Pro Tempore R. Lorraine Wojahn, Majority Leader Sid Snyder and Minority Leader Dan McDonald to seats on the rostrum.

The Senators were invited to seats within the House Chamber.

The Co-Speaker of the House of Representatives declared the Joint Session to be in order.

The Clerk of the House of Representatives called the roll of the House and a quorum was present.

The Secretary of the Senate called the roll of the Senate and a quorum was present.

The Co-Speaker of the House of Representatives presented the gavel to the President of the Senate, Lieutenant Governor Brad Owen.

#### APPOINTMENT OF SPECIAL COMMITTEES

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

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

The President of the Senate appointed Senators Bill Finkbeiner and Julia Patterson and Representatives Tom Huff and Lynn Kessler as a special committee to inform Governor Gary Locke that the Joint Session has been assembled and to escort him from his office to the House Chamber.

#### INTRODUCTION OF SPECIAL GUESTS

The President of the Senate welcomed and introduced the Supreme Court Justices: Chief Justice Richard P. Guy, Associate Chief Justice Charles Z. Smith, Justice Gerry Alexander, Justice Faith Ireland, Justice Barbara A. Madsen, Justice Richard B. Sanders and Justice Phil Talmadge.

The President welcomed and introduced the State Elected Officials: Secretary of State Ralph Munro, State Treasurer Mike Murphy, State Auditor Brian Sonntag, State Attorney General Christine Gregoire, Superintendent of Public Instruction Terry Bergeson, Insurance Commissioner Deborah Senn and Commissioner of Public Lands Jennifer Belcher.

The President welcomed and introduced the Honorable Adam Smith, Congressman from the Ninth Legislative District, and his wife Sarah, who were seated on the rostrum.

#### INTRODUCTION OF MEMBERS OF THE CONSULAR ASSOCIATION OF WASHINGTON

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

#### INTRODUCTION OF GOVERNOR AND MRS. GARY LOCKE

The President welcomed and introduced Governor Gary Locke and Mona Lee Locke and asked the special committee to escort them to their place on the rostrum.

The flags were escorted to the rostrum by the Washington State Patrol Color Guard.

The President led the Chamber in the Pledge of Allegiance.

The prayer was offered by Pastor Lee Forstrom of the Westwood Baptist Church of Olympia.

#### REMARKS BY LIEUTENANT GOVERNOR BRAD OWEN

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

#### STATE OF THE STATE ADDRESS BY GOVERNOR GARY LOCKE

Governor Locke: "Mr. President, Mr. Speaker or Mr. Co-Speakers, Honorable Chief Justice, distinguished Justices of the Washington State Supreme Court, statewide elected officials, members of the Washington State Legislature, Congressman Adam Smith and Sarah, the other elected officials, members of the Consular Association, and fellow citizens. What a difference a year makes. I am pleased to welcome many friends back to Olympia, and to greet the new members of this historic Fifty-sixth Legislature of the great state of Washington. Each of you has worked very hard to be here, and I share your sense of pride in the opportunity to serve the people of our great state of Washington. Every elected official in this room knows, however, that we didn't get here by ourselves. We owe so much to our families. That's why I would like to begin today by introducing and thanking once again this state's First Lady--First Mom--and my deepest friend, Mona Locke. And I'd also like to introduce and thank my father, Jimmy Locke, who is with us today in the gallery up there. Dad, won't you please stand up?

"While the many new faces in this room have changed the majority party in the Senate and brought the ultimate in bipartisan balance to the House, the challenges before us remain the same. In fact, as we prepare to enter a new century, our challenges have become more urgent. The message of the last election was clear. The people of our state want us to focus on issues over politics--plain and simple. Now, all of us, Republicans and Democrats alike, must say to them, 'We are listening.'

"So, tonight I issue a challenge to this Legislature--a Legislature that is moving into historic times. And the challenge is this--a challenge to forge a partnership, a partnership to solve real problems. In the past two years, we've made good progress. Unemployment is low. Our children's test scores are rising as our state's tough, new academic standards and education reform take root. Our truly tenacious and brilliant Attorney General, Christine Gregoire, has slayed the nicotine dragon, and made possible new investments. She has made possible new investments in health care and disease prevention.

"When I took office two years ago, there were 96,000 families on public assistance. Today, we have reduced welfare dependence by over thirty-three percent. We have truly begun to change the culture of state government, and to rebuild pride in public service. Our State Savings Incentive Plan has ended that 'spend it or lose it' mentality of state government, and freed up millions of dollars for school construction and technology. Later this month, we will give out the first, the historic first-ever tax refund to more than 100,000 businesses, thanks to their efforts to make their workplaces safer, and thanks to the wise management and efficiencies of our state employees.

"We have been blessed with a strong economy and creative entrepreneurs who have broken all records in new job creation. There is, to be sure, economic uncertainty and hardship as a result of the Asian economic downturn. But, as we close the twentieth century, I'm proud to say the state of our state is vibrant, hopeful, and filled with promise. Clearly, our citizens want us to continue focusing on issues that concern everyday people and you know what that means in my book--education.

"Education, as you have heard me say so many times and many of you are now repeating this. Education is the great equalizer in our society, and now knowledge is the price of admission to the twenty-first century. That's why my primary goal as Governor is to make Washington a state of learning--a state where every citizen, of every age, is involved in education--a state where learning is truly a way of life.

"Most of you, Republicans and Democrats alike, promised to focus on education. So, let us join together to make education the centerpiece of this Fifty-sixth Legislature, and to make Washington a state of learning. One hundred years ago, in the final days of the nineteenth century, Governor John Rogers stood before the Legislature and delivered the state of the state address. Governor Rogers was a former state legislator, and the prime sponsor of the 'Barefoot Schoolboy Act,' which established state funding for public schools. At that time, public schooling meant an eighth grade education for many of our children.

"In his 1899 speech, Governor Rogers called for something very controversial--extending public education from the eighth grade to the twelfth grade. He also asked the Legislature to fund circulating libraries in horse-drawn wagons, because he believed that if students developed a taste for good reading--quote--'A vast and incalculable good would be done, and the character of the future men and women of our state would be elevated to a higher plane.'

"Today, as we stand on the cusp of another new century, it is vital that we reflect on what we have gained, and what we have learned in the last one hundred years. At the time of Governor Rogers' 1899 speech, the population of our state was 500,000, and when he addressed the Legislature, he faced an all-male assembly. Women in Washington State were still eleven years away from winning the right to vote. Today, our state's population is over five and one-half million, and still growing, and Washington holds the proud distinction of having the highest percentage of female legislators in the entire United States. That's something to stand for! Some of you men better be careful not to stand, because you are on TVW.

"When Governor Rogers held office, industries freely dumped vast amounts of raw waste into our rivers and bays. Children as young as ten years old were working in our factories, and in most industries, people worked long hours, in dangerous conditions, and were totally without the most basic workers' rights. Clearly, we have made progress in this century, but now we must chart our course for the next century.

"None of us can predict what our world will be like a hundred years from now. We know that our population will continue to grow and become more diverse, our technology and economy will be transformed, and scientific advances will continue to astonish us. Dramatic progress in medicine and health care will mean that many--perhaps most of all the children born this year--like the little brother or sister Emily is anticipating this spring--will actually live to see the beginning of the twenty-second century.

"Although we can see only the dimmest outline of what lies ahead, three things are imperative: First, to succeed in the coming century, education must become a larger part of all our lives, and education of our children must take on a higher priority. Second, we must learn to live in harmony with the natural world that sustains us, and we must protect the wild salmon, the rivers, the forests and the agricultural lands that will sustain the people of the twenty-first century and centuries beyond. Third, we must learn to live in harmony with each other. We must learn to be more civil, more respectful of our differences, and more appreciative of our diversity.

"If, in the next two years, our actions are guided by these three imperatives, we will do a good job of preparing our state for a new century and achieving Washington's promise. The first--education--is the key. Let me tell you a little story that illustrates why. A few years ago, just after Microsoft stock went public, the husband of a former State Senator had a chat with a close friend of Bill Gates III. The husband asked the friend if she thought he should buy some Microsoft stock. And she said, 'Oh, no, I don't think so. They really don't have any capital, or any assets to speak of. All they have is what's in their brains.'

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

"That's why we need to pay much more attention to how young brains develop. We know now that learning begins at birth, and that the first three years of a child's life are critical to creating a lifelong capacity for learning. That's why our Commission on Early Learning, chaired by our First Lady and Melinda Gates, is working to ensure that every infant and every toddler gets the consistent affection and stimulation they need so they can love and learn to their fullest potential, throughout their entire lives. That is what it will take--that's what it will take--for every child to come to kindergarten ready to learn.

"Our next task, of course, is to make sure that every child, in every public school, does succeed and meets our state's tough new academic standards. But, our schools need our help to do this. They need more teachers--and that's why I'm proposing that we add 1,000 new teachers to our elementary schools. This will provide more individualized attention to more of our youngest students and we know that this will make a lasting difference. But, as even our youngest students will tell you, all teachers are not the same. We need not just more teachers, but more outstanding teachers. Higher expectations of students and higher expectations of teachers simply must go hand in hand. That's why I'm proposing scholarships to outstanding teacher candidates in subjects like math and science, where we have shortages. That's why I'm proposing that teachers must pass competency tests before they set foot in the classroom--and that's why I want to give significant pay raises to the outstanding teachers who meet the tough standards of state and national certification.

"Just as importantly, we need to fundamentally change the way we finance our schools by creating incentives and rewards for helping students meet our tough new academic standards. Our state Learning Assistance Program provides extra funding and staffing for schools with large numbers of failing students. When students in those schools begin to improve, we cut the funding. Punishing schools for doing a good job makes no sense, and we must end this practice immediately and restructure the Learning Assistance Program. Indeed, schools that do a good job should be honored and rewarded. To do that, I'm proposing cash awards to elementary and middle schools where test scores improve three years in a row.

"If our schools are to improve, we need to free them from the control of Olympia and even their local central administrators and give them the flexibility and the tools they need to succeed. So, I call on you to create Opportunity School Districts--districts where money goes directly to individual schools--the individual buildings--which will have decision-making authority over spending vested in the principals, the teachers, and the parents, and where most state regulations will be completely waived. The most important thing our schools need is us--citizens of this state. Teachers can't do it all by themselves. They need our time, our support, and our active involvement in the schools..

"In the past six months, the Washington Reading Corps has begun to make good on the promise of greater parent and citizen involvement in our schools all across the state. Today, over 9,000 volunteers have spent their time helping 19,788 children master the skill of reading, but many more children who need this help are still not getting it. So, I call on parents and citizens all across our state to be more involved in our schools, to help our children learn to read, and to help our schools become the best in the nation. It is my passionate belief, as it was the belief of Governor Rogers a hundred years ago, that a relentless focus on creating avid readers will do a vast and incalculable good and that it will help to raise the character of the future men and women of this state to a much higher plane.

"We must recognize that the 'higher plane' to which students must rise is far above the elevation imagined by Governor Rogers. Governor Rogers recognized that the transition from an agrarian economy to an industrial economy required the addition of a high school education. At the dawn of a new century, we must recognize that the transition from an industrial economy to a knowledge-based economy will require education beyond high school. That's why I'm proposing the creation of Washington's Promise Scholarships. These two-year college scholarships will be awarded to the top fifteen percent of every high school graduating class, starting with this year's senior class. When our new tenth grade tests are in place, it will be awarded to every high school student that passes that test. It is my hope that eventually, it will be awarded to every single high school graduate, in recognition of the fact that the world of the twenty-first century simply requires a higher level of education.

"These two-year scholarships can be used at any public or private institution in our state. It will be available to students whose families make up to one hundred thirty-five percent of the median family income--not the poverty level--the median family income. For a family of four, that's an income of \$69,000 and for a family of five, it's \$82,000. These scholarships can be used for short-term technical training. A student might, for example, take a twelve week course, get a job, and then use the balance of the scholarship for periodic skill upgrades over the next several years. This represents a new way of thinking about what it means to get a college education.

"A college education is part of the American Dream, but today, the sad reality is that unless you're from a high-income family or a low-income family that receives financial aid, paying for college is getting harder every single year. Going to college isn't just a symbol of honor or distinction any more, it has become a necessity. So, it's about time that we helped working and middle-class families realize the American Dream of a college education. The timing of this proposal is critical. We know that the baby-boom echo is about to result in a surge of new high school graduates who will want and need higher education. We also know that a record number of older adults are returning to school to change careers, to update their skills, or to enrich their own understanding of the world in which we live. All of this requires us to stretch our capacity of our higher education system.

"To do this, I am proposing that we make room for 10,000 more students in the next two years in our colleges and universities. I am also proposing the creation of the Washington Online College, which will help students of every age, in every part of our state, enroll in distance-learning courses with credit over the Internet. It isn't enough to simply expand our colleges and universities. In our state today, our information technology industries have over 7,000 job openings, paying very high wages. Yet, our colleges and universities are graduating some 1,300 students a year with the appropriate degrees to fill these jobs. The result is that Washington companies are hiring workers from out of state and out of country. I want Washingtonians trained for Washington State jobs. We must therefore insist that our colleges and universities offer the courses that our students are demanding.

"A greater willingness to learn is also essential to saving our wild salmon. And we have to own up to the fact that, in the course of this century, we have been very slow learners on this subject. We've finally learned that salmon simply cannot live without abundant, clean, cold water in our rivers and streams. We've learned that our natural environment is finite and fragile, and that when we abuse our environment, there are measurable and often irreversible consequences, but the most important lesson is the one that Chief Seattle tried to teach us years ago. It is that we are a part of the web of life, and not its master or its architect.

"Salmon recovery is about much more than fish. It is about respect for the natural world that sustains us and if we fail to do what's necessary for salmon, we will fail at something far larger than saving fish. We will fail at saving the very quality of life that makes living in the Pacific Northwest unique and distinctive. In addition to the long-term consequences of a degraded environment, we face a more immediate threat. If we fail to protect our wild salmon, the federal government will do it for us--and even to us. We will lose control over our land, our water, our farms and our forests. We will not let that happen without a fight and there is no guarantee, of course, that a federally-imposed salmon strategy would even work.

"The truth that every Washington State resident must know is that salmon recovery will affect all of us--even those of us who don't fish, don't live near streams, or don't even like salmon. Restoring salmon and protecting our environment will affect decisions about where and how we build homes, and how and where we expand and start businesses. It will affect how we wash our cars and how we fertilize our lawns, and how much we pay for water and electricity. The longer we postpone the tough decisions needed to save our wild salmon, the higher the costs will be. That's why I am calling for over \$200 million in immediate state and federal investments to help local and tribal governments implement watershed recovery plans; to enforce the environmental laws we already have on the books; to remove barriers to fish in our streams; and to help farmers and timber owners protect salmon habitat.

"There's something else that we need to learn, too. Over the past several decades, we've passed tough laws that keep criminals in prison much longer, but we need to learn that whether a convicted criminal is released after two years or ten years, they will come back to our communities. We made a mistake when we abolished the parole system in the early eighties. We need to fix that mistake by passing our proposed Offender Accountability Act and bringing back parole. This year, I am asking you to approve legislation that will help transform every state agency into the kind of nimble, adaptable organization that can change with the times, and provide high quality services. We need the authority to contract out state services to the private sector and let state employees compete for those contracts. We need to expand collective bargaining rights for state employees to the same degree now enjoyed by most city and county employees--and we need a simple, streamlined personnel and civil service system.

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

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

"To accomplish all this--to forge successful partnerships, to solve real problems, and to focus on issues over politics--we must keep in mind that third imperative-- the imperative of living in harmony with each other. Here in Olympia, that translates to keeping our minds open to new ideas, regardless of whether they come from Democrats or Republicans, from the executive branch or the Legislature. We must not demean one another, exaggerate our differences, or impugn the motives of

those with whom we disagree. We must work harder at respecting our differences, and remembering that even in the heat of debate, we owe each other and the people we serve the highest standard of civility and honesty.

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

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

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

"Next, please welcome Angela Grasser, a single mom and WorkFirst participant who has been on public assistance for several years, but is now off, doing well in her new job, thanks in part to the help she received from her case manager, Lisa Wheaton, and Kimberly Metcalf, her Employment Security job counselor. Good luck to you Angela and thank you Lisa and Kimberly and all the state employees who have really changed the corporate culture of our welfare offices to be job counselors instead of just eligibility determiners. Thank you very much.

"And finally, I'd like to introduce Hazel Wolf, who was born in 1898. I actually met Hazel in 1990--count that back-- when she was over ninety years old. We were on a hike together on the Mountains-to-Sound Greenways Trust. Hazel has said that her ambition is to live into the twenty-first century so that she'll have the distinction of having been alive in three centuries. Hazel is a lifelong environmental activist who has taught generations of children to be good stewards of the natural world. She is the perfect embodiment of the spirit of both our best and most enduring values, and the appetite for adventure and learning that the beginning of a new century evokes. Hazel, you are going to do it.

"These are the people who show us the way to make Washington State a state of learning and to achieve Washington's promise. These are the people who show us that the longer we live, the more we can give--to our families, our communities, and our state. A hundred years from now, today's elected officials will be but mere photographs on the walls of this magnificent building. Our chance to make a difference for the people and the future of our state is brief and fleeting. We must make the most of it, so let us commit to preparing the way for a new century, and a new era of hope, opportunity, and a life of learning.

"Thank you all very much and God Bless You."

The President of the Senate thanked Governor Locke for his comments and instructed the special committee to escort Governor and Mrs. Locke from the House Chamber.

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

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

#### MOTION

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

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

The Co-Speaker of the House instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate, Lieutenant Governor Brad Owen, President Pro Tempore R. Lorraine Wojahn, Majority Leader Sid Snyder and Minority Leader Dan McDonald from the House Chamber.

The Co-Speaker of the House instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort the Senators from the House Chamber.

The Senate was called to order at 6:01 p.m. by President Owen.

#### MOTION

At 6:01 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, January 13, 1999.

TONY M. COOK, Secretary of the Senate

BRAD OWEN, President of the Senate

**SECOND DAY**

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**NOON SESSION**

Senate Chamber, Olympia, Tuesday, January 12, 1999  
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

December 16, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Greg Nickels, reappointed November 26, 1997, for a term ending August 2, 2000, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

January 16, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Teri Treat, reappointed January 16, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 22, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kathleen Quigg, reappointed January 22, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

February 6, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ron Meyers, appointed February 6, 1998, for a term ending December 31, 2000, as a member of the Public Disclosure Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on State and Local Government.

March 13, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Wendell George, reappointed March 13, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

March 16, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bonnie C. Boyle, appointed March 16, 1998, for a term ending September 30, 2001, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

April 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Russ Cahill, appointed April 20, 1998, for a term ending December 31, 2002, as a member of the Fish and Wildlife Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation.

April 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donald R. Heinicke, appointed April 20, 1998, for a term ending December 31, 2000, as a member of the Fish and Wildlife Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation.

April 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert L. Tuck, appointed April 20, 1998, for a term ending December 31, 2000, as a member of the Fish and Wildlife Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation.

May 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joe Hawe, appointed May 1, 1998, for a term ending August 2, 2002, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

May 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Ronald D. Cantu, appointed May 5, 1998, for a term ending August 2, 2000, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

May 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Walter T. Hubbard, appointed for a term beginning June 20, 1998, and ending July 26, 2003, as a member of the Personnel Appeals Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on State and Local Government.

May 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Alan O. Link, reappointed May 5, 1998, for a term ending April 3, 2002, as a member of the State Board for Community and Technical Colleges.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen Miller, reappointed May 5, 1998, for a term ending June 30, 1999, as a member of the Housing Finance Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

May 8, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Mark Kondo, appointed May 8, 1998, for a term ending April 3, 2002, as a member of the State Board for Community and Technical Colleges.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 8, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jose Ruiz, appointed May 8, 1998, for a term ending April 3, 2001, as a member of the State Board for Community and Technical Colleges.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 18, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert V. Jensen, reappointed for a term beginning July 1, 1998, and ending June 30, 2004, as a member of the Pollution Control/Shorelines Hearings Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Environmental Quality and Water Resources.

June 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jennifer Frankel, appointed June 1, 1998, for a term ending May 31, 1999, as a member of the Board of Regents for the University of Washington.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Amy C. Gillespie, appointed June 1, 1998, for a term ending May 31, 1999, as a member of the Board of Trustees for Central Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Janelle Milodragovich, appointed June 1, 1998, for a term ending May 31, 1999, as a member of the Board of Regents for Washington State University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Margaret E. Sundstrom, appointed June 5, 1998, for a term ending June 17, 2003, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 18, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charlotte Coker, appointed June 18, 1998, for a term ending June 17, 2003, as a member of the Human Rights Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

June 19, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lara Littlefield, appointed June 5, 1998, for a term ending May 31, 1999, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 22, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Rachel Garson, reappointed for a term beginning August 3, 1998, and ending August 2, 2004, as a member of the Lottery Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

June 22, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Adrienne Thompson, appointed June 22, 1998, for a term ending May 31, 1999, as a member of the Board of Trustees for Western Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 22, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard N. Wadley, appointed June 22, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

July 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Henry Chiles, Jr., reappointed June 30, 1998, for a term ending June 15, 2003, as Chair of the Marine Employees' Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Transportation.

July 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tom Karier, appointed July 1, 1998, for a term ending January 15, 2001, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Energy, Technology and Telecommunications.

July 9, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Laurie A. Jinkins, appointed July 9, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

July 9, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Alfred L. Langan, appointed July 9, 1998, for a term ending February 21, 2001, as a member of the Washington State Apprenticeship and Training Council.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Labor and Workforce Development.

July 14, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Geraldine A. Coleman, reappointed July 14, 1998, for a term ending June 30, 2002, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Labor and Workforce Development.

July 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Thomas E. Egan, appointed July 20, 1998, for a term ending June 17, 2003, as Chair of the Board of Industrial Insurance Appeals.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Labor and Workforce Development.

July 21, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dennis R. Colwell, appointed July 21, 1998, for a term ending September 30, 2001, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Denise Mackenstadt, reappointed August 5, 1998, for a term ending July 1, 2003, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

August 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Terry Robertson, reappointed August 5, 1998, for a term ending July 1, 2003, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

August 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Cynthia Roney, reappointed August 5, 1998, for a term ending July 1, 2003, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

August 18, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Hartly Kruger, appointed August 18, 1998, for a term ending January 17, 2002, as a member of the Horse Racing Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

August 18, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Guy Roberts, appointed August 18, 1998, for a term ending January 17, 2001, as a member of the Horse Racing Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

August 18, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dolores Sibonga, appointed August 18, 1998, for a term ending January 17, 2000, as a member of the Horse Racing Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

August 19, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David Boerner, appointed August 19, 1998, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

August 19, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dianne Campbell, reappointed August 19, 1998, for a term ending September 30, 2004, as a member of the Board of Trustees for Cascadia Community College District No. 30.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 19, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

George Kargianis, appointed August 19, 1998, for a term ending June 30, 2004, as a member of the Transportation Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Transportation.

August 19, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Nancy Truitt Pierce, appointed August 19, 1998, for a term ending September 30, 1999, as a member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

J. C. Dell Jackson, reappointed August 20, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 21, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kim Peery, appointed August 21, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 21, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Elizabeth A. Willis, appointed August 21, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Pierce Community College District No. 11.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 26, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ann Miller, reappointed for a term beginning October 1, 1998, and ending September 30, 2003, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 27, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Doug Sayan, appointed for a term beginning October 1, 1998, and ending September 30, 2003, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 27, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sharron Sellers, appointed for a term beginning August 27, 1998, and ending January 19, 2002, as a member of the Board of Pharmacy.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

August 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Nancy Campbell, reappointed August 28, 1998, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

August 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Thomas Felnagle, reappointed August 28, 1998, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

August 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Thomas A. Metzger, reappointed August 28, 1998, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

September 8, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Brian Gain, appointed September 8, 1998, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

September 15, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ann Anderson, appointed September 15, 1998, for a term ending March 1, 2003, as a member of the Board of Tax Appeals.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Ways and Means.

September 29, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paul R. Calderon, appointed September 29, 1998, for a term ending October 1, 2002, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

September 29, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

William A. Glassford, reappointed September 29, 1998, for a term ending October 1, 2000, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

September 29, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

W. Elizabeth Huang, appointed September 29, 1998, for a term ending October 1, 2002, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

September 29, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David E. Lamb, appointed September 29, 1998, for a term ending October 1, 2002, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

September 29, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Perryman, appointed September 29, 1998, for a term ending October 1, 2002, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

September 30, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Yvonne Sanchez, appointed September 30, 1998, for a term ending September 30, 2001, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No 6.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Barbara Andersen, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert B. Fong, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sharon Hart, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert J. Hitt, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sarah Phillips, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Mary Helen Roberts, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 7, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ark G. Chin, appointed October 7, 1998, for a term ending September 30, 2003, as a member of the Board of Regents for the University of Washington.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 7, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gerald Grinstein, appointed October 7, 1998, for a term ending September 30, 2004, as a member of the Board of Regents for the University of Washington.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 14, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Arun G. Jhaveri, appointed October 14, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Highline Community College District No. 9.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 19, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Wendell DeBoer, appointed October 19, 1998, for a term ending September 25, 2000, as a member of the Clemency and Pardons Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

October 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Juan Cotto, appointed October 20, 1998, for a term ending June 17, 1999, as a member of the Human Rights Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

October 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Robert W. Winsor, reappointed October 20, 1998, for a term ending September 25, 2002, as a member of the Clemency and Pardons Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Law and Judiciary.

October 27, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dennis A. Duncan, appointed October 27, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 27, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

A.M. Jorgensen, reappointed October 27, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Renton Technical College District No. 27.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen Lane, appointed October 28, 1998, for a term ending September 30, 2004, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. George Mohoric, appointed October 28, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Erik W. Pearson, appointed October 28, 1998, for a term ending September 30, 2001, as a member of the Board of Trustees for Western Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Betty Woods, appointed October 28, 1998, for a term ending September 30, 2004, as a member of the Board of Trustees for Western Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 29, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Josie Wannarachue, appointed October 29, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 6, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James W. Cunningham, appointed November 6, 1998, for a term ending September 20, 2003, as a member of the Board of Trustees for Bellingham Technical College District No. 25.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 9, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary Grant Tompkins, appointed November 9, 1998, for a term ending September 30, 1999, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 10, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Clarence F. "Joe" Legel, appointed November 10, 1998, for a term ending June 19, 1999, as a member of the Health Care Facilities Authority.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

November 10, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jon W. McFarland, appointed November 10, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 10, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joyce C. Stewart, appointed November 10, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 16, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Susan P. Brady, to be reappointed January 1, 1999, for a term ending December 31, 2004, as a member of the Public Disclosure Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on State and Local Government.

November 16, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Aaron C. Gutierrez, appointed June 19, 1998, for a term ending May 31, 1999, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 16, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard Hemstad, to be reappointed January 2, 1999, for a term ending January 1, 2005, as a member of the Utilities and Transportation Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Energy, Technology and Telecommunications.

December 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lorna Ovena, appointed December 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

December 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James K. Rottle, to be appointed January 1, 1999, for a term ending September 30, 2003, as a member of the Board of Trustees for Green River Community College District No. 10.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

December 2, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mark Wolfram, appointed December 2, 1998, for a term ending September 30, 1999, as a member of the Board of Trustees for Cascadia Community College District No. 30.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

December 18, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Fred Stephens, appointed December 18, 1998, for a term ending at the pleasure of the Governor, as Director of the Department of Licensing.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Transportation.

January 11, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Frank L. Cassidy, Jr., reappointed November 17, 1998, for a term ending January 15, 2002, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Energy, Technology and Telecommunications.

January 11, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Patrick H. LePley, reappointed November 16, 1998, for a term ending January 17, 2005, as a member of the Horse Racing Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

#### MESSAGE FROM THE HOUSE

January 11, 1999

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8401, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8401.

#### INTRODUCTION AND FIRST READING

SB 5075 by Senators Jacobsen, Oke, Sellar, Rossi and Rasmussen

AN ACT Relating to extending the recreational use immunity to adjoining land owners; and amending RCW 4.24.200 and 4.24.210.

Referred to Committee on Judiciary.

SB 5076 by Senators Oke, Jacobsen and T. Sheldon

AN ACT Relating to Puget Sound marine fish preserves; adding a new section to chapter 75.54 RCW; adding a new section to chapter 79.96 RCW; and creating a new section.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5077 by Senators Jacobsen, Goings, Deccio, Wojahn, Costa, Thibaudeau and McAuliffe

AN ACT Relating to community outdoor athletic fields; amending RCW 82.14.360; and creating a new section.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5078 by Senators Jacobsen, Goings, Wojahn and Costa

AN ACT Relating to parks and recreation facilities; amending RCW 36.70A.020, 36.70A.030, 36.70A.040, 36.70A.060, 36.70A.070, 36.70A.080, 36.70A.110, 36.70A.160, 36.70A.177, 36.70A.200, and 43.99.120; adding a new section to chapter 43.99 RCW; creating a new section; and making appropriations.  
Referred to Committee on State and Local Government.

SB 5079 by Senators Rasmussen and Fraser

AN ACT Relating to the revocation of state certification of projects under federal water quality laws; and adding a new section to chapter 90.48 RCW.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5080 by Senator Swecker

AN ACT Relating to requiring plans for biomedical waste operations; amending RCW 70.95K.010; adding a new section to chapter 70.95K RCW; and creating a new section.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5081 by Senator Swecker

AN ACT Relating to biomedical waste treatment technologies; and amending RCW 70.95K.020.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5082 by Senators Swecker and Rasmussen

AN ACT Relating to microbial inactivation of biomedical waste; amending RCW 70.95K.010 and 70.42.090; and adding a new section to chapter 70.95K RCW.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5083 by Senator Swecker

AN ACT Relating to biomedical waste treatment and disposal; creating a new section; and making an appropriation.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5084 by Senators Hargrove and Long

AN ACT Relating to modifying the procedure for determining the administrative costs allowed for the community public health and safety networks; amending RCW 70.190.010 and 70.190.090.  
Referred to Committee on Human Services and Corrections.

SB 5085 by Senator Swecker

AN ACT Relating to expenditures from the county road fund; and adding a new section to chapter 36.82 RCW.

Referred to Committee on State and Local Government.

SB 5086 by Senator Swecker

AN ACT Relating to property tax increases by library districts; adding a new section to chapter 84.55 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5087 by Senator Swecker

AN ACT Relating to compliance with the federal clean water act; amending RCW 90.48.260; and creating a new section.

Referred to Committee on Environmental Quality and Water Resources.

SB 5088 by Senator Swecker

AN ACT Relating to residential education programs in southwest Washington; and adding a new section to chapter 28A.190 RCW.

Referred to Committee on Human Services and Corrections.

SB 5089 by Senator Swecker

AN ACT Relating to control measures to implement total maximum daily load analyses developed under the federal clean water act; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Environmental Quality and Water Resources.

SB 5090 by Senators Swecker, Morton and Rasmussen

AN ACT Relating to land use and environmental review and permitting and economic development in rural counties; amending RCW 36.70B.020, 90.60.030, 43.21C.033, 43.21C.034, 43.157.010, and 43.160.060; adding a new section to chapter 36.70B RCW; adding a new section to chapter 90.60 RCW; adding a new section to chapter 36.70C RCW; repealing RCW 43.131.387 and 43.131.388; and declaring an emergency.

Referred to Committee on Agriculture and Rural Economic Development.

SB 5091 by Senator Swecker

AN ACT Relating to water resource management; amending RCW 90.03.330 and 90.44.090; adding new sections to chapter 90.82 RCW; adding a new section to chapter 90.14 RCW; adding a new section to chapter 43.27A RCW; creating a new section; and repealing RCW 90.03.060, 90.03.070, 90.03.090, 90.03.100, 90.08.040, 90.08.050, 90.08.060, and 90.08.070.

Referred to Committee on Environmental Quality and Water Resources.

SB 5092 by Senators Goings and Costa

AN ACT Relating to displaying a deadly weapon; and amending RCW 9A.56.010.

Referred to Committee on Judiciary.

SB 5093 by Senators Costa and McCaslin

AN ACT Relating to the admissibility of confessions and admissions in criminal and juvenile offense proceedings; adding a new section to chapter 10.58 RCW; and creating a new section.

Referred to Committee on Judiciary.

SJM 8001 by Senators Jacobsen, Oke and Bauer

Relating to the federal land and water conservation fund.

Referred to Committee on Natural Resources, Parks and Recreation.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5075 was referred to the Committee on Judiciary.

#### MOTION

At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 4:30 p.m.

The Senate was called to order at 4:30 p.m. by President Owen.

#### MOTION

At 4:40 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease to retire to the House of Representatives for the purpose of a Joint Session.

#### JOINT SESSION

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

Co-Speaker Chopp of the House of Representatives instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate Brad Owen, President Pro Tempore R. Lorraine Wojahn, Majority Leader Sid Snyder and Minority Leader Dan McDonald to seats on the rostrum.

The Senators were invited to seats within the House Chamber.

The Co-Speaker of the House of Representatives declared the Joint Session to be in order.

The Clerk of the House of Representatives called the roll of the House and a quorum was present.

The Secretary of the Senate called the roll of the Senate and a quorum was present.

The Co-Speaker of the House of Representatives presented the gavel to the President of the Senate, Lieutenant Governor Brad Owen.

#### APPOINTMENT OF SPECIAL COMMITTEES

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

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

The President of the Senate appointed Senators Bill Finkbeiner and Julia Patterson and Representatives Tom Huff and Lynn Kessler as a special committee to inform Governor Gary Locke that the Joint Session has been assembled and to escort him from his office to the House Chamber.

## INTRODUCTION OF SPECIAL GUESTS

The President of the Senate welcomed and introduced the Supreme Court Justices: Chief Justice Richard P. Guy, Associate Chief Justice Charles Z. Smith, Justice Gerry Alexander, Justice Faith Ireland, Justice Barbara A. Madsen, Justice Richard B. Sanders and Justice Phil Talmadge.

The President welcomed and introduced the State Elected Officials: Secretary of State Ralph Munro, State Treasurer Mike Murphy, State Auditor Brian Sonntag, State Attorney General Christine Gregoire, Superintendent of Public Instruction Terry Bergeson, Insurance Commissioner Deborah Senn and Commissioner of Public Lands Jennifer Belcher.

The President welcomed and introduced the Honorable Adam Smith, Congressman from the Ninth Legislative District, and his wife Sarah, who were seated on the rostrum.

## INTRODUCTION OF MEMBERS OF THE CONSULAR ASSOCIATION OF WASHINGTON

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

## INTRODUCTION OF GOVERNOR AND MRS. GARY LOCKE

The President welcomed and introduced Governor Gary Locke and Mona Lee Locke and asked the special committee to escort them to their place on the rostrum.

The flags were escorted to the rostrum by the Washington State Patrol Color Guard.

The President led the Chamber in the Pledge of Allegiance.

The prayer was offered by Pastor Lee Forstrom of the Westwood Baptist Church of Olympia.

## REMARKS BY LIEUTENANT GOVERNOR BRAD OWEN

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

## STATE OF THE STATE ADDRESS BY GOVERNOR GARY LOCKE

Governor Locke: "Mr. President, Mr. Speaker or Mr. Co-Speakers, Honorable Chief Justice, distinguished Justices of the Washington State Supreme Court, statewide elected officials, members of the Washington State Legislature, Congressman Adam Smith and Sarah, the other elected officials, members of the Consular Association, and fellow citizens. What a difference a year makes. I am pleased to welcome many friends back to Olympia, and to greet the new members of this historic Fifty-sixth Legislature of the great state of Washington. Each of you has worked very hard to be here, and I share your sense of pride in the opportunity to serve the people of our great state of Washington. Every elected official in this room knows, however, that we didn't get here by ourselves. We owe so much to our families. That's why I would like to begin today by introducing and thanking once again this state's First Lady--First Mom--and my deepest friend, Mona Locke. And I'd also like to introduce and thank my father, Jimmy Locke, who is with us today in the gallery up there. Dad, won't you please stand up?"

"While the many new faces in this room have changed the majority party in the Senate and brought the ultimate in bipartisan balance to the House, the challenges before us remain the same. In fact, as we prepare to enter a new century, our challenges have become more urgent. The message of the last election was clear. The people of our state want us to focus on issues over politics--plain and simple. Now, all of us, Republicans and Democrats alike, must say to them, 'We are listening.'

"So, tonight I issue a challenge to this Legislature--a Legislature that is moving into historic times. And the challenge is this--a challenge to forge a partnership, a partnership to solve real problems. In the past two years, we've made good progress. Unemployment is low. Our children's test scores are rising as our state's tough, new academic standards and education reform take root. Our truly tenacious and brilliant Attorney General, Christine Gregoire, has slayed the nicotine dragon, and made possible new investments. She has made possible new investments in health care and disease prevention.

"When I took office two years ago, there were 96,000 families on public assistance. Today, we have reduced welfare dependence by over thirty-three percent. We have truly begun to change the culture of state government, and to rebuild pride in public service. Our State Savings Incentive Plan has ended that 'spend it or lose it' mentality of state government, and freed up millions of dollars for school construction and technology. Later this month, we will give out the first, the historic first-ever tax refund to more than 100,000 businesses, thanks to their efforts to make their workplaces safer, and thanks to the wise management and efficiencies of our state employees.

"We have been blessed with a strong economy and creative entrepreneurs who have broken all records in new job creation. There is, to be sure, economic uncertainty and hardship as a result of the Asian economic downturn. But, as we close the twentieth century, I'm proud to say the state of our state is vibrant, hopeful, and filled with promise. Clearly, our citizens want us to continue focusing on issues that concern everyday people and you know what that means in my book--education.

"Education, as you have heard me say so many times and many of you are now repeating this. Education is the great equalizer in our society, and now knowledge is the price of admission to the twenty-first century. That's why my primary goal as Governor is to make Washington a state of learning--a state where every citizen, of every age, is involved in education--a state where learning is truly a way of life.

"Most of you, Republicans and Democrats alike, promised to focus on education. So, let us join together to make education the centerpiece of this Fifty-sixth Legislature, and to make Washington a state of learning. One hundred years ago, in the final days of the nineteenth century, Governor John Rogers stood before the Legislature and delivered the state of the state address. Governor Rogers was a former state legislator, and the prime sponsor of the 'Barefoot Schoolboy Act,' which established state funding for public schools. At that time, public schooling meant an eighth grade education for many of our children.

"In his 1899 speech, Governor Rogers called for something very controversial--extending public education from the eighth grade to the twelfth grade. He also asked the Legislature to fund circulating libraries in horse-drawn wagons, because he believed that if students developed a taste for good reading--quote--'A vast and incalculable good would be done, and the character of the future men and women of our state would be elevated to a higher plane.'

"Today, as we stand on the cusp of another new century, it is vital that we reflect on what we have gained, and what we have learned in the last one hundred years. At the time of Governor Rogers' 1899 speech, the population of our state was 500,000, and when he addressed the Legislature, he faced an all-male assembly. Women in Washington State were still eleven years away from winning the right to vote. Today, our state's population is over five and one-half million, and still growing, and Washington holds the proud distinction of having the highest percentage of female legislators in the entire United States. That's something to stand for! Some of you men better be careful not to stand, because you are on TVW.

"When Governor Rogers held office, industries freely dumped vast amounts of raw waste into our rivers and bays. Children as young as ten years old were working in our factories, and in most industries, people worked long hours, in dangerous conditions, and were totally without the most basic workers' rights. Clearly, we have made progress in this century, but now we must chart our course for the next century.

"None of us can predict what our world will be like a hundred years from now. We know that our population will continue to grow and become more diverse, our technology and economy will be transformed, and scientific advances will continue to astonish us. Dramatic progress in medicine and health care will mean that many--perhaps most of all the children born this year--like the little brother or sister Emily is anticipating this spring--will actually live to see the beginning of the twenty-second century.

"Although we can see only the dimmest outline of what lies ahead, three things are imperative: First, to succeed in the coming century, education must become a larger part of all our lives, and education of our children must take on a higher priority. Second, we must learn to live in harmony with the natural world that sustains us, and we must protect the wild salmon, the rivers, the forests and the agricultural lands that will sustain the people of the twenty-first century and centuries beyond. Third, we must learn to live in harmony with each other. We must learn to be more civil, more respectful of our differences, and more appreciative of our diversity.

"If, in the next two years, our actions are guided by these three imperatives, we will do a good job of preparing our state for a new century and achieving Washington's promise. The first--education--is the key. Let me tell you a little story that illustrates why. A few years ago, just after Microsoft stock went public, the husband of a former State Senator had a chat with a close friend of Bill Gates III. The husband asked the friend if she thought he should buy some Microsoft stock. And she said, 'Oh, no, I don't think so. They really don't have any capital, or any assets to speak of. All they have is what's in their brains.'

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

"That's why we need to pay much more attention to how young brains develop. We know now that learning begins at birth, and that the first three years of a child's life are critical to creating a lifelong capacity for learning. That's why our Commission on Early Learning, chaired by our First Lady and Melinda Gates, is working to ensure that every infant and every toddler gets the consistent affection and stimulation they need so they can love and learn to their fullest potential, throughout their entire lives. That is what it will take--that's what it will take--for every child to come to kindergarten ready to learn.

"Our next task, of course, is to make sure that every child, in every public school, does succeed and meets our state's tough new academic standards. But, our schools need our help to do this. They need more teachers--and that's why I'm proposing that we add 1,000 new teachers to our elementary schools. This will provide more individualized attention to more of our youngest students and we know that this will make a lasting difference. But, as even our youngest students will tell you, all teachers are not the same. We need not just more teachers, but more outstanding teachers. Higher expectations of students and higher expectations of teachers simply must go hand in hand. That's why I'm proposing scholarships to outstanding teacher candidates in subjects like math and science, where we have shortages. That's why I'm proposing that teachers must pass competency tests before they set foot in the classroom--and that's why I want to give significant pay raises to the outstanding teachers who meet the tough standards of state and national certification.

"Just as importantly, we need to fundamentally change the way we finance our schools by creating incentives and rewards for helping students meet our tough new academic standards. Our state Learning Assistance Program provides extra funding and staffing for schools with large numbers of failing students. When students in those schools begin to improve, we cut the funding. Punishing schools for doing a good job makes no sense, and we must end this practice immediately and restructure the Learning Assistance Program. Indeed, schools that do a good job should be honored and rewarded. To do that, I'm proposing cash awards to elementary and middle schools where test scores improve three years in a row.

"If our schools are to improve, we need to free them from the control of Olympia and even their local central administrators and give them the flexibility and the tools they need to succeed. So, I call on you to create Opportunity School Districts--districts where money goes directly to individual schools--the individual buildings--which will have decision-making authority over spending vested in the principals, the teachers, and the parents, and where most state regulations will be completely waived. The most important thing our schools need is us--citizens of this state. Teachers can't do it all by themselves. They need our time, our support, and our active involvement in the schools..

"In the past six months, the Washington Reading Corps has begun to make good on the promise of greater parent and citizen involvement in our schools all across the state. Today, over 9,000 volunteers have spent their time helping 19,788 children master the skill of reading, but many more children who need this help are still not getting it. So, I call on parents and citizens all across our state to be more involved in our schools, to help our children learn to read, and to help our schools become the best in the nation. It is my passionate belief, as it was the belief of Governor Rogers a hundred years ago, that a relentless focus on creating avid readers will do a vast and incalculable good and that it will help to raise the character of the future men and women of this state to a much higher plane.

"We must recognize that the 'higher plane' to which students must rise is far above the elevation imagined by Governor Rogers. Governor Rogers recognized that the transition from an agrarian economy to an industrial economy required the addition of a high school education. At the dawn of a new century, we must recognize that the transition from an industrial economy to a knowledge-based economy will require education beyond high school. That's why I'm proposing the creation of Washington's Promise Scholarships. These two-year college scholarships will be awarded to the top fifteen percent of every high school graduating class, starting with this year's senior class. When our new tenth grade tests are in place, it will be awarded to every high school student that passes that test. It is my hope that eventually, it will be awarded to every single high school graduate, in recognition of the fact that the world of the twenty-first century simply requires a higher level of education.

"These two-year scholarships can be used at any public or private institution in our state. It will be available to students whose families make up to one hundred thirty-five percent of the median family income--not the poverty level--the median family income. For a family of four, that's an income of \$69,000 and for a family of five, it's \$82,000. These scholarships can be used for short-term technical training. A student might, for example, take a twelve week course, get a job,

and then use the balance of the scholarship for periodic skill upgrades over the next several years. This represents a new way of thinking about what it means to get a college education.

"A college education is part of the American Dream, but today, the sad reality is that unless you're from a high-income family or a low-income family that receives financial aid, paying for college is getting harder every single year. Going to college isn't just a symbol of honor or distinction any more, it has become a necessity. So, it's about time that we helped working and middle-class families realize the American Dream of a college education. The timing of this proposal is critical. We know that the baby-boom echo is about to result in a surge of new high school graduates who will want and need higher education. We also know that a record number of older adults are returning to school to change careers, to update their skills, or to enrich their own understanding of the world in which we live. All of this requires us to stretch our capacity of our higher education system.

"To do this, I am proposing that we make room for 10,000 more students in the next two years in our colleges and universities. I am also proposing the creation of the Washington Online College, which will help students of every age, in every part of our state, enroll in distance-learning courses with credit over the Internet. It isn't enough to simply expand our colleges and universities. In our state today, our information technology industries have over 7,000 job openings, paying very high wages. Yet, our colleges and universities are graduating some 1,300 students a year with the appropriate degrees to fill these jobs. The result is that Washington companies are hiring workers from out of state and out of country. I want Washingtonians trained for Washington State jobs. We must therefore insist that our colleges and universities offer the courses that our students are demanding.

"A greater willingness to learn is also essential to saving our wild salmon. And we have to own up to the fact that, in the course of this century, we have been very slow learners on this subject. We've finally learned that salmon simply cannot live without abundant, clean, cold water in our rivers and streams. We've learned that our natural environment is finite and fragile, and that when we abuse our environment, there are measurable and often irreversible consequences, but the most important lesson is the one that Chief Seattle tried to teach us years ago. It is that we are a part of the web of life, and not its master or its architect.

"Salmon recovery is about much more than fish. It is about respect for the natural world that sustains us and if we fail to do what's necessary for salmon, we will fail at something far larger than saving fish. We will fail at saving the very quality of life that makes living in the Pacific Northwest unique and distinctive. In addition to the long-term consequences of a degraded environment, we face a more immediate threat. If we fail to protect our wild salmon, the federal government will do it for us--and even to us. We will lose control over our land, our water, our farms and our forests. We will not let that happen without a fight and there is no guarantee, of course, that a federally-imposed salmon strategy would even work.

"The truth that every Washington State resident must know is that salmon recovery will affect all of us--even those of us who don't fish, don't live near streams, or don't even like salmon. Restoring salmon and protecting our environment will affect decisions about where and how we build homes, and how and where we expand and start businesses. It will affect how we wash our cars and how we fertilize our lawns, and how much we pay for water and electricity. The longer we postpone the tough decisions needed to save our wild salmon, the higher the costs will be. That's why I am calling for over \$200 million in immediate state and federal investments to help local and tribal governments implement watershed recovery plans; to enforce the environmental laws we already have on the books; to remove barriers to fish in our streams; and to help farmers and timber owners protect salmon habitat.

"There's something else that we need to learn, too. Over the past several decades, we've passed tough laws that keep criminals in prison much longer, but we need to learn that whether a convicted criminal is released after two years or ten years, they will come back to our communities. We made a mistake when we abolished the parole system in the early eighties. We need to fix that mistake by passing our proposed Offender Accountability Act and bringing back parole. This year, I am asking you to approve legislation that will help transform every state agency into the kind of nimble, adaptable organization that can change with the times, and provide high quality services. We need the authority to contract out state services to the private sector and let state employees compete for those contracts. We need to expand collective bargaining rights for state employees to the same degree now enjoyed by most city and county employees--and we need a simple, streamlined personnel and civil service system.

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

"This is the mindset of our agenda. Instead of standing at the bottom of the cliff with an ambulance and a stretcher, we want state government to be at the top of the cliff, building fences. We want our children to get the education they need to succeed in the twenty-first century, so they won't ever have to apply for welfare. We want to help children move up the career

ladder once they get a job, rather than just paying them to be poor. We want to help people stay healthy, rather than just paying the bills when they get sick. We want to preserve and protect our natural resources rather than waiting until the last wild salmon disappears, and we want to prevent the crime, the child neglect, and the anguish caused by drug abuse, rather than picking up the pieces of broken lives and broken families.

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

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

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

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

"Next, please welcome Angela Grasser, a single mom and WorkFirst participant who has been on public assistance for several years, but is now off, doing well in her new job, thanks in part to the help she received from her case manager, Lisa Wheaton, and Kimberly Metcalf, her Employment Security job counselor. Good luck to you Angela and thank you Lisa and Kimberly and all the state employees who have really changed the corporate culture of our welfare offices to be job counselors instead of just eligibility determiners. Thank you very much.

"And finally, I'd like to introduce Hazel Wolf, who was born in 1898. I actually met Hazel in 1990--count that back-- when she was over ninety years old. We were on a hike together on the Mountains-to-Sound Greenways Trust. Hazel has said that her ambition is to live into the twenty-first century so that she'll have the distinction of having been alive in three centuries. Hazel is a lifelong environmental activist who has taught generations of children to be good stewards of the natural world. She is the perfect embodiment of the spirit of both our best and most enduring values, and the appetite for adventure and learning that the beginning of a new century evokes. Hazel, you are going to do it.

"These are the people who show us the way to make Washington State a state of learning and to achieve Washington's promise. These are the people who show us that the longer we live, the more we can give--to our families, our communities, and our state. A hundred years from now, today's elected officials will be but mere photographs on the walls of this magnificent building. Our chance to make a difference for the people and the future of our state is brief and fleeting. We must make the most of it, so let us commit to preparing the way for a new century, and a new era of hope, opportunity, and a life of learning.

"Thank you all very much and God Bless You."

The President of the Senate thanked Governor Locke for his comments and instructed the special committee to escort Governor and Mrs. Locke from the House Chamber.

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

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

#### MOTION

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

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

The Co-Speaker of the House instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate, Lieutenant Governor Brad Owen, President Pro Tempore R. Lorraine Wojahn, Majority Leader Sid Snyder and Minority Leader Dan McDonald from the House Chamber.

The Co-Speaker of the House instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort the Senators from the House Chamber.

The Senate was called to order at 6:01 p.m. by President Owen.

MOTION

At 6:01 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, January 13, 1999.

TONY M. COOK, Secretary of the Senate

BRAD OWEN, President of the Senate

**SECOND DAY**

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**NOON SESSION**

Senate Chamber, Olympia, Tuesday, January 12, 1999  
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

December 16, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Greg Nickels, reappointed November 26, 1997, for a term ending August 2, 2000, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

January 16, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Teri Treat, reappointed January 16, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 22, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kathleen Quigg, reappointed January 22, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

February 6, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ron Meyers, appointed February 6, 1998, for a term ending December 31, 2000, as a member of the Public Disclosure Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on State and Local Government.

March 13, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Wendell George, reappointed March 13, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

March 16, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bonnie C. Boyle, appointed March 16, 1998, for a term ending September 30, 2001, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

April 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Russ Cahill, appointed April 20, 1998, for a term ending December 31, 2002, as a member of the Fish and Wildlife Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation.

April 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donald R. Heinicke, appointed April 20, 1998, for a term ending December 31, 2000, as a member of the Fish and Wildlife Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation.

April 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert L. Tuck, appointed April 20, 1998, for a term ending December 31, 2000, as a member of the Fish and Wildlife Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation.

May 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joe Hawe, appointed May 1, 1998, for a term ending August 2, 2002, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

May 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Ronald D. Cantu, appointed May 5, 1998, for a term ending August 2, 2000, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

May 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Walter T. Hubbard, appointed for a term beginning June 20, 1998, and ending July 26, 2003, as a member of the Personnel Appeals Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on State and Local Government.

May 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Alan O. Link, reappointed May 5, 1998, for a term ending April 3, 2002, as a member of the State Board for Community and Technical Colleges.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen Miller, reappointed May 5, 1998, for a term ending June 30, 1999, as a member of the Housing Finance Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

May 8, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Mark Kondo, appointed May 8, 1998, for a term ending April 3, 2002, as a member of the State Board for Community and Technical Colleges.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 8, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jose Ruiz, appointed May 8, 1998, for a term ending April 3, 2001, as a member of the State Board for Community and Technical Colleges.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 18, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert V. Jensen, reappointed for a term beginning July 1, 1998, and ending June 30, 2004, as a member of the Pollution Control/Shorelines Hearings Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Environmental Quality and Water Resources.

June 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jennifer Frankel, appointed June 1, 1998, for a term ending May 31, 1999, as a member of the Board of Regents for the University of Washington.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Amy C. Gillespie, appointed June 1, 1998, for a term ending May 31, 1999, as a member of the Board of Trustees for Central Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Janelle Milodragovich, appointed June 1, 1998, for a term ending May 31, 1999, as a member of the Board of Regents for Washington State University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Margaret E. Sundstrom, appointed June 5, 1998, for a term ending June 17, 2003, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 18, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charlotte Coker, appointed June 18, 1998, for a term ending June 17, 2003, as a member of the Human Rights Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

June 19, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lara Littlefield, appointed June 5, 1998, for a term ending May 31, 1999, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 22, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Rachel Garson, reappointed for a term beginning August 3, 1998, and ending August 2, 2004, as a member of the Lottery Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

June 22, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Adrienne Thompson, appointed June 22, 1998, for a term ending May 31, 1999, as a member of the Board of Trustees for Western Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 22, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard N. Wadley, appointed June 22, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

July 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Henry Chiles, Jr., reappointed June 30, 1998, for a term ending June 15, 2003, as Chair of the Marine Employees' Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Transportation.

July 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tom Karier, appointed July 1, 1998, for a term ending January 15, 2001, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Energy, Technology and Telecommunications.

July 9, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Laurie A. Jinkins, appointed July 9, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

July 9, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Alfred L. Langan, appointed July 9, 1998, for a term ending February 21, 2001, as a member of the Washington State Apprenticeship and Training Council.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Labor and Workforce Development.

July 14, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Geraldine A. Coleman, reappointed July 14, 1998, for a term ending June 30, 2002, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Labor and Workforce Development.

July 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Thomas E. Egan, appointed July 20, 1998, for a term ending June 17, 2003, as Chair of the Board of Industrial Insurance Appeals.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Labor and Workforce Development.

July 21, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dennis R. Colwell, appointed July 21, 1998, for a term ending September 30, 2001, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Denise Mackenstadt, reappointed August 5, 1998, for a term ending July 1, 2003, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

August 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Terry Robertson, reappointed August 5, 1998, for a term ending July 1, 2003, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

August 5, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Cynthia Roney, reappointed August 5, 1998, for a term ending July 1, 2003, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

August 18, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Hartly Kruger, appointed August 18, 1998, for a term ending January 17, 2002, as a member of the Horse Racing Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

August 18, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Guy Roberts, appointed August 18, 1998, for a term ending January 17, 2001, as a member of the Horse Racing Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

August 18, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dolores Sibonga, appointed August 18, 1998, for a term ending January 17, 2000, as a member of the Horse Racing Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

August 19, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David Boerner, appointed August 19, 1998, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

August 19, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dianne Campbell, reappointed August 19, 1998, for a term ending September 30, 2004, as a member of the Board of Trustees for Cascadia Community College District No. 30.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 19, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

George Kargianis, appointed August 19, 1998, for a term ending June 30, 2004, as a member of the Transportation Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Transportation.

August 19, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Nancy Truitt Pierce, appointed August 19, 1998, for a term ending September 30, 1999, as a member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

J. C. Dell Jackson, reappointed August 20, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 21, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kim Peery, appointed August 21, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 21, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Elizabeth A. Willis, appointed August 21, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Pierce Community College District No. 11.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 26, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ann Miller, reappointed for a term beginning October 1, 1998, and ending September 30, 2003, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 27, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Doug Sayan, appointed for a term beginning October 1, 1998, and ending September 30, 2003, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 27, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sharron Sellers, appointed for a term beginning August 27, 1998, and ending January 19, 2002, as a member of the Board of Pharmacy.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

August 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Nancy Campbell, reappointed August 28, 1998, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

August 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Thomas Felnagle, reappointed August 28, 1998, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

August 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Thomas A. Metzger, reappointed August 28, 1998, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

September 8, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Brian Gain, appointed September 8, 1998, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

September 15, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ann Anderson, appointed September 15, 1998, for a term ending March 1, 2003, as a member of the Board of Tax Appeals.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Ways and Means.

September 29, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paul R. Calderon, appointed September 29, 1998, for a term ending October 1, 2002, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

September 29, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

William A. Glassford, reappointed September 29, 1998, for a term ending October 1, 2000, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

September 29, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

W. Elizabeth Huang, appointed September 29, 1998, for a term ending October 1, 2002, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

September 29, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David E. Lamb, appointed September 29, 1998, for a term ending October 1, 2002, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

September 29, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Perryman, appointed September 29, 1998, for a term ending October 1, 2002, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

September 30, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Yvonne Sanchez, appointed September 30, 1998, for a term ending September 30, 2001, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No 6.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Barbara Andersen, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert B. Fong, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sharon Hart, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert J. Hitt, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sarah Phillips, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Mary Helen Roberts, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 7, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ark G. Chin, appointed October 7, 1998, for a term ending September 30, 2003, as a member of the Board of Regents for the University of Washington.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 7, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gerald Grinstein, appointed October 7, 1998, for a term ending September 30, 2004, as a member of the Board of Regents for the University of Washington.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 14, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Arun G. Jhaveri, appointed October 14, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Highline Community College District No. 9.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 19, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Wendell DeBoer, appointed October 19, 1998, for a term ending September 25, 2000, as a member of the Clemency and Pardons Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

October 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Juan Cotto, appointed October 20, 1998, for a term ending June 17, 1999, as a member of the Human Rights Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

October 20, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Robert W. Winsor, reappointed October 20, 1998, for a term ending September 25, 2002, as a member of the Clemency and Pardons Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Law and Judiciary.

October 27, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dennis A. Duncan, appointed October 27, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 27, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

A.M. Jorgensen, reappointed October 27, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Renton Technical College District No. 27.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen Lane, appointed October 28, 1998, for a term ending September 30, 2004, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. George Mohoric, appointed October 28, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Erik W. Pearson, appointed October 28, 1998, for a term ending September 30, 2001, as a member of the Board of Trustees for Western Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Betty Woods, appointed October 28, 1998, for a term ending September 30, 2004, as a member of the Board of Trustees for Western Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 29, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Josie Wannarachue, appointed October 29, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 6, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James W. Cunningham, appointed November 6, 1998, for a term ending September 20, 2003, as a member of the Board of Trustees for Bellingham Technical College District No. 25.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 9, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary Grant Tompkins, appointed November 9, 1998, for a term ending September 30, 1999, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 10, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Clarence F. "Joe" Legel, appointed November 10, 1998, for a term ending June 19, 1999, as a member of the Health Care Facilities Authority.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

November 10, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jon W. McFarland, appointed November 10, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 10, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joyce C. Stewart, appointed November 10, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 16, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Susan P. Brady, to be reappointed January 1, 1999, for a term ending December 31, 2004, as a member of the Public Disclosure Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on State and Local Government.

November 16, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Aaron C. Gutierrez, appointed June 19, 1998, for a term ending May 31, 1999, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 16, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard Hemstad, to be reappointed January 2, 1999, for a term ending January 1, 2005, as a member of the Utilities and Transportation Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Energy, Technology and Telecommunications.

December 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lorna Ovena, appointed December 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

December 1, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James K. Rottle, to be appointed January 1, 1999, for a term ending September 30, 2003, as a member of the Board of Trustees for Green River Community College District No. 10.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

December 2, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mark Wolfram, appointed December 2, 1998, for a term ending September 30, 1999, as a member of the Board of Trustees for Cascadia Community College District No. 30.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

December 18, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Fred Stephens, appointed December 18, 1998, for a term ending at the pleasure of the Governor, as Director of the Department of Licensing.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Transportation.

January 11, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Frank L. Cassidy, Jr., reappointed November 17, 1998, for a term ending January 15, 2002, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Energy, Technology and Telecommunications.

January 11, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Patrick H. LePley, reappointed November 16, 1998, for a term ending January 17, 2005, as a member of the Horse Racing Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

MESSAGE FROM THE HOUSE

January 11, 1999

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8401, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8401.

INTRODUCTION AND FIRST READING

SB 5075 by Senators Jacobsen, Oke, Sellar, Rossi and Rasmussen

AN ACT Relating to extending the recreational use immunity to adjoining land owners; and amending RCW 4.24.200 and 4.24.210.

Referred to Committee on Judiciary.

SB 5076 by Senators Oke, Jacobsen and T. Sheldon

AN ACT Relating to Puget Sound marine fish preserves; adding a new section to chapter 75.54 RCW; adding a new section to chapter 79.96 RCW; and creating a new section.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5077 by Senators Jacobsen, Goings, Deccio, Wojahn, Costa, Thibaudeau and McAuliffe

AN ACT Relating to community outdoor athletic fields; amending RCW 82.14.360; and creating a new section.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5078 by Senators Jacobsen, Goings, Wojahn and Costa

AN ACT Relating to parks and recreation facilities; amending RCW 36.70A.020, 36.70A.030, 36.70A.040, 36.70A.060, 36.70A.070, 36.70A.080, 36.70A.110, 36.70A.160, 36.70A.177, 36.70A.200, and 43.99.120; adding a new section to chapter 43.99 RCW; creating a new section; and making appropriations.  
Referred to Committee on State and Local Government.

SB 5079 by Senators Rasmussen and Fraser

AN ACT Relating to the revocation of state certification of projects under federal water quality laws; and adding a new section to chapter 90.48 RCW.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5080 by Senator Swecker

AN ACT Relating to requiring plans for biomedical waste operations; amending RCW 70.95K.010; adding a new section to chapter 70.95K RCW; and creating a new section.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5081 by Senator Swecker

AN ACT Relating to biomedical waste treatment technologies; and amending RCW 70.95K.020.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5082 by Senators Swecker and Rasmussen

AN ACT Relating to microbial inactivation of biomedical waste; amending RCW 70.95K.010 and 70.42.090; and adding a new section to chapter 70.95K RCW.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5083 by Senator Swecker

AN ACT Relating to biomedical waste treatment and disposal; creating a new section; and making an appropriation.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5084 by Senators Hargrove and Long

AN ACT Relating to modifying the procedure for determining the administrative costs allowed for the community public health and safety networks; amending RCW 70.190.010 and 70.190.090.  
Referred to Committee on Human Services and Corrections.

SB 5085 by Senator Swecker

AN ACT Relating to expenditures from the county road fund; and adding a new section to chapter 36.82 RCW.

Referred to Committee on State and Local Government.

SB 5086 by Senator Swecker

AN ACT Relating to property tax increases by library districts; adding a new section to chapter 84.55 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5087 by Senator Swecker

AN ACT Relating to compliance with the federal clean water act; amending RCW 90.48.260; and creating a new section.

Referred to Committee on Environmental Quality and Water Resources.

SB 5088 by Senator Swecker

AN ACT Relating to residential education programs in southwest Washington; and adding a new section to chapter 28A.190 RCW.

Referred to Committee on Human Services and Corrections.

SB 5089 by Senator Swecker

AN ACT Relating to control measures to implement total maximum daily load analyses developed under the federal clean water act; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Environmental Quality and Water Resources.

SB 5090 by Senators Swecker, Morton and Rasmussen

AN ACT Relating to land use and environmental review and permitting and economic development in rural counties; amending RCW 36.70B.020, 90.60.030, 43.21C.033, 43.21C.034, 43.157.010, and 43.160.060; adding a new section to chapter 36.70B RCW; adding a new section to chapter 90.60 RCW; adding a new section to chapter 36.70C RCW; repealing RCW 43.131.387 and 43.131.388; and declaring an emergency.

Referred to Committee on Agriculture and Rural Economic Development.

SB 5091 by Senator Swecker

AN ACT Relating to water resource management; amending RCW 90.03.330 and 90.44.090; adding new sections to chapter 90.82 RCW; adding a new section to chapter 90.14 RCW; adding a new section to chapter 43.27A RCW; creating a new section; and repealing RCW 90.03.060, 90.03.070, 90.03.090, 90.03.100, 90.08.040, 90.08.050, 90.08.060, and 90.08.070.

Referred to Committee on Environmental Quality and Water Resources.

SB 5092 by Senators Goings and Costa

AN ACT Relating to displaying a deadly weapon; and amending RCW 9A.56.010.

Referred to Committee on Judiciary.

SB 5093 by Senators Costa and McCaslin

AN ACT Relating to the admissibility of confessions and admissions in criminal and juvenile offense proceedings; adding a new section to chapter 10.58 RCW; and creating a new section.

Referred to Committee on Judiciary.

SJM 8001 by Senators Jacobsen, Oke and Bauer

Relating to the federal land and water conservation fund.

Referred to Committee on Natural Resources, Parks and Recreation.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5075 was referred to the Committee on Judiciary.

#### MOTION

At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 4:30 p.m.

The Senate was called to order at 4:30 p.m. by President Owen.

#### MOTION

At 4:40 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease to retire to the House of Representatives for the purpose of a Joint Session.

#### JOINT SESSION

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

Co-Speaker Chopp of the House of Representatives instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate Brad Owen, President Pro Tempore R. Lorraine Wojahn, Majority Leader Sid Snyder and Minority Leader Dan McDonald to seats on the rostrum.

The Senators were invited to seats within the House Chamber.

The Co-Speaker of the House of Representatives declared the Joint Session to be in order.

The Clerk of the House of Representatives called the roll of the House and a quorum was present.

The Secretary of the Senate called the roll of the Senate and a quorum was present.

The Co-Speaker of the House of Representatives presented the gavel to the President of the Senate, Lieutenant Governor Brad Owen.

#### APPOINTMENT OF SPECIAL COMMITTEES

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

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

The President of the Senate appointed Senators Bill Finkbeiner and Julia Patterson and Representatives Tom Huff and Lynn Kessler as a special committee to inform Governor Gary Locke that the Joint Session has been assembled and to escort him from his office to the House Chamber.

## INTRODUCTION OF SPECIAL GUESTS

The President of the Senate welcomed and introduced the Supreme Court Justices: Chief Justice Richard P. Guy, Associate Chief Justice Charles Z. Smith, Justice Gerry Alexander, Justice Faith Ireland, Justice Barbara A. Madsen, Justice Richard B. Sanders and Justice Phil Talmadge.

The President welcomed and introduced the State Elected Officials: Secretary of State Ralph Munro, State Treasurer Mike Murphy, State Auditor Brian Sonntag, State Attorney General Christine Gregoire, Superintendent of Public Instruction Terry Bergeson, Insurance Commissioner Deborah Senn and Commissioner of Public Lands Jennifer Belcher.

The President welcomed and introduced the Honorable Adam Smith, Congressman from the Ninth Legislative District, and his wife Sarah, who were seated on the rostrum.

## INTRODUCTION OF MEMBERS OF THE CONSULAR ASSOCIATION OF WASHINGTON

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

## INTRODUCTION OF GOVERNOR AND MRS. GARY LOCKE

The President welcomed and introduced Governor Gary Locke and Mona Lee Locke and asked the special committee to escort them to their place on the rostrum.

The flags were escorted to the rostrum by the Washington State Patrol Color Guard.

The President led the Chamber in the Pledge of Allegiance.

The prayer was offered by Pastor Lee Forstrom of the Westwood Baptist Church of Olympia.

## REMARKS BY LIEUTENANT GOVERNOR BRAD OWEN

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

## STATE OF THE STATE ADDRESS BY GOVERNOR GARY LOCKE

Governor Locke: "Mr. President, Mr. Speaker or Mr. Co-Speakers, Honorable Chief Justice, distinguished Justices of the Washington State Supreme Court, statewide elected officials, members of the Washington State Legislature, Congressman Adam Smith and Sarah, the other elected officials, members of the Consular Association, and fellow citizens. What a difference a year makes. I am pleased to welcome many friends back to Olympia, and to greet the new members of this historic Fifty-sixth Legislature of the great state of Washington. Each of you has worked very hard to be here, and I share your sense of pride in the opportunity to serve the people of our great state of Washington. Every elected official in this room knows, however, that we didn't get here by ourselves. We owe so much to our families. That's why I would like to begin today by introducing and thanking once again this state's First Lady--First Mom--and my deepest friend, Mona Locke. And I'd also like to introduce and thank my father, Jimmy Locke, who is with us today in the gallery up there. Dad, won't you please stand up?"

"While the many new faces in this room have changed the majority party in the Senate and brought the ultimate in bipartisan balance to the House, the challenges before us remain the same. In fact, as we prepare to enter a new century, our challenges have become more urgent. The message of the last election was clear. The people of our state want us to focus on issues over politics--plain and simple. Now, all of us, Republicans and Democrats alike, must say to them, 'We are listening.'

"So, tonight I issue a challenge to this Legislature--a Legislature that is moving into historic times. And the challenge is this--a challenge to forge a partnership, a partnership to solve real problems. In the past two years, we've made good progress. Unemployment is low. Our children's test scores are rising as our state's tough, new academic standards and education reform take root. Our truly tenacious and brilliant Attorney General, Christine Gregoire, has slayed the nicotine dragon, and made possible new investments. She has made possible new investments in health care and disease prevention.

"When I took office two years ago, there were 96,000 families on public assistance. Today, we have reduced welfare dependence by over thirty-three percent. We have truly begun to change the culture of state government, and to rebuild pride in public service. Our State Savings Incentive Plan has ended that 'spend it or lose it' mentality of state government, and freed up millions of dollars for school construction and technology. Later this month, we will give out the first, the historic first-ever tax refund to more than 100,000 businesses, thanks to their efforts to make their workplaces safer, and thanks to the wise management and efficiencies of our state employees.

"We have been blessed with a strong economy and creative entrepreneurs who have broken all records in new job creation. There is, to be sure, economic uncertainty and hardship as a result of the Asian economic downturn. But, as we close the twentieth century, I'm proud to say the state of our state is vibrant, hopeful, and filled with promise. Clearly, our citizens want us to continue focusing on issues that concern everyday people and you know what that means in my book--education.

"Education, as you have heard me say so many times and many of you are now repeating this. Education is the great equalizer in our society, and now knowledge is the price of admission to the twenty-first century. That's why my primary goal as Governor is to make Washington a state of learning--a state where every citizen, of every age, is involved in education--a state where learning is truly a way of life.

"Most of you, Republicans and Democrats alike, promised to focus on education. So, let us join together to make education the centerpiece of this Fifty-sixth Legislature, and to make Washington a state of learning. One hundred years ago, in the final days of the nineteenth century, Governor John Rogers stood before the Legislature and delivered the state of the state address. Governor Rogers was a former state legislator, and the prime sponsor of the 'Barefoot Schoolboy Act,' which established state funding for public schools. At that time, public schooling meant an eighth grade education for many of our children.

"In his 1899 speech, Governor Rogers called for something very controversial--extending public education from the eighth grade to the twelfth grade. He also asked the Legislature to fund circulating libraries in horse-drawn wagons, because he believed that if students developed a taste for good reading--quote--'A vast and incalculable good would be done, and the character of the future men and women of our state would be elevated to a higher plane.'

"Today, as we stand on the cusp of another new century, it is vital that we reflect on what we have gained, and what we have learned in the last one hundred years. At the time of Governor Rogers' 1899 speech, the population of our state was 500,000, and when he addressed the Legislature, he faced an all-male assembly. Women in Washington State were still eleven years away from winning the right to vote. Today, our state's population is over five and one-half million, and still growing, and Washington holds the proud distinction of having the highest percentage of female legislators in the entire United States. That's something to stand for! Some of you men better be careful not to stand, because you are on TVW.

"When Governor Rogers held office, industries freely dumped vast amounts of raw waste into our rivers and bays. Children as young as ten years old were working in our factories, and in most industries, people worked long hours, in dangerous conditions, and were totally without the most basic workers' rights. Clearly, we have made progress in this century, but now we must chart our course for the next century.

"None of us can predict what our world will be like a hundred years from now. We know that our population will continue to grow and become more diverse, our technology and economy will be transformed, and scientific advances will continue to astonish us. Dramatic progress in medicine and health care will mean that many--perhaps most of all the children born this year--like the little brother or sister Emily is anticipating this spring--will actually live to see the beginning of the twenty-second century.

"Although we can see only the dimmest outline of what lies ahead, three things are imperative: First, to succeed in the coming century, education must become a larger part of all our lives, and education of our children must take on a higher priority. Second, we must learn to live in harmony with the natural world that sustains us, and we must protect the wild salmon, the rivers, the forests and the agricultural lands that will sustain the people of the twenty-first century and centuries beyond. Third, we must learn to live in harmony with each other. We must learn to be more civil, more respectful of our differences, and more appreciative of our diversity.

"If, in the next two years, our actions are guided by these three imperatives, we will do a good job of preparing our state for a new century and achieving Washington's promise. The first--education--is the key. Let me tell you a little story that illustrates why. A few years ago, just after Microsoft stock went public, the husband of a former State Senator had a chat with a close friend of Bill Gates III. The husband asked the friend if she thought he should buy some Microsoft stock. And she said, 'Oh, no, I don't think so. They really don't have any capital, or any assets to speak of. All they have is what's in their brains.'

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

"That's why we need to pay much more attention to how young brains develop. We know now that learning begins at birth, and that the first three years of a child's life are critical to creating a lifelong capacity for learning. That's why our Commission on Early Learning, chaired by our First Lady and Melinda Gates, is working to ensure that every infant and every toddler gets the consistent affection and stimulation they need so they can love and learn to their fullest potential, throughout their entire lives. That is what it will take--that's what it will take--for every child to come to kindergarten ready to learn.

"Our next task, of course, is to make sure that every child, in every public school, does succeed and meets our state's tough new academic standards. But, our schools need our help to do this. They need more teachers--and that's why I'm proposing that we add 1,000 new teachers to our elementary schools. This will provide more individualized attention to more of our youngest students and we know that this will make a lasting difference. But, as even our youngest students will tell you, all teachers are not the same. We need not just more teachers, but more outstanding teachers. Higher expectations of students and higher expectations of teachers simply must go hand in hand. That's why I'm proposing scholarships to outstanding teacher candidates in subjects like math and science, where we have shortages. That's why I'm proposing that teachers must pass competency tests before they set foot in the classroom--and that's why I want to give significant pay raises to the outstanding teachers who meet the tough standards of state and national certification.

"Just as importantly, we need to fundamentally change the way we finance our schools by creating incentives and rewards for helping students meet our tough new academic standards. Our state Learning Assistance Program provides extra funding and staffing for schools with large numbers of failing students. When students in those schools begin to improve, we cut the funding. Punishing schools for doing a good job makes no sense, and we must end this practice immediately and restructure the Learning Assistance Program. Indeed, schools that do a good job should be honored and rewarded. To do that, I'm proposing cash awards to elementary and middle schools where test scores improve three years in a row.

"If our schools are to improve, we need to free them from the control of Olympia and even their local central administrators and give them the flexibility and the tools they need to succeed. So, I call on you to create Opportunity School Districts--districts where money goes directly to individual schools--the individual buildings--which will have decision-making authority over spending vested in the principals, the teachers, and the parents, and where most state regulations will be completely waived. The most important thing our schools need is us--citizens of this state. Teachers can't do it all by themselves. They need our time, our support, and our active involvement in the schools..

"In the past six months, the Washington Reading Corps has begun to make good on the promise of greater parent and citizen involvement in our schools all across the state. Today, over 9,000 volunteers have spent their time helping 19,788 children master the skill of reading, but many more children who need this help are still not getting it. So, I call on parents and citizens all across our state to be more involved in our schools, to help our children learn to read, and to help our schools become the best in the nation. It is my passionate belief, as it was the belief of Governor Rogers a hundred years ago, that a relentless focus on creating avid readers will do a vast and incalculable good and that it will help to raise the character of the future men and women of this state to a much higher plane.

"We must recognize that the 'higher plane' to which students must rise is far above the elevation imagined by Governor Rogers. Governor Rogers recognized that the transition from an agrarian economy to an industrial economy required the addition of a high school education. At the dawn of a new century, we must recognize that the transition from an industrial economy to a knowledge-based economy will require education beyond high school. That's why I'm proposing the creation of Washington's Promise Scholarships. These two-year college scholarships will be awarded to the top fifteen percent of every high school graduating class, starting with this year's senior class. When our new tenth grade tests are in place, it will be awarded to every high school student that passes that test. It is my hope that eventually, it will be awarded to every single high school graduate, in recognition of the fact that the world of the twenty-first century simply requires a higher level of education.

"These two-year scholarships can be used at any public or private institution in our state. It will be available to students whose families make up to one hundred thirty-five percent of the median family income--not the poverty level--the median family income. For a family of four, that's an income of \$69,000 and for a family of five, it's \$82,000. These scholarships can be used for short-term technical training. A student might, for example, take a twelve week course, get a job,

and then use the balance of the scholarship for periodic skill upgrades over the next several years. This represents a new way of thinking about what it means to get a college education.

"A college education is part of the American Dream, but today, the sad reality is that unless you're from a high-income family or a low-income family that receives financial aid, paying for college is getting harder every single year. Going to college isn't just a symbol of honor or distinction any more, it has become a necessity. So, it's about time that we helped working and middle-class families realize the American Dream of a college education. The timing of this proposal is critical. We know that the baby-boom echo is about to result in a surge of new high school graduates who will want and need higher education. We also know that a record number of older adults are returning to school to change careers, to update their skills, or to enrich their own understanding of the world in which we live. All of this requires us to stretch our capacity of our higher education system.

"To do this, I am proposing that we make room for 10,000 more students in the next two years in our colleges and universities. I am also proposing the creation of the Washington Online College, which will help students of every age, in every part of our state, enroll in distance-learning courses with credit over the Internet. It isn't enough to simply expand our colleges and universities. In our state today, our information technology industries have over 7,000 job openings, paying very high wages. Yet, our colleges and universities are graduating some 1,300 students a year with the appropriate degrees to fill these jobs. The result is that Washington companies are hiring workers from out of state and out of country. I want Washingtonians trained for Washington State jobs. We must therefore insist that our colleges and universities offer the courses that our students are demanding.

"A greater willingness to learn is also essential to saving our wild salmon. And we have to own up to the fact that, in the course of this century, we have been very slow learners on this subject. We've finally learned that salmon simply cannot live without abundant, clean, cold water in our rivers and streams. We've learned that our natural environment is finite and fragile, and that when we abuse our environment, there are measurable and often irreversible consequences, but the most important lesson is the one that Chief Seattle tried to teach us years ago. It is that we are a part of the web of life, and not its master or its architect.

"Salmon recovery is about much more than fish. It is about respect for the natural world that sustains us and if we fail to do what's necessary for salmon, we will fail at something far larger than saving fish. We will fail at saving the very quality of life that makes living in the Pacific Northwest unique and distinctive. In addition to the long-term consequences of a degraded environment, we face a more immediate threat. If we fail to protect our wild salmon, the federal government will do it for us--and even to us. We will lose control over our land, our water, our farms and our forests. We will not let that happen without a fight and there is no guarantee, of course, that a federally-imposed salmon strategy would even work.

"The truth that every Washington State resident must know is that salmon recovery will affect all of us--even those of us who don't fish, don't live near streams, or don't even like salmon. Restoring salmon and protecting our environment will affect decisions about where and how we build homes, and how and where we expand and start businesses. It will affect how we wash our cars and how we fertilize our lawns, and how much we pay for water and electricity. The longer we postpone the tough decisions needed to save our wild salmon, the higher the costs will be. That's why I am calling for over \$200 million in immediate state and federal investments to help local and tribal governments implement watershed recovery plans; to enforce the environmental laws we already have on the books; to remove barriers to fish in our streams; and to help farmers and timber owners protect salmon habitat.

"There's something else that we need to learn, too. Over the past several decades, we've passed tough laws that keep criminals in prison much longer, but we need to learn that whether a convicted criminal is released after two years or ten years, they will come back to our communities. We made a mistake when we abolished the parole system in the early eighties. We need to fix that mistake by passing our proposed Offender Accountability Act and bringing back parole. This year, I am asking you to approve legislation that will help transform every state agency into the kind of nimble, adaptable organization that can change with the times, and provide high quality services. We need the authority to contract out state services to the private sector and let state employees compete for those contracts. We need to expand collective bargaining rights for state employees to the same degree now enjoyed by most city and county employees--and we need a simple, streamlined personnel and civil service system.

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

"This is the mindset of our agenda. Instead of standing at the bottom of the cliff with an ambulance and a stretcher, we want state government to be at the top of the cliff, building fences. We want our children to get the education they need to succeed in the twenty-first century, so they won't ever have to apply for welfare. We want to help children move up the career

ladder once they get a job, rather than just paying them to be poor. We want to help people stay healthy, rather than just paying the bills when they get sick. We want to preserve and protect our natural resources rather than waiting until the last wild salmon disappears, and we want to prevent the crime, the child neglect, and the anguish caused by drug abuse, rather than picking up the pieces of broken lives and broken families.

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

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

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

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

"Next, please welcome Angela Grasser, a single mom and WorkFirst participant who has been on public assistance for several years, but is now off, doing well in her new job, thanks in part to the help she received from her case manager, Lisa Wheaton, and Kimberly Metcalf, her Employment Security job counselor. Good luck to you Angela and thank you Lisa and Kimberly and all the state employees who have really changed the corporate culture of our welfare offices to be job counselors instead of just eligibility determiners. Thank you very much.

"And finally, I'd like to introduce Hazel Wolf, who was born in 1898. I actually met Hazel in 1990--count that back-- when she was over ninety years old. We were on a hike together on the Mountains-to-Sound Greenways Trust. Hazel has said that her ambition is to live into the twenty-first century so that she'll have the distinction of having been alive in three centuries. Hazel is a lifelong environmental activist who has taught generations of children to be good stewards of the natural world. She is the perfect embodiment of the spirit of both our best and most enduring values, and the appetite for adventure and learning that the beginning of a new century evokes. Hazel, you are going to do it.

"These are the people who show us the way to make Washington State a state of learning and to achieve Washington's promise. These are the people who show us that the longer we live, the more we can give--to our families, our communities, and our state. A hundred years from now, today's elected officials will be but mere photographs on the walls of this magnificent building. Our chance to make a difference for the people and the future of our state is brief and fleeting. We must make the most of it, so let us commit to preparing the way for a new century, and a new era of hope, opportunity, and a life of learning.

"Thank you all very much and God Bless You."

The President of the Senate thanked Governor Locke for his comments and instructed the special committee to escort Governor and Mrs. Locke from the House Chamber.

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

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

#### MOTION

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

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

The Co-Speaker of the House instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate, Lieutenant Governor Brad Owen, President Pro Tempore R. Lorraine Wojahn, Majority Leader Sid Snyder and Minority Leader Dan McDonald from the House Chamber.

The Co-Speaker of the House instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort the Senators from the House Chamber.

The Senate was called to order at 6:01 p.m. by President Owen.

MOTION

At 6:01 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, January 13, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SECOND DAY, JANUARY 12, 1999

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JOURNAL OF THE SENATE

THIRTY-SEVENTH DAY, FEBRUARY 17, 1998

SECOND DAY, JANUARY 12, 1999

JOURNAL OF THE SENATE

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**THIRD DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Wednesday, January 13, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Rachel Smith and Kyle Potter, presented the Colors. Reverend Carol Johnson-Sorenson, pastor of the Pacific Pastoral Counseling Service of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

March 16, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Dean K. Brooks, reappointed March 10, 1998, for a term ending December 5, 2001, as Chair of the Western State Hospital Advisory Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

March 17, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dorothy Blake, appointed March 17, 1998, for a term ending December 5, 2001, as a member of the Western State Hospital Advisory Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

March 17, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Shirley Havenga, appointed March 17, 1998, for a term ending December 5, 2001, as a member of the Western State Hospital Advisory Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

March 17, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Pat Lovett, appointed March 17, 1998, for a term ending December 5, 2000, as a member of the Western State Hospital Advisory Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

March 17, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ani Clipper Maxfield, appointed March 17, 1998, for a term ending December 5, 2001, as a member of the Western State Hospital Advisory Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

March 19, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Suzanne Leichman, appointed March 17, 1998, for a term ending December 5, 2001, as a member of the Western State Hospital Advisory Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

December 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Katherine Kenison, appointed December 28, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

December 30, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charles Davis, appointed December 24, 1998, for a term ending December 26, 2001, as a member of the Board of Pilotage Commissioners.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Transportation.

January 11, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Eugene Prince, appointed January 11, 1999, for a term ending January 15, 2005, as Chair of the Liquor Control Board.

Sincerely,  
GARY LOCKE, Governor

Referred to the Committee on Commerce, Trade, Housing and Financial Institutions.

#### INTRODUCTION AND FIRST READING

SB 5094 by Senators Oke, Jacobsen, B. Sheldon, Bauer, Gardner, T. Sheldon, Fairley, Fraser, Winsley, McAuliffe, Long, Eide, Kohl-Welles, Costa, Haugen and McCaslin

AN ACT Relating to personal flotation devices; amending RCW 88.12.115; and prescribing penalties.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5095 by Senators Thibaudeau, Horn, Kohl-Welles, Patterson, Haugen, Prentice and Costa

AN ACT Relating to public corporations, commissions, and authorities; and amending RCW 42.30.020 and 42.17.260.  
Referred to Committee on State and Local Government.

SB 5096 by Senators B. Sheldon, West, Loveland, Hale, McCaslin, Rossi, Goings, Johnson, Gardner, Winsley, McAuliffe and Oke

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

SB 5097 by Senators Haugen, Honeyford, Gardner, Patterson, Bauer, Rasmussen, McCaslin, Hale, Sellar, Benton, Swecker, Winsley, Eide, Prentice and Roach

AN ACT Relating to the office of archaeology and historic preservation; amending RCW 27.34.020, 27.34.210, 27.34.220, 27.34.230, 27.34.240, 27.34.270, 27.34.280, 27.34.310, and 88.02.053; and creating a new section.  
Referred to Committee on State and Local Government.

SB 5098 by Senators Kohl-Welles, Winsley, Patterson, Long, Brown, Horn, Thibaudeau, Heavey, Spanel, Snyder, Hale, Prentice, Kline, Fraser, McAuliffe and Costa

AN ACT Relating to the Washington state women's commission; adding a new chapter to Title 43 RCW; creating a new section; and making appropriations.  
Referred to Committee on State and Local Government.

SB 5099 by Senators Haugen, Sellar, Rasmussen, Benton, Oke, Gardner, Swecker, Goings, Horn, Eide, Patterson, Morton, Prentice and Costa

AN ACT Relating to the powers and duties of commercial vehicle enforcement officers; adding new sections to chapter 43.43 RCW; and creating a new section.  
Referred to Committee on Transportation.

SB 5100 by Senators Haugen, Sellar, Spanel, Gardner, Heavey, Benton, Oke, B. Sheldon and Kohl-Welles

AN ACT Relating to vehicles boarding ferries; adding a new section to chapter 46.61 RCW; and adding a new section to chapter 47.60 RCW.  
Referred to Committee on Transportation.

SB 5101 by Senators Haugen and Rasmussen

AN ACT Relating to avoiding farmland conversion; and adding a new chapter to Title 89 RCW.  
Referred to Committee on Agriculture and Rural Economic Development.

SB 5102 by Senators Haugen, Snyder, Winsley, Goings, Gardner, T. Sheldon, Bauer, Rasmussen, Hale, McCaslin, Sellar, Swecker, Patterson, Morton, Prentice, Oke, Kohl-Welles and Costa

AN ACT Relating to establishing and funding fire fighter training; amending RCW 43.43.934, 43.43.944, 41.16.050, and 41.24.170; and making appropriations.  
Referred to Committee on Transportation.

SB 5103 by Senators Haugen, Swecker, Jacobsen, Fraser, Spanel, Morton and Rasmussen

AN ACT Relating to Washington's coastal zone program; adding new sections to chapter 43.21A RCW; creating new sections; and providing an expiration date.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5104 by Senators Haugen, Swecker, Spanel and Fraser

AN ACT Relating to catch and release recreational fisheries; adding a new section to chapter 77.12 RCW; and creating a new section.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5105 by Senators Eide, Morton, Jacobsen and Winsley (by request of Department of Health)

AN ACT Relating to revising the definition of public water system to include systems providing water through constructed conveyances, in conformance with federal law; amending RCW 70.119A.020; and creating a new section.  
Referred to Committee on Environmental Quality Water Resources.

SB 5106 by Senators Eide, Morton, Jacobsen, Goings, Winsley, Oke and Costa (by request of Department of Health)

AN ACT Relating to the authority of local health jurisdictions regarding properties contaminated by toxic chemicals used in the manufacture of illegal drugs; amending RCW 64.44.010, 64.44.020, 64.44.030, 64.44.040, 64.44.050, and 64.44.060; and creating a new section.  
Referred to Committee on Environmental Quality Water Resources.

SB 5107 by Senators Fairley and Fraser

AN ACT Relating to the Puget Sound action team; and amending RCW 90.71.010, 90.71.020, and 90.71.030.  
Referred to Committee on Environmental Quality Water Resources.

SB 5108 by Senators Patterson, Johnson, Eide, Rossi, Prentice, T. Sheldon, Winsley, McAuliffe, Oke, Kohl-Welles and Costa (by request of Lieutenant Governor Owen)

AN ACT Relating to missing and exploited children; amending RCW 43.08.250; adding new sections to chapter 13.60; and making an appropriation.  
Referred to Committee on Human Services and Corrections.

SB 5109 by Senators Patterson, McAuliffe, Prentice, Johnson, Hochstatter, Brown, Heavey, Kline, Finkbeiner, Benton, Winsley, Oke and Kohl-Welles

AN ACT Relating to immunity for school districts that make their facilities available to certain private nonprofit groups serving youth; adding a new section to chapter 28A.335 RCW; adding a new section to chapter 4.24 RCW; creating a new section; and providing an effective date.

Referred to Committee on Education.

SB 5110 by Senators Patterson, Heavey, Eide, Thibaudeau and Roach

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

Referred to Committee on State and Local Government.

SB 5111 by Senators Franklin, Winsley, Thibaudeau, Wojahn, McAuliffe, Fraser, Prentice, Rasmussen, Kline, Brown, Eide, Bauer, Costa, Jacobsen, Spanel, Goings, Loveland, Gardner, Fairley, B. Sheldon and Kohl-Welles

AN ACT Relating to health insurance discrimination on the basis of genetic information; reenacting and amending RCW 48.43.005; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health and Long Term Care.

SB 5112 by Senators Franklin, Winsley, Thibaudeau, Wojahn, McAuliffe, Deccio, Prentice, Costa, Rasmussen, Fraser, Brown, McCaslin, Patterson, Spanel, Eide, Kline, Bauer, Loveland, Jacobsen, Goings, Hale, Swecker, Haugen, Fairley, Gardner, B. Sheldon, Rossi, Johnson and Kohl-Welles

AN ACT Relating to health insurance benefits for mastectomies; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5113 by Senator T. Sheldon

AN ACT Relating to requiring a formal hearing on proposed water company rate increases when requested by affected customers; and amending RCW 80.04.130 and 80.28.060.

Referred to Committee on Energy, Technology and Telecommunications.

SB 5114 by Senators Honeyford, Thibaudeau and Deccio

AN ACT Relating to an exemption from annual inspections for hospitals accredited by the American osteopathic association; and amending RCW 70.41.122.

Referred to Committee on Health and Long-Term Care.

SB 5115 by Senators Heavey, Prentice, Kline and Fairley

AN ACT Relating to judicial review of public employment relations commission proceedings; and amending RCW 41.56.160.

Referred to Committee on Labor and Workforce Development.

SB 5116 by Senators McCaslin and Roach

AN ACT Relating to qualifications of judges; and amending RCW 2.06.050 and 3.34.060.

Referred to Committee on Judiciary.

SB 5117 by Senator Bauer

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

Referred to Committee on State and Local Government.

SB 5118 by Senators Heavey, Roach, McCaslin, Snyder, Rossi, Goings, T. Sheldon, Oke and Costa

AN ACT Relating to motor vehicle theft; amending RCW 9A.56.070, 9.94A.360, and 13.40.0357; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5119 by Senator Hargrove

AN ACT Relating to American merchant marine veterans; and amending RCW 41.04.005.

Referred to Committee on Ways and Means.

SB 5120 by Senator Hargrove

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

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5121 by Senator Hargrove

AN ACT Relating to the establishment of a carbon storage program; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5122 by Senators Fairley and Oke (by request of Department of Labor Industries)

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

Referred to Committee on Labor and Workforce Development.

SB 5123 by Senators Fairley and Oke (by request of Department of Labor Industries)

AN ACT Relating to factory assembled structures regulated by the department of labor and industries; amending RCW 43.22.335, 43.22.340, 43.22.350, 43.22.355, 43.22.370, 43.22.380, 43.22.390, 43.22.400, 43.22.410, 43.22.420, 43.22.431, 43.22.432, 43.22.434, 43.22.440, 43.22.442, 43.22.450, 43.22.480, and 43.22.485; reenacting and amending RCW 43.22.360; adding a new section to chapter 43.22 RCW; and repealing RCW 43.22.495.

Referred to Committee on Labor and Workforce Development.

SB 5124 by Senators Prentice and Winsley

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

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5125 by Senators Loveland, Rasmussen, Morton, Stevens, T. Sheldon and Honeyford

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

Referred to Committee on Agriculture and Rural Economic Development.

SB 5126 by Senators Kohl-Welles, Hargrove, Thibaudeau, Long, Deccio, Prentice, Winsley, McAuliffe, Oke and Costa

AN ACT Relating to protection of persons placed in state-operated or state-funded boarding homes; creating new sections; and declaring an emergency.  
Referred to Committee on Human Services and Corrections.

SB 5127 by Senators Kohl-Welles, Hargrove, Long, Heavey, McCaslin, Stevens, Zarelli, Prentice, Kline, Winsley and Costa

AN ACT Relating to investigations of abuse or neglect; adding a new section to chapter 26.44 RCW; and creating a new section.  
Referred to Committee on Judiciary.

SB 5128 by Senators Jacobsen and Prentice

AN ACT Relating to vehicle headlights; and amending RCW 46.37.020.  
Referred to Committee on Transportation.

SB 5129 by Senators Heavey, McCaslin, Deccio and Roach

AN ACT Relating to adverse possession; and adding new sections to chapter 7.28 RCW.  
Referred to Committee on Judiciary.

SB 5130 by Senators Kohl-Welles, Heavey, Thibaudeau, Brown, Spanel, Snyder, Prentice, Kline, McAuliffe and Costa

AN ACT Relating to expanding the state law against discrimination; amending RCW 49.60.010 and 49.60.040; adding a new section to chapter 49.60 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Judiciary.

SB 5131 by Senators Kohl-Welles, Long, Hargrove, Winsley, Brown, Patterson, Thibaudeau, Prentice and Costa

AN ACT Relating to liability insurance for licensed day-care and family day-care providers; adding a new section to chapter 74.15 RCW; and providing an effective date.  
Referred to Committee on Human Services and Corrections.

SB 5132 by Senators Kohl-Welles, Long, Hargrove, Brown, Patterson, McAuliffe and Costa

AN ACT Relating to increasing public and parental access to information regarding child care service; amending RCW 74.15.130 and 74.15.020; adding new sections to chapter 74.15 RCW; creating new sections; and prescribing penalties.  
Referred to Committee on Human Services and Corrections.

SB 5133 by Senators Roach and Rossi

AN ACT Relating to cougar hunting; and amending RCW 77.16.360.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5134 by Senators Wojahn, Long, Patterson, Roach, Costa, Thibaudeau, Goings, McAuliffe, Kline, Brown, McCaslin, Heavey, Johnson, Prentice, Snyder and Kohl-Welles

AN ACT Relating to full faith and credit for foreign protection orders; amending RCW 26.10.220, 26.26.138, 26.50.010, and 10.31.100; reenacting and amending RCW 9.94A.320; adding a new chapter to Title 26 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5135 by Senators Wojahn, Long, Patterson, Roach, Thibaudeau, Heavey, McAuliffe, Kline, Goings, McCaslin, Brown, Costa, Prentice, Winsley and Kohl-Welles

AN ACT Relating to communications between victims of domestic violence and victims' advocates; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

SB 5136 by Senators Fairley, Patterson, Kohl-Welles, Costa, Fraser, Wojahn, Thibaudeau, Kline and Prentice

AN ACT Relating to a claimant's right to receive unemployment compensation when the claimant leaves work due to domestic violence; and amending RCW 50.20.010 and 50.20.050.

HOLD.

SB 5137 by Senator Roach

AN ACT Relating to abatement of drug nuisances; and amending RCW 7.43.080.

Referred to Committee on Judiciary.

SB 5138 by Senator Roach

AN ACT Relating to regulating body art facilities; amending RCW 43.20.050; adding a new section to chapter 70.05 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SJR 8200 by Senators McCaslin and Roach

Amending the Constitution to remove the requirement that judges be admitted to the practice of law.

Referred to Committee on Judiciary.

SCR 8402 by Senators Franklin, Winsley, Fairley, Wojahn, Thibaudeau, Rasmussen, Jacobsen, Shin, Kohl-Welles, Spanel, Fraser, Gardner, Snyder, Kline, B. Sheldon, Prentice, Goings, Patterson, Loveland, Costa and McAuliffe

Recommending establishment of an interagency task force to conduct a study of contingent work force issues.

Referred to Committee on Labor and Workforce Development.

#### MOTIONS

On motion of Betti Sheldon, Senate Bill No. 5015, which was held on the desk January 11, 1999, was referred to the Committee on Human Services and Corrections.

On motion of Betti Sheldon, Senate Bill No. 5136 was held at the desk.

#### MOTION

At 10:06 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease to retire to the House of Representatives for purpose of a Joint Session

## JOINT SESSION

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

The Co-Speaker of the House of Representatives, Frank Chopp, requested the Sergeants at Arms of the House and the Senate to escort the President of the Senate Lieutenant Governor Brad Owen, President Pro Tempore R. Lorraine Wojahn, Majority Leader Sid Snyder and Minority Leader Dan McDonald to seats on the rostrum.

The Co-Speaker of the House of Representatives, Frank Chopp, invited the Senators to seats within the House Chamber.

The Joint Session was called to order by the Co-Speaker of the House of Representatives, Clyde Ballard.

The Clerk of the House called the roll of the House.

The Secretary of the Senate called the roll of the Senate.

The Co-Speaker of the House of Representatives, Clyde Ballard, presented the gavel to President Owen.

## APPOINTMENT OF SPECIAL COMMITTEES

The President of the Senate appointed Senators Haugen, Kline, Long and McCaslin and Representatives Chandler, Edmonds, Stensen and Sump to escort the Supreme Court Justices from the State Reception Room to the House Chamber.

The President of the Senate appointed Senators Fraser, Morton, Oke and Prentice and Representatives Barlean, Edwards, Schual-Berke and Skinner to escort the State Elected Officials from the State Reception Room to the House Chamber.

The President of the Senate appointed Senators Loveland and Horn and Representatives Esser and Ruderman to inform Governor Gary Locke that the Joint Session has assembled and to escort him from his office to the House Chamber.

The President of the Senate appointed Senators Heavey and Johnson and Representatives Hankins and Hurst to escort Chief Justice Richard P. Guy to the rostrum.

The President of the Senate greeted and introduced the Supreme Court Justices: Associated Chief Justice Charles Z. Smith, Justice Barbara Durham, Justice Charles W. Johnson, Justice Barbara A. Madsen, Justice Gerry Alexander, Justice Philip Talmadge, Justice Richard B. Sanders, Justice Faith Ireland and Justice Pro Tempore James M. Dolliver.

The President of the Senate greeted and introduced the State Elected Officials: Secretary of State Ralph Munro, State Treasurer Mike Murphy, State Auditor Brian Sonntag, State Attorney General Christine Gregoire, Commissioner of Public Lands Jennifer Belcher and Insurance Commissioner Deborah Senn.

The President of the Senate greeted and introduced Governor Gary Locke and instructed the committee to escort him to the rostrum.

The President of the Senate greeted Richard P. Guy, Chief Justice of the State Supreme Court, and instructed the committee to escort him to the rostrum.

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

STATE OF THE JUDICIARY  
CHIEF JUSTICE RICHARD P. GUY

Chief Justice Guy: "Governor, Lieutenant Governor, Co-Speakers, Senators, Representatives, elected officials, members of the judiciary, distinguished guests, ladies and gentlemen.

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

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

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

REMARKS BY FORMER GOVERNOR DANIEL J. EVANS

Former Governor Evans: "Forty-two years ago, I wouldn't have needed these. What a privilege it is for me to come back after forty-two years. When I first took my seat, number ninety-eight back there, whoever is occupying it now, and began with the privilege of serving in this House, followed by a career of public service. It was at that same time that Jim Dolliver began his long and distinguished career of public service. Many of you may know, but some may not, that he was the son of an Iowa Congressman and came by his political background naturally. He first came to the Pacific Northwest as a Park Ranger in the Olympic National Park.

"We joined together in 1963 when the House had a coalition. Now, if you think a tie vote is tough, try a coalition sometime. Jim was the attorney for the Republican Caucus. We had three caucuses that year and were quite successful. The next spring, I decided I would take a try at Governor and the first person I turned to was Jim Dolliver. As my campaign manager, and with a borrowed car from a friend of mine, who was a car dealer, we spent over a year traveling the state--every little village we could find--trying to convince people that there was an election coming up, even though it was sixteen months away--and that I was really running for Governor. The election, of course, was successful and my first appointment was Jim Dolliver as my Chief of Staff.

"He was more than just a Chief of Staff or a staff member. He was a friend, a colleague, and in many respects, a mentor, because I found in this intellectual giant someone who could, with compassion and passion, with a knowledge that I could depend on--do the job --of helping run this state. His permanent legacy is long. I mentioned that he first came to this state as a Park Ranger in the Olympic National Park. One of my first hikes from Camp Parsons was into the Olympic Mountains, more than fifty years ago. I still enjoy going back into those mountains. We spent a lot of time talking about hikes and places to go when we probably should have been talking about state problems of importance. These were problems of importance. Out of it came some of the first environmental legislation, in the protection of the ocean strip of the Olympic National Park--the beginning of what has flourished in the years since of helping to protect this extraordinary land we all have the responsibility for.

"He is a life-long Republican--a life-long Republican--who believes strongly in equality, in compassion, in conservation, and economic conservatism. He is an intellectual giant and yet one who has a twinkle in his eye and who frequently gave me some real good advise. One piece I will pass along--On occasion as Governor, I would sit down and dictate a letter of massive retaliation against someone. But, I did have the good sense to always show it to Jim. He would look at it and say, 'Governor, that is a whale of a letter; that's marvelous. Why don't you sit on it for twenty-four hours,' and I would. I would come back and sometimes, I would say, 'Well maybe I shouldn't send it,' and other times, I would still be ready to go and he would say, 'That letter is so good, it belongs in the archives for future generations.'

"There are other things in the archives and I have to share with you one memo of hundreds that passed between Jim Dolliver and I during those days that I was Governor. Some day, a graduate student in history will dig through the archives and find many of those memos--probably scratch their head and wonder what in the world they were talking about.

"This one to me said, 'Further expatiation of word, which is sometimes an intransitive verb and sometimes a noun or it is an unknown.'"

Recently, Loretta, my scheduling secretary, inquired of you of whether you wish to meet this person. You responded, 'Oh, piffle.' In earlier times I felt that I had a firm grasp in gubernatorial nuance and meanings. However, in recent months, some rather considerable errors in interpretation have been made. I am of the view that 'Oh, piffle' while it might sound negative really has certain characteristics of the affirmative. This view gains weight when the definitions of 'piffle' are examined--to talk in a trivial inept or ineffective way--perhaps a blend of trivial and trifle or trivial nonsense or ineptitude-- hit the gavel.

"Loretta says you have said, 'Oh piffler,' i.e. anyone who piffles, but that seems unlikely. If it was a case of bad reporting, it may have been you said, 'Oh, piffer, which is a member of the Fungsize Irregular Frontier Force, but since you are navy not army, we have discarded that possibility. I suggested you might have said 'Oh, Piffilor' which is an old Italian wind instrument used by shepherds, i.e. a bag pipe, but Ralph Munro was not in the office and besides, he is Scotch. As you can see, all meaningful works have stopped until this matter is clarified. Please, check one of the following: I WILL SEE HIM--YES \_\_\_; NO\_\_\_; SEE ME\_\_\_; NONE OF THE ABOVE\_\_\_.

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

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

#### FURTHER REMARKS BY CHIEF JUSTICE GUY

"Chief Justice Guy: "I was really hoping that Dan Evans would sit over there next to Co-Speaker Chopp, because yesterday the Co-Speaker announced to everybody that at family dinners, one of the great subjects of debate was whether Dan Evans was a Republican or a Democrat. It seemed to me they could work that out now.

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

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

"The purpose of this address is to advise you on the present state of the judiciary and inform you of our legislative requests for the next biennium. The judges of this state are proud, dedicated and independent. We are not insular or political advocates. We are competent people representing in our makeup all segments of Washington society. Issues are decided on their merits--not prejudged. Judges of this state are involved in their communities and active in improving the justice system. I want you to see the faces of representative state judges and to better understand how committed they are to their work and to the people they serve.

"I have invited three judges representing the district courts, superior courts and appeals courts of this state and will introduce them to you now. Judge Jim Riehl is a District Court Judge from Kitsap County. With assistance from the Supreme Court's Gender and Justice Commission, Judge Riehl organized a Domestic Violence Summit for Kitsap County. Participants included teachers, doctors, police, social service organizations, business leaders and judges. From that conference, Judge Riehl developed a plan for such conferences that are being presented to the American Bar Association as a model.

"Domestic violence is destructive of every aspect of family life. It not only damages the people directly involved, but children, grandparents, family members, friends, business associates, teachers, and medical personnel. During this session, the domestic violence coalition will propose enabling legislation in furtherance of the Federal Full Faith and Credit Domestic Violence Act. It will allow local prosecutors to enforce protection orders from other states to safeguard those who have fled to our jurisdiction. I support that legislation.

"Judge Patricia Hall-Clark is a Superior Court Judge from King County, first as Court Commissioner and now as a Superior Court Judge. Her work has been that of a Juvenile Court Judge and Family Court Judge. I know the

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

"Judge Dennis Sweeney is Chief Judge of the Courts of Appeals and serves on the third division of the Court in Spokane. He lives in the Tri-Cities. The bar association of the Tri Cities has one hundred percent participation in the local pro bono program to assist low income people of the area. When Judge Sweeney practiced law in Kennewick, he was a part of the local pro bono program, and as a judge he is a member of the Washington State Bar Association's Committee on Access to Justice. While not every local bar association has one hundred percent participation in pro bono services, free legal services are provided throughout the state by every local association and the services are worth thousands of dollars.

"I recognize that lawyers have their critics. However, in the area of giving money and help to provide services to people who need to access the system, who can't afford a lawyer and don't know where to turn, the lawyers of this state have been magnificent. Our courts would be unable to assist the citizens in resolving their legal problems without the contribution of the pro bono lawyers. On behalf of the judiciary, I thank them. In addition to the services provided by local attorneys, it is also essential to have legal service clinics that are organized to service the public in certain areas. I will discuss Access to Justice funding when I later speak about the Court Improvement Act we are suggesting.

"I am aware that some of you may believe that courts, and the Supreme Court in particular, are activist and fail to recognize that a court's function is to interpret legislation and the Constitution and not to usurp legislative policy making. Those of us who chose law as a career did so with an appreciation of a system of governance and order that evolved from the time people first joined together for collective security to our present democratic republic. There has always been a separation in the function of a legislative body and judicial body.

"There is, by us in the judicial branch, reverence for the Legislature. Your acts are those of the people through representative government. You, through your legislation and through the purse, have a coextensive check and balance on us, as well as the executive branch. We understand our role, apply the laws you enact, interpret legislation hopefully as you intended, and protect our great charter, the Constitution. We do work, and will continue to work together, with you and the executive branch to enhance and protect our society. We will do nothing to diminish your role as the representatives of the people.

"Next, I wish to discuss with you legislative proposals and suggestions, as well as activities we are undertaking, to make the courts more efficient. I have suggested that lawyers who run for judicial positions have some experience as lawyers. This proposal is not original but is one of the recommendations made by the Walsh Commission to the Supreme Court. My suggestion is that those who wish to be Supreme Court Justices serve a minimum of ten years as a member of the bar. Those who seek to be Court of Appeals Judges should serve a minimum of seven years as a member of the bar. And those who seek to be Superior Court Judges should serve a minimum of five years as a member of the bar. At present, the only court which requires years of experience as a member of the bar is the Court of Appeals. The Supreme Court, the Superior Court Judges Association, and the Board for Judicial Administration of the State Judiciary, have each endorsed this proposal. While this proposal has been criticized as elitist and protectionist, I see it as a response to the public's need to have more knowledge about judicial candidates. At the very least, the public should be able to understand that all candidates have certain minimum qualifications. This should provide the public with some assurance that the people to whom they entrust their children, their property, and their rights have the wisdom of experience. This proposal is not in response to any individual. Rather, it is a perceived need studied and not pursued. I look to your collective wisdom on this proposal and invite sponsorship to this constitutional amendment that ultimately would be evaluated by the vote of the people.

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

"To assist the trial courts in performing their responsibilities of providing justice in a timely and available manner, both in criminal as well as civil proceedings, we propose what we have termed the Court Improvement Act of 1999. This proposal would fund the salaries of all trial judges, district and superior, from the State general fund rather than county money. In addition this Improvement Act would provide necessary training for local police officers so they would better understand the statutory and constitutional requirements of their jobs. The Act would allow some flexibility in how court services are delivered by employing business-enhancing best practices approved by the Board for Judicial Administration. Finally, the Improvement Act would provide funding for legal services in that in large measure it will be used to assist low income people in resolving domestic disputes that are so procedurally difficult, and in addressing landlord and tenant conflicts.

"Legal services are as critical to our citizens' well being as are medical services. Legal service assistance is essential to the judiciary in the performance of our duties of insuring that people before the court know their choices and their rights and their responsibilities under the law. The judiciary supports the funding of legal services, and we ask you to continue to support those services that are so vital to the people by supporting this funding proposal. We do not come before you with these funding requests without bringing to the table potential enhanced public safety penalty fees and litigation filing fees. Our contribution through these fees would provide to the state more than half of the requests for state money sought in the Improvement Act. The legislation has been pre-filed.

"Two years ago you provided funding for the Supreme Court to create a Commission on Justice, Efficiency and Accountability. Under the leadership of then-Chief Justice Barbara Durham, the Commission undertook its work. It identified the need for funding expressed in the Court Improvement Act. It reviewed and approved trial court standards for all trial courts. It identified the missions of the courts and categorized them by whether they were core or non-core missions. We are now at the heart of the work. Our final effort will be to determine how well we perform our missions and identify who should perform those functions. As a part of that evaluation, we will also consider alternatives that may be offered to litigants to resolve their cases.

"In today's world, there are no monopolies, and that includes government services. Private judging supplements, and in some cases supplants, the judiciary. Cost, time, selection of a judge, and certainty of a trial date are some of the reasons private judging has become popular. We must adjust governmental services, including the judiciary, to meet the needs of the people. Protracted and delayed justice is making civil justice no longer available. Our courts will become criminal courts almost exclusively. Petty drug enforcement cases are overwhelming us. Technology demands of a changing society require that we in the judiciary examine how we do business and whom we serve. We are undertaking that evaluation.

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

"Finally, no county wants to use its resources or its crowded jail to remedy another county's problem. Justice Johnson's subcommittee will also make recommendations on how to resolve the outstanding warrant problem. The solutions may include both legislation and a change of court rules. I am pleased to advise that members of the Senate and House Judiciary Committees have agreed to serve on this subcommittee to help shape the solutions and report back to the Legislature.

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

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

"It is difficult for me to express to you the reverence we judges have for the Legislature as being representatives of the people. We appreciate the complexity of the tasks assigned to you and understand that you do business in great waters. We do so by giving life and expression in our courts to your legislation. We are an independent branch of our great government that strives to do the public's business in this time of social change and limited resources. However, neither the Judiciary nor the Legislature nor the Executive can act alone in governance. We are a team working together for the common good.

"I pledge to you our advice on legislation, past and future, and our efforts in making business changes in managing the courts that are consistent with constitutional and statutory imperatives. In the future, the ability of all of us will be needed to intelligently discern between areas of ethical concern and statutory needs in the application of genetic research. The uses to which the computer is being put and will be put involve privacy concerns and business practices which will be issues of first impression for legislators and courts requiring collective thought.

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

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

The President of the Senate thanked Chief Justice Guy for his State of the Judiciary Report and requested the committee to escort the Chief Justice from the House Chamber.

The President of the Senate requested the committee to escort Governor Locke from the House Chamber.

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

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

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

The President returned the gavel to Co-Speaker of the House of Representatives, Speaker Ballard.

The Co-Speaker of the House, Speaker Ballard, requested the Sergeants at Arms of the House and Senate to escort the President of the Senate Lieutenant Governor Brad Owen, President Pro Tempore R. Lorraine Wojahn, Majority Leader Sid Snyder and Minority Leader McDonald from the House Chamber.

The Co-Speaker of the House, Speaker Ballard, requested the Sergeants at Arms of the House and Senate to escort the Senators from the House Chamber.

The Senate was called to order at 11:13 a.m. by President Owen.

#### MOTION

At 11:13 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon., Thursday, January 14, 1999.

TONY M. COOK, Secretary of the Senate

BRAD OWEN, President of the Senate

JOURNAL OF THE SENATE

THIRD DAY, JANUARY 14, 1998

THIRD DAY, JANUARY 13, 1999

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

**FOURTH DAY**

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**NOON SESSION**

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Senate Chamber, Olympia, Thursday, January 14, 1999

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

MESSAGES FROM STATE OFFICES

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, Washington 98504-5000  
December 30, 1998

Mr. Michael O'Connell  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. O'Connell:

Enclosed is the department's Report to the Legislature entitled "The "CPI" Allowance for Clothing, Personal Maintenance, and Necessary Incidentals." It is mandated under Chapter 346, Laws of 1998, Section 211(6).

Please call Aaron Lowin at (360) 902-0735 if you have questions about the report.

Sincerely,

LYLE QUASIM, Secretary

The Department of Social and Health Services Report on "The "CPI" Allowance for Clothing, Personal Maintenance, and Necessary Incidentals" is on file in the Office of the Secretary of Senate.

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, Washington 98504-5000  
January 8, 1999

Mr. Michael O'Connell  
Secretary of the Senate

P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. O'Connell:

Enclosed is the department's Report to the Legislature entitled "Naturalization Facilitation." It is mandated under RCW 74.08A.130.

Please call Dick Hancock at (360) 413-3211 if you have questions about the report.

Sincerely,

LYLE QUASIM, Secretary

The Department of Social and Health Services Report on "Naturalization Facilitation" is on file in the Office of the Secretary of Senate.

STATE OF WASHINGTON  
DEPARTMENT OF AGRICULTURE  
Olympia, Washington 98504-2560  
January 8, 1999

Tony Cook  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

RE: Report to the Legislature - Spartina and Purple Loosestrife Control

Dear Mr. Cook:

Enclosed is the December 15, 1998 Progress Report to the Legislature on spartina and purple loosestrife control. As lead agency, the Washington State Department of Agriculture is mandated by RCW 17.26.015 to report to the appropriate standing committees of the House of Representatives and the Senate on the progress of the spartina and purple loosestrife control program, the number of acres treated by various methods of control, and on the funds spent.

Sincerely,

JIM JESERING, Director

The Department of Agriculture Report on Spartina and Purple Loosestrife Control is on file in the Office of the Secretary of Senate.

MESSAGE FROM STATE AGENCY

STATE OF WASHINGTON  
THE JOINT COMMITTEE ON PENSION POLICY  
OFFICE OF THE STATE ACTUARY  
2420 Bristol Court S. W. , Suite 101  
P.O. Box 40914  
Olympia, Washington  
January 11, 1999

TO: Senator Valoria Loveland, Chair, Senate Ways and Means Committee  
Representative Tom Huff, Co-Chair, House Appropriations Committee  
Representative Helen Sommers, Co-Chair, House Appropriations Committee  
Tony Cook, Secretary of the Senate  
Tim Martin, Co-Chief Clerk of the House  
Dean Foster, Co-Chief Clerk of the House

FROM: Senator Jeanine Long, Chair, Joint Committee on Pension Policy

SUBJECT: LEOFF STUDY REPORT

The attached Report on the Joint Committee on Pension Policy concerning the Law Enforcement Officers' and Firefighters' Retirement System was produced pursuant to Chapter 346, Laws of 1998, Section 711.

The Joint Committee plans to further study this issue.

cc: Dick Thompson, Director, Office of Financial Management

The Joint Committee on Pension Policy concerning the Law Enforcement Officers' and Firefighter's Retirement System is on file in the Office of the Secretary of Senate.

MESSAGE FROM STATE AGENCY

STATE OF WASHINGTON  
THE JOINT COMMITTEE ON PENSION POLICY  
OFFICE OF THE STATE ACTUARY  
2420 Bristol Court S. W. , Suite 101  
P.O. Box 40914  
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January 11, 1999

TO: Senator Valoria Loveland, Chair, Senate Ways and Means Committee  
Representative Tom Huff, Co-Chair, House Appropriations Committee  
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Tony Cook, Secretary of the Senate  
Tim Martin, Co-Chief Clerk of the House  
Dean Foster, Co-Chief Clerk of the House

FROM: Senator Jeanine Long, Chair, Joint Committee on Pension Policy

SUBJECT: TRS/WSERS MERGER STUDY REPORT

The attached Report on the Joint Committee on Pension Policy concerning the Teachers' Retirement System and the Washington School Employees' Retirement System was produced pursuant to Chapter 341, Laws of 1998, Section 711.

cc: Dick Thompson, Director, Office of Financial Management

The Joint Committee on Pension Policy concerning the Teachers' Retirement System and the Washington School Employees' Retirement System is on file in the Office of the Secretary of Senate.

MESSAGE FROM STATE AGENCY

STATE OF WASHINGTON  
OFFICE OF THE FAMILY AND CHILDREN'S OMBUDSMAN  
6720 Fort Dent Way, Suite 240  
Tukwila, Washington 98188

EXECUTIVE SUMMARY

The Office of the Family and Children's Ombudsman (OFCO) was established to work independently on behalf of children in need of state protection and on behalf of families and children who are involved with the state because of child abuse and neglect issues. As an independent office within the Office of the Governor it is OFCO's mission to protect children and

families from potentially harmful acts or omissions by governmental agencies. It is also OFCO's mission to identify significant problems and recommend improvements in the child protection and welfare system.

The Office of the Family and Children's Ombudsman (OFCO) Executive Summary is on file in the Office of the Secretary of Senate.

#### MESSAGES FROM THE HOUSE

January 13, 1999

MR. PRESIDENT:

The Co-Speakers have signed HOUSE CONCURRENT RESOLUTION No. 4400, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

January 13, 1999

MR. PRESIDENT:

The Co-Speakers have signed HOUSE CONCURRENT RESOLUTION NO. 4401, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

January 13, 1999

MR. PRESIDENT:

The Co-Speakers have signed SENATE CONCURRENT RESOLUTION NO. 8401, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief  
Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### SIGNED BY THE PRESIDENT

The President Signed:

HOUSE CONCURRENT RESOLUTION NO. 4400.

HOUSE CONCURRENT RESOLUTION NO. 4401.

#### INTRODUCTION AND FIRST READING

SB 5139 by Senators Wojahn, Thibaudeau, Kline, Prentice, Fairley and Kohl-Welles

AN ACT Relating to providing the necessary revenues for the support of health care for the citizens of Washington state; amending RCW 82.03.130, 82.03.140, 48.14.080, 82.04.4289, 82.08.150, and 82.04.4328; reenacting and amending RCW 82.04.260 and 66.24.290; adding a new section to chapter 82.04 RCW; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating new sections; repealing RCW 48.14.0201, 82.04.220, 82.04.2201, 82.04.230, 82.04.240, 82.04.2403, 82.04.250, 82.04.255, 82.04.270, 82.04.280, 82.04.290, 82.04.293, 82.04.297, 82.04.310, 82.04.312, 82.04.315, 82.04.317, 82.04.320, 82.04.322, 82.04.324, 82.04.327, 82.04.330, 82.04.333, 82.04.335, 82.04.337, 82.04.339, 82.04.3395, 82.04.340, 82.04.350, 82.04.355, 82.04.360, 82.04.363, 82.04.367, 82.04.368, 82.04.370, 82.04.380,

82.04.385, 82.04.390, 82.04.392, 82.04.395, 82.04.397, 82.04.399, 82.04.405, 82.04.408, 82.04.410, 82.04.415, 82.04.418, 82.04.419, 82.04.421, 82.04.423, 82.04.425, 82.04.4271, 82.04.4281, 82.04.4282, 82.04.4283, 82.04.4284, 82.04.4285, 82.04.4286, 82.04.4287, 82.04.4291, 82.04.4292, 82.04.4293, 82.04.4294, 82.04.4295, 82.04.4296, 82.04.4297, 82.04.4298, 82.04.431, 82.04.432, 82.04.4322, 82.04.4324, 82.04.4326, 82.04.4327, 82.04.4329, 82.04.433, 82.04.4331, 82.04.4333, 82.04.434, 82.04.435, 82.04.440, 82.04.4451, 82.04.4452, 82.04.4453, 82.04.4454, 82.04.4455, 82.04.460, 82.04.480, 82.04.500, 82.04.510, 82.04.600, 82.04.900, 82.04.331, 82.04.332, 82.04.3651, 82.04.394, 82.04.416, 82.04.44525, 82.16.010, 82.16.020, 82.16.030, 82.16.040, 82.16.042, 82.16.047, 82.16.048, 82.16.049, 82.16.050, 82.16.053, 82.16.055, 82.16.060, 82.16.080, 82.16.090, and 82.16.046; prescribing penalties; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 5140 by Senators B. Sheldon, Franklin and Kline

AN ACT Relating to appeal of decisions of the department of labor and industries; amending RCW 51.52.050; and reenacting and amending RCW 51.32.095.

Referred to Committee on Labor and Workforce Development.

SB 5141 by Senators Thibaudeau, Deccio, Prentice and Winsley (by request of Department of Health)

AN ACT Relating to newborn screening fees; and amending RCW 70.83.040.

Referred to Committee on Health and Long-Term Care.

SB 5142 by Senators Horn, McCaslin and Winsley

AN ACT Relating to taxation authority of cities for zoos, aquariums, and other recreational, civic, cultural, and interpretive facilities; amending RCW 84.52.010; and adding a new chapter to Title 35 RCW.

Referred to Committee on State and Local Government.

SB 5143 by Senators Patterson and Winsley

AN ACT Relating to availability of replacement housing in eminent domain proceedings; and amending RCW 8.26.075.

Referred to Committee on State and Local Government.

SB 5144 by Senators Patterson and Winsley

AN ACT Relating to relocation assistance; and amending RCW 8.26.010.

Referred to Committee on State and Local Government.

SB 5145 by Senators Patterson and Winsley

AN ACT Relating to award of fees in condemnation actions; and amending RCW 8.25.070.

Referred to Committee on State and Local Government.

SB 5146 by Senators Patterson and Winsley

AN ACT Relating to valuation of property acquired for public improvements; and amending RCW 8.26.180.

Referred to Committee on State and Local Government.

SB 5147 by Senator Patterson

AN ACT Relating to payment of industrial insurance awards after death; and amending RCW 51.32.040.

Referred to Committee on Labor and Workforce Development.

SB 5148 by Senators B. Sheldon, Morton and Fraser (by request of Department of Ecology)

AN ACT Relating to the permit assistance center; amending RCW 90.60.020, 90.60.030, and 90.60.100; repealing RCW 43.131.387 and 43.131.388; providing an effective date; and declaring an emergency.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5149 by Senators Thibaudeau, Johnson and Winsley

AN ACT Relating to the practice of occupational therapy; and amending RCW 18.59.020, 18.59.031, and 18.59.100.  
Referred to Committee on Health and Long-Term Care.

SB 5150 by Senators McCaslin and Patterson

AN ACT Relating to county commissioner elections; and amending RCW 36.32.050 and 36.32.0556.  
Referred to Committee on State and Local Government.

SB 5151 by Senators Johnson and Heavey

AN ACT Relating to venue; amending RCW 3.66.040 and 4.12.025; and adding a new section to chapter 19.16 RCW.  
Referred to Committee on Judiciary.

SB 5152 by Senators Kline, Fairley, Costa, Gardner and Goings

AN ACT Relating to clarifying who are appointed personnel for the purpose of public employees' collective bargaining; and amending RCW 41.56.030.  
Referred to Committee on Labor and Workforce Development.

SB 5153 by Senators Haugen, Goings, Gardner, T. Sheldon, Rasmussen and Patterson (by request of Legislative Transportation Committee)

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

SB 5154 by Senators Hargrove, McCaslin, Goings and Heavey

AN ACT Relating to limiting the liability of electric utilities for efforts undertaken to protect their facilities from damage that might be caused by vegetation; amending RCW 4.24.630; and adding a new section to chapter 64.12 RCW.  
Referred to Committee on Judiciary.

SB 5155 by Senators Kohl-Welles, Fairley, Brown and Patterson

AN ACT Relating to temporary assistance for needy families; adding a new section to chapter 74.08A RCW; and adding a new section to chapter 28C.18 RCW.  
Referred to Committee on Labor and Workforce Development.

SB 5156 by Senators Prentice and Winsley

AN ACT Relating to voluntary expansion of local housing authority boards of commissioners to comply with federal law; and amending RCW 35.82.040.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5157 by Senators Rasmussen, Gardner, Jacobsen, Eide and Winsley

AN ACT Relating to the community scholarship partnership program; and adding a new chapter to Title 28B RCW.  
Referred to Committee on Higher Education.

SB 5158 by Senators Honeyford, Kline, T. Sheldon, Johnson, Winsley and Oke

AN ACT Relating to declaring buildings used for criminal street gang activity to be a nuisance; adding a new chapter to Title 7 RCW; and prescribing penalties.  
Referred to Committee on Judiciary.

SB 5159 by Senators Honeyford, Rasmussen and Benton

AN ACT Relating to payments for running start students; and amending RCW 28A.600.385.  
Referred to Committee on Education.

SB 5160 by Senators Oke and Winsley

AN ACT Relating to donating surplus computer equipment; amending RCW 43.19.1919; and adding a new section to chapter 43.19 RCW.  
Referred to Committee on State and Local Government.

SB 5161 by Senators Oke, Haugen, Winsley and Bauer

AN ACT Relating to toll discounts for food bank vehicles; and adding a new section to chapter 47.60 RCW.  
Referred to Committee on Transportation.

SB 5162 by Senators Goings, McCaslin, Long, Kline, Rasmussen, Heavey and Winsley

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

SJM 8002 by Senators Deccio, Rasmussen, McDonald, T. Sheldon, Johnson, Winsley, Sellar, Shin, Prentice, Loveland, Haugen, McCaslin, Goings, Thibaudeau, Morton, Long, Hale, Rossi, Zarelli, Honeyford, Horn, Benton, Swecker, Oke, Finkbeiner, Roach, Hochstatter and Stevens

Eliminating the death tax.

Referred to Committee on Ways and Means.

SCR 8403 by Senators Haugen, Gardner, Goings and Rasmussen

Designating highways of statewide significance.

Referred to Committee on Transportation.

MOTION

On motion of Senator Goings, Senate Bill No. 5136, which was held on the desk January 13, 1999, was referred to the Committee on Labor and Workforce Development.

MOTION

At 12:03 p.m., on motion of Senator Goings, the Senate adjourned until 10:00 a.m., Friday, January 15, 1999.

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FOURTH DAY, JANUARY 14, 1999

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

**FIFTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Friday, January 15, 1999

The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benton, Brown, Finkbeiner, Hargrove, Haugen, Horn, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Oke, Betti Sheldon, Tim Sheldon and West. On motion of Senator Honeyford, Senator Finkbeiner was excused. On motion of Senator Franklin, Senators Brown, Hargrove, Haugen, Kline, Kohl-Welles, McAuliffe, Betti Sheldon and Tim Sheldon were excused. On motion of Senator Deccio, Senators Benton, Horn, Long, McDonald, Oke and West were excused.

The Sergeant at Arms Color Guard, consisting of Pages Katie Bariletti and Champ Cook, presented the Colors. Reverend Carol Johnson-Sorenson of the Pacific Pastoral Counseling Service of Olympia, offered the prayer.

**MOTION**

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

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, Washington 98504-5000  
January 11, 1999

Mr. Tony Cook  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Cook

Enclosed is the Department's Report to the Legislature entitled "Racial Disproportionality in County Juvenile Facilities." It is mandated under RCW 13.06.050(3).

Please call Rebecca Sayan at (360) 902-8098 if you have questions about the report.

Sincerely,

LYLE QUASM, Secretary

The Department of Social and Health Services Report on "Racial Disproportionality in County Juvenile Facilities" is on file in the Office of the Secretary of Senate.

#### INTRODUCTION AND FIRST READING

SB 5163 by Senators Brown, Kohl-Welles, Patterson, Wojahn and Eide

AN ACT Relating to the WorkFirst program; and amending RCW 74.08A.270.

Referred to Committee on Labor and Workforce Development.

SB 5164 by Senators T. Sheldon, Benton, McCaslin and Johnson

AN ACT Relating to valuation for property tax purposes; adding new sections to chapter 84.40 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SB 5165 by Senators T. Sheldon, Swecker, Hargrove, Rasmussen and Morton

AN ACT Relating to the creation of fish and wildlife regional advisory councils; adding new sections to chapter 77.04 RCW; and creating a new section.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5166 by Senators T. Sheldon, Hale, Snyder, Rasmussen, Hargrove, Swecker, Haugen and McCaslin

AN ACT Relating to sales and use tax exemptions for call centers in distressed areas; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Agriculture and Rural Economic Development.

SB 5167 by Senators T. Sheldon, Morton, Sellar, Snyder, Hargrove, Jacobsen, Swecker, Oke, Zarelli, McCaslin and Rasmussen

AN ACT Relating to rural development; amending RCW 42.52.080; adding new sections to chapter 43.31 RCW; repealing RCW 43.31.855, 43.31.857; and repealing 1997 c 377 s 3 (uncodified).

Referred to Committee on Agriculture and Rural Economic Development.

SB 5168 by Senators T. Sheldon, Rasmussen, Swecker, Franklin, Hargrove, Honeyford, Patterson, Morton, Haugen, Benton, Goings, Snyder, Zarelli and McCaslin

AN ACT Relating to distressed area programs; amending RCW 82.14.370, 82.60.020, 82.62.010, and 82.62.030; and providing an effective date.

Referred to Committee on Agriculture and Rural Economic Development.

SB 5169 by Senators T. Sheldon, Rasmussen, Swecker, Honeyford, Hargrove, Morton, Haugen, Goings, Snyder and McCaslin

AN ACT Relating to warehouses in distressed counties; amending RCW 82.08.820 and 82.12.820; and providing an effective date.

Referred to Committee on Agriculture and Rural Economic Development.

SB 5170 by Senators Haugen, McAuliffe, T. Sheldon, Deccio and Rasmussen

AN ACT Relating to procedures for changing the names of school districts; adding a new section to chapter 28A.320 RCW; and repealing RCW 28A.315.690, 28A.315.700, 28A.315.710, and 28A.315.720.

Referred to Committee on Education.

SB 5171 by Senators Goings, Prentice and Rasmussen

AN ACT Relating to Washington state patrol employment agreements; amending RCW 41.56.030 and 41.56.475; and adding new sections to chapter 41.56 RCW.

Referred to Committee on Labor and Workforce Development.

SB 5172 by Senators Zarelli, Goings, Oke, Stevens and Rasmussen

AN ACT Relating to HIV testing of offenders and arrested and detained persons; and amending RCW 70.24.340, 70.24.360, and 70.24.024.

Referred to Committee on Human Services and Corrections.

SB 5173 by Senators Jacobsen, Oke and Fraser

AN ACT Relating to a Cascade foothills recreational area study; and creating new sections.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5174 by Senators West, Wojahn, Oke, McCaslin and Rasmussen

AN ACT Relating to sales and use tax exemptions for durable medical equipment; amending RCW 82.08.0283 and 82.12.0277; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5175 by Senators Patterson, Horn, Franklin, Eide, B. Sheldon, Finkbeiner, McCaslin, Goings, Oke, Winsley, Kohl-Welles, Fraser, Rasmussen, Costa and Benton (by request of Department of General Administration and Superintendent of Public Instruction Bergeson)

AN ACT Relating to the donation of surplus computers and computer-related equipment to school districts in Washington and educational service districts in Washington; amending RCW 43.19.1919; reenacting and amending RCW 28A.335.180; and adding a new section to chapter 39.33 RCW.

Referred to Committee on State and Local Government.

SB 5176 by Senators McAuliffe, Eide, Long, Costa, Goings, Oke, Winsley and Rasmussen

AN ACT Relating to refusals to leave school property; and amending RCW 28A.635.020 and 10.31.100.

Referred to Committee on Education.

SB 5177 by Senators McAuliffe, Goings, Oke, Winsley, Kohl-Welles, Long, Eide, Fraser, Rasmussen and Benton

AN ACT Relating to increasing the number of hours retired teachers can substitute teach; and amending RCW 41.32.570.

Referred to Committee on Education.

SB 5178 by Senators McAuliffe, Winsley and Rasmussen

AN ACT Relating to correcting references to the third grade standardized achievement test; and amending RCW 28A.165.030 and 28A.300.295.

Referred to Committee on Education.

SB 5179 by Senators Oke and Jacobsen

AN ACT Relating to the authority of the parks and recreation commission; amending RCW 43.51.030, 43.51.040, 43.51.045, 43.51.046, 43.51.061, 43.51.060, 43.51.052, 46.61.587, 7.84.010, 7.84.020, 43.51.210, 43.220.160, 79.72.020, 79.72.030, 79.72.040, 79.72.050, 43.51.070, 43.51.080, 43.51.110, 43.51.140, 43.51.220, 43.51.237, 43.51.270, 43.51.948, 43.51.720, 43.51.730, 43.51.750, 43.51.510, 43.51.540, 43.51.432, 88.12.015, 88.12.195, 88.12.205, and 88.12.365; reenacting and amending RCW 43.51.290; adding a new section to chapter 43.99 RCW; adding a new title to the Revised Code of Washington to be codified as Title 79A RCW; recodifying RCW 43.51.020, 43.51.030, 43.51.040, 43.51.045, 43.51.046, 43.51.048, 43.51.050, 43.51.052, 43.51.055, 43.51.060, 43.51.061, 43.51.062, 43.51.063, 43.51.065, 43.51.070, 43.51.080, 43.51.090, 43.51.100, 43.51.110, 43.51.112, 43.51.1121, 43.51.113, 43.51.114, 43.51.130, 43.51.140, 43.51.150, 43.51.160, 43.51.170, 43.51.180, 43.51.200, 43.51.210, 43.51.215, 43.51.220, 43.51.235, 43.51.237, 43.51.240, 43.51.250, 43.51.270, 43.51.275, 43.51.285, 43.51.290, 43.51.300, 43.51.310, 43.51.320, 43.51.321, 43.51.330, 43.51.340, 43.51.350, 43.51.360, 43.51.365, 43.51.370, 43.51.375, 43.51.385, 43.51.395, 43.51.400, 43.51.405, 43.51.407, 43.51.409, 43.51.411, 43.51.415, 43.51.417, 43.51.419, 43.51.420, 43.51.430, 43.51.432, 43.51.434, 43.51.436, 43.51.438, 43.51.440, 43.51.442, 43.51.444, 43.51.446, 43.51.448, 43.51.450, 43.51.452, 43.51.454, 43.51.456, 43.51.500, 43.51.510, 43.51.530, 43.51.540, 43.51.550, 43.51.560, 43.51.570, 43.51.580, 43.51.590, 43.51.650, 43.51.655, 43.51.660, 43.51.665, 43.51.670, 43.51.675, 43.51.685, 43.51.695, 43.51.700, 43.51.705, 43.51.710, 43.51.715, 43.51.720, 43.51.725, 43.51.730, 43.51.735, 43.51.740, 43.51.745, 43.51.750, 43.51.755, 43.51.760, 43.51.765, 43.51.900, 43.51.910, 43.51.920, 43.51.930, 43.51.940, 43.51.942, 43.51.943, 43.51.944, 43.51.945, 43.51.946, 43.51.947, 43.51.948, 43.51.949, 43.51.950, 43.51.951, 43.51.952, 43.51.953, 43.51.954, 43.51.955, 43.51.956, 43.98.010, 43.98.020, 43.98.030, 43.98.040, 43.98.050, 43.98.060, 43.98.070, 43.98.080, 43.98.090, 43.98A.005, 43.98A.010, 43.98A.020, 43.98A.030, 43.98A.040, 43.98A.050, 43.98A.060, 43.98A.070, 43.98A.080, 43.98A.090, 43.98A.100, 43.98A.900, 43.98B.005, 43.98B.010, 43.98B.020, 43.98B.030, 43.98B.900, 43.98B.910, 43.98B.920, 43.99.010, 43.99.020, 43.99.025, 43.99.030, 43.99.040, 43.99.050, 43.99.060, 43.99.070, 43.99.080, 43.99.095, 43.99.100, 43.99.110, 43.99.120, 43.99.124, 43.99.126, 43.99.130, 43.99.135, 43.99.142, 43.99.146, 43.99.150, 43.99.170, 43.99.800, 43.99.810, 43.99.820, 43.99.830, 43.99.900, 43.99.910, 67.18.005, 67.18.010, 67.18.020, 67.18.030, 67.18.040, 67.18.050, 67.18.900, 67.32.010, 67.32.020, 67.32.030, 67.32.040, 67.32.050, 67.32.060, 67.32.070, 67.32.080, 67.32.090, 67.32.100, 67.32.110, 67.32.130, 67.32.140, 70.88.010, 70.88.020, 70.88.030, 70.88.040, 70.88.050, 70.88.060, 70.88.070, 70.88.080, 70.88.090, 70.88.100, 70.117.010, 70.117.015, 70.117.020, 70.117.025, 70.117.030, 70.117.040, 77.12.720, 77.12.730, 77.12.740, 79.08.102, 79.08.104, 79.08.106, 79.08.1062, 79.08.1064, 79.08.1066, 79.08.1069, 79.08.1072, 79.08.1074, 79.08.1078, 79.08.109, 79.72.010, 79.72.020, 79.72.030, 79.72.040, 79.72.050, 79.72.060, 79.72.070, 79.72.080, 79.72.090, 79.72.100, 79.72.900, 88.12.010, 88.12.015, 88.12.020, 88.12.025, 88.12.029, 88.12.032, 88.12.033, 88.12.035, 88.12.045, 88.12.055, 88.12.065, 88.12.075, 88.12.085, 88.12.095, 88.12.105, 88.12.115, 88.12.125, 88.12.135, 88.12.145, 88.12.155, 88.12.165, 88.12.175, 88.12.185, 88.12.195, 88.12.205, 88.12.215, 88.12.218, 88.12.222, 88.12.225, 88.12.227, 88.12.230, 88.12.232, 88.12.235, 88.12.245, 88.12.250, 88.12.255, 88.12.260, 88.12.265, 88.12.275, 88.12.276, 88.12.278, 88.12.279, 88.12.285, 88.12.295, 88.12.305, 88.12.315, 88.12.325, 88.12.335, 88.12.345, 88.12.355, 88.12.365, 88.12.375, 88.12.385, 88.12.395, 88.12.500, 88.12.505, 88.27.010, 88.27.020, 88.27.030, 88.27.040, 88.27.050, 88.27.900, 90.56.090, and 43.51.380; repealing RCW 43.51.010, 79.08.108, 43.51.047, 43.51.545, 43.51.260, 43.51.355, and 43.51.230; and prescribing penalties.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5180 by Senators Loveland, West, Brown and Winsley (by request of Governor Locke)

AN ACT Relating to fiscal matters; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1999, and ending June 30, 2001; amending RCW 69.50.520 and 72.09.050; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5181 by Senators Loveland, West, Brown and Winsley (by request of Governor Locke)

AN ACT Relating to fiscal matters; amending RCW 72.09.050; amending 1997 c 149 ss 143, 713, 802, 804, 901, 903, 904, 906, 907, 908, and 909 (uncodified); amending 1997 c 454 s 509 (uncodified); amending 1998 c 346 ss 105, 106, 110, 114, 115, 117, 121, 128, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 217, 218, 219, 220, 222, 302, 304, 307, 308, 401, 402, 502, 503, 504, 505, 507, 509, 510, 511, 512, 513, 514, 515, 604, 607, 609, 701, 702, 704, 705, 706, 717, 801, 802, 803, 902, and 903 (uncodified); adding new sections to 1997 c 149 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5182 by Senators Bauer, Loveland, Rossi, Winsley and Rasmussen (by request of Governor Locke)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.98A.040, 43.98A.060, and 43.98A.070; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5183 by Senators Bauer, Loveland, Rossi, Winsley and Rasmussen (by request of Governor Locke)

AN ACT Relating to the capital budget; amending 1997 c 235 ss 113, 392, 501, and 624 (uncodified); 1998 c 347 s 53 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5184 by Senators Bauer, Loveland, Rossi and Rasmussen (by request of Governor Locke)

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.99L.010, 43.99L.020, 43.99L.030, 43.84.092, and 43.84.092; adding a new chapter to Title 43 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5185 by Senators Haugen, Benton, T. Sheldon, Finkbeiner, Goings, Gardner, Prentice, Sellar and Winsley

AN ACT Relating to highway work done by state forces; and amending RCW 47.28.030.

Referred to Committee on Transportation.

SB 5186 by Senator Rasmussen (by request of Department of Agriculture)

AN ACT Relating to planting stock certification; amending RCW 15.14.010, 15.14.030, 15.14.070, 15.14.050, 15.14.110, 15.14.120, 15.14.040, 15.14.140, 15.14.130, and 15.13.470; adding new sections to chapter 15.14 RCW; creating a new section; recodifying RCW 15.14.010, 15.14.030, 15.14.070, 15.14.050, 15.14.110, 15.14.120, 15.14.040, 15.14.140, 15.14.150, 15.14.130, 15.14.900, and 15.14.920; decodifying RCW 15.14.910; and repealing RCW 15.14.020, 15.14.060, 15.14.080, 15.14.100, 15.69.010, 15.69.020, 15.69.030, and 15.69.040.

Referred to Committee on Agriculture and Rural Economic Development.

**SB 5187** by Senator Rasmussen (by request of Department of Agriculture)

AN ACT Relating to updating or repealing dairy and food laws; amending RCW 15.36.012, 15.36.021, 15.36.051, 15.36.081, 15.36.111, 15.36.151, 15.36.161, 15.36.171, 15.36.181, 15.36.191, 15.36.231, 15.36.401, 15.36.421, 15.36.451, 15.36.471, 15.36.481, 15.36.491, 15.36.511, 15.36.551, and 15.36.561; reenacting and amending RCW 15.36.201; adding new sections to chapter 15.36 RCW; repealing RCW 15.36.031, 15.36.061, 15.36.121, 15.36.211, 15.36.251, 15.36.291, 15.36.301, 15.36.311, 15.36.411, 15.36.431, 15.36.441, 15.36.461, 15.36.501, 15.36.521, 15.38.001, 15.38.010, 15.38.020, 15.38.030, 15.38.040, 15.38.050, 15.40.010, 15.40.030, 15.40.040, 15.40.050, 15.40.900, 15.41.010, 15.41.020, 16.48.120, 16.48.280, 16.48.310, 16.48.311, 16.48.312, 16.48.320, 16.48.325, 16.49A.010, 16.49A.020, 16.49A.030, 16.49A.040, 16.49A.050, 16.49A.060, 16.49A.070, 16.49A.080, 16.49A.090, 16.49A.100, 16.49A.110, 16.49A.120, 16.49A.130, 16.49A.140, 16.49A.150, 16.49A.160, 16.49A.170, 16.49A.180, 16.49A.190, 16.49A.200, 16.49A.210, 16.49A.220, 16.49A.230, 16.49A.240, 16.49A.250, 16.49A.255, 16.49A.260, 16.49A.270, 16.49A.280, 16.49A.290, 16.49A.300, 16.49A.310, 16.49A.320, 16.49A.330, 16.49A.340, 16.49A.350, 16.49A.360, 16.49A.370, 16.49A.380, 16.49A.390, 16.49A.400, 16.49A.410, 16.49A.420, 16.49A.430, 16.49A.440, 16.49A.450, 16.49A.460, 16.49A.470, 16.49A.480, 16.49A.520, 16.49A.530, 16.49A.540, 16.49A.550, 16.49A.560, 16.49A.570, 16.49A.580, 16.49A.590, 16.49A.600, 16.49A.610, 16.49A.620, 16.49A.630, 16.49A.640, 16.49A.650, 16.49A.900, 16.49A.910, 16.49A.920, 16.74.010, 16.74.020, 16.74.030, 16.74.040, 16.74.050, 16.74.060, 16.74.070, 16.74.080, 16.74.090, 16.74.100, 16.74.110, 16.74.120, 16.74.130, 16.74.140, 16.74.150, 16.74.160, 16.74.170, 16.74.180, 16.74.190, 16.74.200, 16.74.210, 16.74.220, 16.74.230, 16.74.240, 16.74.250, 16.74.260, 16.74.270, 16.74.280, 16.74.290, 16.74.300, 16.74.310, 16.74.320, 16.74.330, 16.74.340, 16.74.350, 16.74.360, 16.74.370, 16.74.380, 16.74.390, 16.74.400, 16.74.410, 16.74.420, 16.74.430, 16.74.440, 16.74.450, 16.74.460, 16.74.470, 16.74.480, 16.74.490, 16.74.500, 16.74.510, 16.74.520, 16.74.530, 16.74.540, 16.74.550, 16.74.560, 16.74.570, 16.74.580, 16.74.590, 16.74.600, 16.74.610, 16.74.615, 16.74.620, 16.74.630, 16.74.640, 16.74.650, 16.74.900, 16.74.910, 16.74.920, 19.92.100, 19.92.110, 19.92.120, and 19.92.240; prescribing penalties; and providing an expiration date.

Referred to Committee on Agriculture and Rural Economic Development.

**SB 5188** by Senators Rasmussen and Morton (by request of Department of Agriculture)

AN ACT Relating to a pilot project for limited private applicator licenses and rancher private applicator licenses; and amending RCW 17.21.187.

Referred to Committee on Agriculture and Rural Economic Development.

**SB 5189** by Senators Haugen, Benton, Gardner, Goings, Prentice and Winsley (by request of Governor Locke)

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

Referred to Committee on Transportation.

**SB 5190** by Senators Swecker, Fraser, Rasmussen, T. Sheldon and Winsley

AN ACT Relating to lakes management; amending RCW 85.38.010, 36.61.020, 36.61.270, 75.20.100, 90.48.445, and 17.24.051; adding new chapters to Title 90 RCW; creating a new section; repealing RCW 36.61.115; providing an expiration date; and declaring an emergency.

Referred to Committee on Environmental Quality and Water Resources.

**SB 5191** by Senators Goings, Benton, Haugen, Sellar, Patterson, Winsley, T. Sheldon and Costa

AN ACT Relating to motor carriers operating without a permit; amending RCW 81.80.070; and prescribing penalties.

Referred to Committee on Transportation.

SB 5192 by Senators Goings, Patterson, Benton, Sellar, Haugen, Oke, Winsley, T. Sheldon and Costa

AN ACT Relating to motor carrier drug testing programs; adding a new section to chapter 81.80 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5193 by Senators Goings, Benton, Haugen, Oke, Winsley and T. Sheldon

AN ACT Relating to truck, tractor, or trailer intelligent information systems; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Transportation.

SB 5194 by Senators Brown, Rossi, Fraser, Finkbeiner, Gardner and Winsley (by request of Department of Information Services)

AN ACT Relating to information technology management in state government; amending RCW 43.105.020, 43.105.047, 43.105.052, 43.105.055, 43.105.080, 43.105.160, and 43.105.190; reenacting and amending RCW 43.105.170 and 43.105.180; and adding new sections to chapter 43.105 RCW.

Referred to Committee on Energy, Technology and Telecommunications.

SB 5195 by Senators Heavey, Johnson, Kline and Winsley

AN ACT Relating to protecting employee benefits; and amending RCW 6.15.020.

Referred to Committee on Judiciary.

SB 5196 by Senators Johnson, Kline and Winsley

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

Referred to Committee on Judiciary.

SB 5197 by Senators Johnson and Kline

AN ACT Relating to disclaimer of interests; amending RCW 11.86.041; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5198 by Senators Johnson and Kline

AN ACT Relating to updating the probate and trust law to comport with Internal Revenue Code language; and amending RCW 11.108.060.

Referred to Committee on Judiciary.

SB 5199 by Senators Thibaudeau, Deccio, Wojahn and Winsley (by request of Department of Health)

AN ACT Relating to reporting, treatment, and payment for treatment of tuberculosis; amending RCW 70.28.010, 70.28.020, 70.28.037, 70.30.061, 70.32.010, 70.33.010, 70.33.020, and 70.33.040; adding new sections to chapter 70.30 RCW; adding new sections to chapter 70.28 RCW; creating a new section; recodifying RCW 70.33.010, 70.33.020, 70.32.010, and 70.33.040; and repealing RCW 70.28.040, 70.28.050, 70.30.072, 70.32.050, 70.32.060, 70.33.030, and 70.33.060.

Referred to Committee on Senate Health and Long-Term Care.

SB 5200 by Senators Thibaudeau, Deccio, Wojahn and Winsley (by request of Department of Health)

AN ACT Relating to removing the termination of the secretary's authority for administrative procedures; and amending RCW 43.70.280.

Referred to Committee on Senate Health and Long-Term Care.

SB 5201 by Senators Thibaudeau and Deccio (by request of Department of Health)

AN ACT Relating to vital statistics; amending RCW 70.58.107; adding a new section to chapter 70.58 RCW; repealing RCW 70.58.107; and providing an effective date.

Referred to Committee on Senate Health and Long-Term Care.

SB 5202 by Senators Loveland, Hale and Winsley

AN ACT Relating to qualifications for working for the county treasurer; and amending RCW 9.96A.020.

Referred to Committee on State and Local Government.

SB 5203 by Senators Winsley and Loveland

AN ACT Relating to sustained yield cooperative agreements; and amending RCW 79.60.090.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5204 by Senators T. Sheldon, Benton, Prentice, Shin, Winsley, Gardner, Hale, Horn, Heavey and Rasmussen

AN ACT Relating to recreational gaming activities; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5205 by Senators Morton, Rasmussen, Stevens, T. Sheldon, Honeyford, Sellar and Swecker

AN ACT Relating to animal cruelty; and amending RCW 16.52.185.

Referred to Committee on Agriculture and Rural Economic Development.

SB 5206 by Senators Zarelli, Kline and Stevens

AN ACT Relating to temporary adjustment of child support; and amending RCW 26.09.170.

Referred to Committee on Labor and Workforce Development.

SB 5207 by Senators Loveland, Heavey, Kline and Fairley

AN ACT Relating to defining employees working under a site certificate issued under chapter 80.50 RCW; and amending RCW 41.56.030.

Referred to Committee on Labor and Workforce Development.

SB 5208 by Senators Rasmussen, Stevens, T. Sheldon and Morton

AN ACT Relating to specialty fertilizer labeling language; amending RCW 15.54.340; and creating a new section.

HOLD.

SB 5209 by Senators T. Sheldon, Winsley, Bauer, Haugen, Hale, Gardner and Benton

AN ACT Relating to low alcohol spirits coolers; amending RCW 66.04.010; reenacting and amending RCW 66.24.290; adding a new section to chapter 66.08 RCW; adding a new section to chapter 19.126 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5210 by Senators Stevens, Hargrove, Long, Zarelli, Patterson and Franklin

AN ACT Relating to placing children in shelter care; amending RCW 13.34.060; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Human Services and Corrections.

SB 5211 by Senators Costa, Roach, Fairley, Goings, West and Winsley

AN ACT Relating to the jurisdiction of limited jurisdiction courts; and amending RCW 3.50.330, 3.66.068, and 35.20.255.

Referred to Committee on Judiciary.

SB 5212 by Senators McAuliffe, Eide, Winsley, Thibaudeau, Franklin, Rasmussen and Costa

AN ACT Relating to school safety plans; amending RCW 28A.305.130; adding a new section to chapter 28A.630 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

SB 5213 by Senators McAuliffe, Kohl-Welles and Costa

AN ACT Relating to record checks of private school educational employees; adding a new section to chapter 28A.195 RCW; and declaring an emergency.

Referred to Committee on Education.

SB 5214 by Senators McAuliffe, Long, Fairley, Kohl-Welles, Eide, Costa, Kline, Thibaudeau and Winsley

AN ACT Relating to detention of minors who illegally possess firearms on school facilities; and amending RCW 9.41.280.

Referred to Committee on Education.

SB 5215 by Senators Bauer, Oke, Kohl-Welles, Roach, Winsley, T. Sheldon and Rasmussen

AN ACT Relating to veterans' exemptions from higher education tuition and fees; amending RCW 28B.15.620 and 28B.15.628; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5216 by Senators Benton and Stevens

AN ACT Relating to podiatric physicians and surgeons; amending RCW 18.71A.010, 18.71A.020, 18.71A.060, 18.57A.010, 18.57A.020, 18.57A.060, and 18.22.035; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.57A RCW; and creating a new section.

Referred to Committee on Senate Health and Long-Term Care.

SB 5217 by Senators Benton, Swecker, Stevens, Deccio, Zarelli, Hochstatter and Johnson

AN ACT Relating to property taxes; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.40 RCW; and creating new sections.

Referred to Committee on Ways and Means.

SB 5218 by Senators Benton, Honeyford, Swecker, Rossi, Zarelli, Oke and Johnson

AN ACT Relating to eliminating the state property tax; amending RCW 84.52.065, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145, 36.73.060, 36.83.030, 36.100.050, 67.38.130, and 84.52.010; reenacting and amending RCW 84.69.020; and creating a new section.

Referred to Committee on Ways and Means.

SB 5219 by Senators Swecker, Zarelli, T. Sheldon and Snyder

AN ACT Relating to annexations by less than county-wide port districts in areas having no registered voters; and creating new sections.

Referred to Committee on State and Local Government.

SJR 8201 by Senators T. Sheldon and Benton

Setting base years for property tax valuation.

Referred to Committee on Ways and Means.

SJR 8202 by Senators Benton, Swecker, Stevens, Deccio, Zarelli, Hochstatter and Johnson

Amending the state Constitution to allow real property tax relief.

Referred to Committee on Ways and Means.

MOTIONS

On motion of Senator Goings, Senate Bill No. 5171 was referred to the Committee on Labor and Workforce Development.

On motion of Senator Goings, Senate Bill No. 5208 was held at the desk.

PERSONAL PRIVILEGE

Senator Rasmussen: "A point of personal privilege, Madam President. Before we adjourn, I think it would be fitting to congratulate one of our own for her thirty-first birthday--Senator Spanel."

The President Pro Tempore requested the Senators to join in singing Happy Birthday to Senator Spanel.

PERSONAL PRIVILEGE

Senator Thibaudeau: "A point of personal privilege, Madam President. While we are celebrating various happy occasions, I think we should also express our sincere sympathies to Senator Betti Sheldon and her family on the death of her mother. Thank you."

MOTION

At 10:12 a.m., on motion of Senator Goings, the Senate adjourned until 12:00 noon, Monday, January 18, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTH DAY, JANUARY 15, 1999

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

**EIGHTH DAY**

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NOON SESSION

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Senate Chamber, Olympia, Monday, January 18, 1999

The Senate was called to order at 12:00 noon by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Loveland, McAuliffe, McCaslin, Betti Sheldon, Snyder, Thibaudeau and Wojahn. On motion of Senator Franklin, Senators Bauer, Loveland, McAuliffe, McCaslin, Betti Sheldon, Snyder, Thibaudeau and Wojahn were excused.

The Sergeant at Arms Color Guard consisting of Pages Ted Lawver and Bevan Annaloro, presented the Colors. Reverend Dr. Ray Dexter of the Salvation Army of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

January 11, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Nate Ford, appointed January 11, 1999, for a term ending July 26, 1999, as a member of the Personnel Appeals Board.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Labor and Workforce Development.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON  
HIGHER EDUCATION COORDINATING BOARD  
917 Lakeridge Way  
Olympia, Washington 98504-3430

January 13, 1999

TO: The Honorable Tony Cook  
Secretary of the Senate

FROM: Marcus S. Gaspard, Executive Director

SUBJECT: Recommendations for Higher Education Budgets for the 1999-2001 Biennium

Under the provisions of RCW 28B.80.3301, the Higher Education Coordinating Board is required to review, evaluate, and make recommendations to the Governor and the Legislature on the operating and capital budget requests of the state's public higher education institutions.

These recommendations are to be based on established roles and missions of the institutions, on the higher education master plan prepared by the Board, and other identified state higher education goals, objectives and priorities. Further, the recommendations are to be based on guidelines developed by the Board that outline its fiscal priorities.

Pursuant to this requirement, the Board held budget conferences with all of the institutions in September, and at its meeting in October adopted recommendations for higher education capital and operating budgets for the 1999-2001 biennium.

Enclosed for consideration by the Legislature as it develops operating and capital budgets for the 1999-2001 biennium are copies of the Board's recommendations for those budgets.

I look forward to meeting with members of the Legislature with its appropriate committees to discuss these recommendations and respond to questions that may arise.

The Report from the Higher Education Coordinating Board on Recommendations for Higher Education Budgets for the 1999-2001 Biennium is on file in the Office of the Secretary of Senate.

MESSAGE FROM THE HOUSE

January 18, 1999

MR. PRESIDENT:

The House has passed HOUSE JOINT MEMORIAL NO 4003, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

## INTRODUCTION AND FIRST READING

SB 5220 by Senators Winsley, Kline and Hale (by request of Alternative Public Works Methods Oversight Committee)

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

Referred to Committee on State and Local Government.

SB 5221 by Senators Patterson and Winsley (by request of Alternative Public Works Methods Oversight Committee)

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

Referred to Committee on State and Local Government.

SB 5222 by Senators Patterson and Winsley (by request of Alternative Public Works Methods Oversight Committee)

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

Referred to Committee on State and Local Government.

SB 5223 by Senators Loveland, Winsley and Patterson (by request of Alternative Public Works Methods Oversight Committee)

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

Referred to Committee on State and Local Government.

SB 5224 by Senators Patterson and Winsley (by request of Alternative Public Works Methods Oversight Committee)

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

Referred to Committee on State and Local Government.

SB 5225 by Senators Patterson and Winsley (by request of Alternative Public Works Methods Oversight Committee)

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

Referred to Committee on State and Local Government.

SB 5226 by Senator Heavey

AN ACT Relating to offers of settlement; amending RCW 4.84.250 and 12.20.060; adding new sections to chapter 4.84 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5227 by Senators Heavey, McCaslin and Deccio

AN ACT Relating to employee copies of personnel files; and amending RCW 49.12.240.

Referred to Committee on Labor and Workforce Development.

SB 5228 by Senators Kohl-Welles, Patterson and Thibaudeau

AN ACT Relating to the health effects of noise; creating new sections; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 5229 by Senators T. Sheldon, Swecker, Goings and Hale

AN ACT Relating to downtown and neighborhood commercial district revitalization; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 43 RCW; creating a new section; providing an effective date; and declaring an emergency.  
Referred to Committee on Agriculture and Rural Economic Development.

SB 5230 by Senators T. Sheldon and Prentice

AN ACT Relating to leasehold excise taxation; amending RCW 82.29A.120, 82.29A.050, and 82.29A.080; and providing an effective date.  
Referred to Committee on Ways and Means.

SB 5231 by Senators Hale, Winsley and Snyder

AN ACT Relating to duties of the county treasurer pertaining to management of debt; amending RCW 28A.320.300, 28A.320.310, 28A.320.320, 36.29.020, 36.48.070, 84.64.050, 84.64.080, and 84.64.120; adding a new section to chapter 36.01 RCW; and providing an effective date.  
Referred to Committee on State and Local Government.

SB 5232 by Senators Horn, Heavey, Fairley, Oke, Franklin, Hochstatter, Kohl-Welles and Winsley

AN ACT Relating to consumer protection regarding contractors; amending RCW 18.27.010, 18.27.030, 18.27.040, 18.27.050, 18.27.070, 18.27.100, 18.27.110, 18.27.114, 18.27.340, 60.04.021, 60.04.031, and 60.04.041; adding new sections to chapter 18.27 RCW; creating a new section; and prescribing penalties.  
Referred to Committee on Labor and Workforce Development.

SB 5233 by Senators Patterson, Horn, McCaslin, Kline, Gardner, Haugen and Winsley (by request of Department of Corrections)

AN ACT Relating to civil service exemptions within the department of corrections; and amending RCW 41.06.071.  
Referred to Committee on Labor and Workforce Development.

SB 5234 by Senators Long, Horn, Kline, Gardner, McCaslin, Zarelli, Roach, Hargrove, Kohl-Welles, Haugen, Franklin, Stevens, Thibaudeau, Oke, Winsley, Costa and Benton (by request of Department of Corrections)

AN ACT Relating to custodial sexual misconduct; amending RCW 43.43.830 and 70.125.030; reenacting and amending RCW 9.94A.320; adding new sections to chapter 9A.44 RCW; adding a new section to chapter 72.09 RCW; and prescribing penalties.  
Referred to Committee on Judiciary.

SB 5235 by Senators Long, Hargrove, Horn, Haugen, Zarelli, Kohl-Welles, Thibaudeau, Stevens, Kline, Gardner, McCaslin, Franklin, Roach, Oke, Winsley, Costa and Benton (by request of Department of Corrections)

AN ACT Relating to sex offender examinations and treatment; and amending RCW 9.94A.120, 18.155.010, 18.155.020, and 18.155.030.  
Referred to Committee on Human Services and Corrections.

SB 5236 by Senators Hargrove, Long, Horn, Haugen, Zarelli, Stevens, Kline, Gardner, McCaslin, Franklin, Roach, Thibaudeau, Rossi, Oke, Winsley, Costa and Benton (by request of Department of Corrections)

AN ACT Relating to retention of records pertaining to sexually violent offenses; and amending RCW 40.14.060 and 40.14.070.  
Referred to Committee on Human Services and Corrections.

SB 5237 by Senators Winsley, Goings, Roach, Oke, Swecker, Rasmussen, T. Sheldon, Hale and Benton

AN ACT Relating to veterans' exemptions from higher education tuition and fees; amending RCW 28B.15.620 and 28B.15.628; providing expiration dates; and declaring an emergency.  
Referred to Committee on Higher Education.

SB 5238 by Senators Gardner, Horn, Patterson, McCaslin and Winsley

AN ACT Relating to the accountancy board determination of continuing professional education for certified public accountants; and amending RCW 18.04.105 and 18.04.215.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5239 by Senators Fraser, Franklin, Kline and Prentice

AN ACT Relating to overtime compensation for commissioned salespersons; amending RCW 49.46.130; creating a new section; and declaring an emergency.  
Referred to Committee on Labor and Workforce Development.

SB 5240 by Senators Costa, Deccio and Winsley (by request of Department of Health)

AN ACT Relating to birth defects surveillance; creating a new section; and repealing RCW 70.58.300, 70.58.310, 70.58.320, 70.58.322, 70.58.324, 70.58.330, 70.58.332, 70.58.334, 70.58.338, 70.58.340, and 70.58.350.  
Referred to Committee on Health and Long-Term Care.

SB 5241 by Senators Swecker, Patterson, Rasmussen, Morton, Stevens and Benton

AN ACT Relating to the development of property transferred to immediate family members; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; and adding a new section to chapter 36.70A RCW.  
Referred to Committee on State and Local Government.

SB 5242 by Senators Kline, Winsley, Wojahn and Kohl-Welles

AN ACT Relating to damages for unlawful agency actions; and amending RCW 64.40.020.  
Referred to Committee on State and Local Government.

SB 5243 by Senators Kline, Winsley, Franklin, Prentice, Brown and Costa

AN ACT Relating to the linked deposit program; amending RCW 43.86A.030 and 43.86A.060; adding a new section to chapter 43.86A RCW; and repealing RCW 43.131.381 and 43.131.382.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5244 by Senators Kline, Heavey, Haugen, Wojahn, McAuliffe and Gardner

AN ACT Relating to comprehensive plans and development regulations; amending RCW 36.70A.120; and creating a new section.  
Referred to Committee on State and Local Government.

SB 5245 by Senators Kline, Fairley, Heavey, Kohl-Welles and McAuliffe

AN ACT Relating to rules adopted under the shoreline management act; and amending RCW 90.58.200.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5246 by Senators Kline, Costa, Patterson, Fraser and McAuliffe

AN ACT Relating to the amount of bond for motor vehicle dealers; and amending RCW 46.70.070.

Referred to Committee on Transportation.

SB 5247 by Senators Kline, Costa, Winsley, Goings and Rasmussen

AN ACT Relating to affordable housing.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5248 by Senators Loveland, Patterson, Snyder, Bauer, McCaslin and Winsley (by request of State Treasurer Murphy)

AN ACT Relating to the state treasurer negotiating state-wide custody contracts; adding a new section to chapter 43.08 RCW; adding a new section to chapter 39.58 RCW; creating a new section; and providing an effective date.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5249 by Senators Wojahn, Winsley, Jacobsen, Kohl-Welles, Thibaudeau, Deccio, Rasmussen, Spanel, Fraser, Goings, Roach, Oke, T. Sheldon, Eide, Costa and Benton

AN ACT Relating to sex offender and kidnapping offender residences; reenacting and amending RCW 9A.44.130; adding a new section to chapter 9A.44 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5250 by Senators Wojahn, Sellar, Jacobsen, Thibaudeau, Deccio, Winsley, McDonald, Kohl-Welles, Rasmussen, Spanel, Fraser, Oke, Gardner, Hale and Costa

AN ACT Relating to implementing programs that address women's health needs; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5251 by Senators Patterson, Heavey, Roach, Winsley and Costa

AN ACT Relating to state criminal jurisdiction; amending RCW 9A.04.030; and adding a new section to chapter 10.25 RCW.

Referred to Committee on Judiciary.

SB 5252 by Senators Fraser, Franklin, Kline and Prentice

AN ACT Relating to wage claims and collection; amending RCW 49.48.020, 49.48.040, 49.48.050, 49.48.060, 49.48.070, 43.84.092, and 43.84.092; adding new sections to chapter 49.48 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Labor and Workforce Development.

SB 5253 by Senators Benton, Prentice, Winsley, Shin, Deccio, Heavey, Rasmussen, West, T. Sheldon, Hale, Gardner, Rossi and Oke (by request of Department of Licensing)

AN ACT Relating to grounds for disciplinary action against real estate brokers or salespersons; and amending RCW 18.85.230.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5254 by Senators Rossi, Oke, Swecker and Zarelli

AN ACT Relating to driving while under the influence; amending RCW 46.61.5058; reenacting and amending RCW 46.61.5055, 46.20.308, 46.20.3101, and 46.20.391; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5255 by Senators Jacobsen, Oke, Rasmussen and Finkbeiner (by request of Department of Fish and Wildlife)

AN ACT Relating to the Washington conservation corps; amending RCW 43.220.020, 43.220.030, 43.220.040, 43.220.060, 43.220.070, 43.220.120, and 43.220.230; repealing RCW 43.220.050, 43.220.220, 43.220.240, 43.131.383, 43.131.384, and 43.220.150; and declaring an emergency.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5256 by Senators Snyder, Sellar, Prentice and Winsley (by request of State Investment Board)

AN ACT Relating to the state investment board; and amending RCW 42.17.310 and 42.30.110.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5257 by Senators Snyder, Sellar, Winsley, Prentice and Hale (by request of State Investment Board)

AN ACT Relating to criminal history record checks of prospective appointees and employees of the state investment board; and adding a new section to chapter 43.33A RCW.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5258 by Senators Snyder, Sellar, Winsley and Prentice (by request of State Investment Board)

AN ACT Relating to the state investment board; and amending RCW 43.33A.130.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5259 by Senators Snyder, Sellar, Prentice and Winsley (by request of State Investment Board)

AN ACT Relating to the state investment board; and amending RCW 43.33A.170.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5260 by Senators Kline, Johnson and Thibaudeau

AN ACT Relating to the equal access to justice act; and amending RCW 4.84.340, 4.84.350, and 4.84.360.

Referred to Committee on Judiciary.

SB 5261 by Senators Jacobsen and Prentice

AN ACT Relating to the Hispanic American endowed scholarship program; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

SB 5262 by Senators Thibaudeau and Deccio

AN ACT Relating to an exemption to allow unregulated persons to perform sleep monitoring tasks; and amending RCW 18.89.040.

Referred to Committee on Health and Long-Term Care.

SB 5263 by Senators Morton, West, McCaslin, Prentice, Rasmussen, Sellar, Swecker, Johnson, Patterson and Hale

AN ACT Relating to excise tax exemptions related to horses; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture and Rural Economic Development.

SB 5264 by Senators Horn and Hochstatter

AN ACT Relating to requirements for operating a motorcycle on Washington highways; amending RCW 46.20.100, 46.20.500, 46.20.505, 46.20.510, 46.20.515, 46.30.020, and 46.20.505; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Transportation.

SB 5265 by Senators Swecker, Rasmussen, Loveland, Morton and Hale

AN ACT Relating to land use and environmental review and permitting and economic development in rural counties; amending RCW 36.70B.020, 90.60.030, 43.21C.033, 43.21C.034, and 43.157.010; adding a new section to chapter 36.70B RCW; adding a new section to chapter 90.60 RCW; adding a new section to chapter 36.70C RCW; repealing RCW 43.131.387 and 43.131.388; and declaring an emergency.

Referred to Committee on State and Local Government.

SB 5266 by Senators Swecker, Rasmussen, Morton and Fraser

AN ACT Relating to permit coordination; and amending RCW 43.160.060.

Referred to Committee on Agriculture and Rural Economic Development.

SB 5267 by Senators Stevens, Haugen, Benton, Rossi, Roach and Eide

AN ACT Relating to covering materials on vehicles; and amending RCW 46.61.655.

Referred to Committee on Transportation.

SB 5268 by Senators Kohl-Welles, Long, Jacobsen, Hale, Gardner, Rossi, Thibaudeau, Prentice, Kline, Deccio, Costa, Patterson and B. Sheldon

AN ACT Relating to metropolitan park districts; amending RCW 35.61.010, 35.61.020, 35.61.030, 35.61.050, 35.61.120, 35.61.130, 35.61.150, 35.61.180, 35.61.200, 35.61.250, 35.61.290, and 84.52.010; and adding new sections to chapter 35.61 RCW.

Referred to Committee on State and Local Government.

SB 5269 by Senators Prentice, Roach, Heavey, Costa and Gardner

AN ACT Relating to defining locality to tie the prevailing rate of wage to the site of installation; and amending RCW 39.12.010.

Referred to Committee on Labor and Workforce Development.

SB 5270 by Senators Prentice, Roach, Heavey, Costa and Winsley

AN ACT Relating to the publishing of provisions for minimum wage in contract documents; and amending RCW 39.12.030.

Referred to Committee on Labor and Workforce Development.

SB 5271 by Senators Hochstatter, Gardner, McCaslin, Prentice, Long, Stevens, Zarelli, Goings, Benton, Horn, Rossi and Morton

AN ACT Relating to office of financial management reports to the legislature; and adding a new section to chapter 43.41 RCW.

Referred to Committee on State and Local Government.

SB 5272 by Senators Jacobsen, Kohl-Welles, Prentice and Patterson

AN ACT Relating to creating the Sue Durrant athletic achievement awards for young female athletes; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Education.

SB 5273 by Senators Jacobsen, Haugen, Rasmussen, Gardner, Prentice, Patterson, Winsley and Fraser

AN ACT Relating to a scenic byways designation program; amending RCW 47.39.010, 47.39.030, 47.39.060, and 47.39.080; adding new sections to chapter 47.39 RCW; repealing RCW 47.39.070; and declaring an emergency.  
Referred to Committee on Transportation.

SB 5274 by Senators Goings, Horn, Haugen, Costa, Winsley, Heavey, McCaslin, Long and Prentice

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

SB 5275 by Senators Bauer, Snyder, Zarelli, Eide, Sellar, Deccio, Haugen, Franklin, Hargrove, Patterson, Heavey, Rasmussen, Shin, Kohl-Welles, Fairley, Fraser, Prentice, Goings, T. Sheldon, Costa, Wojahn, Spanel, Jacobsen, Roach and Hale

AN ACT Relating to the Lewis and Clark bicentennial advisory committee; creating new sections; repealing RCW 27.34.340; and providing an expiration date.  
Referred to Committee on State and Local Government.

SB 5276 by Senators Fraser, West, Loveland, Hale, T. Sheldon, Honeyford and Winsley

AN ACT Relating to the meaning of gross income for a person engaged in a travel service business and who also receives reimbursements for administrative services provided to its foreign affiliates that also engage in a travel service business; and amending RCW 82.04.080.  
Referred to Committee on Ways and Means.

SB 5277 by Senators Kohl-Welles, Hale, Shin, Brown, Patterson, Finkbeiner, Eide, Bauer, Swecker, Rasmussen, Sellar, Prentice and Winsley

AN ACT Relating to child care grants for state institutions of higher education; and adding a new chapter to Title 28B RCW.  
Referred to Committee on Higher Education.

SB 5278 by Senators Kohl-Welles, Finkbeiner, Shin and Bauer

AN ACT Relating to foreign degree-granting institutions; and amending RCW 28B.90.020.  
Referred to Committee on Higher Education.

SB 5279 by Senators Kohl-Welles, Hargrove, Long, Fairley, Prentice and Winsley

AN ACT Relating to placement of children in mental health care by the department of social and health services; adding new sections to chapter 13.34 RCW; and creating a new section.  
Referred to Committee on Human Services and Corrections.

SJM 8003 by Senators Jacobsen, Oke, T. Sheldon, Rossi, Swecker, Rasmussen, Morton and Zarelli

Requesting legislation to eliminate family forests from estate taxes.

Referred to Committee on Natural Resources, Parks and Recreation.

SJM 8004 by Senators Bauer, Oke, Haugen, Snyder, Zarelli, Deccio, Eide, Goings, Shin, Hochstatter, Hargrove, Sellar, McCaslin, Rasmussen, Franklin, T. Sheldon, Patterson, Prentice, Thibaudeau, Costa, Winsley and Benton

Requesting that I-90 be designated a Memorial Highway to the Battle of Pearl Harbor.

Referred to Committee on Transportation.

SJM 8005 by Senators Kohl-Welles, Thibaudeau, Kline, Wojahn, Spanel, McCaslin, Franklin, Winsley, Prentice, Fairley and Finkbeiner

Urging Congress to downgrade marijuana to a Schedule II controlled substance.

Referred to Committee on Health and Long-Term Care.

SJR 8203 by Senators Eide, Kline, Thibaudeau and Prentice (by request of Board for Judicial Administration)

Amending the Constitution to establish bar admission requirements for judges.

Referred to Committee on Judiciary.

#### MOTIONS

On motion of Senator Goings, Senate Bill No. 5276 was referred to the Committee on Ways and Means.

On motion of Senator Goings, Senate Bill No. 5208, which was held on the desk January 15, 1999, was referred to the Committee on Environmental Quality and Water Resources.

#### MOTION

At 12:10 p.m., on motion of Senator Goings, the Senate was declared to be at ease.

The Senate was called to order at 12:19 p.m. by President Owen.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

HJM 4003 by Representatives Ballard, Chopp, H. Sommers, Huff, Hurst, D. Sommers, Koster, Bush, D. Schmidt, Talcott, Fortunato, Thomas, Carlson, Parlette, Pflug, Mitchell, McDonald, Rockefeller, Tokuda, Dickerson, Cairnes, O'Brien, Cody, Kenney, Wolfe, Mielke, Campbell, Ogden, Dunn, Ericksen, Skinner, Hankins, G. Chandler, Sump, Edmonds, McIntire, Haigh, Wensman, Stensen, Mulliken, Conway, Esser, Lambert and Linville (by request of Attorney General Gregoire)

Requesting amending the medicaid statute to prohibit federal recoupment of state tobacco settlement recoveries.

#### MOTION

On motion of Senator Goings, the rules were suspended and House Joint Memorial No. 4003 was advanced to second reading and placed on the second reading calendar.

#### MOTION

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

#### SECOND READING

HOUSE JOINT MEMORIAL NO. 4003, by Representatives Ballard, Chopp, H. Sommers, Huff, Hurst, D. Sommers, Koster, Bush, D. Schmidt, Talcott, Fortunato, Thomas, Carlson, Parlette, Pflug, Mitchell, McDonald, Rockefeller, Tokuda, Dickerson, Cairnes, O'Brien, Cody, Kenney, Wolfe, Mielke, Campbell, Ogden, Dunn, Ericksen, Skinner, Hankies, G. Chandler, Sump, Edmond, McIntire, Haigh, Wensman, Stensen, Mulliken, Conway, Esser, Lambert and Linville (by request of Attorney General Gregoire)

Requesting amending the medicaid statute to prohibit federal recoupment of state tobacco settlement recoveries.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Goings, the rules were suspended, House Joint Memorial No. 4003 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4003.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4003 and the joint memorial passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 40.

Excused: Senators Bauer, Loveland, McAuliffe, McCaslin, Sheldon, B., Snyder, Thibaudeau and Wojahn - 8.

HOUSE JOINT MEMORIAL NO. 4003, having received the constitutional majority, was declared passed.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Attorney General Christine Gregoire, who was seated in the gallery. The President thanked her for her outstanding work in the state tobacco settlement.

#### PERSONAL PRIVILEGE

Senator Franklin: "Mr. President, a point of personal privilege to make some comments on the remembrance of Dr. Martin Luther King, Jr. Today, as we take a moment to reflect upon the life of the Reverend Martin Luther King, Jr., let us not forget what his life and message was all about--that of a commitment to non-violence in seeking justice and equality for the oppressed.

"He championed the causes of civil, as well as economic rights. He paid the ultimate price with his life at the hands of an assassin's bullet in Memphis, Tennessee, on April 4, 1968. A few days before, he lead a march of six thousand protestors in support of striking sanitation workers in that city.

"Dr. King accomplished much in his thirty-nine years of life. His legacy lives on as an inspiration and constant reminder of what it means to fight for justice and equality in a non-violent way.

"As a mortal man, he taught us the real meaning of love, forgiveness and the courage to fight injustice wherever it is found. He taught us to keep hope alive, to accept disappointment, but not give up fighting for what is right.

"Today, as we remember Dr. King and reflect upon how far we have come as a nation, in some ways, we still have far to go. His words of inspiration for today from his writings and I quote from--*The Community of Man*-- 'Human progress is neither automatic nor inevitable.'. Even a superficial look at history reveals that no social advance rolls in on the wheels in inevitability. Every step toward the goal of justice requires sacrifice, suffering and struggle--the tireless exertions and passionate concerns of dedicated individuals.

"Peace, justice and equality is not a goal, but a destination to which Dr. King has pointed the way. As we prepare to leave the twentieth century behind, Dr. King will go with us into the next millennium, the twenty-first century, as a beacon of hope and light for all who seek to be treated as first class citizens and recognized as being a participant in fighting for and preserving the freedoms for which we all enjoy."

Senators Sellar, Kohl-Wells, Prentice and McDonald spoke to the remarks of Senator Franklin remembering Martin Luther King, Jr.

MOTION

On motion of Senator Hargrove, the remarks by Senator Franklin on Martin Luther King, Jr. will be spread upon the Journal.

MOTION

At 12:23 p.m., on motion of Senator Goings, the Senate adjourned until 12:00 noon, Tuesday, January 19, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTH DAY, JANUARY 18, 1999

JOURNAL OF THE SENATE

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**NINTH DAY**

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NOON SESSION  
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SENATE CHAMBER, OLYMPIA, TUESDAY, JANUARY 19, 1999

THE SENATE WAS CALLED TO ORDER AT 12:00 NOON BY PRESIDENT OWEN. NO ROLL CALL WAS TAKEN.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

REPORTS OF STANDING COMMITTEES

JANUARY 18, 1999

**SB 5004** PRIME SPONSOR, SENATOR LOVELAND: REMEDYING A TECHNICAL PROBLEM IN SCHOOL BOND ELECTIONS. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; GARDNER, VICE CHAIR; HAUGEN, HORN, AND KLINE.

HOLD.

JANUARY 19, 1999

**SB 5126** PRIME SPONSOR, SENATOR KOHL-WELLES: REQUIRING THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES TO DEVELOP A POLICY FOR ASSESSING SEXUAL AGGRESSIVENESS AND VULNERABILITY OF PERSONS WHO ARE PLACED IN STATE-OPERATED OR STATE-FUNDED BOARDING HOMES. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: REFER TO COMMITTEE ON HEALTH AND LONG-TERM CARE WITHOUT RECOMMENDATION: SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; FRANKLIN, LONG, MCCASLIN AND PATTERSON.

REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL No. 5004 WAS HELD AT THE DESK.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

JANUARY 18, 1999

GA 9000 JEAN A. BATCHELDER, APPOINTED SEPTEMBER 10, 1997, FOR A TERM ENDING SEPTEMBER 30, 2002, AS A MEMBER OF THE BOARD OF TRUSTEES FOR LAKE WASHINGTON TECHNICAL COLLEGE DISTRICT No. 26.  
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED: SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; HALE, HORN, JACOBSEN AND WEST.

PASSED TO COMMITTEE ON RULES.

JANUARY 18, 1999

GA 9003 GORDON BUDKE, APPOINTED DECEMBER 12, 1997, FOR A TERM ENDING SEPTEMBER 30, 2003, AS A MEMBER OF THE BOARD OF TRUSTEES FOR EASTERN WASHINGTON UNIVERSITY.  
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED: SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; HALE, HORN, JACOBSEN AND WEST.

PASSED TO COMMITTEE ON RULES.

JANUARY 18, 1999

GA 9004 GWEN CHAPLIN, REAPPOINTED SEPTEMBER 15, 1997, FOR A TERM ENDING SEPTEMBER 30, 2003, AS A MEMBER OF THE BOARD OF TRUSTEES FOR CENTRAL WASHINGTON UNIVERSITY.  
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID REAPPOINTMENT BE CONFIRMED: SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; HALE, HORN, JACOBSEN AND WEST.

PASSED TO COMMITTEE ON RULES.

JANUARY 18, 1999

GA 9011 STANLEY L. K. FLEMMING, APPOINTED DECEMBER 10, 1997, FOR A TERM ENDING SEPTEMBER 30, 2003, AS A MEMBER OF THE BOARD OF TRUSTEES FOR THE EVERGREEN STATE COLLEGE.  
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED: SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; HALE, HORN, JACOBSEN AND WEST.

PASSED TO COMMITTEE ON RULES.

JANUARY 18, 1999

GA 9013 KEVIN GROSSMAN, APPOINTED JANUARY 16, 1998, FOR A TERM ENDING SEPTEMBER 30, 2001, AS A MEMBER OF THE BOARD OF TRUSTEES FOR SHORELINE COMMUNITY COLLEGE DISTRICT No. 7.  
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED: SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; HALE, HORN, JACOBSEN AND WEST.

PASSED TO COMMITTEE ON RULES.

JANUARY 18, 1999

GA 9019 GLENN E. JENNINGS, APPOINTED DECEMBER 10, 1997, FOR A TERM ENDING SEPTEMBER 30, 2002, AS A MEMBER OF THE BOARD OF TRUSTEES FOR EVERETT COMMUNITY COLLEGE DISTRICT No. 5.  
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED: SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; HALE, HORN, JACOBSEN AND WEST.

PASSED TO COMMITTEE ON RULES.

JANUARY 18, 1999  
GA 9021 RODNEY KAWAKAMI, REAPPOINTED SEPTEMBER 9, 1997, FOR A TERM ENDING SEPTEMBER 30, 2002, AS A MEMBER OF THE BOARD OF TRUSTEES FOR RENTON TECHNICAL COLLEGE DISTRICT No. 27.  
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID REAPPOINTMENT BE CONFIRMED: SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; HALE, HORN, JACOBSEN AND WEST.

PASSED TO COMMITTEE ON RULES.

JANUARY 18, 1999  
GA 9022 DR. JAY W. KIM, REAPPOINTED JANUARY 16, 1998, FOR A TERM ENDING SEPTEMBER 30, 2002, AS A MEMBER OF THE BOARD OF TRUSTEES FOR PIERCE COMMUNITY COLLEGE DISTRICT No. 11.  
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID REAPPOINTMENT BE CONFIRMED: SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; HALE, HORN, JACOBSEN AND WEST.

PASSED TO COMMITTEE ON RULES.

JANUARY 18, 1999  
GA 9024 RUTHANN KUROSE, REAPPOINTED SEPTEMBER 15, 1997, FOR A TERM ENDING SEPTEMBER 30, 2002, AS A MEMBER OF THE BOARD OF TRUSTEES FOR BELLEVUE COMMUNITY COLLEGE DISTRICT No. 8.  
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID REAPPOINTMENT BE CONFIRMED: SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; HALE, HORN, JACOBSEN AND WEST.

PASSED TO COMMITTEE ON RULES.

JANUARY 18, 1999  
GA 9041 MARILYN GLENN SAYAN, REAPPOINTED JANUARY 28, 1997, FOR A TERM ENDING SEPTEMBER 8, 2000, AS CHAIR OF THE PUBLIC EMPLOYMENT RELATIONS COMMISSION.  
REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: REFER TO COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT WITHOUT RECOMMENDATION: SIGNED: PATTERSON, CHAIR; GARDNER, VICE CHAIR; HAUGEN, HORN, AND KLINE.

REFERRED TO COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT.

JANUARY 18, 1999  
GA 9114 BRIAN GAIN, APPOINTED SEPTEMBER 8, 1998, FOR A TERM ENDING AUGUST 2, 1999, AS A MEMBER OF THE SENTENCING GUIDELINES COMMISSION.  
REPORTED BY COMMITTEE ON JUDICIARY

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED: SIGNED BY SENATORS HEAVEY, CHAIR; KLINE, VICE CHAIR; COSTA, GOINGS, HARGROVE, HAUGEN, JOHNSON, LONG, AND ROACH.

PASSED TO COMMITTEE ON RULES.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
OLYMPIA, WASHINGTON 98504-5000  
JANUARY 15, 1999

MR. TONY COOK  
SECRETARY OF THE SENATE  
P.O. BOX 40482  
OLYMPIA, WASHINGTON 98504-0482

MR. TIM MARTIN, Co-CHIEF CLERK  
HOUSE OF REPRESENTATIVES  
P.O. BOX 40600  
OLYMPIA, WASHINGTON 98504-0600

MR. DEAN FOSTER, CO-CHIEF CLERK  
HOUSE OF REPRESENTATIVES  
P.O. BOX 40600  
OLYMPIA, WASHINGTON 98504-0600

MS. LAURIE FORTIER  
GOVERNMENT PUBLICATIONS  
STATE LIBRARY  
MAILSTOP: 98504-2460

SUBJECT: WORKFIRST OUTCOME MEASURES (RCW 74.08A.430)

DEAR MR. COOK, MR. MARTIN, MR. FOSTER AND MS. FORTIER:

ENGROSSED HOUSE BILL NO. 3901 (SECTION 704) CALLED FOR AN OUTCOME MEASURE REPORT, DUE EACH JANUARY 15TH, WHICH MAY INCLUDE, BUT NOT LIMITED TO:

- (A) CASELOAD REDUCTION;
- (B) RECIDIVISM TO CASELOAD AFTER TWO YEARS;
- (C) JOB RETENTION;
- (D) EARNINGS;
- (E) REDUCTION IN AVERAGE GRANT THROUGH INCREASED RECIPIENT EARNINGS; AND
- (F) PLACEMENT OF RECIPIENTS INTO PRIVATE SECTOR, UNSUBSIDIZED JOBS.

THE ACT REQUIRED THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES TO REPORT. HOWEVER, BECAUSE WASHINGTON'S WORKFIRST PROGRAM IS ADMINISTERED BY A SUB-CABINET OF FOUR STATE AGENCIES, WE ARE JOINTLY REPORTING. THE FOUR AGENCIES ARE:

DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS)  
EMPLOYMENT SECURITY DEPARTMENT (ESD)  
STATE BOARD OF COMMUNITY AND TECHNICAL COLLEGES (SBCTC)  
DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC SERVICES (CTED)

WE HAVE BEEN MONITORING WHAT HAPPENS TO CLIENTS AS THEY LEAVE WORKFIRST THROUGH AN EXIT SURVEY. WE ARE SENDING THE LATEST WORKFIRST EXIT SURVEY, AND A REPORT ON SUBSIDIZED CHILDCARE, UNDER SEPARATE COVER.

SINCERELY,  
DICK THOMPSON, DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT  
LYLE QUASIM, SECRETARY, DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
CARVER GAYTON, COMMISSIONER, EMPLOYMENT SECURITY DEPARTMENT  
TIM DOUGLAS, DIRECTOR, DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT  
EARL HALE, EXECUTIVE DIRECTOR, STATE BOARD OF COMMUNITY AND TECHNICAL COLLEGES

THE REPORT ON WORKFIRST OUTCOME MEASURES IS ON FILE IN THE OFFICE OF THE SECRETARY OF THE SENATE.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR  
P.O. BOX 40002  
OLYMPIA, WASHINGTON 98504-0002  
JANUARY 8, 1999

THE HONORABLE CLYDE BALLARD  
SPEAKER  
THE HONORABLE FRANK CHOPP  
SPEAKER-ELECT  
WASHINGTON STATE HOUSE OF REPRESENTATIVES  
P.O. BOX 40600  
OLYMPIA, WASHINGTON 98504-0600

THE HONORABLE BRAD OWEN  
PRESIDENT  
WASHINGTON STATE SENATE  
P.O. BOX 40482  
OLYMPIA, WASHINGTON 98504-0482

DEAR SPEAKER BALLARD, SPEAKER-ELECT CHOPP AND LT. GOVERNOR OWEN:

RCW 43.41.220 REQUIRES THE GOVERNOR TO CONDUCT A REVIEW EACH BIENNIUM OF COMMISSIONS, BOARDS, COUNCILS, AND COMMITTEES IN STATE GOVERNMENT AND SUBMIT RECOMMENDATIONS AND EXECUTIVE REQUEST LEGISLATION TO THE LEGISLATURE FOR THE ELIMINATION AND CONSOLIDATION OF SUCH GROUPS.

IN ACCORDANCE WITH THAT LAW, ENCLOSED IS A REPORT RECOMMENDING THE TERMINATION OR MERGER OF 35 BOARDS AND PROGRAMS. LEGISLATION IMPLEMENTING THESE RECOMMENDATIONS IS ALSO ENCLOSED. FORMAL EXECUTIVE REQUEST BILLS WILL BE SUBMITTED TO APPROPRIATE OFFICIALS IN BOTH HOUSES IN THE NEAR FUTURE.

THANK YOU FOR YOUR FAVORABLE CONSIDERATION OF THIS LEGISLATION.

SINCERELY,  
GARY LOCKE, GOVERNOR

THE GOVERNOR'S REPORT ON THE REVIEW OF COMMISSIONS, BOARDS AND COUNCILS AND COMMITTEES IN STATE GOVERNMENT IS ON FILE IN THE OFFICE OF THE SECRETARY OF THE SENATE.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON  
JANUARY 18, 1999

MR. TONY COOK  
SECRETARY OF THE SENATE  
P.O. Box 40482  
OLYMPIA, WASHINGTON 98504-0482

DEAR MR. COOK:

ENCLOSED IS THE JOINT REPORT OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES AND THE DEPARTMENT OF HEALTH ENTITLED "A COMPREHENSIVE PROGRAM FOR ALCOHOL AND DRUG ABUSING MOTHERS AND THEIR YOUNG CHILDREN." THIS REPORT IS IN RESPONSE TO RCW 13.34.803. THE STATED LEGISLATIVE INTENT WAS TO "DEVELOP A COMPREHENSIVE PLAN FOR PROVIDING SERVICES TO MOTHERS WHO (A) HAVE DELIVERED A DRUG OR ALCOHOL EXPOSED OR AFFECTED INFANT, AND (B) MEET THE DEFINITION OF AT-RISK ELIGIBLE PERSONS IN RCW 74.09.790 AND WHO HAVE A CHILD UP TO THREE YEARS OF AGE."

THIS REPORT DESCRIBES THAT COMPREHENSIVE PROGRAM AND OUTLINES POTENTIAL PILOT STUDIES BASED ON THE PROGRAM. AS REQUESTED, THE REPORT ALSO: • OUTLINES THE SCOPE OF THE PROBLEM STATEWIDE.

- DESCRIBES A STATEWIDE INVENTORY AND SERVICE GAP ANALYSIS FOR THIS POPULATION.
- REVIEWS THE LITERATURE ON PROGRAM OUTCOMES FOR THIS AND SIMILAR POPULATIONS.
- ESTIMATES "POTENTIAL LONG-TERM COST SAVINGS TO THE STATE RESULTING FROM REDUCED USE OF THE MEDICAL, JUVENILE JUSTICE, PUBLIC ASSISTANCE, AND DEPENDENCY SYSTEMS BY CHILDREN AND MOTHERS RECEIVING SERVICES UNDER THE PLAN."

IF YOU HAVE QUESTIONS OR COMMENTS ON THIS REPORT, PLEASE CONTACT LIZ KOHLENBERG, PH.D., AT DSHS (902-0707), OR MARIA MEENGs LATHROP, MPH., AT DOH (236-3588).

SINCERELY,

LYLE QUASIM, SECRETARY MARY SELECKY, ACTING SECRETARY  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES DEPARTMENT OF HEALTH

THE JOINT REPORT OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES AND THE DEPARTMENT OF HEALTH ENTITLED "A COMPREHENSIVE PROGRAM FOR ALCOHOL AND DRUG ABUSING MOTHERS AND THEIR YOUNG CHILDREN" IS ON FILE IN THE OFFICE OF THE SECRETARY OF THE SENATE.

MESSAGE FROM THE HOUSE

JANUARY 18, 1999

MR. PRESIDENT:

THE CO-SPEAKERS HAVE SIGNED HOUSE JOINT MEMORIAL NO. No. 4003, AND THE SAME IS HEREWITH TRANSMITTED.

TIMOTHY A. MARTIN, CO-CHIEF CLERK  
DEAN R. FOSTER, CO-CHIEF CLERK

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED HOUSE JOINT MEMORIAL NO. 4003.

INTRODUCTION AND FIRST READING

SB 5280 BY SENATORS FRANKLIN, WINSLEY, WOJAHN, KLINE, GOINGS, THIBAudeau, STEVENS, RASMUSSEN, BENTON, PRENTICE, HEAVEY, GARDNER, SHIN AND OKE

AN ACT RELATING TO PROOF OF FINANCIAL RESPONSIBILITY OR MOTOR VEHICLE LIABILITY INSURANCE; AND AMENDING RCW 46.30.020, 46.16.212, 46.16.210, 46.30.040, AND 46.30.030.  
REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 5281 BY SENATOR T. SHELDON

AN ACT RELATING TO THE PERMIT ASSISTANCE CENTER; AMENDING RCW 90.60.010, 90.60.020, 90.60.030, 90.60.040, 90.60.050, AND 90.60.800; ADDING A NEW SECTION TO CHAPTER 90.60 RCW; REPEALING RCW 43.131.387 AND 43.131.388; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.  
REFERRED TO COMMITTEE ON ENVIRONMENTAL QUALITY AND WATER RESOURCES.

SB 5282 BY SENATORS GARDNER, GOINGS AND BENTON (BY REQUEST OF TRANSPORTATION IMPROVEMENT BOARD)

AN ACT RELATING TO THE PUBLIC TRANSPORTATION SYSTEMS ACCOUNT; AMENDING RCW 82.44.150; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.  
REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 5283 BY SENATORS GOINGS, GARDNER AND BENTON (BY REQUEST OF TRANSPORTATION IMPROVEMENT BOARD)

AN ACT RELATING TO TRANSPORTATION IMPROVEMENT BOARD BOND RETIREMENT ACCOUNT REVISIONS; AND AMENDING RCW 47.26.426, 47.26.427, 47.26.507, AND 43.84.092.  
REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 5284 BY SENATORS GARDNER, GOINGS AND BENTON ( BY REQUEST OF TRANSPORTATION IMPROVEMENT BOARD)

AN ACT RELATING TO MULTIMODAL TRANSPORTATION PROGRAMS; AND AMENDING RCW 47.66.030 AND 47.66.040.  
REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 5285 BY SENATORS HARGROVE, MCCASLIN, JOHNSON AND HAUGEN

AN ACT RELATING TO NUISANCES; AND ADDING A NEW SECTION TO CHAPTER 7.48 RCW.  
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5286 BY SENATORS SWECKER AND RASMUSSEN

AN ACT RELATING TO INDUSTRIAL DEVELOPMENT IN RURAL COUNTIES; AMENDING RCW 36.70A.367; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5287 BY SENATORS T. SHELDON, JOHNSON, BENTON, FINKBEINER, HOCHSTATTER, STEVENS, ROACH, SELLAR, HORN, ROSSI, ZARELLI, COSTA, LONG, MORTON, HEAVEY AND HARGROVE

AN ACT RELATING TO MOTORCYCLE EQUIPMENT; AND AMENDING RCW 46.37.530 AND 46.37.535.  
REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 5288 BY SENATORS FRASER, PRENTICE, PATTERSON, COSTA, SPANEL, EIDE, JACOBSEN, FRANKLIN, GARDNER, HAUGEN, THIBAudeau, KOHL-WELLES AND KLINE

AN ACT RELATING TO DESCRIBING WATERS PROHIBITED FROM OIL TANKER PASSAGE; AND AMENDING RCW 88.16.190.  
REFERRED TO COMMITTEE ON ENVIRONMENTAL QUALITY AND WATER RESOURCES.

SB 5289 BY SENATORS FRASER, MORTON, JACOBSEN, WINSLEY, RASMUSSEN, PATTERSON, SPANEL, HAUGEN, EIDE, SHIN, COSTA, FAIRLEY, HEAVEY, PRENTICE, GARDNER, FRANKLIN, KOHL-WELLES, THIBAudeau AND KLINE (BY REQUEST OF GOVERNOR LOCKE)

AN ACT RELATING TO WATER RESOURCE MANAGEMENT AND FACILITATING FISHERY PROTECTION AND RECOVERY; AMENDING RCW 90.54.020, 90.54.180, 90.03.290, 43.20.230, 90.48.495, 90.46.005, 90.46.030, 90.46.040, 90.46.120, 90.46.130, 90.03.380, 90.42.080, 90.03.330, 90.03.015, 39.34.020, 90.03.386, 90.03.383, 90.44.050, 58.17.110, 19.27.097, 90.03.255, 90.44.055, 75.20.106, 77.15.300, 90.03.600, 43.21B.300, 90.08.040, 90.08.060, 90.03.070, 90.58.080, 43.99E.015, AND 43.99E.030; REENACTING AND AMENDING RCW 43.83B.300; ADDING NEW SECTIONS TO CHAPTER 43.83B RCW; ADDING NEW SECTIONS TO CHAPTER 70.119A RCW; ADDING A NEW SECTION TO CHAPTER 58.17 RCW; ADDING A NEW SECTION TO CHAPTER 35.21 RCW; ADDING A NEW SECTION TO CHAPTER 35A.21 RCW; ADDING A NEW SECTION TO CHAPTER 36.01 RCW; ADDING A NEW SECTION TO CHAPTER 90.54 RCW; ADDING NEW SECTIONS TO CHAPTER 90.46 RCW; ADDING NEW SECTIONS TO CHAPTER 90.03 RCW; ADDING NEW SECTIONS TO CHAPTER 90.44 RCW; ADDING A NEW SECTION TO CHAPTER 39.34 RCW; ADDING A NEW SECTION TO CHAPTER 90.58 RCW; ADDING A NEW SECTION TO CHAPTER 43.27A RCW; ADDING NEW SECTIONS TO CHAPTER 36.70A

RCW; ADDING A NEW SECTION TO CHAPTER 43.21C RCW; ADDING NEW SECTIONS TO CHAPTER 90.42 RCW; CREATING NEW SECTIONS; PRESCRIBING PENALTIES; MAKING AN APPROPRIATION; AND PROVIDING AN EXPIRATION DATE. REFERRED TO COMMITTEE ON ENVIRONMENTAL QUALITY AND WATER RESOURCES.

SB 5290 BY SENATORS FRASER, SWECKER, WINSLEY, FAIRLEY, FRANKLIN, MORTON, PRENTICE, SPANEL, JACOBSEN, HONEYFORD, OKE AND RASMUSSEN

AN ACT RELATING TO THE FRESHWATER AQUATIC WEEDS MANAGEMENT PROGRAM; AMENDING RCW 43.21A.660; AND ADDING A NEW SECTION TO CHAPTER 43.21A RCW. REFERRED TO COMMITTEE ON ENVIRONMENTAL QUALITY AND WATER RESOURCES.

SB 5291 BY SENATORS FRANKLIN, WINSLEY, FAIRLEY, PRENTICE, KOHL-WELLES, PATTERSON, ROACH, HARGROVE, GOINGS, HEAVEY AND GARDNER

AN ACT RELATING TO ROAD RAGE; AMENDING RCW 46.63.020, 9.94A.390, AND 13.40.150; ADDING A NEW SECTION TO CHAPTER 46.61 RCW; ADDING A NEW SECTION TO CHAPTER 46.20 RCW; CREATING A NEW SECTION; AND PRESCRIBING PENALTIES. REFERRED TO COMMITTEE ON JUDICIARY.

SB 5292 BY SENATORS MORTON, RASMUSSEN, EIDE, SELLAR, HOCHSTATTER, STEVENS, ZARELLI, BENTON AND HONEYFORD

AN ACT RELATING TO THE PURCHASE OF WORKS OF ART FOR SCHOOLS LOCATED IN RURAL COMMUNITIES; AND AMENDING RCW 28A.335.210. REFERRED TO COMMITTEE ON EDUCATION.

SB 5293 BY SENATORS FAIRLEY, BROWN, PRENTICE, COSTA, PATTERSON, THIBAudeau, WOJAHN, FRANKLIN, JACOBSEN, SPANEL, HEAVEY AND KOHL-WELLES

AN ACT RELATING TO FAMILY LEAVE; AND AMENDING RCW 49.78.005, 49.78.010, AND 49.78.020. REFERRED TO COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT.

SB 5294 BY SENATORS COSTA, FRANKLIN, MCAULIFFE, PRENTICE, KOHL-WELLES, SHIN, FRASER, RASMUSSEN, WOJAHN AND KLINE

AN ACT RELATING TO SAFE STORAGE OF FIREARMS; AMENDING RCW 9A.36.050; ADDING A NEW SECTION TO CHAPTER 9.41 RCW; AND PRESCRIBING PENALTIES. REFERRED TO COMMITTEE ON JUDICIARY.

SB 5295 BY SENATORS COSTA, PRENTICE, KOHL-WELLES, THIBAudeau, FRASER, FAIRLEY AND HEAVEY

AN ACT RELATING TO BREASTFEEDING; AMENDING RCW 9A.88.010, 49.60.040, AND 49.60.215; ADDING A NEW SECTION TO CHAPTER 49.60 RCW; AND ADDING A NEW SECTION TO CHAPTER 49.12 RCW. REFERRED TO COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT.

SB 5296 BY SENATORS COSTA, LONG, MCAULIFFE, PRENTICE, SHIN, FAIRLEY, KOHL-WELLES, RASMUSSEN, HAUGEN, GARDNER AND KLINE

AN ACT RELATING TO DETERRING JUVENILE VIOLENCE; AMENDING RCW 69.50.520; ADDING A NEW CHAPTER TO TITLE 13 RCW; AND MAKING AN APPROPRIATION. REFERRED TO COMMITTEE ON HUMAN SERVICES AND CORRECTIONS.

SB 5297 BY SENATORS MCAULIFFE, WINSLEY, GOINGS, EIDE, BROWN, WOJAHN, THIBAudeau, KOHL-WELLES, PATTERSON AND KLINE (BY REQUEST OF SUPERINTENDENT OF PUBLIC INSTRUCTION BERGESON)

AN ACT RELATING TO SCHOOL DISTRICT ELECTIONS; AMENDING RCW 28A.535.020, 28A.535.050, 84.52.056, AND 39.36.020; REPEALING RCW 28A.530.020; AND PROVIDING A CONTINGENT EFFECTIVE DATE. REFERRED TO COMMITTEE ON EDUCATION.

SB 5298 BY SENATORS MCAULIFFE, WINSLEY, GOINGS, HONEYFORD, EIDE, BROWN, KOHL-WELLES AND PATTERSON (BY REQUEST OF SUPERINTENDENT OF PUBLIC INSTRUCTION BERGESON)

AN ACT RELATING TO LOCAL EFFORT ASSISTANCE; AMENDING RCW 28A.500.010; ADDING NEW SECTIONS TO CHAPTER 28A.500 RCW; AND PROVIDING AN EFFECTIVE DATE. REFERRED TO COMMITTEE ON EDUCATION.

SB 5299 BY SENATORS FAIRLEY, KOHL-WELLES, KLINE AND WOJAHN

AN ACT RELATING TO THE RESIDENCY REQUIREMENT FOR RECIPIENTS OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES; AND AMENDING RCW 74.08.025.  
REFERRED TO COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT.

SB 5300 BY SENATORS PATTERSON, HORN, HAUGEN, GARDNER AND HONEYFORD

AN ACT RELATING TO CITIES AND TOWNS; AMENDING RCW 41.04.190, 35.33.075, 35.34.120, 35.34.130, 35A.33.075, 35A.34.120, 35A.34.130, 35.23.181, 35A.12.110, 35A.14.299, 35A.14.020, 35A.63.110, 82.29A.090, AND 65.04.045; AND ADDING A NEW SECTION TO CHAPTER 43.21C RCW.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5301 BY SENATOR HEAVEY

AN ACT RELATING TO THE PROCESSING OF TRAFFIC OFFENSES BY DISTRICT AND MUNICIPAL COURTS; AMENDING RCW 7.68.035, 46.01.260, 46.20.293, 46.55.105, 46.63.020, AND 46.64.025; ADDING A NEW SECTION TO CHAPTER 46.52 RCW; AND REPEALING RCW 46.52.100 AND 46.61.475.  
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5302 BY SENATORS ROACH AND HEAVEY

AN ACT RELATING TO JURISDICTION OF SUPERIOR COURTS IN CIVIL ANTIHARASSMENT ACTIONS; AND AMENDING RCW 10.14.150.  
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5303 BY SENATORS HEAVEY, ROACH, McCASLIN AND WEST

AN ACT RELATING TO JUDICIAL OFFICERS IN DISTRICT AND MUNICIPAL COURTS; AMENDING RCW 3.42.010, 3.42.020, 3.42.040, 3.46.020, 3.50.075, 7.80.010, 26.04.050, 46.63.040, AND 3.34.080; CREATING A NEW SECTION; AND REPEALING RCW 3.42.030.  
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5304 BY SENATORS COSTA, HEAVEY, FAIRLEY, GOINGS, McCASLIN AND WEST

AN ACT RELATING TO PENALTIES IMPOSED FOR VIOLATIONS OF THE STATE LIQUOR CODE; AMENDING RCW 66.28.230, 66.44.180, AND 66.44.100; CREATING A NEW SECTION; PRESCRIBING PENALTIES; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.  
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5305 BY SENATORS JACOBSEN, OKE, T. SHELDON, HARGROVE, ROSSI AND RASMUSSEN (BY REQUEST OF COMMISSIONER OF PUBLIC LANDS BELCHER)

AN ACT RELATING TO PROVIDING INCENTIVES FOR NONINDUSTRIAL PRIVATE FOREST LANDOWNERS WITH LANDSCAPE PLANNING, TECHNICAL ASSISTANCE, CARBON STORAGE MARKETS, AND RURAL DESIGN ASSISTANCE; AMENDING RCW 76.09.020, 75.20.100, 84.34.210, AND 84.34.220; REENACTING AND AMENDING RCW 76.09.060 AND 76.09.220; ADDING NEW SECTIONS TO CHAPTER 76.09 RCW; CREATING NEW SECTIONS; AND MAKING APPROPRIATIONS.  
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND RECREATION.

SB 5306 BY SENATORS GARDNER, HAUGEN, SWECKER, FRASER AND WINSLEY (BY REQUEST OF COMMISSIONER OF PUBLIC LANDS BELCHER)

AN ACT RELATING TO AUTHORIZING STATE EMPLOYEE LUMP SUM RELOCATION ASSISTANCE; AMENDING RCW 41.06.150; ADDING A NEW SECTION TO CHAPTER 43.03 RCW; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT.

SB 5307 BY SENATORS JACOBSEN, SWECKER, FRASER AND KLINE (BY REQUEST OF COMMISSIONER OF PUBLIC LANDS BELCHER)

AN ACT RELATING TO THE RECLAMATION OF SURFACE DISTURBANCES CAUSED BY UNDERGROUND MINING; AND AMENDING RCW 78.44.031.  
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND RECREATION.

SB 5308 BY SENATORS JACOBSEN, HARGROVE, GARDNER, SWECKER, FRASER AND OKE (BY REQUEST OF COMMISSIONER OF PUBLIC LANDS BELCHER)

AN ACT RELATING TO A STUDY OF SAND, GRAVEL, AND ROCK RESOURCE MINING AND ITS IMPACT ON SALMON HABITAT AND URBAN DEVELOPMENT; CREATING NEW SECTIONS; MAKING REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND RECREATION.

SB 5309 BY SENATOR HAUGEN

AN ACT RELATING TO TECHNICAL EDITING OF STATUTES IN CHAPTER 46.20 RCW; AMENDING RCW 46.20.005, 46.20.015, 46.20.025, 46.20.031, 46.20.035, 46.20.041, 46.20.045, 46.20.055, 46.20.070, 46.20.091, 46.20.095, 46.20.100, 46.20.114, 46.20.117, 46.20.120, 46.20.130, 46.20.157, 46.20.161, 46.20.181, 46.20.205, 46.20.510, AND 46.64.070; REENACTING AND AMENDING RCW 46.20.021; ADDING A NEW SECTION TO CHAPTER 46.04 RCW; ADDING NEW SECTIONS TO CHAPTER 46.20 RCW; CREATING A NEW SECTION; RECODIFYING RCW 46.20.190, 46.20.336, 46.20.550, 46.20.343, 46.20.470, 46.20.414, AND 46.20.430; REPEALING RCW 46.20.106 AND 46.20.116; AND PRESCRIBING PENALTIES.  
REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 5310 BY SENATORS FAIRLEY, KOHL-WELLES, SHIN AND RASMUSSEN

AN ACT RELATING TO A CONDITIONAL SCHOLARSHIP FOR VOCATIONAL-TECHNICAL EDUCATION; AMENDING RCW 43.79A.040; ADDING A NEW CHAPTER TO TITLE 28B RCW; AND MAKING APPROPRIATIONS.  
REFERRED TO COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT.

SB 5311 BY SENATOR ROACH

AN ACT RELATING TO BODY PIERCING; AMENDING RCW 26.28.085; AND PRESCRIBING PENALTIES.  
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5312 BY SENATORS COSTA, DECCIO, WINSLEY, WOJAHN, THIBAudeau AND KOHL-WELLES

AN ACT RELATING TO PREVENTION OF WORKPLACE VIOLENCE IN HEALTH CARE SETTINGS; ADDING A NEW SECTION TO CHAPTER 70.41 RCW; ADDING A NEW SECTION TO CHAPTER 5.40 RCW; ADDING A NEW CHAPTER TO TITLE 49 RCW; CREATING A NEW SECTION; AND PRESCRIBING PENALTIES.  
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5313 BY SENATORS WOJAHN, ZARELLI, THIBAudeau, DECCIO AND WINSLEY

AN ACT RELATING TO THE SCOPE OF MENTAL HEALTH RECORD AUDITS; AND ADDING A NEW SECTION TO CHAPTER 48.43 RCW.  
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5314 BY SENATORS FAIRLEY, DECCIO, WOJAHN, KOHL-WELLES, WINSLEY AND KLINE (BY REQUEST OF DEPARTMENT OF SOCIAL AND HEALTH SERVICES)

AN ACT RELATING TO THE WORKFIRST PROGRAM PARTICIPATION EXEMPTION; AND AMENDING RCW 74.08A.270.  
REFERRED TO COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT.

SB 5315 BY SENATORS JACOBSEN, OKE AND WINSLEY

AN ACT RELATING TO AQUATIC NUISANCE SPECIES; AMENDING RCW 77.12.020; ADDING A NEW CHAPTER TO TITLE 77 RCW; AND CREATING NEW SECTIONS.  
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND RECREATION.

SB 5316 BY SENATORS T. SHELDON AND RASMUSSEN

AN ACT RELATING TO INFRASTRUCTURE FINANCING IN RURAL COUNTIES; AND ADDING A NEW SECTION TO CHAPTER 43.160 RCW.  
REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL ECONOMIC DEVELOPMENT.

SB 5317 BY SENATOR T. SHELDON

AN ACT RELATING TO TAX INCENTIVES IN RURAL COUNTIES; AND AMENDING RCW 82.14.370.  
REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL ECONOMIC DEVELOPMENT.

SB 5318 BY SENATORS T. SHELDON AND RASMUSSEN

AN ACT RELATING TO TAX INCENTIVES IN RURAL COUNTIES; AND AMENDING RCW 82.60.020.

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL ECONOMIC DEVELOPMENT.

SJM 8006 BY SENATOR T. SHELDON

URGING REVIEW OF FEDERAL ENVIRONMENTAL MANDATES.

REFERRED TO COMMITTEE ON ENVIRONMENTAL QUALITY AND WATER RESOURCES.

SJR 8204 BY SENATORS MCAULIFFE, WINSLEY, GOINGS, EIDE, BROWN, WOJAHN, THIBAudeau, KOHL-WELLES, PATTERSON AND KLINE (BY REQUEST OF SUPERINTENDENT OF PUBLIC INSTRUCTION BERGESON)

AMENDING THE CONSTITUTION TO PROVIDE FOR A SIMPLE MAJORITY OF VOTERS VOTING TO AUTHORIZE SCHOOL DISTRICT LEVIES.

REFERRED TO COMMITTEE ON EDUCATION.

SCR 8404 BY SENATORS SNYDER, McDONALD AND WINSLEY

RECOGNIZING THE "OLD TIMERS" REUNION.

HOLD.

#### MOTIONS

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL No 5295 WAS REFERRED TO THE COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT.

ON MOTION OF SENATOR BETTI SHELDON, SENATE CONCURRENT RESOLUTION No. 8404 WAS HELD AT THE DESK.

#### MOTION

AT 12:03 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 10:00 A.M. WEDNESDAY, JANUARY 20, 1999.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

#### JOURNAL OF THE SENATE

NINTH DAY, JANUARY 19, 1999

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#### TENTH DAY

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, January 20, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner and Heavey. On motion of Senator Honeyford, Senator Finkbeiner was excused. On motion of Senator Franklin, Senator Heavey was excused.

The Sergeant at Arms Color Guard consisting of Pages Chloe Cote and Perry Petrich, presented the Colors. Reverend Dr. Ray Dexter of the Salvation Army of Olympia, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENT

January 19, 1999

GA 9189 EUGENE PRINCE, appointed January 11, 1999, for a term ending January 15, 2005, as Chair of the Liquor Control Board.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

HOLD.

MOTION

On motion of Senator Sheldon, Gubernatorial Appointment No. 9189, Eugene Prince, as Chair of the Liquor and Control Board was held at the desk.

MOTIONS

On motion of Senator Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8404, which was held on the desk January 19, 1999, was advanced to second reading and placed on the second reading calendar.

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5004, which was held on the desk January 19, 1999, was advanced to second reading and placed on the second reading calendar.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, Washington 98504-5000

January 13, 1999

Mr. Tony Cook  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the Department's Report to the Legislature entitled "Chemical Dependency Disposition Alternative." It is mandated under RCW 70.96A.520.

Please call Mark Wirschem at (360) 902-8105 if you have questions regarding the report.

Sincerely,

LYLE QUASIM, Secretary

The Department of Social and Health Services Report on "Chemical Dependency Disposition Alternative" is on file in the Office of the Secretary of Senate.

INTRODUCTION AND FIRST READING

SB 5319 by Senators McCaslin, Patterson, Heavey, Haugen, Kline and Roach

AN ACT Relating to voting for port commissioners; amending RCW 53.12.010 and 53.12.021; and adding new sections to chapter 53.12 RCW.

Referred to Committee on State and Local Government.

SB 5320 by Senator Patterson

AN ACT Relating to real estate disclosure; amending RCW 64.06.020; and providing an effective date.

Referred to Committee on State and Local Government.

SB 5321 by Senators Patterson and Rasmussen

AN ACT Relating to public facility siting and planning; amending RCW 36.70A.030, 36.70A.200, 36.70A.210, 43.21C.031, 43.21C.060, and 82.02.090; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on State and Local Government.

SB 5322 by Senators Winsley and Honeyford

AN ACT Relating to minimum salaries for full-time certificated instructional staff; and amending RCW 28A.400.200.

Referred to Committee on Education.

SB 5323 by Senators Haugen, Benton, Horn, Winsley, T. Sheldon and Rasmussen

AN ACT Relating to motorcycle handlebars; and amending RCW 46.61.611.

Referred to Committee on Transportation.

SB 5324 by Senators Haugen, Rasmussen, Shin, Prentice, Winsley, Costa, Finkbeiner, Franklin, Stevens, Jacobsen and Honeyford

AN ACT Relating to expenses for frivolous legal actions; and amending RCW 4.84.185.

Referred to Committee on Judiciary.

SB 5325 by Senators Haugen, McCaslin, Rasmussen, Stevens, Goings, Winsley, Patterson, Spanel and Roach

AN ACT Relating to unincorporated area councils; adding new sections to chapter 36.105 RCW; and repealing RCW 36.105.010, 36.105.020, 36.105.030, 36.105.040, 36.105.050, 36.105.060, 36.105.070, 36.105.080, 36.105.090, and 36.105.100.

Referred to Committee on State and Local Government.

SB 5326 by Senators Haugen, Hargrove, Long and Costa

AN ACT Relating to canine training by the department of corrections; adding a new section to chapter 72.09 RCW; and creating a new section. Referred to Committee on Human Services and Corrections.

SB 5327 by Senators Hargrove, Swecker, T. Sheldon, Oke, Zarelli and Benton

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5328 by Senators Morton, Hargrove, Sellar, Deccio, Swecker and Oke

AN ACT Relating to an exemption in the leasehold tax for commercial guiding and outfitting operations; and amending RCW 82.29A.130.

Referred to Committee on Ways and Means.

SB 5329 by Senators Morton, Hargrove and Deccio

AN ACT Relating to the transfer and management of state trust land; adding a new section to chapter 79.08 RCW; and creating a new section.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5330 by Senators Brown, Goings, Franklin, Patterson, Eide, B. Sheldon, Winsley, Costa, Oke, Bauer and Rasmussen

AN ACT Relating to resident tuition for active duty military personnel; and amending RCW 28B.15.012 and 28B.15.014.

Referred to Committee on Higher Education.

SB 5331 by Senators Brown, Goings, Patterson, Eide, Winsley and Rasmussen

AN ACT Relating to public utility tax credits for weatherization and energy assistance programs; adding a new section to chapter 82.16 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Energy, Technology and Telecommunications.

SB 5332 by Senators Brown, Hochstatter, Goings, Fairley, Winsley, Costa and Kohl-Welles

AN ACT Relating to establishing community voice mail as a component of the Washington telephone assistance program; amending RCW 80.36.005, 80.36.410, 80.36.420, 80.36.430, 80.36.440, 80.36.450, 80.36.460, 80.36.470, and 80.36.475; adding a new section to chapter 80.36 RCW; recodifying RCW 80.36.005; and providing an expiration date.

Referred to Committee on Energy, Technology and Telecommunications.

SB 5333 by Senators Brown, Fairley, Fraser, Goings, Winsley, Costa and Kohl-Welles

AN ACT Relating to low-income rate discounts by gas, electric, and water companies; and amending RCW 74.38.070 and 80.28.010.

Referred to Committee on Energy, Technology and Telecommunications.

SB 5334 by Senators Hargrove and T. Sheldon

AN ACT Relating to the natural heritage advisory council; and creating new sections.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5335 by Senators Goings, West, Loveland, Honeyford, Rossi, Rasmussen, Hochstatter, McDonald and Winsley

AN ACT Relating to the taxation of natural gas and electricity futures contracts trading by persons other than light and power businesses and gas distribution businesses; amending RCW 82.04.080; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Energy, Technology and Telecommunications.

SB 5336 by Senators Kline, Kohl-Welles, McDonald, Fraser and McAuliffe

AN ACT Relating to sewer facility capacity charges; and amending RCW 35.58.570.

Referred to Committee on State and Local Government.

SB 5337 by Senators Kohl-Welles, Heavey, McCaslin, Costa and Thibaudeau

AN ACT Relating to actions for employment discrimination; amending RCW 49.60.030; and creating a new section.

Referred to Committee on Judiciary.

SB 5338 by Senators Rasmussen and Swecker

AN ACT Relating to agency liquor vendors; and adding a new section to chapter 66.08 RCW.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5339 by Senators Haugen, Goings and Jacobsen (by request of Utilities and Transportation Commission)

AN ACT Relating to railroad right of way trespassing; amending RCW 9A.52.010; adding a new section to chapter 9A.52 RCW; and prescribing penalties.  
Referred to Committee on Transportation.

SB 5340 by Senators Haugen, Benton, Jacobsen, Oke and Gardner (by request of Utilities and Transportation Commission)

AN ACT Relating to inspections of hazardous materials offered by private shippers for transportation by rail; and amending RCW 81.44.065.  
Referred to Committee on Transportation.

SB 5341 by Senators Haugen, Benton, Goings and Jacobsen (by request of Utilities and Transportation Commission)

AN ACT Relating to the removal of certain exemptions for motor freight carriers from the provisions of chapter 81.80 RCW; and amending RCW 81.80.040.  
Referred to Committee on Transportation.

SB 5342 by Senators Haugen, Benton and Jacobsen (by request of Utilities and Transportation Commission)

AN ACT Relating to railroad company regulatory fees that apply to the intrastate portion of interstate revenue; amending RCW 81.24.010 and 81.24.050; and adding a new section to chapter 81.24 RCW.  
Referred to Committee on Transportation.

SB 5343 by Senators Jacobsen, Shin, Kohl-Welles, Costa, Thibaudeau and Gardner

AN ACT Relating to the education of foster children; and amending RCW 74.13.285.  
Referred to Committee on Human Services and Corrections.

SB 5344 by Senators Jacobsen, Shin, Eide, McAuliffe, Winsley, Thibaudeau, Gardner, Bauer, Haugen and Rasmussen

AN ACT Relating to higher educational opportunities for children who have been in foster care; adding a new section to chapter 28B.80 RCW; creating a new section; and making appropriations.  
Referred to Committee on Higher Education.

SB 5345 by Senators Bauer, McCaslin, Snyder, Loveland, McAuliffe, Winsley and Oke (by request of State Treasurer Murphy)

AN ACT Relating to the Washington state school district credit enhancement program; amending RCW 43.79A.040; adding a new chapter to Title 39 RCW; and providing a contingent effective date.  
Referred to Committee on Education.

SB 5346 by Senators Prentice, Heavey, West, Roach and Winsley

AN ACT Relating to dissemination of criminal history record information to the Washington horse racing commission; and amending RCW 10.97.050.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5347 by Senators Rasmussen, Honeyford, Prentice and Morton

AN ACT Relating to the fruit and vegetable district fund; amending RCW 15.17.243; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture and Rural Economic Development.

SB 5348 by Senators Gardner, Horn and Spanel (by request of Superintendent of Public Instruction Bergeson and Washington State Library Commission)

AN ACT Relating to the membership and responsibilities of the state library commission; amending RCW 27.04.010, 27.04.020, 27.04.030, and 27.04.045; adding a new section to chapter 27.04 RCW; and repealing RCW 27.04.050, 27.04.100, and 27.04.110.

Referred to Committee on State and Local Government.

SB 5349 by Senators Costa, Spanel, Long, Fairley, Kohl-Welles, Snyder, Kline, Franklin, Thibaudeau, Wojahn, Rasmussen, Patterson, Deccio and Prentice

AN ACT Relating to coverage for cranial hair prostheses for alopecia areata; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5350 by Senators Zarelli, Kohl-Welles, Benton and Stevens

AN ACT Relating to sales and use tax relief for disaster victims; adding new sections to chapter 82.08 RCW; and adding new sections to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 5351 by Senator Zarelli

AN ACT Relating to indecent exposure; amending RCW 9A.88.010; reenacting and amending RCW 9A.44.130; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5352 by Senator McCaslin

AN ACT Relating to terms of members of boundary review boards; and repealing RCW 36.93.065.

Referred to Committee on State and Local Government.

SB 5353 by Senators Rasmussen, Morton, Swecker and Gardner

AN ACT Relating to the dairy products commission; and amending RCW 15.44.060.

Referred to Committee on Agriculture and Rural Economic Development.

SB 5354 by Senators T. Sheldon, Swecker, Oke, Stevens, B. Sheldon, Snyder and Hargrove

AN ACT Relating to geoduck diver licenses; and amending RCW 75.28.750.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5355 by Senators Thibaudeau, Costa, Kohl-Welles and Prentice (by request of Insurance Commissioner Senn)

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

Referred to Committee on Health and Long-Term Care.

SB 5356 by Senators Benton, Hargrove, Costa and Goings

AN ACT Relating to sexual offenders; amending RCW 9.94A.120; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5357 by Senators Benton, Zarelli and Oke

AN ACT Relating to eliminating the state property tax; amending RCW 84.52.065, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145, 36.73.060, 36.83.030, 36.100.050, 67.38.130, and 84.52.010; reenacting and amending RCW 84.69.020; and creating a new section.

Referred to Committee on Ways and Means.

SB 5358 by Senators Benton, Snyder, Shin, Patterson, Costa, Rasmussen, Finkbeiner, Swecker, T. Sheldon, Sellar, Haugen, Hochstatter, Zarelli, Jacobsen, Heavey, Gardner, Prentice, Rossi, Horn and Stevens

AN ACT Relating to eliminating motorcycle handlebar height restrictions; and repealing RCW 46.61.611.

Referred to Committee on Transportation.

SB 5359 by Senators Thibaudeau, Deccio, Wojahn, Winsley, Franklin, Oke, Kohl-Welles and Fairley (by request of Governor Locke and Attorney General Gregoire)

AN ACT Relating to moneys received by the state under litigation against the tobacco industry; amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 43.79 RCW; adding new sections to chapter 43.70 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5360 by Senators Horn, Haugen, Gardner, Benton, Oke, Johnson and Morton

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

Referred to Committee on Transportation.

SB 5361 by Senators Patterson, Horn, Haugen, Gardner and Sellar

AN ACT Relating to the combining of water and sewer districts; amending RCW 57.04.050, 57.08.005, 57.08.014, 57.08.030, 57.08.044, 57.08.047, 57.08.050, 57.08.065, 57.08.085, 57.08.110, 57.08.180, 57.16.060, 57.16.110, 57.20.120, 57.20.140, 57.24.040, 57.24.050, 57.28.050, 57.32.023, 57.36.040, 57.90.010, 27.12.470, 32.20.070, 32.20.110, 35.13A.020, 35.13A.030, 35.13A.040, 35.13A.060, 35.13A.090, 35.58.210, 35.58.220, 35.58.230, 35.58.410, 35.67.300, 35.91.020, 35.92.012, 35.92.170, 35.97.010, 35.97.050, 36.16.138, 36.93.020, 36.93.093, 36.93.105, 36.93.185, 36.94.220, 36.94.430, 36.96.010, 36.94.410, 36.94.420, 39.69.010, 39.50.010, 39.80.020, 43.20.240, 43.70.195, 43.155.030, 44.04.170, 48.62.021, 52.08.011, 53.48.001, 53.48.010, 54.04.030, 70.44.400, 70.95B.020, 70.119.020, 79.44.003, 84.04.120, 84.33.100, 84.34.310, 84.64.080, 84.69.010, 87.03.015, 87.03.720, and 87.03.725; reenacting RCW 57.08.081; and creating a new section.

Referred to Committee on State and Local Government.

SB 5362 by Senator Winsley

AN ACT Relating to opening or consuming liquor in public; amending RCW 66.44.100; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5363 by Senators Fairley, Winsley, Patterson, Franklin, Fraser, Snyder, Spanel, West, McAuliffe, Roach, Costa and Kohl-Welles ( by request of Governor Locke)

AN ACT Relating to personnel; amending RCW 41.06.030, 41.06.150, 41.06.150, 41.06.022, 41.06.070, 41.06.110, 41.06.160, 41.06.167, 41.06.170, 41.06.186, 41.06.196, 41.06.270, 41.06.350, 41.06.400, 41.06.410, 41.06.450, 41.06.475, 41.06.490, 28B.12.060, 34.05.030, 34.12.020, 41.04.340, 41.50.804, 43.06.425, 43.33A.100, 43.131.090, 49.46.010, 41.06.340, 13.40.320, 39.29.006, 41.04.385, 47.46.040, 72.09.100, 41.06.079, 41.06.152, 41.06.152, 41.06.500, 41.06.500, 43.21I.010, 43.23.010, 49.74.030, 49.74.030, 49.74.040, and 49.74.040; reenacting and amending RCW 41.04.340; adding new sections to chapter 41.06 RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 41.06.163, 41.06.165, 41.06.140, 41.50.804, 41.06.520, 41.56.201, 28B.16.015, 41.06.380, 41.06.382, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, and 41.64.910; providing effective dates; and providing an expiration date.

Referred to Committee on Labor and Workforce Development.

SJM 8007 by Senators Finkbeiner, Benton, Brown, Hochstatter, Kline, Shin and Winsley

Requesting that United States policy promote privacy and security in the field of encryption software.

Referred to Committee on Energy, Technology and Telecommunications.

SJM 8008 by Senators Spanel, Brown, Kohl-Welles, Loveland, Fairley, Prentice, Thibaudeau, Snyder, Rasmussen, Wojahn, Shin, Heavey, Jacobsen, Fraser, Patterson, Haugen, Gardner, Goings, B. Sheldon, McAuliffe, Winsley, Costa, Franklin and Eide

Urging the United States Senate to ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women and to support the convention's continuing goals.

Referred to Committee on Judiciary.

SJR 8205 by Senator Hargrove

Requiring initiative signatures from all congressional districts.

Referred to Committee on State and Local Government.

SJR 8206 by Senators Bauer, McCaslin, Snyder, Loveland and McAuliffe (by request of State Treasurer Murphy)

Guaranteeing school district debt.

Referred to Committee on Education.

#### MOTION

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

#### SENATE RESOLUTION 1999-8603

By Senators Swecker, B. Sheldon, Zarelli, Fraser, Wojahn, Long, Kohl-Welles and Johnson

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

WHEREAS, The Benevolent and Protective Order of the Elks has established lodges in fifty-two different communities in the state of Washington, representing over 60,000 members; and

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

WHEREAS, The Benevolent and Protective Order of the Elks wishes to pay its respects to the officials of the state of Washington, including all members of the 56th Washington State Legislature; and

WHEREAS, The Washington State Elks Association held their annual Elks Government Relations Day on January 18, 1999; and

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

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

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Warren Donnelly, President of the Washington State Elks Association.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Jim Garland, President-elect of the State Elks; George Mattis, President, Centralia/Chehalis Elks; Bill Hansch, Chairman of the Elks National Public Relations Committee; and Chet Froesche, Past President of the Olympic Elks, who were seated in the gallery.

#### MOTION

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

#### SENATE RESOLUTION 1999-8604

By Senators Wojahn, Spanel, Snyder, Hargrove, Roach, B. Sheldon, Winsley, Rossi, Fairley, Rasmussen, Thibaudeau, Kline, Jacobsen, Fraser, Honeyford, Goings, Gardner, Kohl-Welles, Shin, Costa, Franklin, Oke, Long, Bauer, McAuliffe and Johnson

WHEREAS, Since 1977, Margaret Casey has served as a legislative advocate, setting the highest standards of dedication, honesty, and civility; and

WHEREAS, Margaret has lobbied for those who are the most vulnerable in society: Poor children, the aging, those in prison, those in long-term care, and children in the juvenile justice system, making the concerns of these fellow Washingtonians known and felt throughout the Legislature; and

WHEREAS, Margaret is held in high esteem, even by those who do not share her views, because of her forthright, whole-hearted, and caring attitude and ability to see many sides of an issue; and

WHEREAS, Margaret has made the needs of those she represented seem real, understandable, and not merely theoretical; and

WHEREAS, Margaret's idealism and conscience are a challenge to all of us who serve the people of Washington in the legislative process, encouraging us to build a better and more just society;

NOW, THEREFORE BE IT RESOLVED, That the Senate honor Margaret Casey, for her years of dedicated advocacy for the frail, the elderly, and poor children and their families, whose voice was heard through the concern of Margaret. The Senate wishes you well, Margaret, in your future endeavors. "May the wind be always at your back."

Senators Brown, Deccio, Hargrove, Long, Rasmussen, Roach, Spanel, Thibaudeau, Winsley and Wojahn spoke to Senate Resolution 1999-8604.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Margaret Casey who was seated on the rostrum. Business was suspended to permit Margaret Casey to address the Senate.

#### MOTION

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

## SENATE RESOLUTION 1999-8605

By Senators Rasmussen, Swecker, B. Sheldon, Franklin, Fraser, Long, Honeyford, Bauer, Spanel, Haugen and Kohl-Welles

WHEREAS, Agriculture is Washington's single largest industry, with farmers producing \$5.6 billion worth of agricultural products each year; and

WHEREAS, Food processing is a \$7.7 billion Washington industry and is the state's second largest manufacturing industry in value and number of employees; and

WHEREAS, More than 190,000 Washingtonians are employed in direct, agriculture-related jobs; and

WHEREAS, Almost ninety-one percent of the value of agricultural products sold is produced by twenty-two percent of the state's farms; and

WHEREAS, Approximately twenty-five percent of the state's agricultural commodities is sold in Washington, another fifty percent is sold in other states, and about twenty-five percent in international markets; and

WHEREAS, There are an estimated 36,000 farms in Washington covering sixteen million acres and producing more than a hundred different commodities; and

WHEREAS, Washington ranks first among the states in the production of ten major commodities and eighth in total sales of agricultural products; and

WHEREAS, Governor Gary Locke has proclaimed January 21, 1999, as Agriculture and Agriculture Business Day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes and honors the men and women and families who have made agriculture the top industry in our state, and that we applaud the agri-business community for their efforts to ensure that agriculture maintains its leading role in our state and national economy.

Senators Deccio, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Kohl-Welles, Loveland, McCaslin, Morton, Oke, Rasmussen, Sellar, Snyder and Stevens spoke to Senate Resolution 1999-8605.

### PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. I think that is Senator Honeyford's maiden speech. Is that correct? Anyway, I think that the Secretary should remind Senator Honeyford of his obligation to the other members on the floor--and staff. Thank you."

### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced former Senator H. A. "Barney" Goltz, who was seated in the gallery.

### MOTION

At 11:01 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:46 a.m. by President Owen.

### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8404, by Senators Snyder, McDonald and Winsley

Recognizing the "Old Timers" reunion.

The resolution was read the second time.

### MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8404 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8404. SENATE CONCURRENT RESOLUTION NO. 8404 was adopted by voice vote.

#### SECOND READING

SENATE BILL NO. 5004, by Senators Loveland, Winsley and Patterson

Remedying a technical problem in school bond elections.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson the rules were suspended, Senate Bill No. 5004 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5004.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5004 and the bill passed the Senate by the following vote:

Yeas, 38; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 38.

Voting nay: Senators Benton, Hochstatter, Johnson, McDonald, Roach, Rossi, Stevens and Zarelli - 8.

Excused: Senators Finkbeiner and Heavey - 2.

SENATE BILL NO. 5004, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5004 was immediately transmitted to the House of Representatives.

#### PERSONAL PRIVILEGE

Senator Betti Sheldon: "I would like to make a point of personal privilege Mr. President. I would like to thank all my colleagues for all their many messages of condolence and their kind words at the loss of my Mother. I want you all to know how very much that meant to me to hear from all of you. Her loss will be felt a lot by me, but I do appreciate your kind words."

#### MOTION

At 11:46 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, January 21, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TENTH DAY, JANUARY 20, 1999

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**ELEVENTH DAY**

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**NOON SESSION**  
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Senate Chamber, Olympia, Thursday, January 21, 1999  
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS**

January 20, 1999

GA 9001 LARRY BROWN, appointed January 16, 1998, for a term ending September 30, 2001, as a member of the Board of Trustees for Green River Community College District No. 10.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9006 JESUS DEL BOSQUE, appointed January 7, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9017 LUCY ISAKI, appointed December 15, 1997, for a term ending September 30, 2003, as a member of the Board of Trustees for Eastern Washington University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9020 LESLIE JONES, appointed December 15, 1997, for a term ending September 30, 2003, as a member of the Board of Trustees for Central Washington University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9023 JOE KING, reappointed January 28, 1997, for a term ending September 30, 2000, as a member of the Board of Regents for Washington State University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Jacobsen, McAuliffe and B. Sheldon.

MINORITY Recommendation: That said reappointment not be confirmed: Signed by Senators Hale, Horn and West.

Passed to Committee on Rules.

January 20, 1999

GA 9026 LONNA K. MALONE, reappointed September 9, 1997, for a term ending September 30, 2002, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9027 THOMAS W. MALONE, appointed October 1, 1997, for a term ending September 30, 2002, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9031 MARK MAYS, appointed October 1, 1997, for a term ending September 30, 1999, as a member of the Board of Trustees for Eastern Washington University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9033 LARRY NICKELL, appointed October 1, 1997, for a term ending September 30, 2002, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9037 CONSTANCE L. PROCTOR, appointed December 18, 1997, for a term ending September 30, 2003, as a member of the Board of Regents for the University of Washington.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9038 ANN RAMSEY-JENKINS, appointed December 15, 1997, for a term ending June 30, 2001, as a member of the Higher Education Coordinating Board.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9039 DORA C. REYES, appointed January 16, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9040 MARILEE ROLOFF, appointed December 12, 1997, for a term ending September 30, 2003, as a member of the Board of Trustees for The Evergreen State College.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9043 SUSAN SELLERS, appointed April 16, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Clark Community College District No. 14.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9046 ELMER J. WARD, appointed January 16, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9047 HEYWARD WATSON, appointed July 2, 1997, for a term ending March 26, 2001, as a member of the Higher Education Facilities Authority.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9048 ARNOLD WRIGHT, reappointed January 16, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9049 JUDY YU, appointed November 20, 1997, for a term ending September 30, 2002, as a member of the Board of Trustees for Central Washington University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9050 ROGER YOCKEY, reappointed September 9, 1997, for a term ending September 30, 2002, as a member of the Board of Trustees for Cascadia Community College District No. 30.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9089 DR. BARBARA ANDERSEN, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9112 ROBERT B. FONG, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9116 WENDELL GEORGE, reappointed March 13, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9121 SHARON HART, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9133 A. M. JORGENSEN, reappointed October 27, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Renton Technical College District No. 27.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9144 ALAN O. LINK, reappointed May 5, 1998, for a term ending April 3, 2002, as a member of the State Board for Community and Technical Colleges.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9165 MARY HELEN ROBERTS, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

January 20, 1999

GA 9179 TERI TREAT, reappointed January 16, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON  
FAMILY POLICY COUNCIL  
14th and Jefferson  
Olympia, Washington 98504-5015

January 18, 1999

Mr. Tony Cook  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Cook

The 1998 Legislature amended Chapter 70.190.130 RCW, giving the Family Policy Council an opportunity to recommend changes to the Legislature on the statutory requirements governing the administrative expenses of the Community Public Health and Safety Networks.

Please find enclosed a Report from the Family Policy Council recommending specific changes. These recommendations were unanimously endorsed by the Council at its December 1998 meeting.

Sincerely,  
LYLE QUASIM, Chair

The Family Policy Council Report on Recommendations for Changes on the Statutory Requirements Governing the Administrative Expenses of the Community Public Health and Safety Network is on file in the Office of the Secretary of Senate.

INTRODUCTION AND FIRST READING

SB 5364 by Senators Prentice, Winsley and Shin (by request of Liquor Control Board)

AN ACT Relating to the administration and designation of liquor licenses; amending RCW 66.08.220, 66.12.110, 66.24.185, 66.24.300, 66.24.580, 66.28.220, 66.40.030, 66.40.130, 66.44.190, 66.44.340, 66.44.350, and 68.50.107; and reenacting and amending RCW 66.08.180 and 66.24.450.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5365 by Senators Prentice and Winsley (by request of Liquor Control Board)

AN ACT Relating to the preparation and sale of dietary supplements containing alcohol; and amending RCW 66.12.070.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5366 by Senators Patterson, McCaslin, Oke, Horn, Goings and Bauer

AN ACT Relating to veterans' scoring criteria in employment examinations; and amending RCW 41.04.010.

Referred to Committee on State and Local Government.

SB 5367 by Senators Kline, Prentice, Winsley, Fairley, McAuliffe, Jacobsen, Thibaudeau, Shin and Roach

AN ACT Relating to requiring a permanent anchor for worker fall protection; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Labor and Workforce Development.

SB 5368 by Senators Haugen, Stevens and Jacobsen

AN ACT Relating to eliminating head-on collisions on the most dangerous portions of state highways; adding a new section to chapter 47.04 RCW; and creating new sections.  
Referred to Committee on Transportation.

SB 5369 by Senators Wojahn, Winsley, Prentice, Goings, Jacobsen, Fraser, Costa, Kohl-Welles and McAuliffe

AN ACT Relating to downtown and neighborhood commercial district revitalization; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 43 RCW; and creating a new section.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5370 by Senators Patterson, Horn, B. Sheldon, Spanel and Haugen (by request of Department of General Administration)

AN ACT Relating to the dollar limit under which competitive acquisition is not required; and amending RCW 43.19.1906.  
Referred to Committee on State and Local Government.

SB 5371 by Senators Jacobsen, Horn, Haugen, Franklin, Costa and Kohl-Welles (by request of Department of Transportation)

AN ACT Relating to intercity passenger rail service; adding new sections to chapter 47.79 RCW; and declaring an emergency.  
Referred to Committee on Transportation.

SB 5372 by Senators Fraser, Prentice, Winsley, Costa, Patterson, Goings, Wojahn, Eide and Fairley

AN ACT Relating to mobile home park landlord-tenant agreements; amending RCW 59.20.160; and reenacting and amending RCW 59.20.060.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5373 by Senators Goings, T. Sheldon, Haugen, Heavey, Benton and Oke (by request of Department of Licensing)

AN ACT Relating to changing the period of time for which a driver's license is valid from four to six years; amending RCW 46.20.120, 46.20.161, 46.20.181, 46.20.470, and 46.20.505; and providing an effective date.  
Referred to Committee on Transportation.

SB 5374 by Senators Heavey and Johnson (by request of Department of Licensing)

AN ACT Relating to corrective amendments to certain drivers' licensing statutes; amending RCW 46.20.091, 46.20.289, 46.20.342, and 46.65.060; and reenacting and amending RCW 46.20.308, 46.20.391, 46.52.100, and 46.61.5055.  
Referred to Committee on Transportation.

SB 5375 by Senators Morton and Hochstatter

AN ACT Relating to payments to high school districts educating students from nonhigh school districts; amending RCW 28A.545.030, 28A.545.060, 28A.545.070, and 84.52.0531; repealing RCW 28A.545.020, 28A.545.050, 28A.545.080, 28A.545.090, and 28A.545.100; and making appropriations.  
Referred to Committee on Education.

SB 5376 by Senators Costa, McCaslin and Heavey

AN ACT Relating to sentencing of offenders; amending RCW 9.94A.030, 9.94A.360, and 9.94A.400; reenacting and amending RCW 9.94A.040, 9.94A.310, 9.94A.320, and 9A.44.130; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5377 by Senators Kline, Rossi, Costa, Long, Goings, Gardner, Brown, Winsley and Spanel

AN ACT Relating to occupational drivers' licenses; reenacting and amending RCW 46.20.391; and providing an effective date.

Referred to Committee on Judiciary.

SB 5378 by Senators Wojahn, Fairley and Oke (by request of Department of Social and Health Services)

AN ACT Relating to service and expiration of child support documents on employers and others; amending RCW 26.18.170 and 74.20A.080; adding a new section to chapter 26.18 RCW; and adding a new section to chapter 74.20A RCW.

Referred to Committee on Labor and Workforce Development.

SB 5379 by Senators Haugen, Sellar and Goings (by request of Transportation Commission)

AN ACT Relating to security of transportation facilities; and amending RCW 42.30.140.

Referred to Committee on Transportation.

SB 5380 by Senators Goings, Benton, Haugen and Costa (by request of Department of Transportation and Washington State Patrol)

AN ACT Relating to requiring stops at intersections with nonfunctioning signal lights; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

SB 5381 by Senators T. Sheldon, Benton, Haugen, Horn, Costa and Winsley (by request of Department of Transportation)

AN ACT Relating to motorist information signs; and amending RCW 47.36.005, 47.36.300, 47.36.310, 47.36.320, 47.36.330, 47.36.340, and 47.36.350.

Referred to Committee on Transportation.

SB 5382 by Senators T. Sheldon, Horn, Haugen and Winsley (by request of Department of Transportation)

AN ACT Relating to the Scenic Vistas Act; amending RCW 47.42.080, 47.42.090, 47.42.120, 47.42.130, and 47.42.911; adding new sections to chapter 47.42 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5383 by Senators Haugen, Benton, Jacobsen, Horn and Winsley (by request of Department of Transportation)

AN ACT Relating to transportation safety and planning; amending RCW 81.104.015; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 81.112 RCW; adding a new section to chapter 36.57A RCW; adding a new section to chapter 81.104 RCW; adding a new section to chapter 42.17 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 5384 by Senators Heavey, Benton, Haugen and Horn (by request of Department of Transportation)

AN ACT Relating to studded tires; amending RCW 46.37.420; adding a new section to chapter 46.04 RCW; adding new sections to chapter 46.37 RCW; and providing an effective date.  
Referred to Committee on Transportation.

SB 5385 by Senators Shin, Prentice, Winsley, Jacobsen, Patterson, T. Sheldon, Benton, Finkbeiner, Snyder, Rasmussen, Goings, Haugen, Hargrove, Gardner, Heavey, Deccio and McAuliffe

AN ACT Relating to dissolution of cultural arts, stadium and convention districts; and amending RCW 67.38.160.  
Referred to Committee on State and Local Government.

SB 5386 by Senators Shin, Prentice, T. Sheldon, Jacobsen, Patterson, Benton, Finkbeiner, Spanel, Rasmussen, Goings, Haugen, Snyder, Hargrove, Gardner, Heavey, Winsley, Franklin, Bauer and McAuliffe

AN ACT Relating to the creation of a state plan for economic development; adding a new section to chapter 43.31 RCW; and creating a new section.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5387 by Senators B. Sheldon, Roach, Kline, Bauer, Snyder and McAuliffe

AN ACT Relating to the Washington economic development finance authority; reenacting and amending RCW 43.163.010; and declaring an emergency.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5388 by Senators Deccio and Thibaudeau

AN ACT Relating to the endorsement of school sealant endorsed dental hygienists; adding new sections to chapter 18.29 RCW; and creating a new section.  
Referred to Committee on Health and Long-Term Care.

SB 5389 by Senators Wojahn, Winsley, Goings, Franklin, Rasmussen, Thibaudeau and Fraser

AN ACT Relating to the office of archaeology and historic preservation; amending RCW 27.34.210, 27.34.220, 27.34.230, and 27.34.240; creating a new section; and providing an effective date.  
Referred to Committee on State and Local Government.

SB 5390 by Senators Hochstatter, Benton, Zarelli, Swecker and Stevens

AN ACT Relating to insuring healthy birth outcomes; and adding new sections to chapter 74.09 RCW.  
Referred to Committee on Health and Long-Term Care.

SB 5391 by Senators Hochstatter and Stevens

AN ACT Relating to business and occupation tax credits for educational expenses at private K-12 schools; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Education.

SB 5392 by Senator Hochstatter

AN ACT Relating to administrative rule making; adding a new section to chapter 34.05 RCW; and creating a new section.  
Referred to Committee on State and Local Government.

SB 5393 by Senators Haugen, Johnson, Patterson, Oke, Gardner, Sellar and Costa

AN ACT Relating to personal watercraft; adding a new section to chapter 88.12 RCW; repealing RCW 88.12.145; and prescribing penalties.  
Referred to Committee on Transportation.

SB 5394 by Senators Fraser, Winsley, Fairley, Swecker, Prentice, Patterson, Goings, Roach, Rasmussen, Costa, Wojahn, Eide, Heavey, Shin, Jacobsen, Kohl-Welles and McAuliffe

AN ACT Relating to annual salary increases; and amending RCW 41.06.160.  
Referred to Committee on Ways and Means.

SB 5395 by Senators Costa and Heavey

AN ACT Relating to court filing fees; and amending RCW 36.18.012, 36.18.016, 40.14.027, 41.50.136, 46.87.370, 50.20.190, 50.24.115, 51.24.060, 51.32.240, 51.48.140, 82.32.210, 82.36.047, and 82.38.235.  
Referred to Committee on Judiciary.

SB 5396 by Senators Loveland, Costa, Patterson, Horn, Oke and Winsley

AN ACT Relating to investigations of multiple deaths; and amending RCW 43.103.090.  
Referred to Committee on Ways and Means.

SB 5397 by Senators Benton, T. Sheldon and Costa (by request of Department of Licensing)

AN ACT Relating to motorcycle endorsements and instruction permits; and amending RCW 46.20.100, 46.20.500, 46.20.505, 46.20.510, and 46.20.515.  
Referred to Committee on Transportation.

SB 5398 by Senators Brown, Kohl-Welles, Eide, Patterson, Kline, Costa, Gardner and Wojahn

AN ACT Relating to health insurance benefits for eating disorders; adding new sections to chapter 48.43 RCW; creating a new section; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 5399 by Senators Rossi, Kline, Costa and McCaslin

AN ACT Relating to traffic offenses; amending RCW 9.94A.360, 46.20.720, and 10.05.140; prescribing penalties; and declaring an emergency.  
Referred to Committee on Judiciary.

SB 5400 by Senators Haugen, Loveland, Honeyford, Patterson, Horn and Costa

AN ACT Relating to distributions to the municipal research council; and amending RCW 82.44.160.  
Referred to Committee on Ways and Means.

SB 5401 by Senator Haugen

AN ACT Relating to hydraulic projects; and repealing RCW 75.20.1001.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5402 by Senator Haugen

AN ACT Relating to the forest practices appeals board; and reenacting RCW 76.09.220.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5403 by Senators Benton, Honeyford, Hochstatter, Zarelli and Morton

AN ACT Relating to the zoning authority of the Columbia River Gorge commission; and adding a new section to chapter 43.97 RCW.

Referred to Committee on State and Local Government.

SB 5404 by Senators Benton, Hale, Rasmussen and Winsley

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

Referred to Committee on Judiciary.

SB 5405 by Senators Benton, Hale, Winsley, Gardner and Shin

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

Referred to Committee on State and Local Government.

SB 5406 by Senators Benton, Patterson, Hale and Winsley

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

Referred to Committee on Education.

SB 5407 by Senators Benton, Zarelli, Stevens, Rossi, Oke, Swecker, Morton and West

AN ACT Relating to first year teachers' salaries; and amending RCW 28A.400.200.

Referred to Committee on Education.

SB 5408 by Senators Benton, Hale, Shin, Winsley, Patterson and Rossi

AN ACT Relating to a state medal of valor; and adding a new chapter to Title 1 RCW.

Referred to Committee on State and Local Government.

SB 5409 by Senators McAuliffe, Rasmussen and Bauer (by request of Board of Education)

AN ACT Relating to school district organization; amending RCW 36.70A.035, 28A.540.010, 28A.540.020, 28A.540.030, 28A.540.050, 28A.540.070, and 28A.540.080; adding new sections to chapter 28A.315 RCW; adding a new section to chapter 28A.300 RCW; repealing RCW 28A.305.150, 28A.315.010, 28A.315.020, 28A.315.030, 28A.315.040, 28A.315.050, 28A.315.060, 28A.315.070, 28A.315.080, 28A.315.090, 28A.315.100, 28A.315.110, 28A.315.120, 28A.315.130, 28A.315.140, 28A.315.150, 28A.315.160, 28A.315.170, 28A.315.180, 28A.315.190, 28A.315.200, 28A.315.210, 28A.315.220, 28A.315.230, 28A.315.240, 28A.315.250, 28A.315.260, 28A.315.270, 28A.315.280, 28A.315.290, 28A.315.300, 28A.315.310, 28A.315.320, 28A.315.330, 28A.315.340, 28A.315.597, 28A.315.690, 28A.315.700, 28A.315.710, 28A.315.720, and 28A.540.040; and declaring an emergency.

Referred to Committee on Education.

SB 5410 by Senators McAuliffe and Rasmussen (by request of Board of Education)

AN ACT Relating to reclassifying the state board of education as a class four group; and amending RCW 28A.305.120.

Referred to Committee on Education.

SB 5411 by Senators McAuliffe, Deccio, Rasmussen, Eide, Winsley, Sellar and Franklin (by request of Superintendent of Public Instruction)

AN ACT Relating to medicaid reimbursement payments to school districts; and amending RCW 74.09.5256.

Referred to Committee on Education.

SB 5412 by Senators McAuliffe, Sellar, Rasmussen, Winsley, Eide, Bauer and Kohl-Welles

AN ACT Relating to the use of the education savings account to train educators in the effective use of technology; and amending RCW 43.79.465.

Referred to Committee on Education.

SB 5413 by Senators McAuliffe, Rasmussen, Benton, Winsley, Bauer, Kohl-Welles and Haugen (by request of Board of Education, Superintendent of Public Instruction Bergeson and Governor Locke)

AN ACT Relating to teacher assessment for certification; adding new sections to chapter 28A.410 RCW; creating a new section; and repealing RCW 28A.410.020.

Referred to Committee on Education.

SB 5414 by Senators Snyder, Swecker, Franklin, Rasmussen, T. Sheldon and Benton (by request of Governor Locke)

AN ACT Relating to providing excise tax incentives for persons engaged in conducting help desk services from distressed counties; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.62 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture and Rural Economic Development.

SB 5415 by Senators Patterson, Horn and McAuliffe (by request of Governor Locke)

AN ACT Relating to the elimination and consolidation of boards, commissions, and programs; amending RCW 18.28.010, 18.28.080, 18.28.090, 18.28.100, 18.28.110, 18.28.120, 18.28.130, 18.28.140, 18.28.150, 18.28.165, 18.28.190, 18.39.010, 18.39.173, 18.39.175, 18.39.217, 18.39.250, 18.39.300, 18.39.800, 68.05.020, 68.05.095, 68.05.105, 68.05.175, 68.05.195, 68.05.205, 68.05.285, 68.24.090, 68.40.040, 68.44.115, 68.46.010, 68.46.040, 68.46.090, 68.46.110, 68.46.130, 68.50.230, 68.60.030, 68.60.050, 68.60.060, 18.135.030, 18.138.070, 43.43.705, 43.43.785, 43.43.800, 43.63A.245, 43.220.040, 43.220.190, 43.220.210, 43.220.240, 75.30.050, 75.30.130, 79.72.020, 79.72.030, 79.72.040, and 79.72.050; reenacting and amending RCW 18.39.145; creating new sections; repealing RCW 18.28.020, 18.28.030, 18.28.040, 18.28.045, 18.28.050, 18.28.060, 18.28.070, 18.28.160, 18.28.170, 18.28.230, 18.28.240, 68.05.040, 68.05.050, 68.05.060, 68.05.080, 68.05.100, 18.138.120, 18.175.010, 18.175.020, 18.175.025, 18.175.027, 18.175.030, 18.175.040, 18.175.050, 18.175.060, 18.175.070, 18.175.080, 28C.20.010, 28C.20.020, 28C.20.030, 41.52.010, 41.52.020, 41.52.030, 41.52.040, 41.52.050, 41.52.060, 41.52.070, 42.17.261, 43.31.855, 43.31.857, 43.38.010, 43.38.020, 43.38.030, 43.38.040, 43.43.790, 43.43.795, 43.63A.260, and 70.95H.020; repealing 1996 c 316 s 2 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on State and Local Government.

SB 5416 by Senators Thibaudeau, Eide, Patterson, Franklin, Rasmussen, Snyder, Wojahn, Bauer, Kohl-Welles and McAuliffe (by request of Governor Locke)

AN ACT Relating to creating the children's health insurance program; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5417 by Senators Hargrove, Swecker, Snyder, Franklin, Rasmussen, T. Sheldon, Benton and Kohl-Welles (by request of Governor Locke)

AN ACT Relating to providing excise tax incentives for persons engaged in software technology businesses in distressed counties; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.62 RCW; creating a new section; providing an effective date; and declaring an emergency.  
Referred to Committee on Agriculture and Rural Economic Development.

SB 5418 by Senators McAuliffe, Rasmussen, Patterson and Kohl-Welles (by request of Governor Locke, Superintendent of Public Instruction Bergeson and Commission on Student Learning)

AN ACT Relating to K-12 accountability and assistance; amending RCW 28A.630.887, 28A.630.889, 28A.320.205, 28A.165.012, 28A.165.030, 28A.165.040, 28A.165.050, 28A.165.060, 28A.165.070, 28A.165.080, 28A.165.095, 28A.300.130, and 28A.630.885; adding new sections to chapter 28A.300 RCW; creating new sections; repealing RCW 28A.165.010 and 28A.300.138; repealing 1998 c 225 s 3 (uncodified); repealing 1995 c 209 s 3 (uncodified); repealing 1995 c 209 s 2 and 1992 c 141 s 203 (uncodified); and declaring an emergency.  
Referred to Committee on Education.

SB 5419 by Senators Rasmussen, Swecker, T. Sheldon, Benton and Haugen (by request of Governor Locke)

AN ACT Relating to encouraging job opportunities in rural areas of the state by providing excise tax incentives for technology businesses and by providing increased taxing authority for distressed counties; amending RCW 82.14.370; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.62 RCW; creating new sections; providing effective dates; and declaring an emergency.  
Referred to Committee on Agriculture and Rural Economic Development.

SB 5420 by Senators Rasmussen, Swecker, T. Sheldon, Snyder, Winsley and Haugen (by request of Governor Locke)

AN ACT Relating to the distressed county local option sales and use tax for public facilities; amending RCW 82.14.370; creating new sections; and providing an effective date.  
Referred to Committee on Agriculture and Rural Economic Development.

SB 5421 by Senators Hargrove, Long, Franklin, Costa, Patterson, Winsley and McAuliffe (by request of Governor Locke)

AN ACT Relating to the supervision of offenders in the community; amending RCW 9.94A.010, 9.94A.030, 9.94A.110, 9.94A.120, 9.94A.170, 9.94A.205, 9.94A.207, 9.94A.383, 9.94A.440, and 4.24.550; reenacting and amending RCW 9.94A.040 and 9.94A.145; adding a new section to chapter 72.09 RCW; creating a new section; prescribing penalties; and providing an effective date.  
Referred to Committee on Human Services and Corrections.

SB 5422 by Senators Fairley, Hochstatter, Wojahn, Oke, Franklin and Winsley

AN ACT Relating to the membership of the board of industrial insurance appeals; and amending RCW 51.52.010.  
Referred to Committee on Labor and Workforce Development.

SB 5423 by Senators Hochstatter, Stevens, Honeyford, Long, Roach, Swecker, Morton, Johnson, Deccio, Zarelli, Benton, Rossi, West and Oke

AN ACT Relating to funding public school construction and modernization projects; creating a new section; making appropriations; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5424 by Senators Winsley, Fraser, Honeyford, Hochstatter, Hale, McCaslin, West and Haugen

AN ACT Relating to aquatic plant management; adding a new section to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Environmental Quality and Water Resources.

SJM 8009 by Senators Haugen, Gardner, Benton and Goings

Requesting the Transportation Commission to update the system of Highways of Statewide Significance.

Referred to Committee on Transportation.

#### MOTIONS

On motion of Senator Betti Sheldon, Senate Bill No. 5374 was referred to the Committee on Transportation.

On motion of Senator Betti Sheldon, Senate Bill No. 5400 was referred to the Committee on Ways and Means.

#### MOTION

At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, January 22, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

ELEVENTH DAY, JANUARY 21, 1999

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

#### TWELFTH DAY

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, January 22, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Finkbeiner, Goings and Wojahn. On motion of Senator Honeyford, Senators Benton and Finkbeiner were excused. On motion of Senator Franklin, Senators Goings and Wojahn were excused.

The Sergeant at Arms Color Guard consisting of Pages Brittney McClannahan and Allison Rosato, presented the Colors. Reverend Dr. Ray Dexter of the Salvation Army of Olympia, offered the prayer.

#### MOTION

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

REPORT OF STANDING COMMITTEE

January 21, 1999

SB 5020 Prime Sponsor, Senator Snyder: Allowing dealers of recreational licenses to collect a fee of at least two dollars for each license sold. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Snyder and Spanel.

Referred to Committee on Ways and Means.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5020 was referred to the Committee on Ways and Means.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 21, 1999

GA 9066 HOWARD N. JORGENSEN, appointed March 24, 1997, for a term ending July 26, 2001, as a member of the Personnel Appeals Board.

Reported by Committee on State and Local Government

MAJORITY Recommendation: That the appointment be referred to the Committee on Labor and Workforce Development without recommendation. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Kline and McCaslin.

Referred to Committee on Labor and Workforce Development.

January 21, 1999

GA 9067 DENNIS KARRAS, appointed January 15, 1997, for a term ending at the pleasure of the Governor, as Director of the Department of Personnel.

Reported by Committee on State and Local Government

MAJORITY Recommendation: That said appointment be referred to the Committee on Labor and Workforce Development without recommendation. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Kline and McCaslin.

Referred to Committee on Labor and Workforce Development.

January 21, 1999

GA 9075 LEONARD NORD, appointed December 23, 1997, for a term ending January 4, 2003, as a member of the Personnel Resources Board.

Reported by Committee on State and Local Government

MAJORITY Recommendation: That said appointment be referred to the Committee on Labor and Workforce Development without recommendation. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Kline and McCaslin.

Referred to Committee on Labor and Workforce Development.

January 21, 1999

GA 9128 WALTER T. HUBBARD, appointed June 20, 1998, for a term ending July 26, 2003, as a member of the Personnel Appeals Board.

Reported by Committee on State and Local Government

MAJORITY Recommendation: That said appointment be referred to the Committee on Labor and Workforce Development without recommendation. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Kline and McCaslin.

Referred to Committee on Labor and Workforce Development.

#### MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Gubernatorial Appointment No. 9189, Eugene Prince appointed as Chair of the Liquor and Control Board, which was held on the desk January 20, 1999, was advanced to second reading and placed on the second reading calendar.

#### MESSAGES FROM THE HOUSE

January 21, 1999

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8404, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

January 21, 1999

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4403, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 8404.

#### INTRODUCTION AND FIRST READING

SB 5425 by Senators Thibaudeau, Long, Wojahn, Winsley, Costa, Oke, Franklin, McCaslin, Kohl-Welles, Swecker, Hargrove, Prentice, McAuliffe, Fairley, Kline, Fraser, Haugen, Eide, Goings, Brown, Shin, Jacobsen, Patterson, Bauer, Gardner, Heavey, B. Sheldon, T. Sheldon, Rasmussen, Loveland, Hale, Spanel and Snyder

AN ACT Relating to mental health parity; amending RCW 48.21.240, 48.44.340, and 48.46.290; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter

48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 70.47 RCW; creating a new section; and repealing RCW 48.21.240, 48.44.340, and 48.46.290.

Referred to Committee on Health and Long-Term Care.

SB 5426 by Senators Hochstatter, Swecker and Stevens

AN ACT Relating to reducing the state property tax equivalent to moneys received under the state tobacco litigation settlement; adding a new section to chapter 84.55 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5427 by Senators Hochstatter, Stevens and Roach

AN ACT Relating to study of the federal and state constitutions; amending RCW 28A.230.170; and creating a new section.

Referred to Committee on Education.

SB 5428 by Senators T. Sheldon, Swecker, Snyder, McDonald, Oke, Morton, McAuliffe, Stevens, Deccio, Hargrove, McCaslin, B. Sheldon, Zarelli, Bauer, Horn, Shin, Roach, Winsley, West, Hochstatter and Sellar

AN ACT Relating to state purchase of privately grown trout for planting in state waters; adding new sections to Title 77 RCW; and making an appropriation.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5429 by Senators Morton, Hargrove, Deccio, Sellar and Hochstatter

AN ACT Relating to procedural requirements in the transfer of state trust land; adding new sections to chapter 79.08 RCW; and creating new sections.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5430 by Senators Wojahn, Winsley, Jacobsen, Hale, Kohl-Welles, Thibaudeau, Benton, Rasmussen, Long, Fraser, Prentice, Shin, Gardner, Heavey, McAuliffe, Patterson, Franklin, Costa, Eide, B. Sheldon and Spanel

AN ACT Relating to the office of women's health; adding a new section to chapter 43.70 RCW; creating a new section; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 5431 by Senators Honeyford, Rasmussen, Hochstatter, Stevens, Morton, Winsley, Swecker, Deccio and Patterson

AN ACT Relating to vocational agriculture education; and amending RCW 28A.300.090.

Referred to Committee on Education.

SB 5432 by Senators Fraser, Winsley, Fairley, Hale, Long, Heavey, Franklin, Rasmussen, Prentice, Costa, Jacobsen, Bauer and Kohl-Welles

AN ACT Relating to authorizing deductions from retirement allowances for charitable purposes; and reenacting and amending RCW 41.40.052.

Referred to Committee on Ways and Means.

SB 5433 by Senators Fraser and Rasmussen

AN ACT Relating to solid waste management plans; and amending RCW 70.95.090.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5434 by Senators Loveland, Fraser, West, Oke and Rasmussen

AN ACT Relating to tax credits for international service activities; and amending RCW 82.04.44525 and 48.14.029.  
Referred to Committee on Ways and Means.

SB 5435 by Senators Fraser, Jacobsen, McAuliffe, Eide, Rasmussen, Fairley, Kohl-Welles, Kline and Spanel

AN ACT Relating to the Washington environment 21 commission; adding a new chapter to Title 43 RCW; and providing an expiration date.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5436 by Senators Fraser, Morton, Eide, Swecker, Rasmussen, McAuliffe, Fairley, Oke, Patterson and Kline

AN ACT Relating to abandoned fishing nets; adding a new section to chapter 75.08 RCW; creating a new section; and making an appropriation.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5437 by Senators Thibaudeau, Deccio, Franklin, Heavey, Prentice, Sellar, Shin, Bauer, Kline, Winsley, Patterson and B. Sheldon

AN ACT Relating to health maintenance organizations' reimbursement of podiatric physicians and surgeons; adding a new section to chapter 48.46 RCW; and creating a new section.  
Referred to Committee on Health and Long-Term Care.

SB 5438 by Senators Finkbeiner, Benton, Rossi and Hochstatter

AN ACT Relating to extending the prohibition on taxes or fees specific to internet service providers; and amending RCW 35.21.717.  
Referred to Committee on Energy, Technology and Telecommunications.

SB 5439 by Senators Kline, Heavey, Roach and Costa

AN ACT Relating to false claims against the government; adding a new chapter to Title 4 RCW; and prescribing penalties.  
Referred to Committee on Judiciary.

SB 5440 by Senators Kline, Wojahn and Costa

AN ACT Relating to moneys paid as deposit or security for performance by tenants; and amending RCW 59.18.270.  
Referred to Committee on Judiciary.

SB 5441 by Senators Kline, Costa, Wojahn and Roach

AN ACT Relating to motor vehicle dealers; amending RCW 46.70.070 and 46.70.180; and creating a new section.  
Referred to Committee on Transportation.

SB 5442 by Senators Kline, Roach and Wojahn

AN ACT Relating to real estate broker's records; and amending RCW 18.85.310.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5443 by Senators Kline, Rossi, Patterson, Johnson, Hargrove, Brown, Kohl-Welles, Fraser, Costa, Spanel, Winsley and Oke

AN ACT Relating to waiver of administrative alcohol or drug-related hearing fees due to indigency; and reenacting and amending RCW 46.20.308.  
Referred to Committee on Judiciary.

SB 5444 by Senators Kline, Wojahn and Kohl-Welles

AN ACT Relating to the repeal of attorneys' fees awards in land use cases; creating a new section; and repealing RCW 4.84.370.  
Referred to Committee on State and Local Government.

SB 5445 by Senators Franklin, Winsley, Wojahn, Deccio, Thibaudeau, Kline, Rasmussen, Fairley, Patterson, Prentice, Kohl-Welles, Costa, Eide and Spanel

AN ACT Relating to a mandated benefit bill review process; amending RCW 48.47.010 and 48.47.030; adding a new section to chapter 48.47 RCW; and repealing RCW 48.47.020.  
Referred to Committee on Health and Long-Term Care.

SB 5446 by Senators Franklin, Patterson, Fraser, McAuliffe, Snyder, B. Sheldon, Thibaudeau, Bauer, Kline, Gardner, Kohl-Welles and Spanel

AN ACT Relating to public funding of campaigns for local offices; and amending RCW 42.17.128.  
Referred to Committee on State and Local Government.

SB 5447 by Senators Franklin, Long, Hargrove, Stevens, Winsley, Costa and Rasmussen

AN ACT Relating to guardians ad litem; amending RCW 2.56.030, 11.88.090, 13.34.100, 13.34.102, 13.34.105, 26.12.175, and 26.12.177; adding new sections to chapter 11.88 RCW; adding new sections to chapter 13.34 RCW; adding new sections to chapter 26.12 RCW; providing effective dates; and declaring an emergency.  
Referred to Committee on Human Services and Corrections.

SB 5448 by Senators Prentice, Kohl-Welles, Fraser, Fairley, McAuliffe, Shin, Haugen, Costa and Kline

AN ACT Relating to possession of firearms on public transit; amending RCW 9.41.075; adding a new section to chapter 9.41 RCW; and prescribing penalties.  
Referred to Committee on Judiciary.

SB 5449 by Senators Prentice, Goings, B. Sheldon, Haugen and Franklin

AN ACT Relating to provisional driver licensing; amending RCW 46.04.480, 46.20.161, 46.20.311, and 46.20.342; adding new sections to chapter 46.20 RCW; and prescribing penalties.  
Referred to Committee on Transportation.

SB 5450 by Senators Swecker, Hargrove, Stevens, Zarelli, Long, Hochstatter and Costa

AN ACT Relating to placing children in shelter care; amending RCW 13.34.060 and 2.24.050; reenacting and amending RCW 13.34.090; and adding a new section to chapter 13.34 RCW.  
Referred to Committee on Human Services and Corrections.

SB 5451 by Senators Swecker, Rasmussen, Winsley, Morton, Prentice, Hargrove, Zarelli, Hochstatter, Oke and Gardner

AN ACT Relating to the injured workers' ombudsman; and adding a new chapter to Title 51 RCW.  
Referred to Committee on Labor and Workforce Development.

SB 5452 by Senators Bauer, Deccio, Benton, Goings, Winsley, Rasmussen, Franklin, Eide, Zarelli, Wojahn and Hale

AN ACT Relating to funding for regional convention, conference, or special events centers; amending RCW 82.14.050; adding new sections to chapter 82.14 RCW; adding a new chapter to Title 35 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on State and Local Government.

SB 5453 by Senators Horn, Benton, Haugen, Goings and Eide

AN ACT Relating to transportation planning; and amending RCW 47.80.023, 47.80.040, and 47.80.070.  
Referred to Committee on Transportation.

SB 5454 by Senators Horn, Haugen, Goings and Benton

AN ACT Relating to deadlines for local reports to the secretary of transportation; and amending RCW 35.21.260 and 36.75.260.  
Referred to Committee on Transportation.

SB 5455 by Senators Fraser, Swecker, Prentice, Costa, Fairley, Jacobsen and Eide

AN ACT Relating to anadromous salmonid fishing; adding new sections to chapter 77.12 RCW; creating a new section; and making an appropriation.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5456 by Senators Rasmussen, Morton, T. Sheldon, Honeyford, Oke, Hochstatter, Loveland, Snyder, Jacobsen, Goings, Deccio, Spanel, Patterson, Long, McDonald, West and Gardner

AN ACT Relating to revolving funds for electric utilities serving rural areas to enhance local rural economic development activities; adding a new section to chapter 82.16 RCW; and creating new sections.  
Referred to Committee on Agriculture and Rural Economic Development.

SB 5457 by Senators Costa, Zarelli, Hargrove and Long

AN ACT Relating to conditions involving diversion agreements for juveniles under diversion programs authorized by state law prior to January 1, 1999; amending RCW 13.40.080; and reenacting and amending RCW 13.40.160.  
Referred to Committee on Human Services and Corrections.

SB 5458 by Senators Costa, Benton, Hargrove, Zarelli, Heavey and Goings

AN ACT Relating to criminal defendants who are guilty and mentally ill; adding a new section to chapter 9A.12 RCW; adding a new section to chapter 9.94A RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5459 by Senators T. Sheldon, Oke and Morton

AN ACT Relating to aquatic lands leases; amending RCW 79.90.465, 79.90.480, and 79.90.490; and adding a new section to chapter 79.90 RCW.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5460 by Senators Rasmussen, Winsley, B. Sheldon, Kline, Wojahn, Prentice, Franklin, Goings, Eide, Jacobsen, Fraser, Deccio, Horn and Kohl-Welles

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

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5461 by Senator T. Sheldon

AN ACT Relating to leasehold excise taxation; amending RCW 82.29A.120, 82.29A.050, and 82.29A.080; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5462 by Senators Hargrove, Wojahn, Deccio, Loveland, Winsley, Snyder, Spanel, Oke, McAuliffe, Gardner, Bauer and Patterson (by request of Department of Community, Trade, and Economic Development and Department of Social and Health Services)

AN ACT Relating to the provision of services to the homeless; amending RCW 74.13.020 and 74.13.031; adding new sections to chapter 43.63A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 5463 by Senators Costa, McCaslin, Kline, Zarelli, Wojahn, Jacobsen, B. Sheldon, Franklin, Eide, McAuliffe, Patterson, Rasmussen and Kohl-Welles

AN ACT Relating to increasing the availability of legal services for victims of domestic violence; creating a new section; and providing an expiration date.

Referred to Committee on Judiciary.

SB 5464 by Senators Costa, McCaslin, Heavey, Kline and Patterson

AN ACT Relating to the uniform child custody jurisdiction and enforcement act; adding new sections to chapter 26.27 RCW; and repealing RCW 26.27.010, 26.27.020, 26.27.030, 26.27.040, 26.27.050, 26.27.060, 26.27.070, 26.27.080, 26.27.090, 26.27.100, 26.27.110, 26.27.120, 26.27.130, 26.27.140, 26.27.150, 26.27.160, 26.27.170, 26.27.180, 26.27.190, 26.27.200, 26.27.210, 26.27.220, 26.27.230, 26.27.900, 26.27.910, 26.27.920, and 26.27.930.

Referred to Committee on Judiciary.

SB 5465 by Senators Costa, Wojahn, Winsley, Patterson and Thibaudeau (by request of Department of Social and Health Services)

AN ACT Relating to department of social and health services family planning services; reenacting and amending RCW 74.09.510; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5466 by Senators Costa, Long, Hargrove and Winsley (by request of Department of Social and Health Services)

AN ACT Relating to sanctions for violating conditions of the juvenile offender basic training camp program; amending RCW 13.40.320 and 13.40.210; and prescribing penalties.  
Referred to Committee on Human Services and Corrections.

SB 5467 by Senators Costa, Eide, Goings, Heavey, Brown, Patterson, Kline and Kohl-Welles

AN ACT Relating to eliminating the time limit on regular tax levies for medical care and services; amending RCW 84.52.069; and creating a new section.  
Referred to Committee on State and Local Government.

SB 5468 by Senators Roach, Rasmussen, Hargrove, T. Sheldon, Goings, Stevens, Oke and Long

AN ACT Relating to sport shooting ranges; adding a new section to chapter 9.41 RCW; and creating a new section.  
Referred to Committee on Judiciary.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4403 by Representatives Ogden, Pennington, D. Schmidt, Hatfield, Cooper, Edmonds and Dunn

Remembering former legislators.

HOLD.

#### MOTION

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4403 was advanced to second reading and placed on the second reading calendar.

#### MOTION

On motion of Senator Betti Sheldon, the Senate will now consider Gubernatorial Appointment No. 9189.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9189, Eugene Prince, as Chair of the Liquor Control Board, was confirmed.

Senators Deccio, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Prentice and Snyder spoke to the Confirmation of Eugene Prince as Chair of the Liquor Control Board.

#### APPOINTMENT OF EUGENE PRINCE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Excused: Senators Benton, Finkbeiner, Goings and Wojahn - 4.

## MOTION

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

### SENATE RESOLUTION 1999-8602

By Senators McDonald, Snyder, Hale, Spanel, Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Shin, B. Sheldon, T. Sheldon, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli

WHEREAS, Senator Eugene Prince's career in Olympia has spanned five decades beginning in 1959 as a Bill Clerk in the House of Representatives and subsequently as Assistant Chief Clerk of the House in 1963, a House Committee Clerk in 1965, and six years as Sergeant-at-Arms in the House of Representatives beginning in 1967; and

WHEREAS, Senator Prince has served the people of the 9th Legislative District with distinction as a member of the Washington State Legislature since 1980, six years in the Senate and twelve years in the House of Representatives; and

WHEREAS, Senator Prince served his fellow Republicans in the House of Representatives as their Caucus Chair for three terms; and

WHEREAS, Senator Prince worked diligently as the Chair of the Senate Transportation Committee always mindful of the importance of safe and adequate transportation facilities to our state's economy and our quality of life; and

WHEREAS, Senator Prince will be remembered as a dedicated and loyal friend of the higher education community; and

WHEREAS, Senator Prince brought honor to the Washington State Senate as the Vice Chair of the Energy and Transportation Committee of the National Conference of State Legislatures; and

WHEREAS, Senator Prince earned respect throughout his legislative career for his sense of fairness and his belief in bipartisan cooperation as the key to solving problems and meeting the challenges of the future; and

WHEREAS, Senator Prince is leaving the Legislature to serve in the Executive Branch as Chair of the State Liquor Control Board;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, members and staff, wish to express our gratitude to Senator Eugene Prince, an honorable man, for his kindness and hard work; and

BE IT FURTHER RESOLVED, That the members and staff of the Washington State Senate offer their best wishes to Senator Eugene Prince for success and happiness in his new position and in all his future endeavors.

Senators Bauer, Brown, Franklin, Fraser, Haugen, Heavey, Hochstatter, Horn, McCaslin, McDonald, Oke, Prentice, Rasmussen, Roach, Sellar, Shin, Stevens, Thibaudeau and Winsley spoke to Senate Resolution 1999-8602.

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Senator Prince's wife, Patsy, and his Secretary, Mollie Timm, who were seated in the gallery.

With permission of the Senate, business was suspended to permit Eugene Prince to address the Senate.

#### REMARKS BY EUGENE PRINCE

Eugene Prince: "I want to thank you very much. It is rather a humbling experience--all the kind words that you have expressed. You are all my friends. I hope we always stay friends. My door is always open and I need your help in my new job, as has been mentioned. You understand a lot of this part of the state--than I do--and I certainly look forward to a continued relationship with all of you as friends, as business, and beyond.

"On the lighter side, Margarita has been sitting here right now, but when she first spoke, I thought she was going to say that I wasn't there to vote for her was what bothered her. I've enjoyed my forty years. Sid and I go back--Sid goes back further than that, but I have enjoyed all the relationships through that time--the relationships with each of you. I hope that we are able to keep those intact.

"I invite you all to come over and see my office. I am only going to be there for about six weeks, because we are moving. I am on the fifth floor; I have a beautiful view of the capitol and of the water. Make arrangements and come down and we'll have lunch together and you can see my new office while I am still there. I'm sure the next one is not going to be as nice a view.

"Like I said, I want to thank you very much. I am very honored and humbled by this show of your nice appreciation. It means a lot to me; it really does. Thank you very much."

#### MOTION

On motion of Senator Snyder, the remarks by the Senators on the confirmation and on the floor resolution will be transcribed and presented to Senator Prince.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Congressman Don Hastings who was seated in the Chamber.

#### MOTION

At 11:01 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:56 a.m. by President Owen.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

January 22, 1999

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4404, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4404 by Representatives Kessler, Lisk and Dunn

Adopting cutoff dates.

HOLD.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4404 was advanced to second reading and placed on the second reading calendar

MOTION

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4403, by Representatives Ogden, Pennington, D. Schmidt, Hatfield, Cooper, Edmonds and Dunn

Remembering former legislators.

The resolution was read the second time.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4403.

HOUSE CONCURRENT RESOLUTION NO. 4403 was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4404, by Representatives Kessler, Lisk and Dunn

Adopting cutoff dates.

The resolution was read the second time.

HOUSE CONCURRENT RESOLUTION NO. 4404

WHEREAS, It is of paramount importance to establish cutoff dates for the consideration of legislation during the 1999 Regular Session of the Fifty-Sixth Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, the Senate concurring, That the following cutoff dates apply to all bills, memorials, and joint resolutions with the exception of budgets, matters necessary to implement budgets, initiatives to the legislature, and alternatives to initiatives to the legislature;

(1) Tuesday, March 2, 1999, the fifty-first day, will be the final day to read in House Bill committee reports in the House of Representatives with the exception of reports from House fiscal committees; and, Wednesday, March 3, 1999, the fifty-second day, will be the final day to read in Senate Bill committee reports in the Senate with the exception of reports from the Senate Ways and Means and Senate Transportation committees;

(2) Monday, March 8, 1999, the fifty-seventh day, will be the final day to read in Senate Ways and Means, Senate Transportation, and House of Representatives fiscal committee reports in the house of origin;

(3) Wednesday, March 17, 1999, the sixty-sixth day, at 5:00 p.m., will be the final time to consider bills in their house of origin;

(4) Friday, April 2, 1999, the eighty-second day, will be the final day to read in committee reports on bills from the opposite house with the exception of reports from the Senate Ways and Means, Senate Transportation, and House of Representatives fiscal committees;

(5) Monday, April 5, 1999, the eighty-fifth day, will be the final day to read in Senate Ways and Means, Senate Transportation, and House of Representatives fiscal committee reports on bills from the opposite house; and

BE IT FURTHER RESOLVED, That after 5:00 p.m. on Friday, April 16, 1999, the ninety-sixth day, neither house may consider any bills, memorials, or joint resolutions except initiatives to the legislature and alternatives to such initiatives, messages pertaining to amendments,

matters of differences between the two houses, and matters incident to the interim and to the closing of the business of the 1999 Regular Session of the Legislature.

#### MOTION

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4404.

HOUSE CONCURRENT RESOLUTION NO. 4404 was adopted by voice vote.

#### MOTION

At 12:04 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, January 25, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

THIRD DAY, JANUARY 14, 1998

TWELFTH DAY, JANUARY 22, 1999

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

**FIFTEENTH DAY**

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**NOON SESSION**  
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Senate Chamber, Olympia, Monday, January 25, 1999

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS**

January 21, 1999

GA 9028 MICHELE MAHER, appointed December 10, 1997, for a term ending June 30, 1999, as a member of the Transportation Commission.

Reported by Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Haugen, Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, T. Sheldon and Shin.

Passed to Committee on Rules.

January 21, 1999

GA 9029 CHRISTOPHER J. MARR, appointed December 10, 1997, for a term ending June 30, 2002, as a member of the Transportation Commission.

Reported by Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Haugen, Chair; Benton, Costa, Eide, Finkbeiner, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, T. Sheldon and Shin.

Passed to Committee on Rules.

January 21, 1999

GA 9035 CONNIE NIVA, appointed August 5, 1997, for a term ending June 30, 2003, as a member of the Transportation Commission.

Reported by Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Haugen, Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, T. Sheldon and Shin.

Passed to Committee on Rules.

January 22, 1999

GA 9085 JUDGE ART WANG, appointed February 18, 1997, for a term ending June 30, 2002, as Chief Administrative Law Judge for the Office of Administrative Hearings.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules.

January 21, 1999

GA 9134 GEORGE KARGIANIS, appointed August 19, 1998, for a term ending June 30, 2004, as a member of the Transportation Commission.

Reported by Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Haugen, Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, T. Sheldon and Shin.

Passed to Committee on Rules.

January 22, 1999

GA 9156 GREG NICKELS, reappointed November 26, 1997, for a term ending August 2, 2000, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON  
HOUSE OF REPRESENTATIVES  
State Representative Eileen Cody, 11th District

January 20, 1999

Tony Cook  
Secretary of the Senate  
306 Legislative Building, PO Box 40482  
Olympia, Washington 98504-0482

Tim Martin, Co-Chief Clerk  
Dean Foster, Co-Chief Clerk  
House of Representatives, PO Box 40600  
Olympia, Washington 98504-0600

Gentlemen:

Enclosed is the first mandatory Report to the Legislature by the Joint Legislative Executive Task Force on Long-Term Care. This report by the Joint Legislative Executive Task Force on Long-Term Care is required to be submitted to the Legislature under Chapter 272, Laws of 1998, Section 17, Substitute Senate Bill No. 6544.

I would like to note that the findings reflected in this first report represent the collaborative and volunteer efforts of both consumers and providers of long-term care services. We are appreciative of the many hours the volunteer stakeholders have put into this important effort.

If you have any additional questions concerning this report, please call Duane Thurman at (360) 902-0676 or Ray Hanley at (360) 894-4694.

Sincerely,

EILEEN CODY, R.N.

State Representative, 11th Legislative District

The Report from the Joint Legislative Executive Task Force on Long-Term Care entitled "Interim Report on Long-Term Care," is on file in the Office of the Secretary of Senate.

#### INTRODUCTION AND FIRST READING

SB 5469 by Senators Patterson, Haugen, Kline, Jacobsen, Gardner and Winsley

AN ACT Relating to revising certain competitive bid dollar amounts to account for inflation; and amending RCW 35.22.620 and 35.23.352.

Referred to Committee on State and Local Government.

SB 5470 by Senators Kline, Oke, Fairley, Prentice, Spanel, Wojahn, Franklin, McAuliffe, Winsley, Roach and Costa

AN ACT Relating to chemically related illnesses and injuries; and creating new sections.

Referred to Committee on Labor and Workforce Development.

SB 5471 by Senators Benton and Stevens

AN ACT Relating to the excise tax on real estate sales; amending RCW 82.45.060; and adding a new section to chapter 82.45 RCW.

Referred to Committee on Ways and Means.

SB 5472 by Senator Benton

AN ACT Relating to impact fees; and amending RCW 82.02.060.

Referred to Committee on State and Local Government.

SB 5473 by Senators Hale and Loveland

AN ACT Relating to local improvement districts; and amending RCW 35.43.180 and 87.03.480.

Referred to Committee on State and Local Government.

SB 5474 by Senators Wojahn, Winsley and Fairley (by request of Department of Social and Health Services)

AN ACT Relating to the creation of a Washington state child support lien registry; amending RCW 26.18.055, 74.20A.060, and 65.08.070; and adding a new section to chapter 26.23 RCW.

Referred to Committee on Labor and Workforce Development.

SB 5475 by Senators Patterson, Horn, Spanel, Haugen, Costa and Winsley (by request of Department of General Administration)

AN ACT Relating to the powers of the director of general administration; amending RCW 43.19.010; adding a new section to chapter 43.19 RCW; and repealing RCW 43.19.013.

Referred to Committee on State and Local Government.

SB 5476 by Senators Roach, Benton, Goings, Patterson, Hochstatter, Stevens, T. Sheldon, Rossi, Zarelli, Heavey, Oke and Rasmussen

AN ACT Relating to crimes against children; amending RCW 9A.44.073, 9A.44.083, 9A.32.055, and 9.94A.120; reenacting and amending RCW 9.94A.320; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5477 by Senators Sellar and Winsley

AN ACT Relating to the state centennial song; and adding a new section to chapter 1.20 RCW.  
Referred to Committee on State and Local Government.

SB 5478 by Senators Fraser, Spanel and Winsley

AN ACT Relating to water flows; amending RCW 90.54.020, 90.22.010, 90.22.030, 90.03.345, 90.03.247, 75.20.050, 90.03.380, 90.42.080, 90.14.160, 90.14.170, and 90.14.180; adding new sections to chapter 90.03 RCW; creating a new section; and repealing RCW 90.22.060.

Referred to Committee on Environmental Quality and Water Resources.

SB 5479 by Senators Fraser and Spanel

AN ACT Relating to water resource transfers; amending RCW 90.03.380, 90.44.100, and 90.14.140; adding new sections to chapter 90.03 RCW; adding a new section to chapter 90.44 RCW; and creating new sections.

Referred to Committee on Environmental Quality and Water Resources.

SB 5480 by Senators Patterson, Hargrove, Long, Eide, Franklin, Shin, McCaslin, Haugen, Goings, Gardner, Prentice, Kline, T. Sheldon, Wojahn, Benton, Spanel, B. Sheldon, Bauer, McAuliffe, Jacobsen, Rossi, Horn, Johnson, West, Winsley, Oke and Rasmussen

AN ACT Relating to drug-affected infants; amending RCW 13.34.030, 13.34.070, 74.09.310, 18.71.950, 18.57.920, and 18.79.903; reenacting and amending RCW 13.34.130; adding new sections to chapter 13.34 RCW; repealing RCW 18.57.930, 18.71.960, 18.79.904, 70.96A.330, and 70.96A.340; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 5481 by Senators Prentice, Winsley, Gardner, Hale, Rasmussen, T. Sheldon, Goings and Costa

AN ACT Relating to manufactured housing; amending RCW 35.63.110, 35.63.160, 35A.63.100, 35A.63.145, and 36.70.750; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5482 by Senators Thibaudeau, Deccio, Costa, Rasmussen and Winsley

AN ACT Relating to the use of state data bases for institutionally reviewed medical and health research; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5483 by Senators McAuliffe, Oke, Winsley and Costa (by request of Parks and Recreation Commission)

AN ACT Relating to the use of volunteers by the state parks and recreation commission; and amending RCW 43.51.040, 43.51.130, and 43.51.140.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5484 by Senators McAuliffe, Rossi, Hargrove and Oke (by request of Parks and Recreation Commission)

AN ACT Relating to concessions or leases in state parks and parkways; and amending RCW 43.51.040.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5485 by Senators Thibaudeau, Deccio, McDonald, Snyder, Winsley, Kline, Oke and Costa (by request of Attorney General Gregoire)

AN ACT Relating to a reserve account for tobacco product manufacturers not participating in the master settlement agreement; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 5486 by Senators Fraser, Prentice, Costa, Fairley, Wojahn, T. Sheldon, Spanel, Rasmussen, Goings, Jacobsen, Kohl-Welles, Loveland, Eide, Brown, Snyder, Haugen, Franklin, Shin, Patterson, Gardner, B. Sheldon, McAuliffe, Winsley, Kline and Oke

AN ACT Relating to rape victim protection; and amending RCW 26.26.060, 26.26.170, 26.23.120, 26.10.030, and 26.09.020.  
Referred to Committee on Judiciary.

SB 5487 by Senators Heavey, Long, Hargrove, Costa and Kline

AN ACT Relating to jury demand and arbitration fees; amending RCW 36.18.016; and adding a new section to chapter 7.06 RCW.  
Referred to Committee on Judiciary.

SB 5488 by Senators Fairley, Kline, Heavey and Costa

AN ACT Relating to expanding membership of the electrical board by appointment of one outside line worker; amending RCW 19.28.065; and creating a new section.  
Referred to Committee on Labor and Workforce Development.

SB 5489 by Senators West, Loveland, Hale, Wojahn, Swecker, Bauer, Rasmussen, Rossi, Heavey, Goings and Winsley

AN ACT Relating to exempting unassisted self-service motor vehicle wash, wax, and vacuum services rendered through coin-operated devices from sales and use taxes; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.  
Referred to Committee on Ways and Means.

SB 5490 by Senators Wojahn, Winsley, Kline, Fairley, B. Sheldon, McAuliffe, Thibaudeau, Snyder, Rasmussen and Costa

AN ACT Relating to employment assessments for recipients of temporary assistance for needy families; amending RCW 74.08A.260; and creating a new section.  
Referred to Committee on Labor and Workforce Development.

SB 5491 by Senators Costa, Roach, Franklin, Thibaudeau, McAuliffe and Kline

AN ACT Relating to the required use of apprentices on public works projects; and adding a new section to chapter 39.04 RCW.  
Referred to Committee on Labor and Workforce Development.

SB 5492 by Senators Haugen, Long, Shin, Goings and Winsley

AN ACT Relating to assault on transit employees or customers; amending RCW 9A.36.031; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5493 by Senators McCaslin and Winsley

AN ACT Relating to operating or having actual physical control of a vessel while under the influence of intoxicating liquor or any drug; amending RCW 88.12.025 and 10.31.100; adding new sections to chapter 88.12 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5494 by Senators Franklin, Haugen, Shin, Roach and Rasmussen

AN ACT Relating to the selection of responsible contractors bidding on public works; and adding a new chapter to Title 39 RCW.

Referred to Committee on State and Local Government.

SB 5495 by Senators Snyder and Zarelli

AN ACT Relating to regular property tax levies; creating a new section; and repealing RCW 84.55.015.

Referred to Committee on Ways and Means.

SB 5496 by Senators Brown, Finkbeiner, West, Winsley and Oke (by request of Department of Revenue)

AN ACT Relating to electronic filing of tax returns and remittances; amending RCW 82.32.080; and creating a new section.

Referred to Committee on Energy, Technology and Telecommunications.

SB 5497 by Senators Snyder and Zarelli

AN ACT Relating to the use of dredge spoils on the LT-1 and Cook Ferry Road Site in Cowlitz County; and creating a new section.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5498 by Senators Snyder, Sellar, Haugen, Rasmussen, Morton, Hargrove, Goings, Swecker, T. Sheldon, Spanel and Winsley

AN ACT Relating to interest earnings from the enhanced 911 account; amending RCW 43.84.092 and 43.84.092; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5499 by Senators Wojahn, Deccio, Franklin, Winsley, Costa, McAuliffe, Kline and Rasmussen

AN ACT Relating to in-home care agency licensure; amending RCW 70.127.010, 70.127.080, 70.127.090, and 70.127.110; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5500 by Senators Morton, T. Sheldon, Benton, Swecker, Honeyford and Hargrove

AN ACT Relating to categorical exemptions from the state environmental policy act for certain activities; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Environmental Quality and Water Resources.

SB 5501 by Senators Rasmussen, Finkbeiner, McAuliffe, Eide, Bauer and Spanel

AN ACT Relating to the summer school jump start program; adding a new section to chapter 28A.630 RCW; creating a new section; and making appropriations.

Referred to Committee on Education.

SB 5502 by Senator Haugen (by request of Marine Employees' Commission)

AN ACT Relating to a salary survey report by the marine employees' commission; amending RCW 47.64.220; adding a new section to chapter 42.17 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5503 by Senators T. Sheldon, Haugen and Swecker

AN ACT Relating to business and occupation and utility tax deductions for small water, sewer, and irrigation districts with less than one thousand five hundred customers; amending RCW 82.04.312 and 82.16.042; and providing an expiration date.

Referred to Committee on Ways and Means.

SB 5504 by Senators Fraser, West, Loveland, Hale, T. Sheldon, Honeyford and Winsley

AN ACT Relating to a tax exemption for certain amounts received by persons in the travel service business; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 5505 by Senators Winsley and Heavey

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

Referred to Committee on Judiciary.

SB 5506 by Senators Haugen, Gardner, Kline, Costa, Prentice, Fairley, Patterson and Eide

AN ACT Relating to restrictions on public passenger transportation system agreements for services by private entities; adding a new section to chapter 41.56 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 5507 by Senators Rasmussen and Swecker

AN ACT Relating to the processing of water rights; amending RCW 90.03.340, 90.03.270, 90.03.280, 90.03.290, 90.03.320, 90.03.380, 90.03.390, 90.03.260, 90.44.060, 90.03.250, 90.03.470, 89.30.001, and 90.40.090; adding new sections to chapter 43.21B RCW; adding new sections to chapter 90.03 RCW; creating a new section; repealing RCW 90.03.471; and providing an expiration date.

Referred to Committee on Environmental Quality and Water Resources.

SB 5508 by Senators Spanel, Oke, Snyder, Jacobsen, Rossi and Rasmussen

AN ACT Relating to catch record card requirements for recreational crab fishers; adding a new section to chapter 77.32 RCW; and creating a new section.

Referred to Committee on Natural Resources, Parks and Recreation.

CONGRATULATIONS TO SENATOR GOINGS

The President offered congratulations and best wishes to Senator Goings on his marriage to Amy Morrison on Saturday night.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Tuesday, January 26, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTEENTH DAY, JANUARY 25, 1999

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

**SIXTEENTH DAY**

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NOON SESSION

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Senate Chamber, Olympia, Tuesday, January 26, 1999

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 25, 1999

SB 5036 Prime Sponsor, Senator McCaslin: Adding a judge to the superior court of Okanogan county. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Johnson, McCaslin, Roach, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

January 25, 1999

SB 5037 Prime Sponsor, Senator McCaslin: Creating a new court of appeals position for Pierce county. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Johnson, McCaslin, Roach, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

January 25, 1999

SB 5114 Prime Sponsor, Senator Honeyford: Exempting certain hospitals from annual inspections. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

January 25, 1999

SB 5118 Prime Sponsor, Senator Heavey: Increasing penalties for taking a motor vehicle without permission. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Johnson, McCaslin, Roach and Zarelli.

Referred to Committee on Ways and Means.

January 25, 1999

SB 5226 Prime Sponsor, Senator Heavey: Revising provisions relating to offers of settlement. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5226 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Costa, Goings, Johnson, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

January 25, 1999

SB 5262 Prime Sponsor, Senator Thibaudeau: Allowing unregulated persons to perform sleep monitoring tasks. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Deccio, Franklin and Winsley.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5036 and Senate Bill No. 5037 were referred to the Committee on Ways and Means.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 25, 1999

GA 9059 GARY L. CHRISTENSON, reappointed September 30, 1997, for a term ending at the pleasure of the Governor, as Administrator of the Washington State Health Care Facilities Authority.

Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules

January 25, 1999

GA 9064 RUSSELL D. HAUGE, reappointed January 28, 1997, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Johnson, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules.

January 25, 1999

GA 9086 JENNY WIELAND, reappointed January 28, 1997, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Johnson, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules.

January 25, 1999

GA 9091 DAVID BOERNER, appointed August 19, 1998, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Johnson, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules.

January 25, 1999

GA 9098 NANCY CAMPBELL, appointed August 28, 1998, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Johnson, McCaslin and Roach.

Passed to Committee on Rules.

January 25, 1999

GA 9123 JOE HAWE, appointed May 1, 1998, for a term ending August 2, 2000, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Johnson, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules.

#### MESSAGES FROM THE HOUSE

January 25, 1999

MR. PRESIDENT:

The Co-Speakers have signed SENATE CONCURRENT RESOLUTION NO. 8404, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief  
Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

January 25, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
HOUSE CONCURRENT RESOLUTION NO. 4403,  
HOUSE CONCURRENT RESOLUTION NO. 4404, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief  
Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:  
HOUSE CONCURRENT RESOLUTION NO. 4403,  
HOUSE CONCURRENT RESOLUTION NO. 4404.

#### INTRODUCTION AND FIRST READING

SB 5509 by Senators Kline, Jacobsen, Heavey, Horn, Finkbeiner, Patterson, Franklin, Fairley, Prentice, Hochstatter, Bauer, Gardner, Costa, Eide, McDonald, B. Sheldon, Goings, McAuliffe, Kohl-Welles, Rasmussen and Oke

AN ACT Relating to the Holocaust victims insurance relief act; adding a new chapter to Title 48 RCW; prescribing penalties; and declaring an emergency.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5510 by Senators Oke, Swecker, Long, Sellar, Zarelli, Hochstatter, Rossi, Johnson, Morton, Hale, Stevens and West

AN ACT Relating to collection agencies used to collect unpaid taxes; and amending RCW 82.32.265 and 82.32.210.  
Referred to Committee on Ways and Means.

SB 5511 by Senators Gardner, Hargrove, T. Sheldon, Morton, Spanel, McCaslin, Rasmussen, Costa, Honeyford, Brown, Bauer, Swecker, Oke, Long, Sellar, Horn, Rossi, Johnson, Deccio, Stevens and Hochstatter

AN ACT Relating to school district revenues; and amending RCW 28A.150.250, 28A.520.020, and 76.12.120.

Referred to Committee on Ways and Means.

SB 5512 by Senators Costa, Winsley, Kline, Patterson, Gardner, Prentice, Long, Goings, Snyder, Fraser, Brown, Kohl-Welles, Jacobsen, Spanel, Fairley, Haugen, Wojahn, Thibaudeau, Loveland, Bauer, Eide, B. Sheldon, McAuliffe, T. Sheldon, Heavey and Shin

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

Referred to Committee on Health and Long-Term Care.

SB 5513 by Senators Costa, Long, Franklin, Zarelli, Heavey, Hargrove, T. Sheldon, Rossi and Shin

AN ACT Relating to execution witnesses; and amending RCW 10.95.185.

Referred to Committee on Judiciary.

SB 5514 by Senators Shin, Kohl-Welles, Patterson, Eide, Kline, Bauer, Franklin, B. Sheldon, Snyder, Spanel, Prentice, Hale, T. Sheldon, Goings, Jacobsen, Winsley, Rasmussen and Oke

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

Referred to Committee on Higher Education.

SB 5515 by Senators Rasmussen, Roach, Swecker, Hargrove, T. Sheldon, Goings, Rossi and Oke

AN ACT Relating to the liability of instructors of firearms safety, education, and familiarization classes; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Judiciary.

SB 5516 by Senators Thibaudeau, Deccio, Eide, Goings, Winsley, McAuliffe, Kohl-Welles and Oke

AN ACT Relating to creation of the tobacco prevention and control program; adding a new section to chapter 43.79 RCW; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5517 by Senators Jacobsen, Eide, Goings and Winsley

AN ACT Relating to community outdoor athletic fields; amending RCW 43.155.020, 43.155.030, 43.155.040, 43.155.060, 43.155.068, and 43.155.070; reenacting and amending RCW 43.155.050; and creating a new section.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5518 by Senators Jacobsen, Eide, Goings and Winsley

AN ACT Relating to community outdoor athletic fields; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5519 by Senators Horn, Haugen, McCaslin, Heavey and Winsley

AN ACT Relating to time limits for local project review under the growth management act; and amending RCW 36.70B.090.

Referred to Committee on State and Local Government.

SB 5520 by Senators Costa, McCaslin, Kohl-Welles, Winsley and McAuliffe

AN ACT Relating to a juvenile offender community sanction sentencing alternative; amending RCW 13.40.0357; reenacting and amending RCW 13.40.160; adding a new section to chapter 13.40 RCW; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 5521 by Senators Heavey, Long, Costa, Thibaudeau, Winsley and McAuliffe

AN ACT Relating to relocation under parenting plans; and adding new sections to chapter 26.09 RCW.

Referred to Committee on Judiciary.

SB 5522 by Senators Fairley and Kohl-Welles

AN ACT Relating to work activity provisions for recipients of temporary assistance for needy families; and amending RCW 74.08A.260.

Referred to Committee on Labor and Workforce Development.

SB 5523 by Senators Prentice, Costa, Heavey and Gardner

AN ACT Relating to fireworks; amending RCW 70.77.270; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5524 by Senators Prentice and Winsley

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

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5525 by Senators Hargrove, Morton, T. Sheldon, Snyder, Oke, Winsley and Rasmussen

AN ACT Relating to appointment of a county legislative authority member of the forest practices board; and amending RCW 76.09.030.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5526 by Senators Kline, Fairley, Costa, Prentice, Patterson, Eide, Shin, Franklin, Winsley, Thibaudeau and Kohl-Welles

AN ACT Relating to requiring prevailing wages on housing finance commission construction projects; adding a new section to chapter 43.180 RCW; and adding a new section to chapter 39.12 RCW.

Referred to Committee on Labor and Workforce Development.

SB 5527 by Senators Heavey and Hochstatter

AN ACT Relating to the deletion of nonconviction data; and amending RCW 10.97.060.

Referred to Committee on Judiciary.

SB 5528 by Senators Loveland, Horn and Winsley (by request of Department of Revenue)

AN ACT Relating to the meaning of the phrase "services rendered in respect to constructing" for purposes of the business and occupation and sales and use taxes; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5529 by Senators Loveland and Winsley (by request of Department of Revenue)

AN ACT Relating to clarifying the property tax exemption statutes; amending RCW 84.36.477 and 84.40.405; reenacting and amending RCW 84.36.805 and 84.36.810; creating new sections; and repealing RCW 84.36.140, 84.36.150, 84.36.160, 84.36.161, 84.36.162, 84.36.176, 84.36.181, 84.36.190, 84.36.191, 84.36.270, 84.36.280, 84.36.290, and 84.36.473.

Referred to Committee on Ways and Means.

SB 5530 by Senators Loveland and Winsley (by request of Department of Revenue)

AN ACT Relating to correcting errors related to property tax levies; adding a new section to chapter 84.52 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5531 by Senators Loveland and Winsley (by request of Department of Revenue)

AN ACT Relating to updating the tax code by making administrative clarifications, correcting oversights, and deleting obsolete references; amending RCW 82.04.3651, 82.08.02567, 82.08.0266, 82.08.02665, 82.04.355, 82.12.020, 82.12.02567, 82.12.0282, 82.16.047, 82.32.060, 82.32.070, 82.35.080, 84.36.041, 84.36.350, and 84.36.383; reenacting and amending RCW 82.04.270; reenacting RCW 82.04.270; adding a new section to chapter 82.12 RCW; repealing RCW 84.36.353 and 84.36.485; providing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5532 by Senators McAuliffe, Costa, B. Sheldon, Winsley, Thibaudeau, Finkbeiner, Brown, Long, Haugen, Fairley, Gardner and Kohl-Welles

AN ACT Relating to exemption of property taxes for assisted housing; reenacting and amending RCW 84.36.805 and 84.36.810; adding new sections to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5533 by Senators Fairley, Kline, Franklin, Oke and Kohl-Welles (by request of Governor Locke)

AN ACT Relating to developing a system of lifelong learning; amending RCW 28C.18.010, 28C.18.020, 28C.18.030, 28C.18.040, 28C.18.050, 28C.18.060, 50.38.050, 50.67.010, 42.17.310, and 43.20A.080; reenacting and amending RCW 50.13.060; adding a new section to chapter 28C.18 RCW; adding a new chapter to Title 50 RCW; creating new sections; repealing RCW 28C.18.070, 28C.18.080, 28C.18.090, 28C.18.100, 28C.18.110, 50.67.020, and 50.67.030; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor and Workforce Development.

SB 5534 by Senators Fairley and Kohl-Welles

AN ACT Relating to benefit eligibility for part-time workers; adding a new section to chapter 50.20 RCW; and creating new sections.

Referred to Committee on Labor and Workforce Development.

SB 5535 by Senators Goings, Horn, Patterson, McCaslin, Haugen and Winsley

AN ACT Relating to adoption of the state building code while providing a requirement that each code adopted by the state building code council to make up the state building code be published by either the international association of plumbing and mechanical officials or another nationally recognized code organization; and amending RCW 19.27.031 and 19.27.074.

Referred to Committee on State and Local Government.

SJM 8010 by Senators Jacobsen and Oke

Requesting support for the full appropriation to fund state aquatic nuisance species management plans.

Referred to Committee on Natural Resources, Parks and Recreation.

SCR 8405 by Senators Fairley, Bauer, Franklin and Kohl-Welles

Adopting the work force training and education coordinating board comprehensive plan update.

Referred to Committee on Labor and Workforce Development.

#### MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, January 27, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

SIXTEENTH DAY, JANUARY 26, 1999

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

#### SEVENTEENTH DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Wednesday,  
January 27, 1999

The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Haugen. On motion of Senator Franklin, Senator Haugen was excused. The Sergeant at Arms Color Guard consisting of Pages Robert Payne and Rebecca Lineham, presented the Colors. Reverend Sandra Lee, pastor of the Unitarian Universalist Congregation Church of Olympia, offered the prayer.

#### MOTION

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

#### REPORT OF STANDING COMMITTEE

January 26, 1999

SB 5181 Prime Sponsor, Senator Loveland: Making supplemental appropriations for the 1997-99 biennium.  
Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5181 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn.

HOLD.

#### MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Bill No. 5181 was advanced to second reading and placed on the second reading calendar.

#### INTRODUCTION AND FIRST READING

SB 5536 by Senators Spanel and Gardner

AN ACT Relating to state forest lands and municipal drinking water protection; creating new sections; making appropriations; providing an expiration date; and declaring an emergency.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5537 by Senators Jacobsen, Goings and Prentice

AN ACT Relating to a dedicated increase in the motor vehicle fuel tax rate; and amending RCW 82.36.025.  
Referred to Committee on Transportation.

SB 5538 by Senators Costa, McCaslin, Heavey, Goings and Rasmussen

AN ACT Relating to sentencing for certain criminal acts; amending RCW 81.60.070 and 9.40.120; reenacting and amending RCW 9.94A.320; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency.  
Referred to Committee on Judiciary.

SB 5539 by Senators Fairley, Fraser and Kline

AN ACT Relating to state and local procurement of recycled content products; amending RCW 43.19A.010, 43.19A.020, 43.19A.030, 43.19A.050, 43.19A.070, and 43.19A.060; and adding a new section to chapter 43.19A RCW.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5540 by Senators Deccio, Wojahn and Thibaudeau (by request of Department of Health)

AN ACT Relating to the disclosure of information obtained by the department of health related to meeting licensing standards in hospitals; and amending RCW 70.41.150 and 70.41.200.  
Referred to Committee on Health and Long-Term Care.

SB 5541 by Senators Kohl-Welles, West, Rasmussen and Hale

AN ACT Relating to exempting from sales and use tax the purchase and installation of machinery and equipment designed to broadcast digital television signals; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an expiration date.  
Referred to Committee on Ways and Means.

SB 5542 by Senators B. Sheldon, Oke and T. Sheldon

AN ACT Relating to the imposition of taxes by counties for emergency communication systems and facilities; and adding a new section to chapter 82.14 RCW.  
Referred to Committee on Ways and Means.

SB 5543 by Senators Patterson and Eide

AN ACT Relating to the assumption of water-sewer districts; amending RCW 35.13A.020, 35.13A.030, 35.13A.050, 35.13A.060, 35.13A.070, 35.13A.090, 36.70A.030, 36.70A.215, 36.93.180, and 57.16.010; adding new sections to chapter 35.13A RCW; adding a new section to chapter 36.70A RCW; and repealing RCW 35.13A.0301.  
Referred to Committee on State and Local Government.

SB 5544 by Senator Patterson

AN ACT Relating to assumptions of water-sewer districts by cities and towns; adding new sections to chapter 35.13A RCW; creating a new section; and repealing RCW 35.13A.010, 35.13A.020, 35.13A.030, 35.13A.0301, 35.13A.040, 35.13A.050, 35.13A.060, 35.13A.070, 35.13A.080, 35.13A.100, 35.13A.110, and 35.13A.900.  
Referred to Committee on State and Local Government.

SB 5545 by Senators Fraser and Kline

AN ACT Relating to water pollution control; amending RCW 90.48.260; adding a new section to chapter 90.48 RCW; and creating a new section.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5546 by Senator Fraser

AN ACT Relating to water resources; amending RCW 90.03.290, 43.27A.190, 43.21A.064, and 90.14.130; and adding a new section to chapter 90.03 RCW.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5547 by Senators McAuliffe, Finkbeiner, Eide, Prentice, Winsley, Patterson, Thibaudeau, Oke, Kline and Rasmussen

AN ACT Relating to medicinal and catheterization administration in public schools; and amending RCW 28A.210.260 and 28A.210.280.  
Referred to Committee on Education.

SB 5548 by Senators McAuliffe, Eide and Patterson

AN ACT Relating to personal holiday leave sharing for school district employees; and amending RCW 1.16.050.  
Referred to Committee on Education.

SB 5549 by Senators Kohl-Welles, Long and Hargrove (by request of Sentencing Guidelines Commission)

AN ACT Relating to extraordinary medical releases for offenders; amending RCW 9.94A.150, 9.94A.120, and 69.50.410; reenacting and amending RCW 9.94A.310, 9.95.040, and 46.61.5055; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Human Services and Corrections.

SB 5550 by Senators Kohl-Welles, Long, Costa and Hargrove (by request of Sentencing Guidelines Commission)

AN ACT Relating to sentences for violent offenses and crimes against persons; amending RCW 9.94A.120 and 9.94A.440; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5551 by Senator Fairley (by request of Employment Security Department)

AN ACT Relating to conforming unemployment compensation statutes with federal law; amending RCW 50.16.030, 50.40.020, and 50.44.050; adding a new section to chapter 50.40 RCW; and creating a new section.

Referred to Committee on Labor and Workforce Development.

SB 5552 by Senators Prentice, Oke, Heavey, Horn, Shin, Hargrove, Roach, Franklin, Winsley, Brown and Rasmussen

AN ACT Relating to using state lottery moneys for compulsive gambling education and awareness; amending RCW 9.46.071 and 67.70.240; and making an appropriation.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5553 by Senators Prentice and Winsley (by request of Department of Licensing)

AN ACT Relating to professional athletics; amending RCW 67.08.002, 67.08.050, 67.08.080, 67.08.090, 67.08.110, 67.08.120, and 67.08.160; reenacting and amending RCW 67.08.100; adding new sections to chapter 67.08 RCW; repealing RCW 67.08.007 and 67.08.060; and prescribing penalties.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5554 by Senators Costa, Shin, Hale, Winsley, McAuliffe, Kohl-Welles, Gardner and Kline (by request of State Board for Community and Technical Colleges)

AN ACT Relating to the powers and duties of the boards of trustees of community and technical colleges; and amending RCW 28B.50.140.

Referred to Committee on Higher Education.

SB 5555 by Senators Kohl-Welles, Hargrove, Long, Thibaudeau and Prentice

AN ACT Relating to protecting children, vulnerable adults, and other consumers of health care by using background checks; amending RCW 18.130.040; adding new sections to chapter 18.130 RCW; adding a new section to chapter 43.70 RCW; creating a new section; and providing effective dates.

HOLD.

SB 5556 by Senators Fraser, Oke, Jacobsen, Haugen, Heavey, T. Sheldon, Winsley, Rasmussen, Patterson, Sellar, Zarelli, Roach, Stevens, Kohl-Welles, McCaslin, Thibaudeau, Honeyford, Costa, Eide, Morton, Horn and Hochstatter

AN ACT Relating to fuel taxes attributable to marine and nonhighway uses; and amending RCW 43.99.070, 46.09.170, and 46.10.170.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5557 by Senators Hargrove, Long, Costa, Patterson, Kohl-Welles, Prentice, Thibaudeau, Franklin, Snyder, Bauer, Jacobsen, Winsley, Brown, Kline and Rasmussen

AN ACT Relating to residential placement and transitional living services to street youth; amending RCW 74.15.020 and 9.94A.390; reenacting and amending RCW 13.34.130 and 13.34.145; adding new sections to chapter 74.15 RCW; adding a new section to chapter 74.13 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 28B.80 RCW; and creating a new section.  
Referred to Committee on Human Services and Corrections.

SB 5558 by Senators Prentice, Fraser, Horn, Oke, Jacobsen and Kline

AN ACT Relating to financing unemployment insurance; amending RCW 50.29.020 and 50.29.025; creating a new section; repealing RCW 50.20.015; and providing an effective date.  
Referred to Committee on Labor and Workforce Development.

SB 5559 by Senators Hargrove and Long

AN ACT Relating to administering atypical antipsychotic medications; amending RCW 71.24.310; and adding a new section to chapter 71.24 RCW.  
Referred to Committee on Human Services and Corrections.

#### MOTIONS

On motion of Senator Betti Sheldon, Senate Bill No. 5555 was held on the desk.  
On motion of Senator Betti Sheldon, Senate Bill No. 5558 was referred to the Committee on Labor and Workforce Development.

#### MOTION

At 10:09 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:08 a.m. by President Owen.

#### MOTION

On motion of Senator Betti Sheldon, the following resolution was adopted:

#### SENATE RESOLUTION 1999-8610

By Senators Snyder, McDonald, Spanel, B. Sheldon and Johnson

BE IT RESOLVED, That the Rules of the Senate for the 1997 Regular Session of the 55th Legislature be adopted, as amended, as the Rules for the 1999 Regular Session of the 56th Legislature, to read as follows:

#### PERMANENT RULES OF THE SENATE

~~((FIFTY-FIFTH LEGISLATURE))~~ FIFTY-SIXTH LEGISLATURE  
~~((1997))~~ 1999

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**Rule 2** President Pro Tempore

**Rule 3** Secretary of the Senate

- Rule 4** Sergeant at Arms
- Rule 5** Subordinate Officers
- Rule 6** Employees
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**Rule 62** Reading of Bills

**Rule 63** First Reading

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**Rule 65** Third Reading

**Rule 66** Scope and Object of Bill Not to be Changed

**Rule 67** Matter Related to Disagreement Between the Senate and House

**Rule 68** Bills Committed for Special Amendment

**Rule 69** Confirmation of Gubernatorial Appointees

## **SECTION I**

### **OFFICERS-MEMBERS-EMPLOYEES**

#### **Duties of the President**

**Rule 1.** 1. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. (See also Art. 3, Sec. 16, State Constitution.)

2. The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, legislative area, legislative offices or buildings, and legislative hearing and meeting rooms, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber.

3. The president shall have charge of and see that all officers and employees perform their respective duties, and shall have general control of the senate chamber and wings. (See also Art. 2, Sec. 10, State Constitution.)

4. The president may speak to points of order in preference to members, arising from the president's seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate.

5. The president shall, in open session, sign all acts, addresses and joint resolutions. The president shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. (See also Art. 2, Sec. 32, State Constitution.)

6. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate. In the event the senate refuses to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

7. The president shall, on each day, announce to the senate the business in order, and no business shall be taken up or considered until the order to which it belongs shall be declared.

8. The president shall decide and announce the result of any vote taken.

9. When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 10 and 22, State Constitution.)

#### **President Pro Tempore**

**Rule 2.** 1. Upon the organization of the senate the members shall elect one of their number as president pro tempore who shall have all the powers and authority and who shall discharge all the duties of lieutenant governor acting as president during the lieutenant governor's absence. The senate shall also elect a vice-president pro tempore who will serve in the absence of the lieutenant governor and the president pro tempore. (See Art. 2, Sec. 10, State Constitution.)

2. In the absence of the president pro tempore, and vice president pro tempore, or with their consent, the president shall have the right to name any senator to perform the duties of the chair, but such substitution shall not

extend beyond an adjournment, nor authorize the senator so substituted to sign any documents requiring the signature of the president.

#### **Secretary of the Senate**

**Rule 3.** 1. The senate shall elect a secretary, who shall appoint a deputy secretary, both of whom shall be officers of the senate and shall perform the usual duties pertaining to their offices, and they shall hold office until their successors have been elected or appointed.

2. The secretary is the Personnel Officer of the senate and shall appoint, subject to the approval of the senate, all other senate employees and the hours of duty and assignments of all senate employees shall be under the secretary's directions and instructions and they may be dismissed at the secretary's discretion.

3. The secretary of the senate, prior to the convening of the next regular session, shall prepare his office to receive bills which the holdover members and members-elect may desire to prefile commencing with the first Monday in December preceding any regular session or twenty days prior to any special session of the legislature.

#### **Sergeant at Arms**

**Rule 4.** 1. The senate shall elect a sergeant at arms who shall perform the usual duties pertaining to that office, and shall hold office until a successor has been elected.

2. The sergeant at arms shall not admit to the floor of the senate during the time the senate is not convened any person other than specifically requested by a senator, the president, or the secretary of the senate, in writing or when personally accompanied by a senator.

#### **Subordinate Officers**

**Rule 5.** The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the president, and such other duties as the senate may impose upon them. Under no circumstances shall the compensation of any employee be increased for past services. (See also Art. 2, Sec. 25, State Constitution.)

#### **Employees**

**Rule 6.** 1. No senate employee shall lobby in favor of or against any matter under consideration.

2. Senate employees are governed by joint rules and chapters 42.17 (the Public Disclosure Act) and 42.52 RCW (the Ethics in Public Service Act).

#### **Conduct of Members and Officers**

**Rule 7.** 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time.

2. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling the senator to order shall report the language excepted to which shall be taken down or noted at the secretary's desk. No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted.

3. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call that senator to order, and a senator so called to order shall resume the senator's seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that the senator be allowed to proceed in order," when, if carried, the senator shall speak to the question under consideration.

4. No senator shall be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall be absent the senator's per diem shall not be allowed or paid, and no senator or officer shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

5. In the event of a motion or resolution to censure or punish, or any procedural motion thereto involving a senator, that senator shall not vote thereon. The senator shall be allowed to answer to such motion or resolution. An election or vote by the senate on a motion to censure or punish a senator shall require the vote of a majority of all senators elected or appointed to the senate. A vote to expel a member shall require a two-thirds concurrence of all members elected or appointed to the senate. All votes shall be taken by yeas and nays and the votes shall be entered upon the journal. (See also Art. 2, Sec. 9, State Constitution.)

### **SECTION II**

#### **OPERATIONS AND MANAGEMENT**

##### **Payment of Expenses - Facilities and Operations**

**Rule 8.** 1. After the reorganization caucuses of the Senate, the majority caucus shall designate four members and the minority caucus shall designate three members to serve on the Facilities and Operations Committee. The chair of the majority caucus shall be the chair of the Facilities and Operations Committee. The operation of the Senate shall transfer to the newly designated members after the reorganization caucuses of the Senate.

2. All necessary expenses of the senate incurred during the session shall be signed for by the secretary and approved by a majority of the committee on facilities and operations. The committee on facilities and operations shall carefully consider all items of expenditure ordered or contracted on the part of the senate, and report upon the same prior to the voucher being signed by the secretary of the senate authorizing the payment thereof. The committee on facilities and operations shall issue postage only as follows:

a) To elected or appointed members of the senate in an amount sufficient to allow performance of their legislative duties.

b) To the secretary of the senate in an amount sufficient to carry out the business of the senate.

#### **Use of Senate Chambers**

**Rule 9.** The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate while in session, or by the facilities and operations committee when not in session.

#### **Admission to the Senate**

**Rule 10.** The sergeant at arms shall admit only the following individuals to the floor and adjacent areas of the senate for the period of time beginning one-half hour before convening and ending when the senate has adjourned or recessed for an hour or more:

The governor and/or designees,

Members of the house of representatives,

State elected officials,

Officers and authorized employees of the legislature,

Honored guests being presented to the senate,

Former members of the senate who are not registered lobbyists pursuant to chapter 42.17 RCW,

Representatives of the press,

Persons specifically requested by a senator to the president in writing or only as long as accompanied by a senator.

#### **Printing of Bills**

**Rule 11.** The number of bills printed and reprinted shall be at the discretion of the secretary of the senate, with the approval of the facilities and operations committee.

#### **Furnishing Full File of Bills**

**Rule 12.** Persons, firms, corporations and organizations within the state, desirous of receiving copies of all printed senate bills, shall make application therefor to the secretary of the senate. The bill clerk shall send copies of all printed senate bills to such persons, firms, corporations and organizations as may be ordered by the secretary of the senate. The secretary of the senate is authorized to recoup costs.

#### **Regulation of Lobbyists**

**Rule 13.** All persons who engage in lobbying of any kind as defined in chapter 42.17 RCW shall be subject to the rules of the senate and legislature when lobbying before the senate. Any person who fails to conform to the senate or joint rules may have their privilege to lobby and all other privileges revoked upon a majority vote of the committee on rules for such time as is deemed appropriate by the committee.

Any person registered as a lobbyist pursuant to chapter 42.17 RCW who intervenes in or attempts to influence any personnel decision of the senate regarding any employee may suffer an immediate revocation of all privileges before the senate or such other privileges and for such time as may be deemed appropriate by the senate committee on rules. This restriction shall not prohibit a registered lobbyist from making written recommendations for staff positions.

#### **Security Management**

**Rule 14.** The sergeant at arms may develop methods to protect the Senate, including its members, staff, and the visiting public, by establishing procedures to curtail the use or possession of any weapon in a manner that is prohibited by law or by the rules of the Department of General Administration.

### **SECTION III**

### **RULES AND ORDER**

#### **Time of Convening**

**Rule 15.** The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.

#### **Quorum**

**Rule 16.** A majority of all members elected or appointed to the senate shall be necessary to constitute a quorum to do business. Less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

#### **Order of Business**

**Rule 17.** After the roll is called and journal read and approved, business shall be disposed of in the following order:

FIRST. Reports of standing committees.

SECOND. Reports of select committees.

THIRD. Messages from the governor and other state officers.

FOURTH. Messages from the house of representatives.

FIFTH. Introduction, first reading and reference of bills, joint memorials, joint resolutions and concurrent resolutions.

SIXTH. Second reading of bills.

SEVENTH. Third reading of bills.

EIGHTH. Presentation of petitions, memorials and floor resolutions.

NINTH. Presentation of motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present.

All questions relating to the priority of business shall be decided without debate.

Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate.

#### **Special Order**

**Rule 18.** The president shall call the senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the senate, which shall then be considered unless it is postponed by a majority vote of the members present, and any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business, except that if a cutoff established by concurrent resolution occurs during the special order, the senate may complete the order of business that was before the senate when consideration of the special order was commenced.

#### **Unfinished Business**

**Rule 19.** The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

#### **Motion and Senate Floor Resolutions**

##### **(How Presented)**

**Rule 20.** 1. No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.

2. Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration.

##### **Precedence of Motions**

**Rule 21.** When a motion has been made and stated by the chair the following motions are in order, in the rank named:

#### **PRIVILEGED MOTIONS**

Adjourn or recess

Reconsider

Demand for call of the senate

Demand for roll call

Demand for division  
Question of privilege  
Orders of the day

#### INCIDENTAL MOTIONS

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

#### SUBSIDIARY MOTIONS

1st Rank: To lay on the table  
2nd Rank: For the previous question  
3rd Rank: To postpone to a day certain  
                    To commit or recommit  
                    To postpone indefinitely  
4th Rank: To amend

No motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings, and when a question has been postponed indefinitely it shall not again be introduced during the session.

A motion to lay an amendment on the table shall not carry the main question with it unless so specified in the motion to table.

At no time shall the senate entertain a Question of Consideration.

#### **Voting**

**Rule 22.** 1. In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he or she is in any way personally or directly interested, nor be allowed to explain a vote or discuss the question while the yeas and nays are being called, nor change a vote after the result has been announced. (See also Art. 2, Secs. 27 and 30, State Constitution.)

2. A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.

3. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Rule 24.)

4. A senator having been absent during roll call may ask to have his or her name called. Such a request must be made before the result of the roll call has been announced by the president.

5. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Secs. 10 and 22, State Constitution.)

6. The order of the names on the roll call shall be alphabetical by last name.

7. All votes in a committee shall be recorded, and the record shall be preserved as prescribed by the secretary of the senate. One-sixth of the committee may demand an oral roll call.

#### **Announcement of Vote**

**Rule 23.** The announcement of all votes shall be made by the president.

#### **Call of the Senate**

**Rule 24.** Although a roll call is in progress, a call of the senate may be moved by three senators, and if carried by a majority of all present the secretary shall call the roll, after which the names of the absentees shall again be called. The doors shall then be locked and the sergeant at arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

### **One Subject in a Bill**

**Rule 25.** No bill shall embrace more than one subject and that shall be expressed in the title. (See also Art. 2, Sec. 19, State Constitution.)

### **No Amendment by Mere Reference to Title of Act**

**Rule 26.** No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. (See also Art. 2, Sec. 37, State Constitution.)

### **Reading of Papers**

**Rule 27.** When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate.

Any and all copies of reproductions of newspaper or magazine editorials, articles or cartoons or publications or material of any nature distributed to senators' desks must bear the name of at least one senator granting permission for the distribution. This shall not apply to materials normally distributed by the secretary of the senate or the majority or minority caucuses.

### **Comparing Enrolled and Engrossed Bills**

**Rule 28.** Any senator shall have the right to compare an enrolled bill with the engrossed bill and may note any objections in the Journal.

## **SECTION IV PARLIAMENTARY PROCEDURE**

### **Rules of Debate**

**Rule 29.** When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, and standing in place, respectfully address the President, and when recognized shall, in a courteous manner, speak to the question under debate, avoiding personalities. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question has been sustained, a member shall not be denied the right to speak at least once on each question, nor shall a member be limited to less than three minutes on each question. In any event, the senator who presents the motion may open and close debate on the question.

### **Recognition by the President**

**Rule 30.** When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

### **Call for Division of a Question**

**Rule 31.** Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

### **Point of Order - Decision Appealable**

**Rule 32.** Every decision of points of order by the president shall be subject to appeal by any senator, and discussion of a question of order shall be allowed. In all cases of appeal the question shall be: "Shall the decision of the chair stand as the judgment of the senate?"

### **Question of Privilege**

**Rule 33.** Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries. The president upon notice received may acknowledge the presence of any distinguished person or persons.

A question of privilege shall involve only subject matter which affects the particular senator personally and in a manner unique and peculiar to that senator.

### **Protests**

**Rule 34.** Any senator or senators may protest against the action of the senate upon any question. Such protest may be entered upon the journal if it does not exceed 200 words. The senator protesting shall file the protest with the secretary of the senate within 48 hours following the action protested.

### **Adoption and Suspension of Rules**

**Rule 35.** 1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules may be by majority of the senate without notice and a majority of the senate may change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No permanent rule or order of the senate shall be rescinded or changed without a majority vote of the members, and one day's notice of the motion.

2. A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present unless otherwise specified herein. When the suspension of a rule is called, and after due notice from the president no objection is offered, the president may announce the rule suspended, and the senate may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, the mover of the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed.

#### **Previous Question**

**Rule 36.** The previous question shall not be put unless demanded by three senators, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, except the senator who presents the motion may open and close debate on the question and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

#### **Reconsideration**

**Rule 37.** 1. After the final vote on any measure, before the adjournment of that day's session, any member who voted with the prevailing side may give notice of reconsideration unless a motion to immediately transmit the measure to the house has been decided in the affirmative and the measure is no longer in possession of the senate. Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

2. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a reconsideration shall continue to the next day of sitting. On and after the tenth day prior to adjournment sine die of any session, as determined pursuant to Article 2, Section 12, or concurrent resolution, or in the event that the measure is subject to a senate rule or resolution or a joint rule or concurrent resolution, which would preclude consideration on the next day of sitting a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

#### **Motion to Adjourn**

**Rule 38.** Except when under call of the senate, a motion to adjourn shall always be in order. The name of the senator moving to adjourn and the time when the motion was made shall be entered upon the journal.

#### **Yeas and Nays - When Must be Taken**

**Rule 39.** The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Senate Rules 22 and 24.)

#### **Reed's Parliamentary Rules**

**Rule 40.** The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

### **SECTION V**

#### **COMMITTEES**

##### **Committees - Appointment and Confirmation**

**Rule 41.** The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

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

1. Agriculture and ((Environment)) Rural

- Economic Development ((7)) 9
- 2. Commerce ((and Labor)), Trade, Housing and Financial Institutions ((7)) 11
- 3. Education ((7)) 13
- 4. Energy ((and Utilities)), Technology and Telecommunications 7
- 5. ((Financial Institutions, Insurance and Housing)) Environmental Quality and Water Resources 7
- 6. ((Government Operations—7
- 7.)) Health and Long-Term Care 7
- ((8.)) 7. Higher Education ((9)) 11
- ((9.)) 8. Human Services and Corrections ((7)) 9
- 9. Judiciary 12
- 10. ((Law and Justice)) Labor and Workforce Development ((14)) 6
- 11. Natural Resources ((and)), Parks and Recreation ((14)) 9
- 12. Rules ((19)) 16
- 13. State and Local Government 7
- 14. Transportation ((15)) 20
- ((14.)) 15. Ways and Means 21

#### **Subcommittees**

**Rule 42.** Committee chairs may create subcommittees of the standing committee and designate subcommittee chairs thereof to study subjects within the jurisdiction of the standing committee. The committee chair shall approve the use of committee staff and equipment assigned to the subcommittee. Subcommittee activities shall further be subject to facilities and operations committee approval to the same extent as are the actions of the standing committee from which they derive their authority.

#### **Subpoena Power**

**Rule 43.** Any of the above referenced committees, including subcommittees thereof, or any special committees created by the senate, may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. The committee chair shall file with the committee on rules, prior to issuance of any process, a statement of purpose setting forth the name or names of those subject to process. The rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to consideration by the rules committee. The process shall be limited to the named individuals and the committee on rules may overrule the service on an individual so named.

#### **Duties of Committees**

**Rule 44.** The several committees shall fully consider measures referred to them.

The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state: PROVIDED, That no executive action on bills may be taken during an interim.

#### **Committee Rules**

**Rule 45.** 1. At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing. By a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

2. No committee may hold a public hearing during a regular or extraordinary session on a proposal identified as a draft unless the draft has been made available to the public at least twenty-four hours prior to the hearing. This rule does not apply during the five days prior to any cutoff established by concurrent resolution nor does it apply to any measure exempted from the resolution.

3. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee of the senate shall be open to the public. In case of any disturbance or disorderly conduct at any

such deliberations, the chair shall order the sergeant at arms to suppress the same and may order the meeting closed to any person or persons creating such disturbance.

4. A majority of any committee shall constitute a quorum. Committees shall be considered to have a quorum present unless the question is raised. No committee shall transact official business absent a quorum except to conduct a hearing.

5. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall carry one, or more as appropriate, of the following recommendations, shall be adopted at a regularly or specially called meeting during a legislative session and shall be signed by a majority of the committee:

- a. Do pass.
- b. Do pass as amended.
- c. That a substitute bill be substituted therefor, and the substitute bill do pass.
- d. That the bill be referred to another committee.
- e. Without recommendation.

6. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 3 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

7. Any measure which does not receive a majority vote of the members present may be reconsidered at that meeting and may again be considered upon motion of any committee member if one day's notice of said motion is provided to all committee members.

8. Members of the committee not concurring in the majority report may prepare a written minority report containing a different recommendation which shall be signed by those members of the committee subscribing thereto.

9. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute bill the first time and have the same ordered printed.

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

10. No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

11. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session.

#### **Committee Meetings During Sessions**

**Rule 46.** No committee shall sit during the daily session of the senate unless by special leave.

No committee shall sit during any scheduled caucus.

#### **Reading of Reports**

**Rule 47.** The majority report, and minority report, if there be one, together with the names of the signers thereof, shall be read by the secretary, unless the reading be dispensed with by the senate, and all committee reports shall be spread upon the journal.

#### **Recalling Bills from Committees**

**Rule 48.** Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected or appointed. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

#### **Bills Referred to Rules Committee**

**Rule 49.** All bills reported by a committee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Rules 63 and 64.)

#### **Rules Committee**

**Rule 50.** The lieutenant governor shall be a voting member and the chair of the committee on rules. The committee on rules shall have charge of the daily second and third reading calendar of the senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate and the committee on rules shall have the authority to directly refer any bill before them to any other standing committee. Such referral shall be reported out to the senate on the next day's business.

The senate may change the order of consideration of bills on the second or third reading calendar.

The calendar, except in emergent situations, as determined by the committee on rules, shall be on the desks and in the offices of the senators each day and shall cover the bills for consideration on the next following day.

### **Employment Committee**

**Rule 51.** The employment committee for committee staff shall consist of five members, three from the majority party and two from the minority party. The chair shall be appointed by the majority leader. The committee shall, in addition to its other duties, appoint a staff director for committee services with the concurrence of four of its members. All other decisions shall be determined by majority vote. The committee shall operate within staffing, budget levels and guidelines as authorized and adopted by the facilities and operations committee.

### **Committee of the Whole**

**Rule 52.** At no time shall the senate sit as a committee of the whole.

The senate may at any time, by the vote of the majority of the members present, sit as a body for the purpose of taking testimony on any measure before the senate.

### **Appropriation Budget Bills**

**Rule 53.** No amendment to the budget, capital budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of the senators elected or appointed.

## **SECTION VI**

### **BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS**

#### **Definitions**

**Rule 54.** "Measure" means a bill, joint memorial, joint resolution, or concurrent resolution.

"Bill" when used alone means bill, joint memorial, joint resolution, or concurrent resolution.

"Majority" shall mean a majority of those members present unless otherwise stated.

#### **Prefiling**

**Rule 55.** Holdover members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or twenty days prior to any special session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day. No bill, joint memorial or joint resolution shall be prefiled by title and/or preamble only. (See also Rule 3, Sub. 3.)

#### **Introduction of Bills**

**Rule 56.** All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Any member desiring to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate by noon of the day before the convening of the session at which said bill, joint resolution or joint memorial is to be introduced.

After the expiration of deadlines for bill introductions provided for by resolution, no bill shall be introduced, except as the legislature shall direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session. The time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)

#### **Amendatory Bills**

**Rule 57.** Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

Sections added by amendatory bill to an existing act, or chapter of the official code, need not be underlined but shall be designated "NEW SECTION" in upper case type and such designation shall be underlined. New enactments need not be underlined.

#### **Joint Resolutions and Memorials**

**Rule 58.** Joint resolutions and joint memorials, up to the signing thereof by the president of the senate, shall be subject to the rules governing the course of bills.

#### **Senate Concurrent Resolutions**

**Rule 59.** Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call. Concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rule 62.

#### **Committee Bills**

**Rule 60.** Committee bills introduced by a standing committee during a legislative session may be filed with the secretary of the senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill.

Committee bills shall be read the first time by title, ordered printed, and referred to the committee on rules for second reading.

#### **Committee Reference**

**Rule 61.** When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order:

FIRST: A standing committee.

SECOND: A select committee.

#### **Reading of Bills**

**Rule 62.** Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. On and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, this rule may be suspended by a majority vote. (See also Rule 59).

#### **First Reading**

**Rule 63.** The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading, bills shall be referred to an appropriate committee pursuant to Rule 61.

Upon being reported back by committee, all bills shall be referred to the committee on rules for second reading, unless otherwise ordered by the senate. (See Rule 49.)

A bill shall be reported back by the committee chair upon written petition therefor signed by a majority of its members. The petition shall designate the recommendation as provided in Rule 45, Sub. 4.

No committee chair shall exercise a pocket veto of any bill.

Should there be a two-thirds majority report of the committee membership against the bill, a vote shall be immediately ordered for the indefinite postponement of the bill.

#### **Second Reading/Amendments**

**Rule 64.** Upon second reading, the bill shall be read section by section, in full, and be subject to amendment.

Any member may, if sustained by three members, remove a bill from the consent calendar as constituted by the committee on rules. A bill removed from the consent calendar shall take its place as the last bill in the order of consideration of bills on the second reading calendar.

No amendment shall be considered by the senate until it shall have been sent to the secretary's desk in writing and read by the secretary.

All amendments adopted on the second reading shall then be securely fastened to the original bill.

All amendments rejected by the senate shall be spread upon the journal, and the journal shall show the disposition of all amendments.

When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading.

#### **Third Reading**

**Rule 65.** Bills on third reading shall be read in full by sections, and no amendment shall be entertained.

When a bill shall pass, it shall be certified to by the secretary, together with the vote upon final passage, noting the day of its passage thereon.

The vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal and the majority of the members elected to the senate must be recorded thereon as voting in its favor to secure its passage by the senate.

#### **Scope and Object of Bill Not to be Changed**

**Rule 66.** No amendment to any bill shall be allowed which shall change the scope and object of the bill. (See also Art. 2, Sec. 38, State Constitution.) Substitute bills shall be considered amendments for the purposes of this rule. A point of order raising the question of scope and object may be raised at any time during consideration of an amendment prior to voting on the amendment.

#### **Matters Related to Disagreement Between the Senate and House**

**Rule 67.** When there is a disagreement between the senate and house on a measure before the senate, the senate may act upon the measure with the following motions which have priority in the following order:

To concur  
To non-concur  
To recede  
To insist  
To adhere

These motions are in order as to any single amendment or to a series of amendments. (See Reed's Rules 247 through 254.)

A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to an appropriate committee and shall take the same course as for original bills, unless a motion to ask the house to recede, to insist or to adhere is made prior to the measure being referred to committee.

#### **Bills Committed for Special Amendment**

**Rule 68.** A bill may be committed with or without special instructions to amend at any time before taking the final vote.

#### **Confirmation of Gubernatorial Appointees**

**Rule 69.** When the names of appointees to state offices are transmitted to the Secretary of the Senate for senate confirmation, the communication from the governor shall be recorded and referred to the appropriate standing committee.

The standing committee, or subcommittee, pursuant to rule 42, shall require each appointee referred to the committee for consideration to complete the standard questionnaire to be used to ascertain the appointee's general background and qualifications. The committee may also require the appointee to complete a supplemental questionnaire related specifically to the qualifications for the position to which he has been appointed.

Any hearing on a gubernatorial appointment, held by the standing committee, or subcommittees, pursuant to rule 42, shall ~~((hold))~~ be a public hearing ~~((on the appointment))~~. The appointee may be required to appear before the committee on request. When appearing, the appointee shall be required to testify under oath or affirmation. The chair of the committee or the presiding member shall administer the oath or affirmation in accordance with RCW 44.16. (See also Article 2, Sec. 6 of the State Constitution.)

Nothing in this rule shall be construed to prevent a standing committee, or subcommittee, pursuant to rule 42, upon a two-thirds vote of its members, from holding executive sessions when considering an appointment.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal. In the event a message is received from the governor requesting return of an appointment or appointments to the office of the governor prior to confirmation, the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the members elected or appointed. (Article 13 of the State Constitution.)

Senators Snyder and Johnson spoke to Senate Resolution 1999-8610.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5181, by Senators Loveland, West, Brown and Winsley (by request of Governor Locke)

Making supplemental appropriations for the 1997-99 biennium.

#### MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 5181 was substituted for Senate Bill No. 5181 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 5181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5181.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5181 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senators Finkbeiner, Hochstatter, Johnson and McDonald - 4.

Excused: Senator Haugen - 1.

SUBSTITUTE SENATE BILL NO. 5181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

#### MOTION

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

#### SENATE RESOLUTION 1999-8607

By Senator Winsley

WHEREAS, It is the policy of the Washington State Legislature to recognize and honor the contributions of individuals and organizations that reflect standards of excellence that enhance the well-being and quality of life of the citizens of the state of Washington; and

WHEREAS, Toastmasters International is a leading movement in making effective oral communication a national and international reality for all persons; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, helps men and woman of all ages learn the art of speaking, listening and thinking, vital skills that promote self-actualization, enhance leadership potential, foster human understanding and contribute to the betterment of all mankind; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, provides a mutually supportive and positive learning environment in which every member has the opportunity to develop the communication and leadership skills which foster self-confidence and personal growth; and

WHEREAS, Toastmasters International member Toastmaster Clubs usually meet each week for one to two hours and usually contain three main elements: prepared speeches, impromptu speeches, and evaluations of speeches which provide feedback on the positive aspects of the speeches and friendly suggestions for improvement; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, benefits individuals, companies, communities and countries by providing potential leaders in all walks of life the skills, discipline, and confidence needed to succeed; and

WHEREAS, Toastmasters International currently has over 8,000 member Toastmaster Clubs worldwide made up of approximately 170,000 members with over 3,400 members in the state of Washington, and is growing by approximately 250 new members worldwide each day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the Toastmasters International, and its member Toastmaster Clubs, for the contributions it has provided the citizens of this state; and

BE IT FURTHER RESOLVED, That the week of January 31, 1999, through February 6, 1999, be recognized as Toastmaster Week and that all persons be encouraged to participate in the beneficial programs Toastmasters International provides through its member Toastmaster Clubs; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Emmanuelle C. Hager, Public Relations Officer, Toastmasters International, Washington State Toastmasters Club, District 2.

#### PERSONAL PRIVILEGE

Senator Morton: "A point of personal privilege, Mr. President. This morning I had an article passed out to you entitled 'Researcher links raspberries to cancer prevention.' It stated that eating one cup of fresh raspberries or drinking a raspberry smoothie on a daily basis can be an effective way to prevent certain types of cancer. It is interesting to note that Washington State is the Number One state in the nation in the production of red raspberries.

"Last year, Washington produced over fifty-nine million pounds of raspberries, amounting to over seventy-seven percent of what the nation produced as a whole. The amount of land harvested totaled 8,500 acres--seven thousand pounds of raspberries per acre were harvested--and the total value of Washington's raspberry crop was twenty-eight million dollars.

"It is really fantastic to think you can eat fruit and stop the malignant process. We in Washington should be duly proud of our raspberry production rate, as well as being a pioneer in the field of cancer prevention. Thank you."

#### MOTION

At 11:32 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:42 a.m. by President Owen.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

January 27, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5004, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk  
DEAN R. FOSTER, Co-Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5004.

#### MOTION

At 11:43 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 12:09 p.m. by President Owen.

#### MESSAGE FROM THE HOUSE

January 27, 1999

MR. PRESIDENT:

The Co-Speakers have signed Senate Bill No. 5004, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

At 12:10 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:30 p.m., Thursday, January 28, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTEENTH DAY, JANUARY 27, 1999

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

**EIGHTEENTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, January 28, 1999

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 27, 1999

SB 5001 Prime Sponsor, Senator Morton: Authorizing hunting of cougar with the aid of dogs. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5001 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Spanel, Stevens.

Passed to Committee on Rules for second reading.

January 27, 1999

SB 5002 Prime Sponsor, Senator Jacobsen: Creating a hot line to report poaching, dangerous wildlife, or unlawful habitat destruction. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5002 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Spanel, Stevens.

Referred to Committee on Ways and Means.

January 26, 1999

SB 5039 Prime Sponsor, Senator Fairley: Creating accounts for certain programs. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke, Wojahn.

Referred to Committee on Ways and Means.

January 26, 1999

SB 5040 Prime Sponsor, Senator Fairley: Modifying standards and requirements for the operation and inspection of boilers and other pressure vessels. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke, Wojahn.

Passed to Committee on Rules for second reading.

January 27, 1999

SB 5076 Prime Sponsor, Senator Oke: Authorizing the creation of bottomfish preserves. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5076 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Stevens.

Referred to Committee on Ways and Means.

January 27, 1999

SB 5094 Prime Sponsor, Senator Oke: Concerning personal flotation devices. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5094 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Oke, Spanel.

Passed to Committee on Rules for second reading.

January 26, 1999

SB 5122 Prime Sponsor, Senator Fairley: Recovering industrial insurance benefits payments. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke, Wojahn.

Passed to Committee on Rules for second reading.

January 26, 1999

SB 5123 Prime Sponsor, Senator Fairley: Regulating factory assembled structures. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke, Wojahn.

Passed to Committee on Rules for second reading.

January 26, 1999

SB 5171 Prime Sponsor, Senator Goings: Regulating Washington state patrol employment agreements. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5171 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline, Wojahn.

Referred to Committee on Transportation.

#### MOTIONS

On motion of Senator Betti Sheldon, Senate Bill No. 5039 was referred to the Committee on Ways and Means.

On motion of Senator Betti Sheldon, Senate Bill No. 5171 was referred to the Committee on Transportation.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 27, 1999

GA 9010 JERRY FARLEY, appointed August 11, 1997, for a term ending June 1, 2002, as a member of the Board of Trustees for the State School for the Blind.

Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Benton, Goings, Hochstatter, Kohl-Welles, Rasmussen and Sellar.

Passed to the Committee on Rules.

January 27, 1999

GA 9018 HOLLY PARKER JENSEN, appointed January 7, 1998, for a term ending January 1, 2000, as a member of the Board of Trustees for the State School for the Deaf.

Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen and Sellar.

Passed to the Committee on Rules.

January 27, 1999

GA 9034 NOEL NIGHTINGALE, appointed August 8, 1997, for a term ending July 1, 2002, as a member of the Board of Trustees for the State School for the Blind.

Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen and Sellar.

Passed to the Committee on Rules.

January 27, 1999

GA 9147 DENISE MACKENSTADT, reappointed August 5, 1998, for a term ending July 1, 2003, as a member of the Board of Trustees for the State School for the Blind.

Reported by Committee on Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Benton, Brown, Goings, Hochstatter, Kohl-Welles, Rasmussen and Sellar.

Passed to the Committee on Rules.

January 27, 1999

GA 9166 TERRY ROBERTSON, reappointed August 5, 1998, for a term ending July 1, 2003, as a member of the Board of Trustees for the State School for the Blind.

Reported by Committee on Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Hochstatter, Kohl-Welles, Rasmussen and Sellar.

Passed to the Committee on Rules.

January 27, 1999

GA 9167 CYNTHIA RONEY, reappointed August 5, 1998, for a term ending July 1, 2003, as a member of the Board of Trustees for the State School for the Blind.

Reported by Committee on Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen and Sellar.

Passed to the Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 5560 by Senators Franklin, Deccio, Winsley and Kohl-Welles (by request of Department of Social and Health Services)

AN ACT Relating to supported employment; amending RCW 41.04.750 and 41.04.760; and amending 1997 c 287 s 1 (uncodified).

Referred to Committee on Health and Long-Term Care.

SB 5561 by Senators Thibaudeau, Wojahn, Deccio, Winsley and Kohl-Welles (by request of Department of Social and Health Services)

AN ACT Relating to protection of vulnerable adults; amending RCW 74.34.020, 74.34.025, 74.34.050, 74.34.070, 74.34.080, 74.34.110, 74.34.130, 74.34.180, 74.34.200, 70.124.010, 70.124.020, 70.124.030, 70.124.060, 70.124.090, 70.124.100, 26.44.010, 26.44.015, 26.44.020, 26.44.030, 26.44.032, and 26.44.040; reenacting and amending RCW 70.124.040 and 26.44.050; adding new sections to chapter 74.34 RCW; creating new sections; and repealing RCW 74.34.010, 74.34.015, 74.34.030, 74.34.055, and 74.34.060.  
Referred to Committee on Health and Long-Term Care.

SB 5562 by Senators Franklin, Winsley, Costa, Fraser, Wojahn, Fairley, Prentice, Jacobsen and Kohl-Welles

AN ACT Relating to the payment of wages due an employee ceasing to work; and amending RCW 49.48.010 and 49.48.030.  
Referred to Committee on Labor and Workforce Development.

SB 5563 by Senators Costa, Patterson and Roach

AN ACT Relating to county law library funding; and amending RCW 27.24.070.  
Referred to Committee on Judiciary.

SB 5564 by Senators Gardner, Winsley, Spanel and Loveland

AN ACT Relating to taxation of park trailers and travel trailers; amending RCW 82.50.530; and creating a new section.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5565 by Senator Fraser

AN ACT Relating to measuring water withdrawals for purposes of water conservation; amending RCW 90.03.360 and 90.44.450; adding a new section to chapter 90.54 RCW; adding a new section to chapter 70.119A RCW; and creating a new section.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5566 by Senator Patterson

AN ACT Relating to disclosure of written agreements that may have future implications to a buyer of residential real property; amending RCW 64.06.020; and providing an effective date.  
Referred to Committee on State and Local Government.

SB 5567 by Senators Hale and Snyder

AN ACT Relating to federal payments used to reduce the outstanding debt of school districts within counties; and adding a new section to chapter 36.01 RCW.  
Referred to Committee on State and Local Government.

SB 5568 by Senators B. Sheldon, Winsley, Franklin, McAuliffe, Prentice, Snyder and Jacobsen

AN ACT Relating to self-employment assistance; and adding a new chapter to Title 50 RCW.  
Referred to Committee on Labor and Workforce Development.

SB 5569 by Senators Fairley, Roach, Snyder, Prentice, Kline, Costa, Shin, Thibaudeau, Spanel and Kohl-Welles

AN ACT Relating to strike or lockout disqualifications for unemployment benefits; and amending RCW 50.20.090.

Referred to Committee on Labor and Workforce Development.

SB 5570 by Senators Costa, Johnson, Kline, Honeyford, Kohl-Welles, Patterson, Gardner, Winsley and Oke (by request of Washington State Patrol)

AN ACT Relating to vehicular assault; and amending RCW 46.61.522.

Referred to Committee on Judiciary.

SB 5571 by Senators Gardner, Benton, Eide, Haugen and Winsley (by request of Washington State Patrol)

AN ACT Relating to recovery of penalties for commercial vehicle violations; and amending RCW 46.32.100.

Referred to Committee on Transportation.

SB 5572 by Senators Heavey, Horn, Costa, Kohl-Welles, Kline, Patterson, Benton, Winsley and Oke (by request of Washington State Patrol)

AN ACT Relating to high-occupancy vehicle lane violations; and amending RCW 46.61.165.

Referred to Committee on Transportation.

SB 5573 by Senators Horn, Johnson, Costa, Patterson and Winsley (by request of Washington State Patrol)

AN ACT Relating to criminal history records; and amending RCW 10.97.030 and 10.98.050.

Referred to Committee on Judiciary.

SB 5574 by Senators Kohl-Welles, Hale, Haugen, Costa, Patterson and Winsley (by request of Washington State Patrol)

AN ACT Relating to reporting of deaths or injuries from fire; and amending RCW 48.48.065.

Referred to Committee on State and Local Government.

SB 5575 by Senators Haugen, Johnson, Patterson and T. Sheldon (by request of Washington State Patrol)

AN ACT Relating to membership on the state building code council; and amending RCW 19.27.070.

Referred to Committee on State and Local Government.

SB 5576 by Senators Gardner, Horn, Haugen, Honeyford, Kline and Goings (by request of Washington State Patrol)

AN ACT Relating to release of impounded vehicles; and amending RCW 46.55.120.

Referred to Committee on Transportation.

SB 5577 by Senators Eide, Horn, Haugen and T. Sheldon (by request of Washington State Patrol)

AN ACT Relating to transportation of explosives; and repealing RCW 46.37.460.

Referred to Committee on Transportation.

SB 5578 by Senators Patterson, Horn, Costa, Honeyford, Kohl-Welles and Kline (by request of Forensic Investigation Council)

AN ACT Relating to the state toxicology laboratory; amending RCW 43.103.010, 43.103.020, 43.103.030, 43.103.090, 43.43.670, and 68.50.107; reenacting and amending RCW 66.08.180; and creating a new section.

Referred to Committee on State and Local Government.

SB 5579 by Senators Loveland, Honeyford and Hale

AN ACT Relating to tires on farm machinery; and amending RCW 46.37.420.

Referred to Committee on Transportation.

SB 5580 by Senators Wojahn, Roach, Thibaudeau, Fairley, Spanel, Prentice and Kohl-Welles

AN ACT Relating to industrial insurance benefits paid during appeal; amending RCW 51.52.050, 51.16.140, and 43.79A.040; reenacting and amending RCW 51.52.060; adding a new section to chapter 51.16 RCW; adding a new section to chapter 51.44 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor and Workforce Development.

SB 5581 by Senators Franklin, Roach, Fairley, Thibaudeau, Prentice and Kohl-Welles

AN ACT Relating to reopening workers' compensation claims; amending RCW 51.32.160; creating a new section; and declaring an emergency.

Referred to Committee on Labor and Workforce Development.

SB 5582 by Senator Heavey

AN ACT Relating to district and municipal courts; and amending RCW 3.50.115, 3.54.030, 35.20.110, and 3.62.060.

Referred to Committee on Judiciary.

SB 5583 by Senators Franklin, Fairley and Kline

AN ACT Relating to unfair practices with respect to eligibility for employment-based benefits; adding a new section to chapter 49.44 RCW; and creating new sections.

Referred to Committee on Labor and Workforce Development.

SB 5584 by Senators Fraser and Winsley (by request of Department of Revenue)

AN ACT Relating to preventing the use of step transactions to avoid real estate excise tax; amending RCW 82.45.010; and creating a new section.

Referred to Committee on Ways and Means.

SB 5585 by Senators Rasmussen, Honeyford, Stevens, Morton, Snyder, Prentice and T. Sheldon

AN ACT Relating to tax rate modifications for animal health products; reenacting and amending RCW 82.04.050; and providing an effective date.

Referred to Committee on Agriculture and Rural Economic Development.

SB 5586 by Senator Hargrove

AN ACT Relating to specialized forest products; amending RCW 76.48.050 and 76.48.085; adding new sections to chapter 76.48 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5587 by Senators Wojahn, Snyder, Thibaudeau, Fairley, Costa, Winsley, Prentice, McAuliffe, Kohl-Welles, Brown, Shin, Rasmussen and Franklin

AN ACT Relating to health care patient protection; reenacting and amending RCW 48.43.005; adding new sections to chapter 48.43 RCW; creating new sections; and repealing RCW 48.43.075, 48.43.095, and 48.43.105.

Referred to Committee on Health and Long-Term Care.

SB 5588 by Senators Wojahn, Snyder, Thibaudeau, Fairley, Winsley, Costa, Hale, Prentice, McAuliffe, Kohl-Welles, Rasmussen, Franklin and Sellar

AN ACT Relating to classifying false or misleading advertising by health carriers as unfair and deceptive acts; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5589 by Senators Fairley and Kohl-Welles

AN ACT Relating to creating an apprenticeship assistance program; adding new sections to chapter 49.04 RCW; and making appropriations.

Referred to Committee on Labor and Workforce Development.

SB 5590 by Senators Thibaudeau, Deccio, Wojahn and Winsley (by request of Superintendent of Public Instruction Bergeson)

AN ACT Relating to which health professionals may sign a request to have oral medication administered by school employees; and amending RCW 28A.210.260.

Referred to Committee on Health and Long-Term Care.

SB 5591 by Senators Roach, Zarelli, Swecker, Benton, Hochstatter, Honeyford, Rossi, Oke, Horn, McDonald, Hale, Sellar, Morton, Deccio, Stevens, McCaslin and Long

AN ACT Relating to state board of education membership; amending RCW 28A.305.010, 28A.305.030, and 28A.305.090; adding a new section to chapter 28A.305 RCW; and repealing RCW 28A.305.020, 28A.305.040, 28A.305.050, 28A.305.060, and 28A.305.070.

Referred to Committee on Education.

SB 5592 by Senators Kohl-Welles, Shin and Jacobsen (by request of Governor Locke)

AN ACT Relating to tuition setting authority and the use of tuition in higher education; amending RCW 28B.15.031, 28B.15.065, 28B.15.066, 28B.15.067, 28B.15.070, 28B.15.100, 28B.20.130, 28B.30.150, 28B.35.120, 28B.40.120, and 28B.50.090; creating a new section; and repealing RCW 28B.15.110.

Referred to Committee on Higher Education.

SB 5593 by Senators McAuliffe, Eide, Loveland, Rasmussen, B. Sheldon and Winsley (by request of Governor Locke)

AN ACT Relating to the Washington professional educator standards board; amending RCW 28A.410.020, 28A.410.040, 28A.410.050, 28A.410.060, 28A.410.100, 28A.410.120, and 28A.305.130; reenacting and amending RCW 28A.410.010; adding new sections to chapter 28A.410 RCW; and creating new sections.

Referred to Committee on Education.

SB 5594 by Senators Rasmussen, T. Sheldon, Prentice, Fairley and Winsley (by request of Governor Locke)

AN ACT Relating to enhancing economic vitality; amending RCW 43.160.010, 43.160.020, 43.160.060, 43.160.200, 47.01.280, 28C.04.410, 28C.04.420, 46.68.095, 43.84.092, 43.84.092, 43.180.160, and 43.131.386; reenacting and amending RCW 43.160.076; adding a new section to chapter 43.160 RCW; adding a new section to chapter 28C.04 RCW; adding a new section to chapter 46.68 RCW; adding new sections to chapter 43.63A RCW; creating new sections; repealing RCW 28C.04.430, 28C.04.440, 28C.04.450, 28C.04.460, and 28C.04.480; repealing 1997 c 367 s 11, 1995 c 226 s 8, 1993 c 316 s 7, and 1991 c 314 s 33 (uncodified); providing effective dates; providing an expiration date; and declaring an emergency.  
Referred to Committee on Agriculture and Rural Economic Development.

SB 5595 by Senators Jacobsen and Fraser

AN ACT Relating to salmon recovery funding; amending RCW 75.46.005, 75.46.010, and 75.46.080; adding new sections to chapter 75.46 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5596 by Senators Thibaudeau, Roach, Shin, Horn, Franklin, Finkbeiner, Winsley and Kohl-Welles

AN ACT Relating to athletic trainers; amending RCW 18.130.040 and 7.70.020; and adding a new chapter to Title 18 RCW.  
Referred to Committee on Health and Long-Term Care.

SB 5597 by Senators Fraser, Swecker, Jacobsen, Morton, Fairley, Rasmussen and Winsley

AN ACT Relating to occupational health standards for airborne pathogens and waterborne pathogens; adding a new section to chapter 49.17 RCW; and creating a new section.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5598 by Senators McAuliffe, Finkbeiner, West, Jacobsen, Long, Kline, Costa, Snyder, Eide, Patterson, Hale and Winsley (by request of Governor Locke)

AN ACT Relating to higher education scholarships; amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW.  
Referred to Committee on Higher Education.

SB 5599 by Senators Prentice, Deccio, Rasmussen, Jacobsen, Hale and Winsley (by request of Governor Locke)

AN ACT Relating to agricultural worker protection regulatory duties; amending RCW 70.114A.020, 70.114A.060, 70.114A.081, and 43.70.335; adding new sections to chapter 70.114A RCW; adding new sections to chapter 49.17 RCW; adding a new section to chapter 43.70 RCW; creating a new section; and repealing RCW 43.70.330 and 70.54.110.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5600 by Senators Benton, Snyder, Oke, Rossi, Kline, Hargrove, Eide, Prentice, T. Sheldon, Sellar, Haugen, Patterson, Fairley, Deccio, Bauer, Loveland, Honeyford, Hochstatter, B. Sheldon, Franklin, West, Stevens, Heavey, Spanel, McDonald, Swecker, Fraser, Kohl-Welles, Winsley, Morton, Brown, Finkbeiner, McAuliffe, Zarelli, Johnson, Hale, Roach and Goings

AN ACT Relating to exempting the construction of the state memorial dedicated to World War II veterans from the sales and use tax; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5601 by Senator Costa

AN ACT Relating to judgments; and amending RCW 4.64.030 and 46.29.270.  
Referred to Committee on Judiciary.

SB 5602 by Senators West, Brown, McCaslin, McDonald, Patterson, Kohl-Welles, T. Sheldon and Snyder

AN ACT Relating to persons who patronize prostitutes; adding a new section to chapter 9A.88 RCW;  
and creating a new section.  
Referred to Committee on Judiciary.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5555 which was held on desk January 27, 1999,  
was referred to the Committee on Health and Long-Term Care.

#### CERTIFICATE OF APPOINTMENT

JOINT SESSION OF THE BOARDS OF COUNTY COMMISSIONERS  
OF THE 9TH LEGISLATIVE DISTRICT  
PURSUANT TO  
ARTICLE 11 SECTION 15 AMENDMENT 32  
OF THE WASHINGTON STATE CONSTITUTION

CERTIFICATE OF APPOINTMENT  
FOR THE 9TH LEGISLATIVE DISTRICT  
SENATOR

Due to the midterm resignation of the Honorable Eugene Prince as Senator for the 9th Legislative District of the state of Washington, and pursuant to Article 11, Section 15, Amendment 32 of the Constitution of the state of Washington, the Boards of County Commissioners for the Counties of Adams, Asotin, Spokane and Whitman, met in joint session on the 25th day of January, 1999, in Whitman County, for the purpose of appointing a district resident nominee to fill the Senate vacancy.

In attendance, were the Honorable Bill Wills, W. L. "Bill" Schlagel and Jeffery W. Stevens, Commissioners for Adams County; the Honorable Don Scheibe, James Fuller and Gordon Reed, Commissioners for Asotin County; the Honorable John Roskelley, Kate McCaslin and Phil Harris, Commissioners for Spokane County; and the Honorable Hollis Jamison, Nora Mae Keifer and Les Wigen, Commissioners for Whitman County.

Nora Mae Keifer, Commissioner for Whitman County, was elected Chairperson for the joint session and by the rules adopted is authorized on behalf of all the County Commissioners to certify the results of the meeting.

I, Nora Mae Keifer, the elected Chairperson for the joint session of the Boards of County Commissioners of the 9th Legislative District of the state of Washington, hereby certify that by majority vote LARRY SHEAHAN is appointed to the Washington State Senate for the 9th Legislative District, effective January 25, 1999.

Dated the 26th day of January, 1999

NORA MAE KEIFER, Chairperson

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Chief Justice Richard Guy who was seated on the rostrum.

#### OATH OF OFFICE

The Honorable Richard Guy, Chief Justice of the Supreme Court, administered the oath of office to Senator Larry Sheahan.

The President presented Senator Sheahan with a certificate of appointment.

The Sergeant at Arms escorted Senator Sheahan to his seat in the Chamber.

## CHANGE IN STANDING COMMITTEE ASSIGNMENTS

The President appointed Senator Sheahan to the Committee on Human Services and Corrections, replacing Senator McCaslin.

The President appointed Senator Sheahan to the Committees on Higher Education, Transportation and State and Local Government.

### MOTION

On motion of Senator Betti Sheldon, the standing committee assignments were confirmed.

### MOTION

At 12:37 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, January 29, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

## JOURNAL OF THE SENATE

EIGHTEENTH DAY, JANUARY 28, 1999

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

### NINETEENTH DAY

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, January 29, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Deccio, Finkbeiner and McAuliffe. On motion of Senator Franklin, Senators Brown and McAuliffe were excused. On motion of Senator Honeyford, Senators Deccio and Finkbeiner were excused.

The Sergeant at Arms Color Guard consisting of Pages Amanda Smith and Dylan Potter, presented the Colors. Reverend Sandra Lee, pastor of the Unitarian Universalist Congregation Church of Olympia, offered the prayer.

### MOTION

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

## REPORTS OF STANDING COMMITTEES

January 26, 1999

SB 5005 Prime Sponsor, Senator Loveland: Allowing signing of safer routes to tourist-oriented businesses.  
Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Johnson, Morton, Oke, Patterson, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

January 28, 1999

SB 5046 Prime Sponsor, Senator Long: Revising hearing procedures for defendants receiving mental health evaluations. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5046 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, McCaslin, Patterson, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

January 28, 1999

SB 5047 Prime Sponsor, Senator Long: Revising the sharing of information among mental health professionals. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5047 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, McCaslin, Patterson, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

January 28, 1999

SB 5048 Prime Sponsor, Senator Long: Making technical corrections to chapters 10.77 and 71.05 RCW. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5048 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, McCaslin, Patterson, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

January 28, 1999

SB 5095 Prime Sponsor, Senator Thibaudeau: Clarifying that public corporations, commissions, and authorities are public agencies for purposes of the open public meetings act. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

January 26, 1999

SB 5100 Prime Sponsor, Senator Haugen: Regulating ferry queues. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Johnson, Morton, Oke, Patterson, Sellar, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

January 28, 1999

SB 5117 Prime Sponsor, Senator Bauer: Allowing the parking commission to have more than five members. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

January 28, 1999

SB 5150 Prime Sponsor, Senator McCaslin: Authorizing county commissioners to be elected by the voters of each commissioner district. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

January 28, 1999

SB 5271 Prime Sponsor, Senator Hochstatter: Requiring the office of financial management to report annually to the legislature on agencies' compliance with new laws and use of specific funding. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5271 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen and Horn.

Passed to Committee on Rules for second reading.

January 28, 1999

SB 5275 Prime Sponsor, Senator Bauer: Regarding Lewis and Clark bicentennial advisory committee. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 28, 1999

GA 9002 CHARLIE BRYDON, appointed March 10, 1997, for a term ending January 15, 2003, as a member of the Liquor Control Board.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, and Winsley.

MINORITY Recommendation: That said appointment not be confirmed: Signed by Senator Benton.

Passed to Committee on Rules.

January 28, 1999

GA 9007 TIM DOUGLAS, appointed January 27, 1997, for a term ending at the Governor's pleasure as Director of the Department of Community, Trade and Economic Development.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules.

January 28, 1999

GA 9009 JESSE FARIAS, appointed April 1, 1997, for a term ending January 15, 2001, as a member of the Liquor Control Board.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules.

January 28, 1999

GA 9078 WILLIAM P. ROEHL, appointed July 10, 1997, for a term ending January 19, 2003, as a member of the Fish and Wildlife Commission.

Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Snyder and Spanel.

Passed to Committee on Rules.

January 28, 1999

GA 9079 DEBORAH J. ROSS, appointed February 23, 1998, for a term ending at the Governor's pleasure as Director of the Energy Facility Site Evaluation Council.

Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Brown, Chair; Goings, Vice Chair; Fraser, Fairley and Hochstatter.

Passed to Committee on Rules.

January 28, 1999

GA 9095 RUSS CAHILL, appointed April 20, 1998, for a term ending December 31, 2002, as a member of the Fish and Wildlife Commission.

Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules.

January 28, 1999

GA 9100 FRANK L. CASSIDY, appointed November 17, 1998, for a term ending January 15, 2002, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser and Hochstatter.

Passed to Committee on Rules.

January 28, 1999

GA 9124 DONALD R. HEINICKE, appointed April 20, 1998, for a term ending December 31, 2000, as a member of the Fish and Wildlife Commission.

Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules.

January 28, 1999

GA 9135 TOM KARIER, appointed July 1, 1998, for a term ending January 15, 2001, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser and Hochstatter.

Passed to Committee on Rules.

January 26, 1999

GA 9174 FRED STEPHENS, December 18, 1998, for a term ending at the Governor's pleasure as Director of the Department of Licensing.

Reported by Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Finkbeiner, Heavey, Horn, Johnson, Morton, Oke, Patterson, Sellar, T. Sheldon and Shin.

Passed to Committee on Rules.

January 28, 1999

GA 9180 ROBERT L. TUCK, appointed April 20, 1998, for a term ending December 31, 2000, as a member of the Fish and Wildlife Commission.

Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 5603 by Senators McAuliffe, Finkbeiner, Kohl-Welles, Long, Bauer, Shin, B. Sheldon, Oke and Costa

AN ACT Relating to educational opportunities for classified employees of school districts and educational service districts; and amending RCW 28B.15.558.

Referred to Committee on Higher Education.

SB 5604 by Senators Deccio, Wojahn, Winsley, Costa, Franklin and Thibaudeau

AN ACT Relating to health care facility worker identification; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5605 by Senators Gardner, Haugen, Costa, Patterson, Sellar, Prentice, Goings and Kohl-Welles

AN ACT Relating to locally imposed transportation funding options; amending RCW 82.80.020, 82.80.080, 84.52.010, 84.52.120, 82.36.440, 82.38.280, 35.21.710, and 82.80.010; adding new sections to chapter 82.80 RCW; adding a new section to chapter 35.21 RCW; adding a new chapter to Title 35 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5606 by Senators Heavey and McCaslin (by request of Environmental Hearings Office)

AN ACT Relating to administrative appeals judges in the environmental hearings office; and amending RCW 43.21B.005.

Referred to Committee on Judiciary.

SB 5607 by Senators Thibaudeau, Wojahn, Fraser, Franklin, Sellar, Prentice, Deccio, Winsley, Rasmussen, Kohl-Welles and Costa

AN ACT Relating to health insurance; and adding a new section to chapter 41.04 RCW

Referred to Committee on Health and Long-Term Care.

SB 5608 by Senators Snyder, McDonald, Loveland, West, Bauer, Hale, Rasmussen and Oke (by request of Department of Revenue)

AN ACT Relating to revising the machinery and equipment tax exemption by more precisely describing terminology and eligibility; amending RCW 82.04.120, 82.08.02565, 82.08.02565, and 82.12.02565; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5609 by Senators Horn, Prentice, Winsley, Haugen and Costa (by request of Secretary of State Munro)

AN ACT Relating to state employees' suggestion awards and incentive pay; and amending RCW 41.60.010, 41.60.015, 41.60.020, 41.60.030, 41.60.041, 41.60.080, 41.60.100, 41.60.110, 41.60.120, and 41.60.150.

Referred to Committee on State and Local Government.

SB 5610 by Senators Prentice, Finkbeiner, T. Sheldon and Costa

AN ACT Relating to civil penalties levied by the department of licensing for unlawful sale of used motor vehicles by unlicensed parties; amending RCW 46.70.115; and prescribing penalties.

Referred to Committee on Transportation.

SB 5611 by Senators Thibaudeau, Kline, Prentice, Winsley and Costa (by request of Insurance Commissioner Senn)

AN ACT Relating to medicare supplement insurance; and amending RCW 48.66.045.

Referred to Committee on Health and Long-Term Care.

SB 5612 by Senators Fraser, Finkbeiner, Eide, Winsley and Kline

AN ACT Relating to wastewater pollution prevention and control, and imposing mandatory minimum penalties upon chronic or significant water quality violators; amending RCW 70.95C.200, 70.95C.220, 90.48.140, and 43.21B.300; adding new sections to chapter 90.48 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environmental Quality and Water Resources.

SB 5613 by Senators Jacobsen and Fraser

AN ACT Relating to salmon recovery measures and planning; amending RCW 75.46.005 and 75.46.040; adding new sections to chapter 75.46 RCW; and declaring an emergency.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5614 by Senators Hochstatter, Oke, T. Sheldon and Heavey

AN ACT Relating to restricting Washington industrial safety and health act citations as a result of employee misconduct; and amending RCW 49.17.120.

Referred to Committee on Labor and Workforce Development.

SB 5615 by Senators Horn, Goings, Benton, Gardner, Sellar and Finkbeiner (by request of Legislative Transportation Committee)

AN ACT Relating to obsolete transportation accounts and funds; amending RCW 43.84.092, 43.84.092, 43.160.010, 46.68.095, 46.68.100, 46.68.110, 47.01.280, 47.02.130, 47.02.150, 47.10.801, 47.10.803, 47.12.125, 47.26.080, 47.26.084, 47.26.140, 47.26.425, 47.26.4252, 47.26.4254, 47.26.505, 47.56.772, 47.60.150, 47.60.326, 47.60.440, 82.36.025, 82.44.150, and 82.44.180; reenacting and amending RCW 46.68.090; creating a new section; repealing RCW 46.68.180, 46.68.190, 46.68.200, 47.02.180, 47.13.010, 47.13.020, 47.13.030, 47.13.040, 47.13.900, and 47.56.775; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5616 by Senators Horn, Spanel, Finkbeiner, Goings, Oke and Costa

AN ACT Relating to the extension of the validity of a driver's license that expires while the driver is outside the state or where the driver is a spouse or dependent child of a member of the armed forces; amending RCW 46.20.027 and 46.20.120; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SB 5617 by Senators Horn, Goings, Finkbeiner, Oke and Costa

AN ACT Relating to exemptions from driver's license requirements for nonresidents; and amending RCW 46.20.025.

Referred to Committee on Transportation.

SB 5618 by Senator Jacobsen (by request of Office of Financial Management)

AN ACT Relating to establishing fees for recreational and commercial licenses; and amending RCW 75.25.092, 75.28.046, 75.28.095, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.133, 75.28.300, 75.28.780, 77.04.055, 77.32.350, 77.32.450, 77.32.460, and 77.32.470.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5619 by Senator Jacobsen (by request of Office of Financial Management)

AN ACT Relating to forest fire protection assessment; and amending RCW 76.04.610.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5620 by Senators Long, Hargrove, Deccio, Prentice, Franklin and Patterson

AN ACT Relating to chemical dependency treatment services; amending RCW 70.96A.010, 70.96A.011, 70.96A.020, 70.96A.030, 70.96A.040, 70.96A.043, 70.96A.050, 70.96A.070, 70.96A.085, 70.96A.087, 70.96A.090, 70.96A.100, 70.96A.110, 70.96A.120, 70.96A.145, 70.96A.150, 70.96A.160, 70.96A.180, 70.96A.265, 70.96A.300, 70.96A.310, and 70.96A.320; reenacting RCW 70.96A.430; adding new sections to chapter 70.96A RCW; recodifying RCW 70.96A.430; repealing RCW 70.96A.060, 70.96A.080, 70.96A.140, and 70.96.150; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 5621 by Senators Roach and Heavey

AN ACT Relating to writs of restitution; and amending RCW 59.18.390.

Referred to Committee on Judiciary.

SB 5622 by Senator Gardner

AN ACT Relating to sales and use tax equalization payments for proposed incorporations; amending RCW 35.02.015, 35.02.017, and 82.14.210; and creating a new section.

Referred to Committee on State and Local Government.

SB 5623 by Senator Hargrove

AN ACT Relating to extending court supervision of children subject to youth-at-risk orders; and amending RCW 13.32A.198.

Referred to Committee on Human Services and Corrections.

SB 5624 by Senators Kohl-Welles, Hargrove and Long

AN ACT Relating to assessments for the prostitution prevention and intervention account; amending RCW 9.68A.105 and 9A.88.120; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 5625 by Senators Kohl-Welles, Fairley, Winsley, Brown, Thibaudeau, Kline, Patterson, Fraser, Franklin, Gardner, Rasmussen, B. Sheldon, Snyder and Horn

AN ACT Relating to work requirements under the temporary assistance for needy families program; amending RCW 74.08A.010, 74.08A.260, and 74.08A.270; adding new sections to chapter 74.08A RCW; and creating a new section.

Referred to Committee on Labor and Workforce Development.

SB 5626 by Senators Franklin, McAuliffe, Fairley, Kohl-Welles, Patterson, Costa, McCaslin, Kline, Wojahn and Rasmussen

AN ACT Relating to medicaid reimbursement payments to school districts; and amending RCW 74.09.5256.

Referred to Committee on Education.

SB 5627 by Senators Fraser, Patterson, Prentice, Spanel, Honeyford, Snyder, Franklin, McCaslin and Rasmussen

AN ACT Relating to retail sales and use taxation; and amending RCW 82.08.010 and 82.12.010.

Referred to Committee on Ways and Means.

SB 5628 by Senators Gardner, Heavey, Shin, Prentice, Winsley and T. Sheldon

AN ACT Relating to uniform continuing professional education requirement and licensing requirements for certified public accountants; and amending RCW 18.04.025, 18.04.105, 18.04.183, 18.04.185, 18.04.195, 18.04.205, 18.04.215, and 18.04.345.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5629 by Senators Roach, Heavey and Kline

AN ACT Relating to the civil rights act of 1999; adding a new chapter to Title 7 RCW; and creating a new section.

Referred to Committee on Judiciary.

#### MOTION

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

#### SENATE RESOLUTION 1999-8601

By Senators Prentice, Wojahn, Fraser and Kohl-Welles

WHEREAS, Mr. Ron Gray worked for the Department of Labor & Industries Workers' Compensation system for his entire thirty-eight and one-half year career in state service; and

WHEREAS, During that time, he was a loyal member of the Washington Federation of State Employees Union Local 443, and a state executive board member; and

WHEREAS, Mr. Gray was among the union members who crafted the legislation creating the PERS I retirement system; and

WHEREAS, He was a key manager responsible for streamlining the Workers' Compensation system from a paper to a computerized system in 1976; and

WHEREAS, He instituted a formal training program for a new state fund claim management staff in 1979; and

WHEREAS, Mr. Gray was a charter member and continued to serve on the Policy and Litigation Control Committee working to resolve workers' compensation problems to reduce litigation; and

WHEREAS, Mr. Gray's leadership in a 1989 agency initiative led to a state fund savings of more than \$30 million for employers; and

WHEREAS, Since the 1970s, as a member of the Insurance Services staff, he has provided timely and detailed bill analysis and fiscal impact statements for the Legislature; and

WHEREAS, He has served our state and his agency under seven governors, beginning with the Rosellini administration, and twelve agency directors; and

WHEREAS, He was presented in 1993 with the Governor's Sustained Leadership Award for his distinguished service with the Workers' Compensation system; and

WHEREAS, He has dedicated his career to providing the highest quality service to both the workers and employers of Washington; and

WHEREAS, His dedication to the citizens of Washington has extended to his service to the city of Tumwater as a member of the city's library board for the past seven years; and

WHEREAS, Mr. Gray has been married to his wife, Sandi, for thirty-four years, and has three sons, Jeff, John, and Chris, and two grandsons, Colton and Tanner;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate shall hereby honor and offer our deepest gratitude and thanks to Mr. Ron Gray for his exemplary service to the state, and to the well-being of all the working people and employers of Washington, and that we urge all citizens of the state of Washington to join us in recognizing and honoring this man of uncommon dedication and service.

Senators Prentice and Fraser spoke to Senate Resolution 1999-8601.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ron Gray and his wife, Sandi, who were seated on the rostrum.

#### MOTION

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

#### SENATE RESOLUTION 1999-8606

By Senators Wojahn, Spanel, Fraser and Kohl-Welles

WHEREAS, The literary, performing, and visual arts are vibrant threads weaving through the tapestry of life in the state of Washington; and

WHEREAS, The arts inspire creativity and innovation, foster communication and understanding across the cultures, knit our communities and our state together with a common understanding of our humanity, and transmit core values to future generations; and

WHEREAS, The arts accelerate students' mastery of history, math and science, enhance problem-solving skills, and increase the self-esteem of youth at risk; and

WHEREAS, The arts industry throughout Washington State generates millions of dollars annually through performances, exhibitions, festivals, art walks, craft fairs, and concerts in the parks; and

WHEREAS, Our state has received international acclaim for the quality of its artists and arts institutions, drawing audiences from across the nation and the world to the Northwest and making cultural tourism a vital part of our economy;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington join in the celebration of Arts Day, Tuesday, February 2, 1999, and urge all citizens to join us in this observance.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Kris Tucker, Executive Director of the Washington State Arts Commission, who was seated in the gallery.

#### MOTION

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

#### SENATE RESOLUTION 1999-8608

By Senators Franklin, Rasmussen, B. Sheldon, Deccio, Wojahn, Johnson, Honeyford, Fraser and Kohl-Welles

WHEREAS, All citizens should be made aware of the safe, proper, effective, and efficient use of medications; and

WHEREAS, Nearly half of the medicines prescribed are used incorrectly, thus contributing to prolonged illness, avoidable side-effects and interactions, and unnecessary hospitalizations; and

WHEREAS, The efforts of our educational, state, and voluntary pharmacy organizations are instrumental in teaching the public about the safe and proper use of medicines; and

WHEREAS, According to the Board of Pharmacy, there are approximately 4,800 licensed pharmacists in the state of Washington; and

WHEREAS, Pharmacists are devoted to improving patient care in collaboration with other health professionals; and

WHEREAS, In the past ten years, national polls have consistently ranked pharmacists as the most highly respected and trusted professionals; and

WHEREAS, Governor Locke has proclaimed February 1, 1999, to be Pharmacy Day in the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby join the Governor in so honoring our state's pharmacists; those dedicated women and men who play such a critical role in safeguarding the health and well-being of the citizens of our state, and who are committed to the advancement of high quality and cost-effective health care.

Senators Franklin and Betti Sheldon spoke to Senate Resolution 1999-8608.

#### MOTION

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

#### SENATE RESOLUTION 1999-8614

By Senators Morton, Wojahn, Haugen, Fraser, Rasmussen and Kohl-Welles

WHEREAS, The number of grocery stores of the Washington Food Industry Association statewide totals 2,962, employing over 69,000 people; and

WHEREAS, The industry grosses over \$12 billion annually; and

WHEREAS, The members of the Washington Food Industry Association donated over \$12 million to their communities for local events and non-profit organizations; and

WHEREAS, This year marks the one hundredth anniversary of the Washington Food Industry Association;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge the vital role that the Washington Food Industry Association, together with its collective members and employees, plays in the economy of Washington State, and applaud the Association for its record of service to the residents of our state.

Senators Morton and Snyder spoke to Senate Resolution 1999-8614.

#### APPOINTMENTS TO SPECIAL COMMITTEE

Pursuant to House Concurrent Resolution No. 4403, the President appointed Senators Deccio, Franklin, Snyder and Stevens to serve on the Joint Committee of the House and Senate to arrange for the legislative memorial service.

#### MOTION

On motion of Senator Betti Sheldon, the committee assignments were confirmed.

#### CHANGE IN STANDING COMMITTEE ASSIGNMENT

The President announced that Senator Larry Sheahan was removed as a member of the State and Local Government Committee.

#### POINT OF PERSONAL PRIVILEGE

Senator Tim Sheldon: "Thank you, Mr. President, a point of personal privilege. I wanted to just make a little speech if I could about our newest member. Some of our members were not able to attend the swearing-in ceremony yesterday. In the House, when I served with Representative Sheahan, SHEAHAN always votes before SHELDON, just by a quirk of the alphabet. I got to know Larry quite well over in the House and I wanted to just welcome him to our membership here in the Senate and wish him well. He has been a fine member in the House and I am sure that will carry on here in the Senate. So, Larry, welcome to you."

#### MOTION

At 10:28 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, February 1, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

NINETEENTH DAY, JANUARY 29, 1999

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**TWENTY-SECOND DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Monday, February 1, 1999

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

January 28, 1999

SB 5012 Prime Sponsor, Senator Prentice: Administering the pollution liability insurance program trust account.  
Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

January 28, 1999

SB 5013 Prime Sponsor, Senator Prentice: Authorizing dissemination of criminal history record information to the gambling commission. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do Pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

January 28, 1999

SB 5058 Prime Sponsor, Senator Prentice: Regulating certain financial institutions. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5058 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

**REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS**

January 29, 1999

GA 9041 MARILYN GLENN SAYAN, appointed January 28, 1997, for a term ending September 8, 2000, as Chair of the Public Employment Relations Commission.

Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules.

January 29, 1999

GA 9042 JUDY SCHURKE, appointed January 28, 1997, for a term ending June 17, 1999, as a member of the Board of Industrial Insurance Appeals.

Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules.

January 29, 1999

GA 9063 DR. DARRELL HAMILTON, reappointed May 28, 1997, for a term ending December 5, 2000, as a member of the Western State Hospital Advisory Board.

Reported by Committee on Human Services and Corrections.

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Patterson, Stevens and Zarelli.

Passed to Committee on Rules.

January 29, 1999

GA 9067 DENNIS KARRAS, appointed January 15, 1997, for a term ending at the Governor's pleasure, as Director of the Department of Personnel.

Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules.

January 29, 1999

GA 9075 LEONARD NORD, appointed December 23, 1997, for a term ending January 4, 2003, as a member of the Personnel Resources Board.

Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline, Oke and Wojahn.

Passed to Committee on Rules.

January 29, 1999

GA 9090 DOROTHY BLAKE, appointed March 17, 1998, for a term ending December 5, 2001, as a member of the Western State Hospital Advisory Board.

Reported by Committee on Human Services and Corrections.

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Patterson, Stevens and Zarelli.

Passed to Committee on Rules.

January 29, 1999

GA 9092 DR. DEAN K. BROOKS, reappointed March 10, 1998, for a term ending December 5, 2001, as Chair of the Western State Hospital Advisory Board.

Reported by Committee on Human Services and Corrections.

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Patterson, Stevens and Zarelli.

Passed to Committee on Rules.

January 29, 1999

GA 9104 GERALDINE A. COLEMAN, appointed July 14, 1998, for a term ending June 30, 2002, as a member of the Work Force Training and Education Coordinating Board.

Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules.

January 29, 1999

GA 9110 JUDGE THOMAS E. EAGAN, appointed July 20, 1998, for a term ending June 17, 2003, as Chair of the Board of Industrial Insurance Appeals.

Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules.

January 29, 1999

GA 9122 SHIRLEY HAVENGA, appointed March 17, 1998, for a term ending December 5, 2001, as a member of the Western State Hospital Advisory Board.

Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Patterson, Stevens and Zarelli.

Passed to Committee on Rules.

January 29, 1999

GA 9142 SUZANNE LEICHMAN, appointed March 17, 1998, for a term ending December 5, 2001, as a member of the Western State Hospital Advisory Board.

Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Patterson, Stevens and Zarelli.

Passed to Committee on Rules.

January 29, 1999

GA 9142 ANI CLIPPER MAXFIELD, appointed March 17, 1998, for a term ending December 5, 2001, as a member of the Western State Hospital Advisory Board.

Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Patterson, Stevens and Zarelli.

Passed to Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

January 29, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on January 29, 1999, Governor Locke approved the following Senate Bill entitled:

SENATE BILL NO. 5004

Relating to validation of school bond elections.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

#### INTRODUCTION AND FIRST READING

SB 5630 by Senators Prentice, Rasmussen, Sellar, Deccio, Fraser, Brown, Shin, Hargrove, Heavey, Kline, Bauer, Franklin, B. Sheldon, Snyder, Spanel, Morton, Wojahn, Hale, Jacobsen, Kohl-Welles, Costa and McAuliffe.

AN ACT Relating to authorizing the housing finance commission to provide a revenue source for farm worker housing through the auction sale of tax credits; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5631 by Senators Wojahn, Winsley, Fairley and Costa

AN ACT Relating to vocational rehabilitation compensation; and reenacting and amending RCW 51.32.095.

Referred to Committee on Labor and Workforce Development.

SB 5632 by Senators Finkbeiner, Johnson, Rossi, Zarelli and Oke

AN ACT Relating to eliminating the state property tax; amending RCW 84.52.065, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145, 36.73.060, 36.83.030, 36.100.050, 67.38.130, and 84.52.010; reenacting and amending RCW 84.69.020; and creating a new section.  
Referred to Committee on Ways and Means.

SB 5633 by Senators Finkbeiner, Zarelli, Deccio, Johnson, Oke, McDonald, Hochstatter, Swecker and Morton

AN ACT Relating to eliminating the arts, health, and fitness education requirements; amending RCW 28A.150.210 and 28A.630.885; and providing an expiration date.  
Referred to Committee on Education.

SB 5634 by Senators Finkbeiner, Zarelli, Hale, Oke, Deccio, Johnson, Hochstatter, Rossi, McDonald, Horn, Swecker and West

AN ACT Relating to the retention and promotion of students; and adding a new section to chapter 28A.320 RCW.  
Referred to Committee on Education.

SB 5635 by Senators Zarelli, Finkbeiner, Hale, Deccio, Johnson, Rossi, Benton, Horn, McDonald, Oke, Swecker, Hochstatter, Sellar, Morton, Honeyford, Roach and West

AN ACT Relating to compensation for certificated instructional staff; creating a new section; making appropriations; providing an effective date; and declaring an emergency.  
Referred to Committee on Education.

SB 5636 by Senators Finkbeiner, Brown, Patterson, Kline, Kohl-Welles, Oke, Eide, Rasmussen and McAuliffe

AN ACT Relating to commercial telephone solicitation; adding a new section to chapter 19.158 RCW; creating a new section; and prescribing penalties.  
Referred to Committee on Energy, Technology and Telecommunications.

SB 5637 by Senators Spanel, Gardner and Jacobsen

AN ACT Relating to reconveyance of forest lands for municipal water supply protection purposes; and amending RCW 76.12.072.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5638 by Senators Hargrove, Oke, Morton and T. Sheldon (by request of Department of Fish and Wildlife)

AN ACT Relating to making corrections to the fish and wildlife enforcement code; amending RCW 75.08.011, 77.08.010, 77.15.030, 77.15.400, 77.15.410, 77.15.430, 77.15.170, 77.15.230, 77.15.460, 77.15.480, 77.15.600, 77.15.190, 77.15.550, 77.15.570, 77.15.300, 77.15.670, and 77.16.070; adding a new section to chapter 77.15 RCW; recodifying RCW 77.16.070; repealing RCW 75.25.160, 77.12.101, 77.15.200, 77.16.290, 77.21.020, 77.21.030, and 77.32.094; and prescribing penalties.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5639 by Senators Kohl-Welles, McCaslin, Heavey, Franklin, Gardner, Goings, Roach, Rasmussen and McAuliffe

AN ACT Relating to investigations or interviews involving children; amending RCW 26.44.030, 26.44.035, and 26.44.080; reenacting and amending RCW 26.44.050; adding a new section to chapter 26.44 RCW; adding new sections to chapter 43.101 RCW; and prescribing penalties.  
Referred to Committee on Judiciary.

SB 5640 by Senators Gardner and McCaslin (by request of Secretary of State Munro)

AN ACT Relating to elections; amending RCW 29.13.010, 29.13.020, 29.13.070, 29.15.020, 29.24.020, 29.24.035, 29.30.075, 29.36.010, 29.36.045, 29.36.060, 29.36.122, 14.08.304, 17.28.090, 27.12.370, 29.13.023, 29.13.024, 29.13.060, 29.36.121, 29.81A.010, 35.02.130, 35.13.174, 35.17.400, 35.27.090, 35A.02.050, 52.02.080, 52.04.071, 53.04.020, 53.04.080, 54.08.010, 54.08.070, 54.40.070, 57.04.050, 57.04.140, 57.24.190, 57.28.090, 68.52.250, 70.44.020, 80.52.050, 82.14.036, 82.46.021, and 82.80.090; reenacting and amending RCW 29.36.120 and 35.17.020; and repealing RCW 29.01.160.

Referred to Committee on State and Local Government.

SB 5641 by Senators Haugen, Benton, Wojahn, Sellar and Costa

AN ACT Relating to "Help Kids Speak" license plates; amending RCW 46.16.301 and 46.16.313; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5642 by Senators Rasmussen and Morton

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

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5643 by Senators Gardner, Horn, McDonald and Oke (by request of Secretary of State Munro)

AN ACT Relating to the state voters' pamphlet; adding new sections to chapter 29.81 RCW; and repealing RCW 29.80.010, 29.80.020, 29.80.030, 29.80.040, 29.80.050, 29.80.060, 29.80.070, 29.80.080, 29.80.090, 29.81.010, 29.81.011, 29.81.012, 29.81.014, 29.81.020, 29.81.030, 29.81.040, 29.81.042, 29.81.043, 29.81.050, 29.81.052, 29.81.053, 29.81.060, 29.81.070, 29.81.080, 29.81.090, 29.81.100, 29.81.110, 29.81.120, 29.81.130, 29.81.140, 29.81.150, 29.81.160, and 29.81.180.

Referred to Committee on State and Local Government.

SB 5644 by Senators Gardner, Horn, McDonald and Oke (by request of Secretary of State Munro)

AN ACT Relating to the voters' pamphlet; and adding a new section to chapter 29.81 RCW.

Referred to Committee on State and Local Government.

SB 5645 by Senators Patterson, McCaslin, Winsley, Haugen, Jacobsen, Goings, Fraser, Spanel, Kline, Long, Prentice, T. Sheldon, Rasmussen, Honeyford, Swecker, Rossi, Franklin, Stevens, Costa, Oke, Eide and McAuliffe (by request of State Auditor Sonntag)

AN ACT Relating to whistleblowers; amending RCW 42.40.020, 42.40.040, and 42.40.050; adding new sections to chapter 42.40 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on State and Local Government.

SB 5646 by Senators Hale, Loveland, Deccio, T. Sheldon, Honeyford, Haugen, Rasmussen, McCaslin and Snyder

AN ACT Relating to outdoor burning; amending RCW 70.94.743; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Environmental Quality and Water Resources.

SB 5647 by Senators Costa, Roach, Heavey, Sheahan and Oke

AN ACT Relating to jails; amending RCW 70.48.020 and 10.01.160; reenacting and amending RCW 9.94A.145 and 9.94A.380; adding new sections to chapter 70.48 RCW; and repealing RCW 72.01.415.

Referred to Committee on Judiciary.

SB 5648 by Senator Haugen

AN ACT Relating to providing consistency in definitions regarding businesses furnishing lodging; and amending RCW 19.48.010.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5649 by Senators Haugen, Sellar and Goings

AN ACT Relating to notice of and payment of security for long-term vehicle impounds; and amending RCW 46.55.010, 46.55.080, 46.55.100, 46.55.110, 46.55.120, 46.55.130, 46.61.625, and 46.70.180.

Referred to Committee on Transportation.

SB 5650 by Senators Goings, Oke, Kline, Winsley, Fairley, Heavey, Snyder, Honeyford, Eide, Prentice, Roach, Shin, Rasmussen, Gardner, Franklin, B. Sheldon, T. Sheldon, Morton, Kohl-Welles, West and Costa

AN ACT Relating to law enforcement officers for the state parks and recreation commission and the state liquor control board; reenacting and amending RCW 41.26.030; and adding new sections to chapter 41.40 RCW.

Referred to Committee on Ways and Means.

SB 5651 by Senators Winsley and Loveland

AN ACT Relating to timber sales; and amending RCW 79.01.132.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5652 by Senators Bauer and Sellar

AN ACT Relating to statutory limits on appraiser fees in eminent domain proceedings; and amending RCW 8.25.020.

Referred to Committee on Judiciary.

SB 5653 by Senators Honeyford, Fairley, Oke, Rossi, Heavey, Benton, Kohl-Welles, Costa and Rasmussen

AN ACT Relating to providing entrepreneurial opportunities for disabled persons; adding new sections to chapter 39.19 RCW; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5654 by Senator Finkbeiner

AN ACT Relating to telecommunications users of public rights-of-way; amending RCW 35.21.860 and 36.55.010; and adding a new chapter to Title 80 RCW.

Referred to Committee on Energy, Technology and Telecommunications.

SB 5655 by Senators Kohl-Welles, Shin, Bauer, B. Sheldon, Fairley, Jacobsen and Rasmussen

AN ACT Relating to increasing access to education for recipients of temporary assistance for needy families; adding new sections to chapter 74.08A RCW; and creating a new section.

Referred to Committee on Labor and Workforce Development.

SB 5656 by Senators Kohl-Welles and Fairley

AN ACT Relating to the humane trapping of animals; amending RCW 77.32.197; adding a new section to chapter 77.16 RCW; and creating a new section.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5657 by Senators Kohl-Welles, Jacobsen and Fairley

AN ACT Relating to the ownership of veterinary medical facilities by animal care and control agencies and nonprofit humane societies; amending RCW 18.92.010; and adding a new section to chapter 16.52 RCW. Referred to Committee on Agriculture and Rural Economic Development.

SB 5658 by Senators Spanel, Hargrove and Snyder

AN ACT Relating to sea urchin and sea cucumber dive fishery licenses and revenues; and amending RCW 75.30.210, 75.30.250, 82.27.020, and 82.27.070. Referred to Committee on Natural Resources, Parks and Recreation.

SB 5659 by Senators Heavey, Roach, Kline, Johnson, Costa and Thibaudeau

AN ACT Relating to mandatory arbitration of civil actions; amending RCW 7.06.050 and 7.06.060; and reenacting and amending RCW 7.06.020. Referred to Committee on Judiciary.

SB 5660 by Senators Fairley and Kohl-Welles

AN ACT Relating to placing aversive agents in antifreeze; and adding a new section to chapter 70.106 RCW. Referred to Committee on Agriculture and Rural Economic Development.

SB 5661 by Senators Rasmussen and Honeyford (by request of Department of Revenue)

AN ACT Relating to leasehold excise tax clarification and administrative simplification; and amending RCW 82.29A.010, 82.29A.020, and 82.29A.130. Referred to Committee on Ways and Means.

SB 5662 by Senators Finkbeiner, Brown and Winsley (by request of Secretary of State Munro)

AN ACT Relating to a study of on-line voting; creating new sections; and providing an expiration date. Referred to Committee on State and Local Government.

SB 5663 by Senators Johnson, Patterson, Finkbeiner, Morton, Swecker, Oke, McDonald, Rossi, McCaslin, Horn and Hale

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

SB 5664 by Senators Costa, Long, Kline, Hargrove, Thibaudeau, Wojahn, Franklin and Jacobsen

AN ACT Relating to community service; amending RCW 7.80.130, 7.80.160, 7.84.110, 7.84.130, 9.94A.030, 9.94A.120, 9.94A.200, 9.94A.400, 10.98.040, 13.40.020, 13.40.0357, 13.40.080, 13.40.165, 13.40.180, 13.40.200, 13.40.205, 13.40.210, 13.40.250, 28A.225.090, 35.21.209, 35A.21.220, 36.16.139, 43.51.048, 46.16.381, 46.20.031, 46.30.020, 46.63.120, 66.20.200, 66.44.291, 66.44.325, 69.50.425, 70.93.060, 70.155.080, 72.09.060, 72.09.100, and 72.09.260; and reenacting and amending RCW 9.94A.040, 9.94A.380, 13.40.160, and 70.93.250. Referred to Committee on Human Services and Corrections.

SB 5665 by Senators Costa, Honeyford, Hargrove, Kline, Heavey, McCaslin and Long

AN ACT Relating to vacation of records of conviction; amending RCW 9.94A.230 and 13.50.050; and adding a new section to chapter 9.96 RCW.  
Referred to Committee on Judiciary.

SB 5666 by Senators Rasmussen, Long, Goings, Johnson and Haugen

AN ACT Relating to acquisition of vehicles and parts by vehicle wreckers; and amending RCW 46.80.010, 46.80.080, and 46.80.090.  
Referred to Committee on Transportation.

SB 5667 by Senators West and Heavey

AN ACT Relating to boxing, kickboxing, martial arts, and wrestling; and amending RCW 67.08.050.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5668 by Senators West, T. Sheldon, Patterson, Heavey, Snyder, Oke, Costa and Rasmussen

AN ACT Relating to criminal records checks for school employees and volunteers; and amending RCW 43.43.832.  
Referred to Committee on Education.

SB 5669 by Senators Snyder and Brown

AN ACT Relating to conversion vending units and medical units; amending RCW 43.22.335, 43.22.340, 43.22.350, 43.22.370, 43.22.380, 43.22.390, 43.22.410, 43.22.420, and 43.22.434; reenacting and amending RCW 43.22.360; and adding a new section to chapter 43.22 RCW.  
Referred to Committee on Labor and Workforce Development.

SB 5670 by Senators Snyder and Rasmussen

AN ACT Relating to water pollution control; amending RCW 90.48.445; and declaring an emergency.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5671 by Senators Kline, Fairley, Johnson and Thibaudeau

AN ACT Relating to anarchy and sabotage; and repealing RCW 9.05.010, 9.05.020, 9.05.030, 9.05.040, 9.05.050, 9.05.060, 9.05.070, 9.05.080, 9.05.090, 9.05.100, 9.05.110, 9.05.120, 9.05.130, 9.05.140, 9.05.150, and 9.05.160.  
Referred to Committee on Judiciary.

SB 5672 by Senators Kline, Costa, Prentice, Fraser, Fairley, Shin, Kohl-Welles, Haugen, Hargrove and McAuliffe.

AN ACT Relating to retaliatory action against a whistleblower; and amending RCW 42.40.050.  
Referred to Committee on State and Local Government.

SB 5673 by Senators Kline, Fairley, Kohl-Welles and Fraser

AN ACT Relating to the definition of shorelines on stream segments; and amending RCW 90.58.030.  
Referred to Committee on Environmental Quality and Water Resources.

#### MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Tuesday, February 2, 1999.

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-SECOND DAY, FEBRUARY 1, 1999

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

**TWENTY-THIRD DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, February 2, 1999

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 1, 1999

SB 5112 Prime Sponsor, Senator Franklin: Regulating health insurance benefits for mastectomies. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5112 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

January 29, 1999

SB 5136 Prime Sponsor, Senator Fairley: Allowing a claimant to receive unemployment compensation when leaving work due to domestic violence. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Hochstatter and Oke.

Passed to Committee on Rules for second reading.

February 1, 1999

SB 5199 Prime Sponsor, Senator Thibaudeau: Modifying provisions that concern the control and prevention of tuberculosis. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5199 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 1, 1999

SB 5200 Prime Sponsor, Senator Thibaudeau: Removing the termination of the secretary of health's authority for administrative procedure. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 1, 1999

SB 5228 Prime Sponsor, Senator Kohl-Welles: Requiring a study of the health effects of noise. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to Committee on Ways and Means.

February 1, 1999

SB 5240 Prime Sponsor, Senator Costa: Repealing the requirement to maintain a registry for handicapped children. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 1, 1999

SB 5355 Prime Sponsor, Senator Thibaudeau: Mandating coverage for replacement medicare insurance policies. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 1, 1999

SB 5416 Prime Sponsor, Senator Thibaudeau: Creating the children's health insurance program. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5416 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to Committee on Ways and Means.

February 1, 1999

SJM 8000 Prime Sponsor, Senator Kohl-Welles: Requesting additional funds for prostate cancer research. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Deccio, Johnson and Winsley.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 1, 1999

GA 9051 CESAR A. ALZOLA, appointed May 28, 1997, for a term ending January 19, 2001, as a member of the Board of Pharmacy.

Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules.

February 1, 1999

GA 9076 PHYLLIS PULFER, appointed November 17, 1997, for a term ending June 17, 2001, as Chair of the Human Rights Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules.

February 1, 1999

GA 9084 RUDY VASQUEZ, appointed September 15, 1997, for a term ending June 17, 2002, as a member of the Human Rights Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules.

February 1, 1999

GA 9087 ARTHUR E. YEOMAN, appointed January 28, 1997, for a term ending January 21, 2001, as a member of the Board of Pharmacy.

Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules.

February 1, 1999

GA 9097 DIANNE CAMPBELL, reappointed August 19, 1998, for a term ending September 30, 2004, as a member of the Board of Trustees for Cascadia Community College District No. 30.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Finkbeiner, Hale, Horn, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

February 1, 1999

GA 9126 ROBERT J. HITT, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Finkbeiner, Hale, Horn, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

February 1, 1999

GA 9129 J. C. DELL JACKSON, reappointed August 20, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Finkbeiner, Hale, Horn, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

February 1, 1999

GA 9152 ANN MILLER, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Finkbeiner, Hale, Horn, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

February 1, 1999

GA 9161 SARAH PHILLIPS, reappointed October 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Finkbeiner, Hale, Horn, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

February 1, 1999

GA 9163 KATHLEEN QUIGG, reappointed January 22, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Finkbeiner, Hale, Horn, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

February 1, 1999

GA 9172 SHARRON SELLERS, appointed August 27, 1997, for a term ending January 19, 2002, as a member of the Board of Pharmacy.

Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, Washington 98504-5000

January 27, 1999

Mr. Tony Cook  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Offenses Committed by Juveniles While on Authorized Leave, Unauthorized Leave, and Minimum Security Status." It is mandated under RCW 13.40.030 (1).

Please call Dave Guthmann at (360) 902-8085 if you have questions regarding the report.

Sincerely,

LYLE QUASIM, Secretary

The Department of Social and Health Services Report on "Offenses Committed by Juveniles While on Authorized Leave, Unauthorized Leave, and Minimum Security Status" is on file in the Office of the Secretary of Senate.

INTRODUCTION AND FIRST READING

SB 5674 by Senators Costa, Winsley, Kline, Kohl-Welles, Wojahn and Haugen

AN ACT Relating to tax exemptions for community health clinics; amending RCW 82.04.4289; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.  
Referred to Committee on Health and Long-Term Care.

SB 5675 by Senators Thibaudeau, Patterson, Fraser, Franklin, Eide, Fairley, Kohl-Welles, Kline, Bauer, Snyder and Jacobsen

AN ACT Relating to noise mitigation projects on state highways; adding new sections to chapter 47.40 RCW; creating a new section; and declaring an emergency.  
Referred to Committee on Transportation.

SB 5676 by Senators Shin, Prentice, Winsley and Franklin (by request of Housing Finance Commission)

AN ACT Relating to private activity bond allocation ceilings; and amending RCW 39.86.120.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5677 by Senators Patterson, Eide, Haugen, Kline, Goings, Gardner and Heavey

AN ACT Relating to planning by general purpose and special purpose local governments; and amending RCW 36.70A.103 and 36.70A.210.  
Referred to Committee on State and Local Government.

SB 5678 by Senators B. Sheldon, Oke, T. Sheldon and Snyder

AN ACT Relating to planting of geoduck beds on state aquatic lands; adding a new section to chapter 79.96 RCW; and making an appropriation.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5679 by Senators Morton, T. Sheldon, McCaslin and Hochstatter

AN ACT Relating to grant and loan requirements; amending RCW 43.155.070, 43.160.060, and 70.146.070; creating a new section; and repealing RCW 43.17.250.  
Referred to Committee on State and Local Government.

SB 5680 by Senators Haugen, Swecker, T. Sheldon, Morton, Benton and Patterson

AN ACT Relating to the right of utility facilities to be located on railroad rights-of-way; adding a new section to chapter 80.36 RCW; creating a new section; making an appropriation; and providing an expiration date.  
Referred to Committee on Transportation.

SB 5681 by Senator Brown

AN ACT Relating to use tax on electricity; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; and providing an effective date.  
Referred to Committee on Energy, Technology and Telecommunications.

SB 5682 by Senator Brown

AN ACT Relating to connection of mobile home parks to public sewer systems; and amending RCW 35.67.370.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5683 by Senators Jacobsen, Swecker, T. Sheldon, Oke, Fraser, Eide, Rossi and Winsley

AN ACT Relating to funding Puget Sound salmon recovery; adding a new chapter to Title 75 RCW; and providing an expiration date.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5684 by Senators Thibaudeau, McDonald, Oke and Winsley (by request of Department of Revenue)

AN ACT Relating to simplifying tax reporting by revising the active nonreporting threshold so that it parallels the small business credit; amending RCW 82.32.045; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

#### MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, February 3, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

TWENTY-THIRD DAY, FEBRUARY 2, 1999

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#### TWENTY-FOURTH DAY

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, February 3, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Noah Brensdal and Mallory Hanson, presented the Colors. Reverend Tammy Leiter, pastor of the Westminister Presbyterian Church of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 2, 1999

SB 5015 Prime Sponsor, Senator Long: Changing provisions relating to community mental health services.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan and Stevens.

Passed to Committee on Rules for second reading.

February 2, 1999

SB 5044 Prime Sponsor, Senator Brown: Changing the membership of air pollution control authority boards of directors. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen and McAuliffe.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 2, 1999

SB 5060 Prime Sponsor, Senator Eide: Authorizing state highway bonds. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 2, 1999

SB 5061 Prime Sponsor, Senator Haugen: Funding transportation. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5061 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 2, 1999

SB 5084 Prime Sponsor, Senator Hargrove: Modifying the procedure for determining the administrative costs allowed for the community public health and safety networks. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan and Stevens.

Passed to Committee on Rules for second reading.

February 2, 1999

SB 5108 Prime Sponsor, Senator Patterson: Creating a task force on missing and exploited children. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5108 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan and Stevens.

Referred to Committee on Ways and Means.

February 1, 1999

SB 5176 Prime Sponsor, Senator McAuliffe: Requiring the arrest of persons who willfully refuse to leave school grounds after being ordered to do so. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5176 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

February 1, 1999

SB 5212 Prime Sponsor, Senator McAuliffe: Providing for school safety plans. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5212 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

February 1, 1999

SB 5213 Prime Sponsor, Senator McAuliffe: Requiring record checks for employees of approved private schools who have regularly scheduled unsupervised access to children. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5213 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

February 2, 1999

SB 5246 Prime Sponsor, Senator Kline: Adjusting motor vehicle dealer bonding requirements. Reported by Committee on Transportation

MAJORITY Recommendation: Refer to Judiciary Committee. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Jacobsen, Johnson, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Referred to Committee on Judiciary.

February 2, 1999

SB 5441 Prime Sponsor, Senator Kline: Applying the Consumer Protection Act to deceptive communications between a vehicle dealer and a buyer. Reported by Committee on Transportation

MAJORITY Recommendation: Refer to Judiciary Committee. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Jacobsen, Johnson, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENT

February 2, 1999

GA 9130 ROBERT V. JENSEN, reappointed July 1, 1998, for a term ending June 30, 2004, as a member of the Pollution Control/Shorelines Hearings Board

Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Fraser, Chair; Eide, Vice Chair; Morton, Honeyford, Jacobsen, McAuliffe and Swecker.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 5685 by Senators Prentice, Goings and Fraser

AN ACT Relating to payment of wages; amending RCW 49.46.100, 49.48.020, 49.48.040, 49.48.060, and 49.48.070; adding a new section to chapter 49.48 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor and Workforce Development.

SB 5686 by Senators Prentice, Deccio, Costa and Winsley (by request of Secretary of State Munro)

AN ACT Relating to reciprocal corporate licensing; adding a new section to chapter 43.07 RCW; and providing an expiration date.

Referred to Committee on Judiciary.

SB 5687 by Senator Fraser

AN ACT Relating to watershed planning; and amending RCW 90.82.010, 90.82.020, 90.82.030, 90.82.060, 90.82.070, 90.82.080, 90.82.090, and 90.82.130.

Referred to Committee on Environmental Quality and Water Resources.

SB 5688 by Senators B. Sheldon, Swecker, Kohl-Welles, Johnson and Oke

AN ACT Relating to the taxation of physical fitness services; reenacting and amending RCW 82.04.050; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5689 by Senators B. Sheldon, Swecker, Kohl-Welles and Johnson

AN ACT Relating to the taxation of physical fitness services; reenacting and amending RCW 82.04.050, 82.04.290, 82.04.290, and 82.04.290; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5690 by Senators Prentice and Hale

AN ACT Relating to commercial driving records; and repealing RCW 48.30.310.

Referred to Committee on Transportation.

SB 5691 by Senator Jacobsen

AN ACT Relating to the regulation of geologists; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5692 by Senator Fairley

AN ACT Relating to the employment of legislative and other public employees; amending RCW 41.06.070, 41.40.023, 41.60.010, 42.40.020, 49.12.005, 49.12.360, and 49.46.010; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Labor and Workforce Development.

SB 5693 by Senators Wojahn, McDonald, Deccio, Thibaudeau, Roach, Winsley, Oke, Rasmussen, Prentice and Costa

AN ACT Relating to establishing a public/private endowment for developmental disabilities services; amending RCW 43.79A.040; and adding a new chapter to Title 71A RCW.

Referred to Committee on Health and Long-Term Care.

SB 5694 by Senators Stevens, Hargrove, Morton, Jacobsen, Oke, Snyder, T. Sheldon and Rasmussen

AN ACT Relating to primary and secondary forest roads; adding new sections to chapter 79.38 RCW; and creating new sections.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5695 by Senators B. Sheldon, West, Goings, Hale, T. Sheldon, Honeyford, Bauer, Johnson and Rasmussen

AN ACT Relating to the business and occupation taxation of new and used motor vehicles; adding new sections to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5696 by Senators McCaslin, Gardner, Deccio, Spanel and Haugen

AN ACT Relating to election costs; amending RCW 29.13.047; and providing an effective date.

Referred to Committee on State and Local Government.

SB 5697 by Senators Prentice, Winsley, T. Sheldon, Benton, Rasmussen and Deccio

AN ACT Relating to distributing the earnings credited to the treasury income account; amending RCW 43.84.092, 43.84.092, and 18.39.800; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5698 by Senators Fairley and Kline

AN ACT Relating to joint and several liability for purposes of unemployment compensation and workers' compensation; amending RCW 51.16.060; adding a new section to chapter 50.24 RCW; adding a new section to chapter 51.16 RCW; and creating new sections.

Referred to Committee on Labor and Workforce Development.

SB 5699 by Senators Thibaudeau, McDonald, Snyder and Kohl-Welles

AN ACT Relating to tuition setting in higher education; amending RCW 28B.15.031, 28B.15.066, 28B.15.067, 28B.15.069, 28B.15.100, 28B.20.130, 28B.30.150, 28B.35.120, 28B.40.120, and 28B.50.090; creating a new section; and repealing RCW 28B.15.110.  
Referred to Committee on Higher Education.

SB 5700 by Senator Fairley

AN ACT Relating to limiting state use of long-term temporary or leased employees; amending RCW 43.19.190; adding a new section to chapter 39.29 RCW; adding a new section to chapter 43.19 RCW; and creating new sections.  
Referred to Committee on Labor and Workforce Development.

SB 5701 by Senator Snyder

AN ACT Relating to consolidating fish and wildlife officers into the Washington state patrol; adding new sections to chapter 43.43 RCW; adding a new section to Title 75 RCW; and adding a new section to Title 77 RCW.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5702 by Senators Thibaudeau and Deccio

AN ACT Relating to physician assistant licensing and practice restrictions; and amending RCW 18.71A.020 and 18.57A.020.  
Referred to Committee on Health and Long-Term Care.

SB 5703 by Senator Hargrove

AN ACT Relating to the recreation resource account; and amending RCW 43.99.080.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5704 by Senators Kohl-Welles and Thibaudeau

AN ACT Relating to rules to implement the medical marijuana law; and adding a new section to chapter 69.51A RCW.  
Referred to Committee on Health and Long-Term Care.

SB 5705 by Senators Kohl-Welles, Long, Heavey, Sheahan, Costa, Franklin, Hargrove, Stevens, Winsley and Rasmussen

AN ACT Relating to children who are present at the scene of a crime; and amending RCW 7.68.020.  
Referred to Committee on Judiciary.

SB 5706 by Senators Bauer, Haugen, Sellar, Benton, Shin, Eide, Prentice, Oke, Rasmussen, Jacobsen and Winsley

AN ACT Relating to the decriminalization of license fraud violations and establishing a license fraud task force in the Washington state patrol; amending RCW 47.68.240, 47.68.255, 82.48.020, 82.49.010, 82.50.400, 88.02.118, and 82.32.090; reenacting and amending RCW 46.16.010; creating new sections; and prescribing penalties.  
Referred to Committee on Transportation.

SB 5707 by Senators Morton, Bauer, Stevens, Rossi, Johnson, Hale, Honeyford, Zarelli, Sellar, Hochstatter, Winsley and Oke

AN ACT Relating to unemployment benefits and claims; and adding new sections to chapter 50.20 RCW.  
Referred to Committee on Labor and Workforce Development.

SB 5708 by Senators T. Sheldon, Hale, Winsley and Oke

AN ACT Relating to long-term economic vitality; adding new sections to chapter 43.31 RCW; and making appropriations.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5709 by Senators B. Sheldon, Oke, Deccio, Morton, Rasmussen, McAuliffe, Loveland, Stevens, Jacobsen and Winsley

AN ACT Relating to on-farm chemical uses leading to waste site contamination; and amending RCW 70.105D.040.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5710 by Senators Wojahn, Rasmussen, Winsley, Oke, Franklin, Goings, Eide and Swecker

AN ACT Relating to local retail sales and use tax for zoo and aquariums; adding a new section to chapter 82.14 RCW; adding a new section to chapter 36.29 RCW; and adding new sections to chapter 36.01 RCW.  
Referred to Committee on State and Local Government.

SB 5711 by Senators Long, Stevens, Hargrove, Costa, Roach, Winsley, Oke, Rasmussen and Kohl-Welles

AN ACT Relating to the development of protocols for use during interviews involving allegations of child abuse; adding a new section to chapter 43.06A RCW; creating new sections; providing an expiration date; and declaring an emergency.  
Referred to Committee on Judiciary.

SB 5712 by Senators Prentice, Hale, Bauer, West and Winsley

AN ACT Relating to motel liquor licenses; and amending RCW 66.24.540.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5713 by Senators Kohl-Welles, Bauer, T. Sheldon, Morton, Sellar, West, Winsley, Oke and Rasmussen

AN ACT Relating to services and activities fees at institutions of higher education; and amending RCW 28B.15.044 and 28B.15.045.  
Referred to Committee on Higher Education.

#### MOTION

At 10:06 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:10 a.m. by President Owen.

#### MOTION

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

SENATE RESOLUTION 1999-8609

By Senators McAuliffe, Roach, Oke, Snyder, Honeyford, Spanel, Franklin, Bauer, McCaslin, Wojahn, Long, Fairley, Eide, T. Sheldon, Sellar, Fraser, Rasmussen and Kohl-Welles

WHEREAS, Seattle Schools Superintendent John Henry Stanford exemplified the very best in dedication to the education of children, the very best in commitment to a goal, and the very best in public service; and

WHEREAS, His extraordinary life began in Pennsylvania, and flourished during a thirty year military career in the U.S. Army, from which he retired as a major general; and

WHEREAS, Mr. Stanford came to Seattle as something of an unknown, but left us as a favorite son and civic hero; and

WHEREAS, Through his vision, leadership, work ethic, and undeniable charisma, John Stanford inspired others to reach higher, go farther, and work harder in the public schools; and

WHEREAS, By example, he reminded us that children should come first, and that all children are capable of achieving great things if only we take the time to believe in and help them; and

WHEREAS, He showed us that a true role model is one who dedicates his life to helping others; and

WHEREAS, John Stanford's words, "Love 'em and Lead 'em," which remind us what children need most, will be remembered and implemented in his memory; and

WHEREAS, He reminded us that everything we do for schools we should view first through the eyes of the students; and

WHEREAS, John Stanford lost his life to leukemia on November 28, 1998; and

WHEREAS, This loss was felt in schools and homes throughout the city of Seattle, the state of Washington, and the United States; and

WHEREAS, John Stanford's impact continues to be felt by the entire community, and serves as a driving force behind a renewed commitment to public education in Seattle and beyond on the part of students, parents, educators, business people, and policymakers;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby honor and give tribute to the amazing life and influence of John Henry Stanford: a man, a leader, and a children's advocate who left us the legacy of his unshakable commitment to public education; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit immediately a copy of this resolution to the Seattle Public Schools and to Patricia Stanford.

#### MOTION

On motion of Senator McAuliffe, the remarks about John Stanford and Senate Resolution 1999-8609 will be spread across the Journal.

#### REMARKS BY SENATOR McAULIFFE

Senator McAuliffe: "Thank you, Mr. President. It is my privilege today to honor the work and life of Superintendent John Stanford. He brought to the Seattle School District and the children a belief in themselves--'Be the best you can be.' He loved the children. The first time I met John Stanford, I was prepared not to be impressed. I had a vision of a military man who would tackle Seattle School District issues in a regimental way. After the first five minutes with John Stanford, I was overwhelmed by his understanding of the challenges our children faced. I was overwhelmed with his compassion and his strength--'Love them and lead them.'

"With enthusiasm and a zest for life he lead--exit tests, uniforms, and principals as CEOs. He threw the pass and he expected all of us to carry the message--All children can learn--discipline, discipline, discipline--and principals, teachers and parents working together to make schools better for their children. "He challenged each of us to move forward with courage and love for the children. He so loved the children with the kind of love that pushed and guided them, because he was a child at heart.

"I stood in a room at the Youth Forum in Seattle while young people shared their feelings. The question was, 'Why do you drop out of school?' The answer was, 'They don't show me no love.'

"John Stanford left us a legacy--' Love them and lead them.' For every child he touched, and those who will forever benefit from his life and leadership, thank you, John Stanford, and God bless."

#### REMARKS BY SENATOR THIBAudeau

Senator Thibaudeau: "Thank you, Mr. President. As someone has said, 'I want to live my ordinary life in an extraordinary way.' This is an extraordinary man who lived his life in an extraordinary way. I would like to thank his family for sharing him with us for this short period of time. I would also like to thank the school board, the administration and the staff who carried on so admirably during his illness and subsequent death. So, thanks to all of you and thanks particularly to the good Mr. Stanford, who was so helpful to Seattle and its children in such a variety of ways. I should add to the family, he gave us new hope. Thank you."

#### REMARKS BY SENATOR HOCHSTATTER

Senator Hochstatter: "Thank you, Mr. President. I was enthusiast about John Stanford for exactly the opposite reason of many of you. He was absolutely not education establishment. I was really impressed by that. I wrote him a letter as soon as he took the job and I said, 'John, look out for the institutionalism; it will creep on you like a suntan. While you have the sword, yield it decisively.' I don't know whether John took my advice or if he was just built that way, but didn't he do that?"

"John and Don Neilsen, the president of his board, and I went to lunch last March. We went through a whole lot of traffic and we got out at LaPetite Maison, which is one of my favorite restaurants. As we were getting out of the car, this beat-up old truck pulls up into the parking lot and this woman gets out and she enthused us about John Stanford. Afterwards, I said, 'Come on John, that was a ringer wasn't it--you brought her with you.' It wasn't a ringer; people felt that way about John Stanford. Down here, she recognized who this guy was and she said, 'You are doing a great job down there.'

"Didn't we all recognize it; didn't we lose a great, courageous leader and didn't he show something that maybe we can look across different lines and say, 'There is leadership there and he has got something to show us in other forms?' Thank you and God bless you, John Stanford. You provided us with great leadership."

#### REMARKS BY SENATOR FRANKLIN

Senator Franklin: "Thank you, Mr. President. I rise also in support of this resolution. John Stanford left a legacy, not only for Seattle, but for the nation. He spoke at the Democratic National Convention and John Stanford was a person--a man--whom you could look up to--who really cared about people. He cared about poor children.

"Education was a second career, because he was retired from the military. I know when it was announced that he was going to be the Superintendent for Seattle Public Schools, people were saying, 'A military man; he is not an educator.' He said, 'You know, you don't need an educator to be a leader, to have enthusiasm, to care for children.' He put people in a place to manage to do the job and he set the tone--he raised the bar. He raised the bar for what is expected of our children. He raised the bar for that of parental involvement. He challenged each and everyone of us and our children.

"My grandchildren attend school in the Seattle School District. He was so loved and set such a great example and now our grandson is the top person--the top student--in his school. John Stanford set an example that you should be challenged, that you should do your best, and that parents should be involved. As I said, he raised the bar; he set high standards; and now it is up to us--not just Seattle Schools, but all of the schools of the state of Washington to require the best in our children and to have parental involvement. We love you John Stanford. We love the time we had with you and through the family, we love you, too. We look forward to seeing the family again."

#### REMARKS BY SENATOR KOHL-WELLES

Senator Kohl-Welles: "Thank you, Mr. President. I thought very honored that I got to know John Stanford very early on, as many of our Seattle legislators did. The Seattle Public School Administrative Office is in my district on Queen Ann Hill, where I live. We had numerous conversations with John as he came on board. I was a little curious as he had not had a following in education as an administrator before coming to the school district. He asked us for some suggestions about coming down to Olympia and working with the Legislature.

"I am very amused about it now when I think about it, because my big suggestion was 'Reach out to other legislators, don't just work with the Seattle legislators.' I really didn't need to say that, because it became very obvious, right away, that John had an intuitive sense about what to do. He did reach out. He got to know legislators from all over this state, not just Seattle, not just King County, not just Puget Sound, but all over the state. It was my observation that so many of the legislators here in Olympia could really relate well to him. He just had a wonderful

intuitive sense about how to get along with people and how to make sure that he could communicate with others from small districts, rural districts, Eastern Washington districts--about kids, about teaching, about how to reach out to kids, how to elevate children and youth to be able to achieve.

"When I spoke at the Seattle Center at a rather impromptu type of gathering the morning when it was announced that he had died, it was very moving, a lot of tributes, a lot of just calm, quiet reflection with a lot of tears. What became really obvious to me was that this man had touched a real accord and was a superintendent beyond the Seattle Public School District boundaries. Thank you for being here."

#### REMARKS BY SENATOR PRENTICE

Senator Prentice: "Thank you, Mr. President. There is one aspect that I have never heard covered regarding John Stanford and it is the transformation of the attitude of Seattle toward its schools. I served on a school board--not in Seattle--and the one thing that I remember is that so many parents were involved only because of their kids. What he did in Seattle was to transform the community so that when he left us every parent--every member of that community--felt responsible for education. We could certainly see that in the reading emphasis, we could see it in the enthusiasm that the parents now felt. They felt responsible for the entire system and that is no mean accomplishment, that is a very big deal and that is the legacy--there are some obvious ones--this was a little more subtle, but certainly no less important."

#### REMARKS BY SENATOR FINKBEINER

Senator Finkbeiner: "Thank you, Mr. President and members of the Senate. I did not know John Stanford personally. He has had a strong impact on me and my thinking as it seems he did on nearly everyone who heard and saw the man speak. I would just like to say a couple of quick thank yous. First of all, as a legislator, I would like to thank John Stanford for the leadership he showed and the example that he gave to all of us--to really put the kids first and to really have an honest debate and a healthy debate about education that had some real positive effects.

"As a parent, I want to thank him; I want to thank him in behalf of my kids. I want to thank him in behalf of all the kids of the state for showing them that somebody really cares--and didn't just care and talk about it, but cared and backed up that caring with action. Then, just as a human being--a person--I would like to thank John Stanford for the courage that he has shown. The man led an exemplary life and it could not have been easy. It took real courage to do the things that he did and I just want to say to him, 'Thank you. John Henry Stanford, and thank you to the Stanford family.'"

#### REMARKS BY SENATOR KLINE

Senator Kline: "Mr. President and members, I first met General Stanford when he came to Olympia and was in our caucus room and gave us what amounts to a pep talk. Not just a pep talk, but a talk that a general might give to the troops on the eve of battle. I remember feeling almost emotional about this budget--this budget wasn't numbers, it was people--very young people--it was kids, whose lives were at stake, not simply their education. I felt that this was a leader like any good general who watched out for the lives of his troops. He didn't feel that this was just a matter of numbers on a page, nor was it a matter of something these kids are going to go through for just twelve years. This was their lives and I remember feeling a very strong commitment to get those things passed. If we didn't two years ago, we certainly will soon. His legacy is going to live on in the things that we do and I thank him for that. Thank you, Mr. President."

#### REMARKS BY SENATOR OKE

Senator Oke: "Thank you, Mr. President and fellow Senators. I think it is appropriate that I stand up as being a retired individual from the military. I know that John really served this country in so many wonderful ways and we thank you, his family, for being here with us. We feel his loss--all of us feel that loss. I think there is one thing that I hope that the young people and the people throughout this country really feel about John and it is that so often we hear that one person can't make a difference. He did make a difference; he made a difference no matter where he was at--serving his county or serving his community or making this school system better here in the state of Washington. One person can make a difference and he did that. God bless you, John."

## REMARKS BY SENATOR SHIN

Senator Shin: "Thank you, Mr. President and members of the Senate. Last year, I purchased a ticket in their fund raising auction that was to have a dinner with John Stanford and his family in his home. The reason for my purchase was that I wanted to get to know him. Having been in the military, when you talk about Two Star Generals--tough, stern, hard to get along, commanding--this is what I expected there. The minute I walked into his home, Mrs. Stanford and John were most cordial--loving, warm, and to my complete surprise, I discovered how to be very happy to be raised by their care or to be serving under his command, even in the military. I learned to love him and respect him. I think John radiated, not only their love, but the firm decision-making power to administer the school district. I salute my respect and honor to the John Stanford family and thank you very much."

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mrs. John Stanford and son, Scott, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Scott Stanford to address the Senate.

## REMARKS BY SCOTT STANFORD

Scott Stanford: "First of all, thank you very much for having us here. As many of you noted, my Dad gave his entire life--he gave his entire life to public service--from being senior class president all the way through thirty years in the army, Fulton County, and finally in Seattle. I think it is important to know that while he spoke at the Democratic Convention, he was an appointee during the Reagan administration. That was not where his head was in any way, shape or form. Dad also did what was right. This would be a very high honor for him and as a result, it is a very high honor for us, so thank you for having us.

"I would share with you a story of my upbringing with him, that I told in the House. If you heard it, I apologize, but Dad had a lot of sayings that he was constantly bombarding us with and one of them was, 'Never go upstairs empty handed.' This was his edict around the house. If you were going from downstairs to upstairs, you had to take something with you. I guess there was always something downstairs that needed to go upstairs. His purpose in telling us that was just to say, 'You have the time; you are here anyway; you are going from here to there; there is always work that needs to be done; there is always something you can do.'

"This whole public education situation, to me, is like a giant boulder that everyone is looking at and saying, 'This boulder is a real problem and we have to do something about it.' John Stanford came along and said, 'Well, why don't we move it?' So, the district got on board, the parents got on board and the kids got on board and the legislators got on board and everyone started to push it and now the boulder is rolling. As one of the Senators was saying, you know one person can make a difference. One person can make a difference, but he is just one person and he is not behind the boulder with you anymore, but please continue to push on behalf of the young people that you see seated on either side of you.

"On behalf of yourselves, continue to make a great state. The nation is watching you and you have a lot of momentum, so keep the boulder rolling. Thank you very much."

## MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5060, by Senators Eide, Goings, Haugen, Benton, Gardner, Patterson, West, Brown, Johnson and Oke

Authorizing state highway bonds.

The bill was read the second time.

Passed to Committee on Rules for Third Reading.

## SECOND READING

SENATE BILL NO. 5061, by Senators Haugen, Benton, Goings and Gardner (by request of Office of Financial Management)

Funding transportation.

## MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5061 was substituted for Senate Bill No. 5061 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5061 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5061.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5061 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senators Deccio, Finkbeiner, Hochstatter, Honeyford and McDonald - 5.

SUBSTITUTE SENATE BILL NO. 5061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 11:47 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, February 4, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

## JOURNAL OF THE SENATE

TWENTY FOURTH DAY, FEBRUARY 3, 1999

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## TWENTY FIFTH DAY

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, February 4, 1999  
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

On motion of Senator Goings, and Pursuant to Rule 46, the Committee on Labor and Workforce Development was granted permission to meet during session.

EDITOR'S NOTE: Senate Rule 46 states: 'No committee shall sit during the daily session of the senate unless by special leave.'

REPORTS OF STANDING COMMITTEES

February 3, 1999

SB 5027 Prime Sponsor, Senator Goings: Providing for control of dangerous dogs. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5027 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Goings, Hargrove, Haugen, McCaslin and Roach.

Passed to Committee on Rules for second reading.

February 3, 1999

SB 5035 Prime Sponsor, Senator Heavey: Providing an additional funding source for courts. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5035 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Heavey, Chair; Kline, Vice Chair; Hargrove, Haugen, Long, McCaslin and Thibaudeau.

Referred to Committee on Ways and Means.

February 3, 1999

SB 5038 Prime Sponsor, Senator Goings: Expanding the membership of the criminal justice training commission. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Johnson, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 3, 1999

SB 5053 Prime Sponsor, Senator Fairley: Including parents under the age of eighteen in the crime of assault against a child. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin and Roach.

Passed to Committee on Rules for second reading.

February 3, 1999

SB 5125 Prime Sponsor, Senator Loveland: Giving direction to the commission on pesticide registration. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 2, 1999

SB 5153 Prime Sponsor, Senator Haugen: Modifying provisions concerning the freight mobility strategic investment board. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5153 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 2, 1999

SB 5185 Prime Sponsor, Senator Haugen: Adjusting limits for highway work by state forces. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5185 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Eide, Horn, Jacobsen, Johnson, Oke, Patterson, Prentice, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 3, 1999

SB 5186 Prime Sponsor, Senator Rasmussen: Certifying planting stock. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 3, 1999

SB 5187 Prime Sponsor, Senator Rasmussen: Updating or repealing dairy or food laws. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Prentice, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 3, 1999

SB 5188 Prime Sponsor, Senator Rasmussen: Regulating private applicator licenses. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 3, 1999

SB 5195 Prime Sponsor, Senator Heavey: Protecting employee benefits. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5195 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Johnson, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 3, 1999

SB 5234 Prime Sponsor, Senator Long: Defining the crime of custodial sexual misconduct. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5234 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Johnson, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 2, 1999

SB 5274 Prime Sponsor, Senator Goings: Allowing a regional transit authority to establish fines for certain civil infractions. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5274 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 3, 1999

SB 5278 Prime Sponsor, Senator Kohl-Welles: Changing provisions relating to foreign degree-granting institutions' branch campuses. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Finkbeiner, Hale, Horn, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 2, 1999

SB 5309 Prime Sponsor, Senator Haugen: Technically editing chapter 46.20 RCW. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5309 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 2, 1999

SB 5358 Prime Sponsor, Senator Benton: Eliminating motorcycle handlebar height restrictions. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 3, 1999

SB 5497 Prime Sponsor, Senator Snyder: Regulating the use of dredge spoils in Cowlitz County. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 3, 1999

SB 5657 Prime Sponsor, Senator Kohl-Welles: Operating veterinary medical facilities. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Refer to Committee on Commerce, Trade, Housing and Financial Institutions without recommendation. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder, Stevens and Swecker.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 3, 1999

GA 9099 RONALD D. CANTU, appointed May 5, 1998, for a term ending August 2, 2000, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules.

February 3, 1999

GA 9106 JUAN COTTO, appointed October 20, 1998, for a term ending June 17, 1999, as a member of the Human Rights Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Zarelli.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 15, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

George Masten, reappointed January 15, 1999, for a term ending December 31, 2001, as a member of the Investment Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Ways and Means.

January 19, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Clark Crouch, appointed January 19, 1999, for a term ending June 30, 2001, as a member of the Housing Finance Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

January 22, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michael Kleinberg, reappointed January 22, 1999, for a term ending January 19, 2003, as a member of Board of Pharmacy.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

INTRODUCTION AND FIRST READING

SB 5714 by Senators Prentice and Winsley (by request of Insurance Commissioner Senn)

AN ACT Relating to the application of the insurer holding company act to health carriers, health care service contractors, and health maintenance organizations; and amending RCW 48.31B.005.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5715 by Senators Goings, Winsley, Kline, Eide, Shin, B. Sheldon and Costa

AN ACT Relating to sharing extraordinary investment gains; amending RCW 41.31.010, 41.31A.020, and 41.31A.030; creating a new section; and providing an effective date.  
Referred to Committee on Ways and Means.

SB 5716 by Senators Shin, Prentice, Winsley, Benton, T. Sheldon, Rasmussen, Roach, Goings and Oke

AN ACT Relating to tuition waivers for veterans; and adding new sections to chapter 28B.15 RCW.  
Referred to Committee on Higher Education.

SB 5717 by Senators Prentice, Winsley, Kline, Wojahn, Franklin, Shin, Hale, Sellar, Fairley, Thibaudeau, Spanel, Snyder, Rasmussen and Kohl-Welles

AN ACT Relating to youth job training and work force preparation; amending RCW 50.72.010, 50.72.020, 50.72.030, 50.72.040, 50.72.050, 50.72.070, and 43.185.070; adding a new section to chapter 82.04 RCW; adding a new section to chapter 50.72 RCW; adding a new section to chapter 28C.18 RCW; repealing RCW 50.67.030; and making appropriations.  
Referred to Committee on Labor and Workforce Development.

SB 5718 by Senators Gardner, Spanel, Patterson and Haugen

AN ACT Relating to cities and towns changing plans of government; amending RCW 35A.02.010, 35A.02.020, 35A.02.030, 35A.02.050, 35A.02.090, 35A.06.030, 35A.06.040, 35A.06.050, 35A.06.060, and 35A.06.070; and repealing RCW 35A.02.055 and 35A.02.080.  
Referred to Committee on State and Local Government.

SB 5719 by Senator Wojahn

AN ACT Relating to providing tax credits for businesses making expenditures for work force training; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Labor and Workforce Development.

SB 5720 by Senators Shin, Sheahan, Kohl-Welles, Finkbeiner, Prentice, Horn, T. Sheldon, Kline, Jacobsen, West and Oke

AN ACT Relating to real estate research; amending RCW 43.79A.040; adding new sections to chapter 18.85 RCW; providing an effective date; and providing expiration dates.  
Referred to Committee on Higher Education.

SB 5721 by Senators Heavey and McCaslin

AN ACT Relating to workers' compensation coverage for a member or manager of a limited liability company; and amending RCW 51.12.020.  
Referred to Committee on Judiciary.

SB 5722 by Senators Fraser, Long, Haugen, Kline, Fairley, Wojahn, Thibaudeau, Prentice and Kohl-Welles

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

SB 5723 by Senators Sellar, Zarelli, Johnson, Rossi, Finkbeiner, Benton, Hochstatter, Stevens, Long, Hale, McDonald, Honeyford, Swecker, Oke, McCaslin and West

AN ACT Relating to classified employee cost-of-living adjustments; creating a new section; and making appropriations.  
Referred to Committee on Ways and Means.

SB 5724 by Senators Swecker, Fraser, Bauer and Snyder

AN ACT Relating to relinquishment of water rights; and amending RCW 90.14.140.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5725 by Senators Heavey, Hochstatter, Gardner, Winsley and McCaslin

AN ACT Relating to bids on public works; and amending RCW 39.30.060.  
Referred to Committee on State and Local Government.

SB 5726 by Senators Wojahn, Hochstatter and Benton

AN ACT Relating to notice requirements of general or specialty contractors; and amending RCW 18.27.114 and 18.27.080.  
Referred to Committee on Labor and Workforce Development.

SB 5727 by Senators Kline, Gardner, Goings, Costa, McCaslin and Rasmussen

AN ACT Relating to the benefits of an ex spouse in the law enforcement officers' and fire fighters' retirement system; and amending RCW 41.26.160 and 41.26.162.  
Referred to Committee on Ways and Means.

SB 5728 by Senators Winsley, Haugen, McCaslin and Hale

AN ACT Relating to proposed bond issues; amending RCW 7.25.010, 7.25.020, 7.25.030, and 7.25.040; and adding a new section to chapter 7.25 RCW.  
Referred to Committee on State and Local Government.

SB 5729 by Senators Rasmussen and Swecker

AN ACT Relating to standards for location of certain solid waste landfills; amending RCW 70.95.060; and declaring an emergency.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5730 by Senators Rasmussen and Swecker

AN ACT Relating to financial responsibility requirements for operators of solid waste landfills; amending RCW 70.95.215; and declaring an emergency.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5731 by Senator Snyder

AN ACT Relating to municipal officers' interest in contracts; amending RCW 42.23.030, 42.23.040, 42.23.050, and 42.23.060; creating a new section; and prescribing penalties.  
Referred to Committee on State and Local Government.

SB 5732 by Senators Goings, Winsley, T. Sheldon, Honeyford, Eide, Fairley, Kline, Franklin, Prentice, Heavey, Roach, Costa, Gardner, Oke, Rasmussen and Kohl-Welles

AN ACT Relating to admitting law enforcement officers of the department of fish and wildlife into the law enforcement officers' and fire fighters' retirement system; reenacting and amending RCW 41.26.030; and creating a new section.  
Referred to Committee on Ways and Means.

SB 5733 by Senators Honeyford, Costa, Long, Sheahan, Hargrove and Hochstatter

AN ACT Relating to sealing juvenile records; and amending RCW 13.50.050.  
Referred to Committee on Human Services and Corrections.

SB 5734 by Senators Bauer, Deccio, Franklin, Rasmussen, B. Sheldon, McAuliffe, Spanel, Rossi, Brown, Snyder, Fairley, Wojahn, Heavey, Thibaudeau, Shin, T. Sheldon, Eide, Goings, Loveland, Jacobsen, Prentice, Haugen, Fraser, Gardner, Kline and Kohl-Welles

AN ACT Relating to Mother Joseph day; and amending RCW 1.16.050.  
Referred to Committee on State and Local Government.

SB 5735 by Senators Finkbeiner, T. Sheldon, Shin, Loveland, McDonald, Johnson, Jacobsen and West

AN ACT Relating to telecommunications competition; amending RCW 80.01.060, 80.36.300, 80.36.135, and 80.36.330; adding new sections to chapter 80.36 RCW; creating a new section; prescribing penalties; and declaring an emergency.  
Referred to Committee on Energy, Technology and Telecommunications.

SB 5736 by Senators Prentice, Winsley, Heavey, Shin and Fairley

AN ACT Relating to insurance liability; amending RCW 48.30.010; adding new sections to chapter 48.30 RCW; and prescribing penalties.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SCR 8406 by Senators Snyder, McCaslin, Franklin and Goings

Resolving to determine whether or not the legislature should commence proceedings to remove Judge Grant Anderson from office.

Referred to Committee on Judiciary.

#### MOTION

At 12:02 p.m., on motion of Senator Goings, the Senate adjourned until 10:00 a.m., Friday, February 5, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

TWENTY FIFTH DAY, FEBRUARY 4, 1999

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**TWENTY SIXTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, February 5, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Benton, Brown, Costa, Finkbeiner, Gardner, Hargrove, Haugen, Heavey, Horn, Kline, McDonald, Prentice, Sellar, Betti Sheldon, Tim Sheldon, Snyder and Zarelli. On motion of Senator Honeyford, Senators Finkbeiner and McDonald were excused.

The Sergeant at Arms Color Guard consisting of Pages Yonatan Ahdut and Jeni Johnson, presented the Colors. Reverend Debbie Hutton of the Providence Sound Home Care and Hospice, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 3, 1999

SB 5098 Prime Sponsor, Senator Kohl-Welles: Creating the Washington state women's commission. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5098 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Referred to Committee on Ways and Means.

February 4, 1999

SB 5152 Prime Sponsor, Senator Kline: Clarifying who are appointed personnel for the purpose of public employees' collective bargaining. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1999

SB 5163 Prime Sponsor, Senator Brown: Modifying good cause reasons for failure to participate in WorkFirst program components. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

February 3, 1999

SB 5175 Prime Sponsor, Senator Patterson: Authorizing the donation of surplus computers and computer-related equipment to school districts and educational service districts. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5175 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 1999

SB 5179 Prime Sponsor, Senator Oke: Creating Title 79A RCW, Public Recreational Lands. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5179 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 3, 1999

SB 5202 Prime Sponsor, Senator Loveland: Preventing convicted embezzlers from working for the county treasurer. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 1999

SB 5255 Prime Sponsor, Senator Jacobsen: Changing Washington conservation corps provisions. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

February 4, 1999

SB 5310 Prime Sponsor, Senator Fairley: Creating a conditional scholarship for vocational-technical education. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Higher Education. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Referred to Committee on Higher Education.

February 3, 1999

SB 5319 Prime Sponsor, Senator McCaslin: Requiring the creation of five commissioner districts for port districts with a population of one million or more. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Haugen, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 4, 1999

SB 5348 Prime Sponsor, Senator Gardner: Reorganizing the state library commission. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5348 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 4, 1999

SB 5352 Prime Sponsor, Senator McCaslin: Removing the term limit for members of boundary review boards. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5352 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 4, 1999

SB 5366 Prime Sponsor, Senator Patterson: Changing scoring criteria for veterans' employment examinations. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5366 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 1999

SB 5385 Prime Sponsor, Senator Shin: Providing an alternative method for dissolution of cultural arts, stadium and convention districts. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 4, 1999

SB 5475 Prime Sponsor, Senator Patterson: Clarifying the duties of the director of general administration. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5475 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 1999

SB 5483 Prime Sponsor, Senator McAuliffe: Using volunteers at the state parks and recreation commission. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 3, 1999

SB 5484 Prime Sponsor, Senator McAuliffe: Granting concessions or leases in state parks and parkways. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 4, 1999

SB 5490 Prime Sponsor, Senator Wojahn: Requiring temporary assistance for needy families employment assessments to screen for learning disabilities. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1999

SB 5655 Prime Sponsor, Senator Kohl-Welles: Establishing the parents as scholars program. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Refer to Committee on Higher Education. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Referred to Committee on Higher Education.

February 4, 1999

SB 5708 Prime Sponsor, Senator T. Sheldon: Ensuring long-term economic vitality. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Referred to Committee on Agriculture and Rural Economic Development. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, B. Sheldon and Winsley.

Referred to Committee on Agriculture and Rural Economic Development.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 4, 1999

GA 9014 SHEILA GUENTHER, appointed September 15, 1997, for a term ending August 2, 2003, as a member of the Lottery Commission.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, and West.

Passed to Committee on Rules.

February 4, 1999

GA 9032 JAMES A. MEDINA, appointed January 15, 1998, for a term ending at the pleasure of the Governor, as Director of the Office of Minority and Women's Business Enterprises.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, and West.

Passed to Committee on Rules.

February 4, 1999

GA 9077 SHIRLEY RECTOR, appointed May 5, 1997, for a term ending August 2, 2002, as a member of the Lottery Commission.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 5737 by Senator Jacobsen

AN ACT Relating to fish passage barriers; amending RCW 75.20.040, 75.20.060, 75.20.061, 77.12.425, and 75.46.030; and adding new sections to chapter 75.46 RCW.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5738 by Senators Horn, Benton, McDonald, Finkbeiner, Oke, Johnson and Rossi

AN ACT Relating to highway improvement priority programming criteria; and amending RCW 47.05.051. Referred to Committee on Transportation.

SB 5739 by Senators Thibaudeau and Deccio

AN ACT Relating to certificates of death or fetal death; and amending RCW 70.58.170 and 70.58.180.  
Referred to Committee on Health and Long-Term Care.

SB 5740 by Senators Morton, T. Sheldon, Stevens, Swecker, Honeyford, Winsley, Hochstatter, Sheahan and Oke

AN ACT Relating to bull trout; adding a new section to chapter 77.12 RCW; creating new sections; and making appropriations.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5741 by Senators Morton, Goings, Honeyford, T. Sheldon, Swecker, Deccio, Hochstatter, Benton, Zarelli, Long, Hale, Sheahan and Eide

AN ACT Relating to exemptions from requirements for trucks to stop at scales; and amending RCW 46.44.105.  
Referred to Committee on Transportation.

SB 5742 by Senators Morton, T. Sheldon, Swecker, Oke, Honeyford, Winsley, Stevens, Finkbeiner, Hochstatter, Horn, Benton, Long, Rossi, Deccio, Sellar, Sheahan and Eide

AN ACT Relating to the eradication of Eurasian water milfoil; adding a new section to chapter 90.48 RCW; making appropriations; and declaring an emergency.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5743 by Senators Kohl-Welles, Sheahan, Oke and Hale (by request of State Board for Community and Technical Colleges)

AN ACT Relating to improving the community and technical colleges' contributions to economic development in the state of Washington; amending RCW 28B.15.100; creating new sections; and providing an expiration date.  
Referred to Committee on Higher Education.

SB 5744 by Senators Haugen, Costa, Sheahan and Deccio

AN ACT Relating to representation of parties in child dependency and termination proceedings; adding a new section to chapter 13.34 RCW; and creating a new section.  
Referred to Committee on Human Services and Corrections.

SB 5745 by Senators Bauer, Honeyford, Wojahn, West and Long

AN ACT Relating to reducing the tax on bingo and raffles; and amending RCW 9.46.110.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5746 by Senators Wojahn and Rasmussen

AN ACT Relating to the exemption for new and rehabilitated multiple-unit dwellings in urban centers; and amending RCW 84.14.020.  
Referred to Committee on Ways and Means.

SB 5747 by Senators Thibaudeau, Deccio, Kline, Roach, Gardner, Eide, B. Sheldon, T. Sheldon, Hale, Fraser, Prentice, Fairley, Costa, Goings and Kohl-Welles

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

SB 5748 by Senator Stevens

AN ACT Relating to technical corrections to RCW 13.34.130; and reenacting and amending RCW 13.34.130.  
Referred to Committee on Human Services and Corrections.

SB 5749 by Senators Long, Hargrove, Kohl-Welles, Winsley, Oke and Stevens

AN ACT Relating to the development of protocols for use during interviews by the department of social and health services in dependency hearings involving allegations of child abuse; adding a new section to chapter 43.06A RCW; creating new sections; providing an expiration date; and declaring an emergency.  
Referred to Committee on Human Services and Corrections.

SB 5750 by Senators Benton, Haugen, Roach, Prentice, Hochstatter, Horn, McDonald, T. Sheldon, Swecker, Stevens, Goings, Zarelli, Johnson, Patterson, Hale, Costa, Honeyford, Morton, Rasmussen, Rossi, Oke, Long, Finkbeiner, Deccio and Sheahan

AN ACT Relating to the state-owned facilities component of the state-wide transportation plan and intercity passenger rail; and amending RCW 47.06.050.  
Referred to Committee on Transportation.

SB 5751 by Senator T. Sheldon

AN ACT Relating to records exempt from public inspection; and amending RCW 42.17.310.  
Referred to Committee on State and Local Government.

SB 5752 by Senators Loveland and Hochstatter

AN ACT Relating to promoting the deployment of advanced telecommunications services and high bandwidth infrastructure; adding new sections to chapter 80.36 RCW; and creating a new section.  
Referred to Committee on Energy, Technology and Telecommunications.

SB 5753 by Senators West, Finkbeiner, Winsley, Johnson, Hale, McDonald, Heavey, Horn, Oke, Hochstatter, Swecker, Stevens, Honeyford, Kohl-Welles, Morton, Patterson, Deccio, Jacobsen, Rossi, T. Sheldon, Snyder, Rasmussen and Eide

AN ACT Relating to funding for redeemable educational certificates; adding a new section to chapter 28A.300 RCW; creating a new section; and making appropriations.  
Referred to Committee on Education.

SB 5754 by Senators Heavey, Winsley, T. Sheldon, Hochstatter, Gardner, Benton, Prentice and Goings

AN ACT Relating to building codes; amending RCW 19.27.031; and adding a new section to chapter 18.106 RCW.  
Referred to Committee on State and Local Government.

SB 5755 by Senators Roach, Stevens, Rossi and Heavey

AN ACT Relating to emergency medical care and emergency medical services; and adding a new section to chapter 43.79 RCW.  
Referred to Committee on Ways and Means.

SB 5756 by Senators McAuliffe and Rasmussen (by request of Governor Locke)

AN ACT Relating to opportunity schools; adding new sections to chapter 28A.630 RCW; creating a new section; and providing an expiration date.  
Referred to Committee on Education.

## MOTIONS

On motion of Senator Goings, Senate Bill No. 5745 was referred to Committee on Commerce, Trade, Housing and Financial Institutions.

On motion of Senator Goings, Senate Bill No. 5747 was held at the desk.

## MOTION

On motion of Senator Kohl-Welles, the following resolution was adopted:

### SENATE RESOLUTION 1999-8616

By Senators Kohl-Welles, Jacobsen, Eide, Rasmussen, Brown, Stevens, Roach, Costa, Gardner, Shin, Spanel, Long and Fraser

WHEREAS, Athletics is one of the most effective ways for girls and women in the United States to develop leadership skills, self-discipline, initiative, and confidence; and

WHEREAS, Sport and fitness activity contributes to emotional and physical well-being, and girls and women can benefit from both strong minds and strong bodies; and

WHEREAS, The communication and cooperation skills learned through athletic experience play a key role in the contributions of athletes to the home, workplace, and society; and

WHEREAS, Early motor skill training and enjoyable experiences of physical activity strongly influence lifelong habits of physical fitness; and

WHEREAS, Girls and women who participate in sports have high levels of self-esteem, less depression, and a reduced risk for heart disease, breast cancer, and other illnesses; and

WHEREAS, The bonds built among girls and women through athletics help break down the social barriers of racism and prejudice; and

WHEREAS, The history of girls and women in sports is rich and long, but there has been little national recognition of the significance of the athletic achievements of women; and

WHEREAS, High school athletic teams in the state of Washington have achieved many accomplishments that serve as an inspiration to young women and promote the values of teamwork and cooperation. Examples of successful high school teams include: Ferris High School, winner of the 1998 WIAA State Volleyball Championship; Prairie High School, the WIAA State Basketball Champions; and Snohomish High School, the WIAA State Soccer Championship winners; and

WHEREAS, Washington colleges and universities have fostered outstanding achievements in women's athletics, including: The University of Washington Women's Crew Team, the winner of the 1998 NCAA Championships; the Western Washington University Fast-Pitch Softball Team, 1998 NCAA Division II National Champions; the Seattle Pacific University Women's Gymnastics Team, winner of both the women's team title and two individual event titles at the USA Gymnastics National Collegiate Championships; and the Eastern Washington University Volleyball Team, which was led to the 1998 NCAA Division I Final Four Volleyball Tournament by Kim Exner, the Big Sky Conference Player of the Year; and

WHEREAS, The state of Washington has produced stellar women athletes, whose spirit, talent, and accomplishments distinguished them from others and were a source of inspiration and pride to all of us, among whom are: Olympic skier Debbie Armstrong; ice skater Rosalynn Sumners; track stars Doris Heritage, Gail Devers, and Gitte Karloshoj; swimmer Mary Wayte; synchronized swimmer Tracie Ruiz-Conforto; marathon runner Lisa Weidenbach; soccer players Shannon Higgins and Michelle Akers; team handball player Dawn Allinger; rowers Roberta Blanda, Hana Dariusova, Sabrina Telenska, Jennifer Devine, Karen Kraft, Elizabeth McCagg, and Mary McCagg; kayaker Shelly Oates; discus thrower Aretha Hill; javelin thrower Erica Wheeler; cyclist Rebecca Twigg; basketball players Kate Starbird, Rhonda Smith, Tara Davis, Jamie Redd, and Camille Thompson; beach volleyball player Deb Richardson; and Olympic track star Kelly Blair; and

WHEREAS, Although the state of Washington is fortunate to have Barbara Hedges serving as Athletic Director at the University of Washington, an NCAA Division 1 school, women are underrepresented in the leadership positions of coaches, officials, and administrators, and there is a need for women to serve in these positions to ensure a fair representation of the abilities of women and to provide role models for young female athletes; and

WHEREAS, Although the athletic opportunities for female students at the college and high school level have improved because of federal and state gender equity laws, the participation rates of male and female athletes at the college and high school levels are still not equitable; and

WHEREAS, The number of funded research projects focusing on the specific needs of women athletes is limited, and the information provided by the projects is imperative to the health and performance of future women athletes;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate Washington Girls and Women in Sports Day on February 4, 1999, and encourage others to observe the day with appropriate ceremonies and activities.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the following high school athletic directors in Thurston County Schools: John Birbeck, Timberline High School; Valerie Fluetsch, Tumwater High School; Gary Taylor, West Black Hills High School; and Leola Wheeler, Capital High School; who were seated in the gallery.

#### MOTION

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

#### REPORT OF STANDING COMMITTEE

February 4, 1999

SB 5214 Prime Sponsor, Senator McAuliffe: Providing for additional investigations when a student is charged with possession of a firearm on school facilities. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5214 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Goings, Rasmussen, Sellar and Zarelli.

Passed to Committee on Rules for second reading.

#### MOTION

At 10:15 a.m., on motion of Senator Goings, the Senate adjourned until 12:00 noon, Monday, February 8, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

TWENTY SIXTH DAY, FEBRUARY 5, 1999

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#### TWENTY-NINTH DAY

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NOON SESSION  
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Senate Chamber, Olympia, Monday, February 8, 1999

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 5, 1999

SB 5010 Prime Sponsor, Senator Kohl-Welles: Providing disciplinary sanctions for sexual misconduct by employees of custodial agencies. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5010 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 4, 1999

SB 5124 Prime Sponsor, Senator Prentice: Prescribing disclosures required for prize promotions. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

February 5, 1999

SB 5131 Prime Sponsor, Senator Kohl-Welles: Requiring insurance for day-care and family day-care providers. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson and Sheahan.

Referred to Committee on Ways and Means.

February 5, 1999

SB 5132 Prime Sponsor, Senator Kohl-Welles: Improving child care services. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 4, 1999

SB 5156 Prime Sponsor, Senator Prentice: Amending housing authority law. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1999

SB 5248 Prime Sponsor, Senator Loveland: Negotiating state-wide custody contracts. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5248 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1999

SB 5253 Prime Sponsor, Senator Benton: Preventing a registered sex offender from holding a real estate license. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

February 5, 1999

SB 5466 Prime Sponsor, Senator Costa: Revising sanctions for violating conditions of the juvenile offender basic training camp program. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 4, 1999

SB 5485 Prime Sponsor, Senator Thibaudeau: Regulating certain tobacco product manufacturers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Wojahn, Vice Chair; Costa, Franklin and Johnson.

Passed to Committee on Rules for second reading.

February 4, 1999

SB 5568 Prime Sponsor, Senator B. Sheldon: Establishing a self-employment assistance program. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 4, 1999

SCR 8405 Prime Sponsor, Senator Fairley: Adopting the work force training and education coordinating board comprehensive plan update. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Betti Sheldon, Senate Bill No. 5131 and Senate Bill No. 5466 were referred to the Committee on Ways and Means.

#### REPORT OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 5, 1999

GA 9111 JUDGE THOMAS FELNAGLE, reappointed August 28, 1998, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules.

February 5, 1999

GA 9150 JUDGE THOMAS A. METZGER, reappointed August 28, 1998, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 5757 by Senators Kline and Roach

AN ACT Relating to recreational immunity; and amending RCW 4.24.200.  
Referred to Committee on Judiciary.

SB 5758 by Senators Kline, Costa and Roach

AN ACT Relating to the injury or wrongful death of a child; and amending RCW 4.24.010.  
Referred to Committee on Judiciary.

SB 5759 by Senators Costa and Roach

AN ACT Relating to presenting evidence of mental disease in a criminal proceeding; and adding a new section to chapter 10.58 RCW.  
Referred to Committee on Judiciary.

SB 5760 by Senators Goings, Haugen, McCaslin and Patterson

AN ACT Relating to fire protection districts; and amending RCW 52.04.011, 52.04.031, and 52.04.061.  
Referred to Committee on State and Local Government.

SB 5761 by Senator Prentice

AN ACT Relating to voter registration at institutions of higher education; and amending RCW 29.07.025.  
Referred to Committee on Higher Education.

SB 5762 by Senators Haugen and Goings (by request of Department of Licensing)

AN ACT Relating to cosmetology; amending RCW 18.16.010, 18.16.020, 18.16.030, 18.16.060, 18.16.090, 18.16.100, 18.16.110, 18.16.140, 18.16.170, 18.16.175, 18.16.200, 18.16.210, and 18.16.240; reenacting and amending RCW 18.16.050; repealing RCW 18.16.165, 18.16.180, and 18.16.190; and providing an effective date.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5763 by Senators Brown, West, Oke and Rasmussen

AN ACT Relating to taxation of coin-operated laundry facilities; reenacting and amending RCW 82.04.050; and providing an effective date.  
Referred to Committee on Ways and Means.

SB 5764 by Senators Heavey, Johnson, McCaslin, T. Sheldon and Haugen

AN ACT Relating to actions arising out of public works contracts; and amending RCW 39.04.240.  
Referred to Committee on Judiciary.

SB 5765 by Senators Costa, Johnson, Wojahn and McCaslin

AN ACT Relating to granting state-wide warrant jurisdiction to courts of limited jurisdiction; and amending RCW 3.66.010, 3.66.060, 3.66.070, 3.46.030, 3.50.020, and 35.20.030.  
Referred to Committee on Judiciary.

SB 5766 by Senators Wojahn, Long, Franklin, Winsley, Rasmussen and Costa

AN ACT Relating to the long-term care ombudsman program; amending RCW 43.190.060; adding new sections to chapter 43.190 RCW; making appropriations; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 5767 by Senators Finkbeiner and Oke

AN ACT Relating to immunity for businesses and state and local government agencies and their employees for harm caused by incorrectly calculated or interpreted dates associated with year 2000 date changes

processed by electronic computing devices; adding a new section to chapter 4.24 RCW; creating a new section; and declaring an emergency.  
Referred to Committee on Judiciary.

SB 5768 by Senators Finkbeiner and Oke

AN ACT Relating to emergency medical services; adding a new section to chapter 18.73 RCW; and providing an effective date.  
Referred to Committee on Health and Long-Term Care.

SB 5769 by Senators Sheahan, McCaslin, Morton, West and Oke

AN ACT Relating to prisoner release; amending RCW 9.94A.150, 9.95.110, and 72.02.100; adding a new section to chapter 9.94A RCW; creating a new section; and declaring an emergency.  
Referred to Committee on Human Services and Corrections.

SB 5770 by Senators Gardner, Sellar, Haugen, Goings, Prentice, Horn, Deccio, Oke, Fraser, Loveland, Eide, Costa, Swecker and Rasmussen

AN ACT Relating to coordination of special needs transportation; amending RCW 47.06B.010, 47.06B.020, 47.06B.030, 47.06B.900, and 47.06B.901; and adding new sections to chapter 47.06B RCW.  
Referred to Committee on Transportation.

SB 5771 by Senators Hargrove, Long, Heavey, Zarelli and Johnson

AN ACT Relating to clarifying administration and enforcement of medical marijuana regulations; amending RCW 69.51A.040 and 69.51A.060; adding a new section to chapter 69.51A RCW; and creating a new section.  
Referred to Committee on Health and Long-Term Care.

SB 5772 by Senators Gardner, T. Sheldon, Rasmussen, Swecker, Prentice, Costa, McCaslin, Wojahn, Spanel, Goings and Oke (by request of Secretary of State Munro)

AN ACT Relating to confidentiality of records of participants in programs for victims of domestic violence or sexual assault; amending RCW 40.24.070; and declaring an emergency.  
Referred to Committee on State and Local Government.

SB 5773 by Senators Thibaudeau, Deccio and Spanel

AN ACT Relating to dental hygienists; amending RCW 18.29.021, 18.29.045, 18.29.060, 18.29.071, 18.29.120, 18.29.140, 18.29.150, 18.29.160, and 18.29.210; adding new sections to chapter 18.29 RCW; and repealing RCW 18.29.110, 18.29.130, 18.29.170, 18.29.190, and 18.29.200.  
Referred to Committee on Health and Long-Term Care.

SB 5774 by Senators Hochstatter, Roach, Swecker and Morton

AN ACT Relating to freedom of conscience in fulfilling tax obligations for K-12 education; and adding a new chapter to Title 84 RCW.  
Referred to Committee on Ways and Means.

SB 5775 by Senators Wojahn, Johnson, Thibaudeau, Rasmussen and Costa (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to volunteer participation in the long-term care ombudsman program; and amending RCW 43.190.060.

Referred to Committee on Health and Long-Term Care.

SB 5776 by Senators Franklin, Roach, Prentice, Zarelli and Costa

AN ACT Relating to access to chiropractic health care services; and adding a new section to chapter 48.42 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5777 by Senators Prentice and Winsley

AN ACT Relating to payment for denturist services; and amending RCW 48.44.026.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5778 by Senators Thibaudeau, Deccio, Wojahn, Winsley, Franklin, Costa, Brown, West and Rasmussen

AN ACT Relating to creating an emergency response fund for outbreaks of communicable disease and tuberculosis detention; adding new sections to chapter 43.70 RCW; creating new sections; and making appropriations.

Referred to Committee on Health and Long-Term Care.

SB 5779 by Senators Kline, Winsley, Fairley, Costa and Oke

AN ACT Relating to crime prevention employee training in businesses operating during evening hours; amending RCW 49.22.010 and 49.22.020; adding a new section to chapter 49.22 RCW; and creating a new section.

Referred to Committee on Labor and Workforce Development.

SB 5780 by Senator Prentice

AN ACT Relating to discrimination based on source of household income; amending RCW 49.60.010, 49.60.030, and 49.60.040; and reenacting and amending RCW 49.60.222.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5781 by Senators Eide, Swecker, Fraser and Costa (by request of Department of Ecology)

AN ACT Relating to the commute trip reduction tax credit; amending RCW 82.04.4453 and 82.16.048; amending 1996 c 128 s 7 (uncodified); amending 1996 c 128 s 6 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5782 by Senators Johnson, McAuliffe and Oke

AN ACT Relating to collection agencies; and amending RCW 19.16.100 and 19.16.250.

Referred to Committee on Judiciary.

SB 5783 by Senators Thibaudeau, Deccio, Prentice, Costa, Eide, Goings, Johnson, Zarelli, Wojahn and Rasmussen

AN ACT Relating to school nurses; adding a new section to chapter 28A.210 RCW; creating new sections; and providing an expiration date.

HOLD.

SB 5784 by Senators Sheahan, Jacobsen, Kohl-Welles and Bauer

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

Referred to Committee on Higher Education.

SB 5785 by Senators Honeyford, Horn, Rossi, Sheahan, McCaslin and Oke

AN ACT Relating to minors who make threats on school facilities; amending RCW 9A.46.020; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5786 by Senators Shin, Jacobsen, Patterson, Thibaudeau, McAuliffe, Franklin, Eide, Kline and Bauer

AN ACT Relating to acupuncture as a medical care service; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5787 by Senators Costa, McAuliffe, Fairley and Fraser

AN ACT Relating to limiting disclosure of personal information about school employees; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Education.

SB 5788 by Senators Rasmussen, Hochstatter, Haugen, Patterson, Eide, Zarelli, Goings, Bauer and Brown

AN ACT Relating to school district organization; amending RCW 28A.315.020; and adding a new section to chapter 28A.315 RCW.

Referred to Committee on Education.

SB 5789 by Senators Bauer, West, Kohl-Welles, McAuliffe, Eide, Sheahan, Rossi, Rasmussen, Honeyford, Franklin, Patterson, Wojahn, Thibaudeau, Prentice, Jacobsen and Fraser

AN ACT Relating to the governance of the K-20 telecommunications network; amending RCW 28D.02.010, 28D.02.030, 28D.02.040, 28D.02.050, 28D.02.060, 28D.02.065, and 28D.02.070; adding new sections to chapter 28D.02 RCW; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5790 by Senator Prentice

AN ACT Relating to use of certain revenues from local taxation of social card games; and amending RCW 9.46.113.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5791 by Senator T. Sheldon

AN ACT Relating to tuition waivers for county employees; and amending RCW 28B.15.558.

Referred to Committee on Higher Education.

SB 5792 by Senator McAuliffe (by request of Board of Education)

AN ACT Relating to the recommendations of the state board of education based on its review of its statutory authority; amending RCW 28A.205.010, 28A.205.020, 28A.205.040, 28A.225.160, 28A.300.040, and 28A.305.130; creating a new section; and repealing RCW 28A.410.010.

Referred to Committee on Education.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5783 was held at the desk.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Tuesday, February 9, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-NINTH DAY, FEBRUARY 8, 1999

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

**THIRTIETH DAY**

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**NOON SESSION**  
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Senate Chamber, Olympia, Tuesday, February 9, 1999

The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 8, 1999

SB 5025 Prime Sponsor, Senator Spanel: Changing ethics in public service provisions. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5025 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 8, 1999

SB 5160 Prime Sponsor, Senator Oke: Authorizing donations of surplus computer equipment to food banks. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5160 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 8, 1999

SB 5177 Prime Sponsor, Senator McAuliffe: Increasing hours retired teachers can substitute teach. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5177 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

February 8, 1999

SB 5196 Prime Sponsor, Senator Johnson: Resolving trust and estate disputes. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; McCaslin, Costa, Goings, Haugen, Johnson, Long and Thibaudeau.

Passed to Committee on Rules for second reading.

February 8, 1999

SB 5198 Prime Sponsor, Senator Johnson: Comporting with Internal Revenue Code language. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Haugen, Johnson, McCaslin, Roach, Thibaudeau.

Passed to Committee on Rules for second reading.

February 8, 1999

SB 5231 Prime Sponsor, Senator Hale: Revising the duties of the county treasurer pertaining to management of debt. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5231 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 8, 1999

SB 5297 Prime Sponsor, Senator McAuliffe: Providing for a simple majority of voters voting to authorize school district levies and bonds. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Goings, Kohl-Welles, Rasmussen and Sellar.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Hochstatter, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

February 8, 1999

SB 5370 Prime Sponsor, Senator Patterson: Raising the limit on agency direct buy authority without competitive bids. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 8, 1999

SB 5494 Prime Sponsor, Senator Franklin: Allowing governmental entities that award publicly funded contracts to select contractors using the lowest responsible bidder method. Reported by Committee on State and Local Government

MAJORITY Recommendation: That the bill be referred to Committee on Labor and Workforce Development without recommendation. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Referred to Committee on Labor and Workforce Development.

February 8, 1999

SJR 8200 Prime Sponsor, Senator McCaslin: Amending the Constitution to remove the requirement that judges be admitted to the practice of law. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Joint Resolution No. 8200 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Long, McCaslin and Thibaudeau.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 8, 1999

SJR 8204 Prime Sponsor, Senator McAuliffe: Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Goings, Kohl-Welles, Rasmussen and Sellar.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Hochstatter, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

February 8, 1999

SCR 8406 Prime Sponsor, Senator Snyder: Resolving to determine whether or not the legislature should commence proceedings to remove Judge Grant Anderson from office. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Concurrent Resolution No. 8406 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Long, McCaslin and Roach.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 8, 1999

GA 9093 BONNIE C. BOYLE, appointed March 16, 1998, for a term ending September 30, 2001, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

February 8, 1999

GA 9105 DENNIS R. COLWELL, appointed July 21, 1998, for a term ending September 30, 2001, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

February 8, 1999

GA 9119 GERALD GRINSTEIN, appointed October 7, 1998, for a term ending September 30, 2004, as a member of the Board of Regents for the University of Washington.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

February 8, 1999

GA 9132 LAURIE A. JINKINS, appointed July 9, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

February 8, 1999

GA 9139 KAREN LANE, appointed October 28, 1998, for a term ending September 30, 2004, as a member of the Board of Trustees for The Evergreen State College.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

February 8, 1999

GA 9155 DR. GEORGE MOHORIC, appointed October 28, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Centralia Community College District No. 12.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

February 8, 1999

GA 9157 LORNA OVENA, appointed December 1, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

February 8, 1999

GA 9159 KIM PEERY, appointed August 21, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Clark Community College District No. 14.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Hale, Horn, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

February 8, 1999

GA 9162 NANCY TRUITT PIERCE, appointed August 19, 1998, for a term ending September 30, 1999, as a member of the Board of Trustees for Everett Community College District No. 5.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

February 8, 1999

GA 9169 JOSE RUIZ, appointed May 8, 1998, for a term ending April 3, 2001, as a member of the State Board for Community and Technical Colleges.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

February 8, 1999

GA 9170 YVONNE SANCHEZ, appointed September 30, 1998, for a term ending September 30, 2001, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

February 8, 1999

GA 9171 DOUG SAYAN, appointed August 27, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Olympic Community College District No. 3.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

February 8, 1999

GA 9176 MARGARET E. SUNDSTROM, appointed June 5, 1998, for a term ending June 17, 2003, as a member of the Board of Trustees for Centralia Community College District No. 12.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

February 8, 1999

GA 9181 RICHARD N. WADLEY, appointed June 22, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Hale, Horn, Jacobsen, McAuliffe, B. Sheldon and West.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 5793 by Senators Thibaudeau, Deccio and Kohl-Welles

AN ACT Relating to the confidentiality of information relating to sexually transmitted diseases and HIV; amending RCW 70.24.084, 70.05.070, and 70.05.120; adding a new section to chapter 70.24 RCW; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 5794 by Senator Fairley

AN ACT Relating to the sale of antifreeze; adding new sections to chapter 70.54 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Agriculture and Rural Economic Development.

SB 5795 by Senators Haugen, McDonald, Spanel, Snyder, West, Rasmussen and Oke

AN ACT Relating to tax exemptions for nonprofit camps and nonprofit retreat centers; amending RCW 82.04.363; reenacting and amending RCW 84.36.805 and 84.36.810; adding a new section to chapter 84.36 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5796 by Senators Eide, Fairley, McAuliffe, Kline and Jacobsen

AN ACT Relating to reducing shoreline permit exemptions; amending RCW 90.58.030; and creating a new section.

Referred to Committee on Environmental Quality and Water Resources.

SB 5797 by Senators McAuliffe, Eide, B. Sheldon, Fairley, Kohl-Welles, Shin, Gardner, Fraser, Snyder, Prentice, Patterson, Goings, Bauer, Winsley, Thibaudeau, Rasmussen and Spanel

AN ACT Relating to improving class size; amending RCW 28A.150.260 and 28A.150.260; creating a new section; providing an effective date; and providing a contingent effective date.

Referred to Committee on Education.

SB 5798 by Senators Fairley, Winsley and Franklin (by request of Department of Social and Health Services)

AN ACT Relating to temporary assistance for needy families; amending RCW 74.12.010 and 74.12.035; and repealing RCW 74.12.036.

Referred to Committee on Labor and Workforce Development.

SB 5799 by Senators T. Sheldon and Hochstatter

AN ACT Relating to housing discrimination; amending RCW 49.60.240; and reenacting and amending RCW 49.60.222 and 49.60.230.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5800 by Senator Rasmussen (by request of Department of Agriculture)

AN ACT Relating to the two-year registration of fertilizer products and the immediate stop sale, stop use, withdrawal from distribution, and seizure of unlawful commercial fertilizers; amending RCW 15.54.325, 15.54.330, 15.54.440, and 15.54.450; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture and Rural Economic Development.

SB 5801 by Senators Snyder, Winsley, Rasmussen and Oke

AN ACT Relating to property tax exemptions and deferrals for senior citizens and persons retired because of physical disability; adding a new section to chapter 84.36 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5802 by Senators Fairley, Hochstatter, Honeyford, Spanel and Franklin

AN ACT Relating to telecommunications contractors and installations; amending RCW 43.84.092 and 43.84.092; adding a new chapter to Title 18 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Labor and Workforce Development.

SB 5803 by Senators Rasmussen and Swecker

AN ACT Relating to dairy nutrients; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture and Rural Economic Development.

#### MOTIONS

On motion of Senator Betti Sheldon, Senate Bill No. 5747, which was held on the desk February 5, 1999, was referred to the Committee on Health and Long-Term Care.

On motion of Senator Betti Sheldon, Senate Bill No. 5783, which was held on the desk February 8, 1999, was referred to the Committee on Health and Long-Term Care.

#### MOTION

At 12:06 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, February 10, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

THIRTIETH DAY, FEBRUARY 9, 1999

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#### THIRTY-FIRST DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, February 10, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Finkbeiner. On motion of Senator Deccio, Senator Finkbeiner was excused.

The Sergeant at Arms Color Guard consisting of Boy Scouts Rob Peppin, Dan Peppin, Leo Conniff and Nick Petrich from Troop 299, sponsored by St. Patrick's Church of Tacoma, presented the Colors. Reverend Bill Hallihan, pastor of the Our Lady of Guadalupe Church in Seattle, and a guest of Senator Mike Heavey, offered the prayer.

#### MOTION

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

SPECIAL THANKS TO BOYS SCOUTS

The President thanked the Boy Scouts and their Scout Master, Tom Heavey, brother of Senator Mike Heavey, for their outstanding presentation of the flag.

#### REPORTS OF STANDING COMMITTEES

February 8, 1999

SB 5347 Prime Sponsor, Senator Rasmussen: Extending the period of time to expend funds from the fruit and vegetable district fund. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 8, 1999

SB 5353 Prime Sponsor, Senator Rasmussen: Modifying the powers and duties of the dairy commission. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

February 5, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sam Kinville, reappointed August 26, 1998, for a term ending September 8, 2003, as a member of the Public Employment Relations Commission.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Labor and Workforce Development.

#### INTRODUCTION AND FIRST READING

SB 5804 by Senators Morton, Deccio, Roach, Swecker, Rasmussen, Oke, T. Sheldon, Johnson, Gardner, Sellar, Sheahan, Honeyford, Hale, Snyder, Zarelli, Hochstatter, Stevens and West

AN ACT Relating to a change in the purpose of use of a water right; and amending RCW 90.03.380. Referred to Committee on Environmental Quality and Water Resources.

SB 5805 by Senators Thibaudeau, Prentice, Deccio, Kohl-Welles and Costa

AN ACT Relating to completion of prescriptive authority for advanced registered nurse practitioners; amending RCW 18.79.050, 18.79.240, and 18.79.250; adding a new section to chapter 18.79 RCW; and creating new sections.

Referred to Committee on Health and Long-Term Care.

SB 5806 by Senators Haugen, Hochstatter, Horn and Rasmussen (by request of Military Department)

AN ACT Relating to providing for the adjutant general to establish rules concerning the accuracy of location information derived from enhanced 911 telephone systems; amending RCW 43.43.934; adding a new section to chapter 38.52 RCW; and creating a new section.  
Referred to Committee on State and Local Government.

SB 5807 by Senators Franklin, Winsley, Fraser, Rasmussen, McAuliffe, Wojahn, Fairley, Thibaudeau, Kohl-Welles, Kline, Costa and B. Sheldon

AN ACT Relating to health care coverage for retired or disabled school employees and retired state employees; adding a new section to chapter 41.05 RCW; and providing an effective date.  
Referred to Committee on Health and Long-Term Care.

SB 5808 by Senators Franklin, Winsley, Fraser, Rasmussen, McAuliffe, Wojahn, Fairley, Thibaudeau, Prentice and Kohl-Welles

AN ACT Relating to subsidies for health benefit premiums; amending RCW 41.05.085; adding a new section to chapter 41.05 RCW; and creating a new section.  
Referred to Committee on Health and Long-Term Care.

SB 5809 by Senators McAuliffe, Swecker, Prentice, Eide, Thibaudeau, Fraser, Kohl-Welles and Kline

AN ACT Relating to the control of dioxin; amending RCW 70.105.010, 70.95C.020, 70.95E.010, 70.105.020, and 70.105D.020; adding new sections to chapter 70.105 RCW; creating a new section; and providing effective dates.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5810 by Senators Fraser, T. Sheldon and Swecker

AN ACT Relating to allowing for regulation of flowing wells within city limits; and amending RCW 90.36.030 and 90.44.110.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5811 by Senators Brown, Prentice and Kohl-Welles

AN ACT Relating to the implementation of the federal telecommunications act of 1996; amending RCW 80.36.610; adding new sections to chapter 80.36 RCW; creating a new section; prescribing penalties; and repealing RCW 80.36.600.  
Referred to Committee on Energy, Technology and Telecommunications.

SB 5812 by Senators Thibaudeau, Deccio, Wojahn, Winsley, Gardner, Prentice and Costa

AN ACT Relating to the prompt payment of health care claims; adding a new section to chapter 48.43 RCW; and creating a new section.  
Referred to Committee on Health and Long-Term Care.

SB 5813 by Senators Thibaudeau, Deccio, Costa and Winsley

AN ACT Relating to health plan medical director licensure and accountability; and adding a new chapter to Title 18 RCW.  
Referred to Committee on Health and Long-Term Care.

SB 5814 by Senators Thibaudeau, Roach and Franklin

AN ACT Relating to salaries of University of Washington police officers; and adding a new section to chapter 28B.20 RCW.

Referred to Committee on Higher Education.

SB 5815 by Senators Prentice, Winsley, Heavey, Deccio, T. Sheldon, Honeyford, Gardner, Hale, Benton, Rasmussen, Loveland, Swecker and Sellar

AN ACT Relating to taxation of social card games; and amending RCW 9.46.110.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5816 by Senators Haugen, McCaslin, Patterson, Gardner and T. Sheldon

AN ACT Relating to enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area; and amending RCW 58.17.020.

Referred to Committee on State and Local Government.

SB 5817 by Senators Brown, Sellar, T. Sheldon and Hochstatter

AN ACT Relating to procedures for public utility districts to participate in wholesale electricity market activities; and adding a new chapter to Title 54 RCW.

Referred to Committee on Energy, Technology and Telecommunications.

SB 5818 by Senator Sheahan

AN ACT Relating to unclassified employees in the office of sheriff; and amending RCW 41.14.070.

Referred to Committee on State and Local Government.

SB 5819 by Senators Shin, Costa and Eide (by request of Governor Locke)

AN ACT Relating to additional unemployment benefits; amending RCW 50.22.090 and 50.29.020; creating a new section; and declaring an emergency.

Referred to Committee on Labor and Workforce Development.

SB 5820 by Senators Snyder, Winsley, Bauer, Fairley, Oke, Prentice, Kohl-Welles, Rasmussen and Costa

AN ACT Relating to service credit under the teachers' retirement system plan I for military service; and amending RCW 41.32.260.

Referred to Committee on Ways and Means.

SB 5821 by Senators Eide, Morton, Patterson, Swecker, McAuliffe and Fraser

AN ACT Relating to the licensing of persons who design on-site wastewater treatment systems; adding a new section to chapter 70.118 RCW; adding a new chapter to Title 18 RCW; prescribing penalties; and making appropriations.

Referred to Committee on Environmental Quality and Water Resources.

SB 5822 by Senators Haugen, Deccio, Gardner, Patterson, Eide, McCaslin, Costa and Long

AN ACT Relating to an auto transportation company operating within a public transportation benefit area; and adding a new section to chapter 81.88 RCW.

Referred to Committee on Transportation.

SB 5823 by Senators Kohl-Welles, Sheahan, Shin, Bauer, B. Sheldon, Hale and Brown

AN ACT Relating to higher education accountability; amending 1998 c 346 s 601 (uncodified); adding new sections to chapter 28B.80 RCW; creating new sections; and declaring an emergency.  
Referred to Committee on Higher Education.

SB 5824 by Senator Kohl-Welles

AN ACT Relating to children on motorcycles; and amending RCW 46.37.530.  
Referred to Committee on Transportation.

SB 5825 by Senator McAuliffe (by request of Commission on Student Learning and Superintendent of Public Instruction Bergeson)

AN ACT Relating to student assessments; amending RCW 28A.300.310, 28A.300.320, 28A.230.190, 28A.230.230, 28A.630.885, 28A.230.250, and 28A.230.195; adding new sections to chapter 28A.230 RCW; repealing RCW 28A.230.210, 28A.230.220, and 28A.230.240; repealing 1998 c 225 s 3 (uncodified); repealing 1995 c 209 s 3 (uncodified); repealing 1995 c 209 s 2 and 1992 c 141 s 203 (uncodified); and declaring an emergency.  
Referred to Committee on Education.

SB 5826 by Senators Haugen, McCaslin, Patterson, Wojahn, Fraser, Jacobsen, Rasmussen, Swecker, Spanel, Gardner, McDonald, Kline, Snyder, Morton and T. Sheldon

AN ACT Relating to the acquisition of rights and interests in open space land, farm and agricultural land, and timber land; amending RCW 84.34.108 and 84.34.080; and providing an effective date.  
Referred to Committee on State and Local Government.

SB 5827 by Senators Prentice, Fraser, Kohl-Welles and Long

AN ACT Relating to load covering for vehicles on public highways; and amending RCW 46.61.655.  
Referred to Committee on Transportation.

#### MOTION

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

#### SENATE RESOLUTION 1999-8615

By Senator West, Roach, Fraser, Kohl-Welles, Rasmussen, Long and Eide

WHEREAS, The Boy Scouts of America was founded on February 8, 1910; and  
WHEREAS, The Boy Scouts of America have been an integral part of building the character of youth for over eighty-nine years; and  
WHEREAS, In Washington State, there are over ninety-seven thousand youths involved with Boy Scouting from Tiger Cubs through Explorers; and  
WHEREAS, Over thirty-one thousand adults in Washington give their time to volunteer to the Boy Scouts; and  
WHEREAS, The Governor of Washington State, Gary Locke, is a lifetime Boy Scout, having earned the rank of Eagle Scout; and  
WHEREAS, Over forty-three members of the Washington State Legislature have been Boy Scouts and Girl Scouts and over fifty members have volunteered their time as leaders, parents, and counselors in scouting; and  
WHEREAS, Scouts of all ages provide assistance in local and national emergencies; and  
WHEREAS, Thousands of Scouts participate every year in "Scouting for Food", good-turn projects and have collected hundreds of tons of food for local food banks; and  
WHEREAS, The co-ed Explorer program prepares youth for future careers; and

WHEREAS, The co-ed Learning for Life program provides children with positive values and essential life skills in classrooms all over the nation; and

WHEREAS, The Scout Law which reads "a Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent" provides an ethical code that we would all do well to follow; and

WHEREAS, The Scout motto of "Be Prepared" and the Scout Slogan of "Do a Good Turn Daily" provide a positive mission for Scouts of all ages; and

WHEREAS, World-wide Scout principles which include individual respect, citizenship, and service to others, help lay a foundation for the future service to our state and country;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate applaud the effort and work of the six councils of the Boy Scouts of America in Washington State and the positive programs they provide for our youth; and

BE IT FURTHER RESOLVED, That the Washington State Senate encourage all agencies of state government to recognize the service and benefits that the Boy Scouts of America provide; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Gary Locke, Governor of Washington; the Governor's cabinet officers; all state-wide elected officials; the National Boy Scouts of America Office, the Western Region Office of the Boy Scouts of America, and to the Boy Scout Councils serving Washington State.

#### MOTION

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

#### SENATE RESOLUTION 1999-8618

By Senators Rasmussen, Morton, Fraser, Long, Jacobsen and Eide

WHEREAS, Twenty percent of the nations potatoes are produced in the state of Washington; and

WHEREAS, Washington ranks second in the nation in the total production of potatoes and first in per-acre yield of potatoes; and

WHEREAS, Potatoes contribute to our trade balance and the overall health of the state's economy with over \$300 million dollars of potatoes being exported annually through the ports in Tacoma and Seattle alone; and

WHEREAS, Potatoes represent the state's third largest agricultural commodity with a farm gate value of over \$500 million, and total value of processed potato products of \$2.5 billion; and

WHEREAS, Washington potato growers have won national awards three years in a row for environmentally friendly and efficient use of water and fertilizers;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes the men and women in the state of Washington who work to make the Washington potato industry successful; and

BE IT FURTHER RESOLVED, That the Washington State Senate recognize the contribution that this valuable industry makes to the strength and vitality of the state's economy and wishes to thank the Washington Potato Commission for the opportunity to sample the great WATATO (Yes, ladies and gentlemen, that's right WATATO) today in the Capitol Rotunda.

Senators Deccio, Hale, Jacobsen, Haugen, Hochstatter, Morton, Prentice, Rasmussen and Swecker spoke to Senate Resolution 1999-8618.

#### MOTION

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

#### SENATE RESOLUTION 1999-8619

By Senator Snyder, Fraser, Kohl-Welles, Rasmussen, Spanel, Fairley and Eide

WHEREAS, Harold Sumpter dedicated his life to serving his community and being a role model through his sincerity; and

WHEREAS, He was the longest serving Assistant Sergeant-at-Arms and faithfully served this body and institution from 1981-1999; and

WHEREAS, Harold Sumpter rose through the ranks of the Grays Harbor County Sheriff's office to become the Sheriff of Grays Harbor County; and

WHEREAS, He demonstrated his dedication to his communities through his membership in the Masonic Lodge of Elma, the International Oddfellows of Olympia and Elma, the Grays Harbor Shire Club of Aberdeen, the East Grays Harbor Red Cross, and the Elks Club of Aberdeen, through his cheerful goodwill; and

WHEREAS, Harold Sumpter was a father figure to many and a friend to all, extending his helping hand to anyone in need; and

WHEREAS, The people of Washington have lost a true friend, a loving husband, and a proud and devoted father and grandfather; and

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate hereby recognize, on this 10th of February, the life of Mr. Harold Sumpter, and his personal and professional contributions to the countless number of people who, through him, have been changed for the better; and

BE IT FURTHER RESOLVED, That the Washington State Senate salute Mr. Harold Sumpter for his years of service maintaining the integrity of the Washington State Senate; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to the family of Harold Sumpter.

Senators Snyder, Tim Sheldon, Hargrove, Betti Sheldon and Brown spoke to Senate Resolution 1999-8619.

#### MOTION

At 10:30 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:15 a.m. by President Owen.

#### MOTION

Senator Betti Sheldon moved that the twenty-four hour notice requirement in Rule 20 be suspended in order to permit consideration of an amendment to the Senate Rules.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Betti Sheldon that the twenty-four hour notice requirement in Rule 20 be suspended to permit consideration of an amendment to the Senate Rules.

The motion carried and the twenty-four hour notice in Rule 20 was suspended.

EDITOR'S NOTE: Rule 20 states: 'Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration.'

#### MOTION

On motion of Senator Deccio, Senator Winsley was excused.

#### MOTION

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

#### SENATE RESOLUTION 1999-8617

By Senators Snyder and McDonald

BE IT RESOLVED, That Senate Resolution No. 1999-8610, adopting the Rules of the Senate for the 56th Legislature, be amended as follows:

On page 20, beginning on line 14, strike everything through page 21, line 5 and insert:

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

1. Agriculture and Rural Economic Development 9
2. Commerce, Trade, Housing and Financial Institutions 11
3. Education 13
4. Energy, Technology and ~~((Communications))~~ Telecommunications 7
5. Environmental Quality and Water Resources 7
6. Health and Long-Term Care 7
7. Higher Education ~~((44))~~ 10
8. Human Services and Corrections 9
9. Judiciary 12
10. Labor and Workforce Development 6
11. Natural Resources, Parks and Recreation 9
12. Rules 16
13. State and Local Government 7
10. Transportation 20
15. Ways and Means 21"

On page 23, line 13, delete "3" and insert "~~((3))~~ 4"

#### CHANGE IN STANDING COMMITTEE ASSIGNMENT

The President appointed Senator Hale to the Committee on State and Local Government and removed Senator Hale from the Committee on Higher Education.

#### MOTION

On motion of Senator Betti Sheldon, the change in the standing committees was confirmed.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the seventh order of business.

#### THIRD READING

SENATE BILL NO. 5060, by Senators Eide, Goings, Haugen, Benton, Gardner, Patterson, West, Brown, Johnson and Oke

Authorizing state highway bonds.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5060.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5060 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin,

McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Wojahn and Zarelli - 46.

Absent: Senator Roach - 1.

Excused: Senators Finkbeiner and Winsley - 2.

SENATE BILL NO. 5060, having received the constitutional majority of sixty percent, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### POINT OF INQUIRY

Senator McCaslin: "Senator Eide, would you answer a question? Was that your first speech?"

Senator Eide: "Yes sir, it was."

Senator McCaslin: "I hope it is spread on the Journal, but you know the custom we have here in the Senate--new Senators--their first speech, which was absolutely--you swayed us all over here, I am telling you. You are a silver-tongued devil of the first class, but we would appreciate a gift of something to eat."

Senator Eide: "Well, Senator, I did bring something. Thank you very much, by the way, thank you for your vote over there. I was sweating it--yes. For this special occasion, I did write a poem--I'm sorry--pardon me--oh, I'm sorry, I'll sit down. But, I did bring something; someone is telling me to sit down over here."

Senator McCaslin: "Excuse me, Mr. President. Did she answer my question? I'm confused here."

Senator Eide: "Yes, I did bring something, but not to eat."

Senator McCaslin: "Oh, fudge."

#### POINT OF ORDER

Senator Heavey: "I rise to a point of order. Thank you, Mr. President, speaking to the inaugural address of the Senator from Federal Way. She has disturbed and interrupted the relative calm of the dignified debate of this august body. The content of her address was vacuous at best. But, most disturbing was the total qualities of her voice. It reminded me of the woeful wailing of a diseased yak. Therefore, for conduct so reprehensible and indefensible, I would invoke the informal rule of offending the dignity of this august body and ask for reparations. Thank you."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Heavey, the President would like to point out, although Senator Eide's remarks may have disturbed the Senate, it is almost as equally disturbing when a veteran stands up and asks for a point of order that should actually be a point of personal privilege."

#### PERSONAL PRIVILEGE

Senator Eide: "A point of personal privilege, Mr. President. For this special occasion, I wrote a poem, so bear with me.

I had pre-game jitters contemplating my first at bat in the Senate;  
Yes, I was worried I wouldn't win a pennant;  
I thought I would strike out looking at three straight pitches;  
I knew I had to swing for one of the businesses;  
From Weyerhaeuser International Headquarters maybe seedlings were in order;  
Word Visions International Headquarters giving charity across many borders;  
The Goodwill Games Pool? Maybe Speedos would do!  
Instead, I went to the dug out and checked my line-up card. Should I choose them ALL?  
No, a lesser known player--if they don't have the game--certainly has the BALL.  
My Choice - The Headquarters of Bauden Sports in Federal Way.  
Now, that I'm in the Big League, I only ask the Senate for one thing today;  
That without remuneration each of you sign the baseball that is coming your way.  
Now, ladies and gentlemen of the Senate,

LET'S PLAY BALL

REPLY BY THE PRESIDENT

President Owen: "The President would point out to the members that I don't know if we have a rule on throwing baseballs in the Senate Chamber, but I do feel that it is probably out of order, Senator Hargrove."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. I was hoping you would let Senator Hargrove do that, because he has dropped the ball many times in this body. One other point, Mr. President, I would appreciate a ruling by you, when Senator Heavey talked about an 'august' body, isn't it 'agust,' isn't 'August' a month of the year?"

REPLY BY THE PRESIDENT

President Owen: "I would very rightfully point out that that is probably a Seattle vocabulary."

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5176, by Senators McAuliffe, Eide, Long, Costa, Goings, Oke, Winsley and Rasmussen

Requiring the arrest of persons who willfully refuse to leave school grounds after being ordered to do so.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5176 was substituted for Senate Bill No. 5176 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Hochstatter moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 29, after "section." insert "However, this subsection does not apply to parents or guardians with children enrolled in the school."

On page 5, line 17, after "RCW 28A.635.020." insert "However, this subsection does not apply to parents or guardians with children enrolled in the school."

Debate ensued.

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

The President declared the question before the Senate to be the adoption of the amendments by Senator Hochstatter on page 2, line 29 and page 5, line 17, to Substitute Senate Bill No. 5176.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McDonald, Morton, Oke, Patterson, Rossi, Sellar, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, Prentice, Rasmussen, Sheldon, B., Snyder, Spanel, Thibaudeau and Wojahn - 25.

Absent: Senator Roach - 1.

Excused: Senators Finkbeiner and Winsley - 2.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5176 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5176.

#### MOTION

On motion of Senator Stevens, Senator Roach was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5176 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 38.

Voting nay: Senators Benton, Hochstatter, Morton, Stevens, Swecker, West and Zarelli - 7.

Absent: Senator Kline - 1.

Excused: Senators Finkbeiner, Roach and Winsley - 3.

SUBSTITUTE SENATE BILL NO. 5176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5212, by Senators McAuliffe, Eide, Winsley, Thibaudeau, Franklin, Rasmussen and Costa

Providing for school safety plans.

#### MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5212 was substituted for Senate Bill No. 5212 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5212 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5212.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5212 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator McDonald - 1.

Excused: Senators Finkbeiner and Roach - 2.

SUBSTITUTE SENATE BILL NO. 5212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5214, by Senators McAuliffe, Long, Fairley, Kohl-Welles, Eide, Costa, Kline, Thibaudeau and Winsley

Providing for additional investigation when a student is charged with possession of a firearm on school facilities.

#### MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5214 was substituted for Senate Bill No. 5214 and the substitute bill was placed on second reading and read the second time.

Senator Zarelli moved that the following amendment be adopted:

On page 2, line 23, after "person" strike "at least ten years of age and"

Debate ensued.

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

#### MOTION

On motion of Senator Deccio, Senator McDonald was excused.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Zarelli on page 2, line 23, to Substitute Senate Bill No. 5214.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; Nays, 27; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, Morton, Oke, Rossi, Sellar, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 19.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Excused: Senators Finkbeiner, McDonald and Roach - 3.

#### MOTION

Senator Zarelli moved that the following amendment be adopted:

On page 2, beginning on line 27, after "cause" strike "or on probation bond"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 2, beginning on line 27, to Substitute Senate Bill No. 5214.

The motion by Senator Zarelli failed and the amendment was not adopted.

#### MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and Long be adopted:

On page 2, line 26, after "for" strike "at least twenty-four" and insert "up to seventy-two"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Zarelli and Long on page 2, line 26, to Substitute Senate Bill No. 5214.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; Nays, 27; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sellar, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 20.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Excused: Senators Finkbeiner and Roach - 2.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5214 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5214.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5214 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Finkbeiner and Roach - 2.

SUBSTITUTE SENATE BILL NO. 5214, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5100, by Senators Haugen, Sellar, Spanel, Gardner, Heavey, Benton, Oke, B. Sheldon and Kohl-Welles

Regulating ferry queues.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF ORDER

Senator Hargrove: "A point of order. Mr. President, I think I have been impugned under Rule 7 about saying I was ignorant. Could you admonish the Senator from West Seattle?"

#### REPLY BY THE PRESIDENT

President Owen: "The President has a number of things you left wide open for him to say, Senator Hargrove, but Senator Heavey, would you please be careful about how you address the other distinguished members of this august body?"

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5100.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5100 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Voting nay: Senator Hargrove - 1.

Excused: Senators Finkbeiner and Roach - 2.

SENATE BILL NO. 5100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:30 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, February 11, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

THIRTY-FIRST DAY, FEBRUARY 10, 1999

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

#### THIRTY-SECOND DAY

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, February 11, 1999

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 8, 1999

SB 5127 Prime Sponsor, Senator Kohl-Welles: Prohibiting law enforcement officers from conducting investigations of abuse or neglect concerning a child for which the officer is a parent, guardian, or foster parent. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Johnson, Long, McCaslin and Roach.

Passed to Committee on Rules for second reading.

February 9, 1999

SB 5191 Prime Sponsor, Senator Goings: Penalizing motor carriers that operate without a permit. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5191 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 10, 1999

SB 5192 Prime Sponsor, Senator Goings: Requiring motor carrier drug testing programs. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5192 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Costa, Eide, Horn, Johnson, Oke, Patterson, Prentice, Sellar, Sheahan and Shin.

Passed to Committee on Rules for second reading.

February 9, 1999

SB 5193 Prime Sponsor, Senator Goings: Collecting information from truck, tractor, or trailer intelligent information systems. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 10, 1999

SB 5215 Prime Sponsor, Senator Bauer: Extending veterans' exemptions from higher education tuition. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5215 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 10, 1999

SB 5219 Prime Sponsor, Senator Swecker: Allowing port district annexations. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5219 be substituted therefor, and the substitute bill do pass. Signed by Senators Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 10, 1999

SB 5244 Prime Sponsor, Senator Kline: Clarifying that development regulations be consistent with city and county comprehensive plans. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5244 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 9, 1999

SB 5257 Prime Sponsor, Senator Snyder: Providing a procedure for the state investment board to check the criminal history of prospective appointees and employees. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 9, 1999

SB 5258 Prime Sponsor, Senator Snyder: Authorizing the state investment board to directly order actions relating to securities. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 9, 1999

SB 5259 Prime Sponsor, Senator Snyder: Authorizing the state investment board to establish additional commingled trust funds. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 9, 1999

SB 5264 Prime Sponsor, Senator Horn: Eliminating categories of motorcycle endorsement. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5264 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon and Shin.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 10, 1999

SB 5330 Prime Sponsor, Senator Brown: Treating active military personnel as residents for purposes of higher education tuition. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, McAuliffe, Sheahan and B. Sheldon.

Referred to the Committee on Ways and Means.

February 9, 1999

SB 5346 Prime Sponsor, Senator Prentice: Authorizing dissemination of criminal history record information to the horse racing commission. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 10, 1999

SB 5359 Prime Sponsor, Senator Thibaudeau: Managing moneys received under tobacco company litigation. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5359 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau and Wojahn.

Passed to Committee on Rules for second reading.

February 9, 1999

SB 5371 Prime Sponsor, Senator Jacobsen: Developing intercity passenger rail service. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Heavey, Horn, Jacobsen, Patterson, Prentice, Sellar, T. Sheldon and Shin.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Johnson and Sheahan.

Passed to Committee on Rules for second reading.

February 9, 1999

SB 5381 Prime Sponsor, Senator T. Sheldon: Adding information to motorist information signs. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 9, 1999

SB 5382 Prime Sponsor, Senator T. Sheldon: Strengthening the Scenic Vistas Act. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 9, 1999

SB 5384 Prime Sponsor, Senator Heavey: Phasing in lightweight tire studs. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Oke, Patterson, Prentice, Sellar, T. Sheldon and Shin.

MINORITY Recommendation: Do not pass. Signed by Senator Sheahan.

Passed to Committee on Rules for second reading.

February 9, 1999

SB 5453 Prime Sponsor, Senator Horn: Enhancing regional transportation planning. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5453 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Johnson, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 10, 1999

SB 5514 Prime Sponsor, Senator Shin: Changing Washington award for vocational excellence provisions. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 10, 1999

SB 5609 Prime Sponsor, Senator Horn: Making awards for state employees' suggestions. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Referred to Committee on Ways and Means.

February 10, 1999

SB 5690 Prime Sponsor, Senator Prentice: Repealing a commercial driving record statute. Reported by Committee on Transportation

MAJORITY Recommendation: That the bill be referred to Committee on Commerce, Trade, Housing and Financial Institutions. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Costa, Eide, Horn, Johnson, Oke, Patterson, Prentice, Sellar, Sheahan, and Shin.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5330 and Senate Bill No. 5609 were referred to the Committee on Ways and Means.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 10, 1999

GA 9016 BRUCE W. HILYER, reappointed January 28, 1997, for a term ending December 31, 2002, as a member of the Parks and Recreation Commission.

Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel, and Stevens.

Passed to Committee on Rules.

February 10, 1999

GA 9058 JOHN CHARLES, appointed January 15, 1997, for a term ending at the pleasure of the Governor, as Director of the Department of Retirement Systems.

Reported by Committee on Ways and Means

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Long, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West and Wojahn.

Passed to Committee on Rules.

February 10, 1999

GA 9071 PATRICK McELLAGOTT, reappointed January 22, 1998, for a term ending December 31, 2000, as a member of the State Investment Board.

Reported by Committee on Ways and Means

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Long, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West and Wojahn.

Passed to Committee on Rules.

February 10, 1999

GA 9072 HELEN C. MALONE, appointed January 29, 1998, for a term ending September 30, 2002, as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges District No. 17.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair, Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules.

February 10, 1999

GA 9073 GERALD MORGEN, appointed February 11, 1997, for a term ending December 31, 1999, as a member of the State Investment Board.

Reported by Committee on Ways and Means

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Long, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West and Wojahn.

Passed to Committee on Rules.

February 10, 1999

GA 9080 KATHARINE AKERS SHEEHAN, appointed December 12, 1997, for a term ending June 12, 2001, as a member of the Columbia River Gorge Bi-State Commission.

Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Snyder, Spanel, and Stevens.

Passed to Committee on Rules.

February 10, 1999

GA 9107 JAMES W. CUNNINGHAM, appointed March 6, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Bellingham Technical College District No. 25.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair, Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules.

February 10, 1999

GA 9109 DENNIS A. DUNCAN, appointed October 27, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair, Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules.

February 10, 1999

GA 9149 JON W. McFARLAND, appointed November 10, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair, Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules.

February 10, 1999

GA 9168 JAMES K. ROTTLE, appointed January 1, 1999, for a term ending September 30, 2003, as a member of the Board of Trustees for Green River Community College District No. 10.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair, Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules.

February 10, 1999

GA 9175 JOYCE C. STEWART, appointed November 10, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair, Shin, Vice Chair; Bauer, Horn, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules.

February 10, 1999

GA 9177 MARY GRANT TOMPKINS, appointed November 9, 1998, for a term ending September 30, 1999, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair, Shin, Vice Chair; Bauer, Horn, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules.

February 10, 1999

GA 9182 JOSIE WANNARACHUE, appointed October 29, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair, Shin, Vice Chair; Bauer, Horn, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules.

February 10, 1999

GA 9188 KATHERINE KENISON, appointed December 28, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair, Shin, Vice Chair; Bauer, Horn, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

July 14, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gay Kiesling, appointed July 1, 1998, for a term ending June 30, 2002, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,  
GARY LOCKE, Governor

Referred to the Committee on Labor and Workforce Development.

MESSAGE FROM THE HOUSE

February 10, 1999

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1007,

HOUSE BILL NO. 1011,

HOUSE BILL NO. 1018,

HOUSE BILL NO. 1051,

SUBSTITUTE HOUSE BILL NO. 1054, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 5828 by Senators B. Sheldon, Snyder, Franklin, Bauer, Rasmussen, Patterson, Fairley, Kohl-Welles, McAuliffe, Fraser, Prentice, Thibaudeau, Jacobsen, T. Sheldon and Spanel

AN ACT Relating to the Washington gift of life award; amending RCW 1.50.005, 1.50.030, and 1.50.040; and repealing RCW 1.50.020.

Referred to Committee on State and Local Government.

SB 5829 by Senators Thibaudeau and Loveland

AN ACT Relating to professional services; and amending RCW 18.100.050 and 25.15.045.

Referred to Committee on Health and Long-Term Care.

SB 5830 by Senators T. Sheldon and Haugen

AN ACT Relating to transportation congestion relief; amending RCW 46.68.095, 47.01.280, 43.84.092, and 43.84.092; adding a new section to chapter 46.68 RCW; adding a new section to chapter 43.160 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5831 by Senators Hargrove and Costa

AN ACT Relating to creating a new division of substance abuse and mental health within the department of social and health services; amending RCW 70.96A.040, 70.96A.043, 70.96A.905, 71.05.020, 71.06.010, 71.09.020, 71.12.455, 71.24.025, 71.34.020, 71.36.010, 70.96A.020, 70.96A.045, 70.96A.050, 70.96A.070, 70.96A.090, 70.96A.100, and 43.20A.060; adding a new section to chapter 41.06 RCW; adding new chapters to Title 71 RCW; creating new sections; recodifying RCW 70.96A.040, 70.96A.043, 70.96A.905, 70.96A.010, 70.96A.011, 70.96A.020, 70.96A.045, 70.96A.050, 70.96A.070, 70.96A.085, 70.96A.087, 70.96A.090, 70.96A.095, 70.96A.097, 70.96A.110, 70.96A.120, 70.96A.140, 70.96A.145, 70.96A.150, 70.96A.160, 70.96A.170, 70.96A.180, 70.96A.190, 70.96A.230, 70.96A.235, 70.96A.240, 70.96A.245, 70.96A.250, 70.96A.255, 70.96A.260, 70.96A.265, 70.96A.300, 70.96A.310, 70.96A.320, 70.96A.330, 70.96A.340, 70.96A.400, 70.96A.410, 70.96A.420, 70.96A.430, 70.96A.500, 70.96A.510, 70.96A.520, 70.96A.910, 70.96A.915, 70.96A.920, and 70.96A.930; and repealing RCW 70.96A.030, 70.96A.060, and 70.96A.080.

Referred to Committee on Human Services and Corrections.

SB 5832 by Senators Horn, Haugen and Prentice (by request of State Building Code Council)

AN ACT Relating to increasing the building code council fee; and amending RCW 19.27.085.

Referred to Committee on State and Local Government.

SB 5833 by Senators Wojahn, Heavey, Fairley and Thibaudeau

AN ACT Relating to decisions about health care services; amending RCW 4.16.350; adding a new section to chapter 4.24 RCW; adding a new section to chapter 7.70 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5834 by Senators Thibaudeau, Costa, Fairley, Gardner, Eide, T. Sheldon, Prentice, Kline, Rasmussen and Kohl-Welles

AN ACT Relating to in-home care services; adding new sections to chapter 74.39A RCW; adding a new section to chapter 70.47 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5835 by Senators Stevens, Haugen, Zarelli, Wojahn, Thibaudeau, Rasmussen, Oke and Kohl-Welles

AN ACT Relating to foster parents; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 5836 by Senators Long, Haugen, Winsley, Zarelli, Wojahn, Thibaudeau, Rasmussen and Oke

AN ACT Relating to foster parents; amending RCW 74.14B.080; creating new sections; making appropriations; providing an effective date; and declaring an emergency.  
Referred to Committee on Human Services and Corrections.

SB 5837 by Senators Bauer, Long, Winsley, Jacobsen, Fraser, Roach, Rossi, Rasmussen and Oke

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

SB 5838 by Senators McAuliffe, Eide and Rasmussen

AN ACT Relating to personal holiday leave sharing for school district employees; and amending RCW 28A.400.380.  
Referred to Committee on Education.

SB 5839 by Senators Patterson and Horn

AN ACT Relating to accurate seller's real estate disclosures concerning title, water, sewer or septic, and structural or physical condition; and amending RCW 64.06.020.  
Referred to Committee on State and Local Government.

SB 5840 by Senators Patterson, Eide, Costa, McAuliffe and Jacobsen

AN ACT Relating to occupation safety and health actions; adding new sections to chapter 49.17 RCW; creating a new section; and making an appropriation.  
Referred to Committee on Labor and Workforce Development.

SB 5841 by Senators Roach, West, Horn, Zarelli, Stevens, Rossi, Hochstatter and Honeyford

AN ACT Relating to valuation of unique real property; and adding a new section to chapter 84.40 RCW.  
Referred to Committee on Ways and Means.

SB 5842 by Senators Roach, West, Horn, Zarelli, Stevens, Rossi, Hochstatter and Honeyford

AN ACT Relating to tax appeals; and amending RCW 84.08.130.  
Referred to Committee on Ways and Means.

SB 5843 by Senators Prentice and Winsley

AN ACT Relating to the housing finance commission; and amending RCW 43.180.070.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5844 by Senators Patterson and Hargrove

AN ACT Relating to standards for school security personnel; and adding a new section to chapter 28A.300 RCW.  
Referred to Committee on Education.

SB 5845 by Senators Hargrove and Long

AN ACT Relating to supervision of juvenile offenders serving terms of confinement; and amending RCW 13.40.185.

Referred to Committee on Human Services and Corrections.

SB 5846 by Senators Heavey, Fairley, Costa, Goings, Eide, Kline and Sheahan

AN ACT Relating to laser pointers; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5847 by Senators Costa, Long, Hargrove, Haugen, McCaslin and Heavey

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

Referred to Committee on Human Services and Corrections.

SB 5848 by Senators Hargrove, Hochstatter, Thibaudeau and Oke

AN ACT Relating to the basic health plan; amending RCW 70.47.010, 70.47.020, 41.05.140, 43.84.092, and 43.84.092; providing an effective date; and providing an expiration date.

Referred to Committee on Health and Long-Term Care.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Changing provisions relating to counterfeited intellectual property.

Referred to Committee on Judiciary.

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

Clarifying that electronic communications are included in the crimes of harassment and stalking.

Referred to Committee on Judiciary.

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

Changing Washington award for vocational excellence provisions.

Referred to Committee on Higher Education.

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

Recovering industrial insurance benefits payments.

Referred to Committee on Labor and Workforce Development.

SHB 1054 by House Committee on Agriculture and Ecology (originally sponsored by Representatives G. Chandler, Linville, Schoesler, Clements, Grant, Anderson, Parlette, Dunshee and Cooper)

Giving direction to the commission on pesticide registration.

Referred to Committee on Agriculture and Rural Economic Development.

MOTION

At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, February 12, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-SECOND DAY, FEBRUARY 11, 1999

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

**THIRTY-THIRD DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Friday, February 12, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio and Finkbeiner. On motion of Senator Honeyford, Senators Deccio and Finkbeiner were excused.

The Sergeant at Arms Color Guard consisting of Pages Matthew Hall and Benjamin Pratt, presented the Colors. Reverend Howard Ullery, Jr., pastor of the Lacey Community Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 11, 1999

**SB 5063** Prime Sponsor, Senator B. Sheldon: Making changes in the TANF program to facilitate adult recipients' completion of education or training that will lead to gainful employment. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline, Oke and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Referred to Committee on Ways and Means.

February 10, 1999

SB 5173 Prime Sponsor, Senator Jacobsen: Creating a Cascade foothills recreational area study. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5173 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

February 11, 1999

SB 5194 Prime Sponsor, Senator Brown: Changing information technology management provisions. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Fairley, Fraser, Hochstatter, Roach and Rossi.

Passed to Committee on Rules for second reading.

February 11, 1999

SB 5331 Prime Sponsor, Senator Brown: Establishing public utility tax credits for weatherization and energy assistance programs. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5331 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Fairley, Fraser, Hochstatter, Roach and Rossi.

Referred to Committee on Ways and Means.

February 11, 1999

SB 5336 Prime Sponsor, Senator Kline: Specifying allowable sewer facility capacity charges. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn and Kline.

Passed to Committee on Rules for second reading.

February 11, 1999

SB 5415 Prime Sponsor, Senator Patterson: Eliminating and consolidating boards, commissions, and programs. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5415 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 11, 1999

SB 5496 Prime Sponsor, Senator Brown: Authorizing the department of revenue to receive electronically filed taxpayer returns and remittances. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Fairley, Fraser, Hochstatter, Roach and Rossi.

Passed to Committee on Rules for second reading.

February 11, 1999

SB 5574 Prime Sponsor, Senator Kohl-Welles: Increasing timeliness of fire death reports. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5574 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 11, 1999

SB 5575 Prime Sponsor, Senator Haugen: Adding an ex officio member to the building code council. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 11, 1999

SB 5826 Prime Sponsor, Senator Haugen: Providing funding for the acquisition of rights and interests in open space, farm, and timber land. Reported by Committee on State and Local Government

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Referred to Committee on Ways and Means.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5063, Senate Bill No. 5173 and Senate Bill No. 5331 were referred to the Committee on Ways and Means

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 11, 1999

GA 9127 W. ELIZABETH HUANG, appointed September 29, 1998, for a term ending October 1, 2002, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, T. Sheldon, West and Winsley.

Passed to Committee on Rules.

February 11, 1999

GA 9143 PATRICK H. LePLEY, reappointed November 16, 1998, for a term ending January 17, 2005, as a member of the Horse Racing Commission.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, T. Sheldon, West and Winsley.

Passed to Committee on Rules.

February 11, 1999

GA 9164 GUY ROBERTS, appointed August 18, 1998, for a term ending January 17, 2001, as a member of the Horse Racing Commission.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, T. Sheldon, West and Winsley.

Passed to Committee on Rules.

February 11, 1999

GA 9173 DOLORES SIBONGA, appointed August 18, 1998, for a term ending January 17, 2000, as a member of the Horse Racing Commission.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, T. Sheldon, West and Winsley.

Passed to Committee on Rules.

#### PERSONAL PRIVILEGE

Senator Roach: "A point of personal privilege, Mr. President. I just want to thank you, in behalf of all of us, I believe, for the cookie that is here on our desk from Brad and Linda Owen. It looks wonderful and we just want you to know that we love you, too."

#### REPLY BY THE PRESIDENT

President Owen: "My wife worked diligently on those cakes that are on your desk and I am sure she loves you, too. Thank you very much."

#### POINT OF ORDER

Senator Tim Sheldon: "Thank you, Mr. President. A point of order. I know it would be a break in decorum to partake of this wonderful Valentine, but I just want to know if the President and his wife are forming some type of entrapment here with this offering? Regardless of the motive, we still appreciate the gift."

#### REPLY BY THE PRESIDENT

President Owen: "There is one way to find out, Senator Sheldon."

POINT OF ORDER

Senator McAuliffe: "Mr. President, a point of order. Can I have Senator Deccio's cookie?"

REPLY BY THE PRESIDENT

President Owen: "You will have to take that up with Senator Deccio."

POINT OF ORDER

Senator Roach: "A point of order. I'll arm-wrestle you for it."

INTRODUCTION AND FIRST READING

SB 5849 by Senators Haugen and Fraser

AN ACT Relating to laser pointers; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5850 by Senators Haugen, McCaslin, Fraser, Loveland, Deccio, Winsley and Rasmussen

AN ACT Relating to the impact of retirement allowance adjustments on state-funded long-term care services; amending RCW 41.40.188; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5851 by Senators Horn, Hochstatter, Benton, McDonald, Stevens, Johnson, Honeyford, Winsley, Hale, Oke, Sellar, Sheahan, Rossi, McCaslin and West

AN ACT Relating to class size reduction; amending RCW 28A.150.260 and 28A.150.260; making an appropriation; providing an effective date; and providing a contingent effective date.

Referred to Committee on Education.

SB 5852 by Senators Kohl-Welles, Heavey, McCaslin and Winsley

AN ACT Relating to providing a signed receipt for payments made by a tenant; and amending RCW 59.18.063.

Referred to Committee on Judiciary.

SB 5853 by Senators Kohl-Welles, Long, Hargrove, Brown, Thibaudeau, Prentice, Winsley and Costa

AN ACT Relating to child care for children in homeless families; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 5854 by Senators Hargrove, Prentice, Costa and Kohl-Welles

AN ACT Relating to hunger in Washington; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on Human Services and Corrections.

SB 5855 by Senator Heavey

AN ACT Relating to the removal of the transportation commission; amending RCW 43.17.020 and 47.01.041; reenacting and amending RCW 47.01.101; adding a new section to chapter 47.01 RCW; repealing RCW 47.01.051, 47.01.061, and 47.01.071; and providing an effective date.  
Referred to Committee on Transportation.

SB 5856 by Senator Jacobsen (by request of Parks and Recreation Commission)

AN ACT Relating to fees charged by the state parks and recreation commission; and amending RCW 43.51.060.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5857 by Senators Goings and Horn

AN ACT Relating to alternative financing mechanisms for regional transit authorities; adding new sections to chapter 81.112 RCW; and creating a new section.  
Referred to Committee on Transportation.

SB 5858 by Senators Jacobsen, Haugen, Fraser, Gardner and Winsley

AN ACT Relating to off-road vehicle areas; and amending RCW 46.09.020.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5859 by Senators Prentice, Benton, Winsley and Spanel

AN ACT Relating to financial institutions; amending RCW 11.11.010; providing an effective date; and declaring an emergency.  
Referred to Committee on Judiciary.

SB 5860 by Senators Hargrove, Prentice, Long, Winsley, Thibaudeau, Wojahn, Oke and Kohl-Welles

AN ACT Relating to the employment of persons with disabilities; adding a new section to chapter 82.04 RCW; and creating a new section.  
Referred to Committee on Labor and Workforce Development.

SB 5861 by Senator Swecker

AN ACT Relating to alternative on-site septic systems; amending RCW 70.118.010, 70.118.020, and 70.118.050; and adding a new section to chapter 70.118 RCW.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5862 by Senators Gardner, Horn, Patterson, McCaslin and Haugen

AN ACT Relating to public record protection; and amending RCW 42.17.310.  
Referred to Committee on State and Local Government.

SB 5863 by Senators Benton, Hargrove, Honeyford, Bauer, Johnson and Rossi

AN ACT Relating to boarding homes; amending RCW 18.20.020 and 18.20.020; providing a contingent effective date; and providing a contingent expiration date.  
Referred to Committee on Health and Long-Term Care.

SB 5864 by Senators Fairley, Thibaudeau and Kohl-Welles

AN ACT Relating to allowing residents of long-term care facilities to return to their home; adding a new section to chapter 48.46 RCW; and creating a new section.  
Referred to Committee on Health and Long-Term Care.

SB 5865 by Senators Kohl-Welles, Zarelli and Winsley

AN ACT Relating to guardianship fees; and amending RCW 11.92.180.  
Referred to Committee on Human Services and Corrections.

SB 5866 by Senators Fraser, Prentice, Kline and Kohl-Welles (by request of Department of Agriculture)

AN ACT Relating to eliminating component registration of fertilizer products; amending RCW 15.54.325 and 15.54.340; providing an effective date; and declaring an emergency.  
Referred to Committee on Environmental Quality and Water Resources.

SB 5867 by Senators Haugen, West, Loveland, Hochstatter, T. Sheldon, Oke, Heavey, Hale, Rasmussen and Honeyford

AN ACT Relating to the entrance criteria for retrospective rating groups; amending RCW 51.16.035; adding a new chapter to Title 51 RCW; and declaring an emergency.  
Referred to Committee on Labor and Workforce Development.

#### MOTION

At 10:09 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 10:45 a.m.

The Senate was called to order at 10:53 a.m. by President Owen.

#### MOTION

At 10:53 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:55 a.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5497, by Senators Snyder and Zarelli

Regulating the use of dredge spoils in Cowlitz County.

The bill was read the second time.

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5497 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5497.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5497 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Deccio and Finkbeiner - 2.

SENATE BILL NO. 5497, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5053, by Senators Fairley, Goings, Oke and Costa

Including parents under the age of eighteen in the crime of assault against a child.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 5053 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5053.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5053 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Deccio and Finkbeiner - 2.

SENATE BILL NO. 5053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5027, by Senators Goings and Swecker

Providing for control of dangerous dogs.

#### MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5027 was substituted for Senate Bill No. 5027 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Goings, the rules were suspended, Substitute Senate Bill No. 5027 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5027.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5027 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Deccio and Finkbeiner - 2.

SUBSTITUTE SENATE BILL NO. 5027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5185, by Senators Haugen, Benton, T. Sheldon, Finkbeiner, Goings, Gardner, Prentice, Sellar and Winsley

Adjusting limits for highway work by state forces.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5185 was substituted for Senate Bill No. 5185 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5185 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5185.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5185 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senators Sellar and West - 2.

Excused: Senators Deccio and Finkbeiner - 2.

SUBSTITUTE SENATE BILL NO. 5185, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5112, by Senators Franklin, Winsley, Thibaudeau, Wojahn, McAuliffe, Deccio, Prentice, Costa, Rasmussen, Fraser, Brown, McCaslin, Patterson, Spanel, Eide, Kline, Bauer, Loveland, Jacobsen, Goings, Hale, Swecker, Haugen, Fairley, Gardner, B. Sheldon, Rossi, Johnson and Kohl-Welles

Regulating health insurance benefits for mastectomies.

#### MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5112 was substituted for Senate Bill No. 5112 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5112 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5112.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5112 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Deccio and Finkbeiner - 2.

SUBSTITUTE SENATE BILL NO. 5112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5240, by Senators Costa, Deccio and Winsley (by request of Department of Health)

Repealing the requirement to maintain a registry for handicapped children.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 5240 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5240.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5240 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Deccio and Finkbeiner - 2.

SENATE BILL NO. 5240, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### POINT OF INQUIRY

Senator McCaslin: "Senator Goings was here and said that was Senator Costa's first speech. Senator Costa, was that your first speech on the floor?"

Senator Costa: "Yes, Senator McCaslin, it was my first speech on the floor."

Senator McCaslin: "Excellent speech, of course, but when you do make your first speech we usually pass out little goodies to everyone. Now, when Senator Eide made her first speech, she passed out baseballs which I couldn't eat. Now, if we are going to continue that trend, I would appreciate a baseball bat or a catcher's mitt or a first baseman's glove. Do you have anything in mind that you are going to furnish the Senators?"

Senator Costa: "I hardly think that that little tiny floor speech was worth a gift."

Senator McCaslin: "Am I on? Senator Costa, you are so valuable and so important that we think it would deserve an Oscar or an Emmy or something like that, but we just want a simple, simple gift. I like the Louisville Sluggers, by the way."

#### PERSONAL PRIVILEGE

Senator Costa: "Mr. President, a point of personal privilege. In response to Senator McCaslin, I would like to say, 'Yes, indeed, I do have a gift for you today.' We will shortly pass those out. Unfortunately, Senator McCaslin, I am sorry to say that it is not something to eat. Mr. President took care of that this morning. Thank you for the treat. What we are going to be passing out is something that actually comes as a gift from my district. One of the businesses in my district is Hewlett Packard, and as I am also one of the people that is helping us to move into the next century with lap top computers, I've asked them to provide a gift. Unfortunately, it is not a lap top computer. What it is is actually a mouse pad that has a photograph of Mr. Hewlett and Mr. Packard with a photograph of the garage where the first Hewlett-Packard products were designed and built. It is in commemoration of their fiftieth anniversary; it is autographed by both Mr. Packard and Mr. Hewlett. That garage is actually designated as a historical site now. So, you are going to get a little history, a little business, and we are going to move into the next century. I want you to get a lap top that you can actually put an external mouse on and use your mouse pad. Thank you."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Costa, if you wish to take partial credit for the treat that my wife slaved over yesterday, she would appreciate if you would come to the kitchen and help her with it next time."

#### PERSONAL PRIVILEGE

Senator Hargrove: "A point of personal privilege. Thank you, Mr. President, I didn't realize we weren't supposed to eat the baseball. I am wondering how this mouse pad will taste."

#### PERSONAL PRIVILEGE

Senator Heavey: "A point of personal privilege, Mr. President. The serenity of the morning was disturbed by the lady from the Thirty-Eighth. I wish we had warning that her speech was coming, because I certainly could have used some ear plugs. It reminded me of the ructioning of camels during mating season. I think a gift is totally appropriate by having our serenity affected by her first speech. Thank you."

#### SECOND READING

SENATE BILL NO. 5001, by Senators Morton, Deccio, Honeyford, T. Sheldon, Swecker, Hargrove, Rossi, Hochstatter, Oke and Rasmussen

Authorizing hunting of cougar with the aid of dogs.

#### MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5001 was substituted for Senate Bill No. 5001 and the substitute bill was placed on second reading and read the second time.

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Wells, Patterson and Franklin be adopted:

On page 2, line 9, after "dogs." insert "Notwithstanding RCW 77.12.240 or any other provisions of law, it is unlawful to hunt or pursue cougar with the aid of a dog or dogs except by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of addressing a documented and verified instance of endangerment to livestock, domestic animals, private property, or the public safety."

## MOTION

On motion of Senator Roach, all the remarks on final passage of Substitute Senate Bill No. 5001 will be spread across the Journal.

### REMARKS BY SENATOR KOHL-WELLES

Senator Kohl-Welles: "Thank you, Mr. President, and members of the body. Part of this bill before us would repeal one part of Initiative 655, which was approved by the voters. This part of Initiative 655 prohibits the use of hounds, of dogs, for the hunting of cougars. The voters sent us a message. By our vote today, we would be changing what they voted into law. This amendment would not take away the availability of hunting cougars with dogs, but however, would restrict the use of dogs for only authorized officials--federal, state, or county officials--and it would also require that there be documented and verified evidence of the endangerment to livestock, domestic animals, private property, as the public safety of the result of cougars. This is really a compromise here; it doesn't take away the right to use dogs, but only limits their use in situations that are documented and by officials only. I urge your support of this amendment."

### REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Thank you, Mr. President. Actually, my reading of this amendment would be more restrictive than Initiative 655 was. Under Initiative 655, our Fish and Game Department can use hound hunters to go out and deal with a problem animal. This amendment would, not only, say that is the only way that hounds can be used, but it would require that the animal have a documentation and verification that it is a dangerous animal, as opposed to that solely being up to the Fish and Game agents at this point in time. We will get on to speak about the rest of what the bill does later, but this amendment would actually be more restrictive than 655 by requiring some documentation of that dangerousness of the cougar as opposed to leaving that up to our Fish and Game agents, so I urge your opposition."

### REMARKS BY SENATOR MORTON

Senator Morton: "Thank you, Mr. President and ladies and gentlemen of the Senate. I want to thank the Senator from Hoquiam/Aberdeen for his good comments in opposition to the amendment. We already have a department that is heavily in debt and this would further add great expense for documentation and verification for only officials to be able to manage, in addition to what has already been covered. This would just continue what we have experienced in the last two years to be an eminent and a present danger and health hazard upon the citizens of this state--both young and old. I don't know as I will get into--I won't, Mr. President, get into the examples, because we spent a long time in committee under the good leadership of our chairman, in listening to numerous examples of confrontation in both arenas--human and animal--and the devastation that it has brought both to individuals, as well as to livestock at large. We simply have to allow the Department of Fish and Game to have the authority, along with the citizenry to properly manage--to properly manage--the cougar of our state. I ask you to vote 'no' on the amendment."

### REMARKS BY SENATOR ROACH

Senator Roach: "Thank you, Mr. President. As many of you know, I have been working on this particular bill for probably eight months now and will speak to it when the bill actually comes up. I've answered questions many times on the radio, on television and other places regarding this changing of an Initiative. So, I want to address that portion of Senator Kohl-Welles statement. We do that all the time. Initiatives are typically filed; there is no review in a committee process. Once it is filed, once the citizens have paid their five dollars and file it with the Secretary of State, you can't change the wording. It's that way forever until the citizens vote on it and if approved, the Constitution allows for a way to change the wording.

"Our founding fathers understood that a law isn't put in stone and it should be able to be changed. So, with a two-thirds vote, after the first two years, you can change an Initiative and after that a simple majority. What we have here is a case like many other Initiatives dealing with Hard Time for Hard Crime or any of the others, when there

is something that needs to be tweaked, we do it. In this case, I can't think of a more important time to do it than now, because our citizens--not in just eastern Washington, but in my district--are at risk. And also, Senator Kohl-Welles, your citizens, because they go into the mountains and they hike and they are now seeing signs that are essentially saying, 'Enter this public trail at your own risk, because of wildlife--cougar particularly.' I think that we need to be cognizant of these facts and do the responsible thing and vote 'no' on this amendment."

#### REMARKS BY SENATOR KOHL-WELLES

Senator Kohl-Welles: "Thank you, Mr. President. To close the debate, I very much appreciate what the good Senators brought out in their floor remarks and I can't say that I disagree with them, but this amendment would not take away the opportunity for dogs to be used in hunting cougars. What Senator Roach said is very accurate. Many of the urban residents do go out and hike and their safety should be regarded, but I believe this amendment provides for the needs through proper officials to conduct the hunting with the use of dogs when considered appropriate. I urge your support of the amendment."

#### REMARKS BY SENATOR McCASLIN

Senator McCaslin: "Thank you--not to prolong the debate, but I'll open it--just a little window in the debate. A few minutes ago, we voted on a bill on vicious dogs. Cougars aren't vicious; they are just hungry. When they come into your yard to attack a child, I think it is serious, very serious, even more so than the vicious dog. I think we should have the ability to hunt for those without calling the Game Department, incurring more costs and extending the time when we really want to search those animals out. I would appreciate you're voting 'no' on this."

#### REMARKS BY SENATOR TIM SHELDON

Senator Tim Sheldon: "Thank you, Mr. President. I also want to rise and urge you to defeat this amendment. I think there is a little confusion here. These are not the canine dogs; this is not a German Shepard that goes home with its handler and comes out to chase down a suspect. These are highly specialized hounds which are used mostly by volunteers to have the means and also--well, the ability to work with these dogs and train them for this specific purpose. We can't leave these people out of the equation and just leave it to the agents, because certainly our Fish and Wildlife officers do not have the resources. They are even restricted to just twelve hundred miles a month right now in their ability to drive--to use their vehicle. So, I urge your defeat of this amendment."

#### REMARKS BY SENATOR THIBAudeau

Senator Thibaudeau: "Thank you, Mr. President, rising in support of the amendment. If you read it, you will see that it simply broadens the number of agents--employees of all kinds of the government. For example, agents of county, state, or federal agencies while acting in their official capacities. Some have said that there aren't enough dogs. That may be true, however, the substitute bill really opens it up. This would give the authority to hunt with hounds to a variety of officials. I urge you to support the amendment."

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl Welles, Patterson and Franklin on page 2, line 9, to Substitute Senate Bill No. 5001.

The motion by Senator Kohl-Welles failed and the amendment was not adopted by voice vote.

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### REMARKS BY SENATOR MORTON

Senator Morton: "Thank you, Mr. President, and ladies and gentlemen of the Senate. I would really appreciate your vote on this for the protection of our citizenry, as well as those involved in agriculture and particularly live stock. The Diamond M Ranch is just a little ways north of my home. The Diamond M Ranch, this last year, had

twenty-six calves killed by cougar and the previous year, forty-six. The owner of the ranch, Len McIrvine, wrote me a letter and said, 'You know, Bob, that's the expense for my son for his year of college'

"Also, besides the human confrontations which we get considerable press and the media about, I thought to just refresh our minds what we are dealing with here, because many times we think of the cougar as a cat. They are a lion. The gentleman in our area, when the state had a bounty hunt for cougars, was nicknamed Cougar Sam. He made his living from hunting cougars. He is credited with over eight thousand cougar in the course of his adult years. He figured that the average weight of the cougar that he took was in the one hundred-seventy pound bracket. Now, I'm not sure exactly, and I don't want to point fingers, who might weight a hundred and seventy pounds here, but that is a pretty good size of being to come on to us and attack us with the tremendous strength of their jaws and their claws. So, we are dealing with really quite a vicious animal. It has no common predator, other than man.

"This bill just scratches one word in the Initiative. That's all it does. We are not adversely changing the decision of the populous in their vote. It just scratches one word and that is 'cougar' allowing for the use of hounds under the management of the Department of Fish and Wildlife within the numerous hunting units that we have.

"In the state of Washington, our whole state is divided into very small hunting units. I talked with Senator Horn, for example, from Mercer Island. He said, "Bob, would it be possible then, if we had any cougar on Mercer Island for the department to be able to issue permits or whatever was necessary to control in just that small area?' Yes, under this bill, it would be. It would allow the department to manage, then, the cougar population in this state.

"Of course, we want the cougar, but we want to be able to manage them. The senior/adult cougar enjoys the high mountain, pristine areas of our state, but they are very territorial. That is their nature. The average distance that they call their territory is ten square miles or more and therefore, depending on food availability for them and the terrain, they will protect their area--their domain. That has caused, in the last several years, the smaller cougar to be driven down to the lower land and into suburbia. So, it is because of the over-population and the territorial characteristics of the cougar that we have them encroaching now into our more civilized and urban areas.

"This bill will allow the Department of Fish and Game to properly manage the cougar of our state. I ask you to vote 'yes' on the final passage of the bill. Thank you."

#### REMARKS BY SENATOR STEVENS

Senator Stevens: "Thank you, Mr. President. I rise in support of Substitute Senate Bill No. 5001. In committee, when this was before us, as were four other bills similar to it, we heard the testimony from a mother who showed pictures of her son's 4-H project. This 4-H project had been exhibited all over the state and had won national prizes of very significant stature. It broke my heart, when she also explained that her son's pet llama had been stalked and killed by a cougar. This was in their back yard; this was not out in the woods somewhere. We have many similar incidences within my own district--in the Monroe area and in the foothills of the Cascades where people have lived for many, many years and have never seen a cougar. There is a lot of talk about the encroachment of people upon the terrain of the cougar, but in fact we know that the population of the cougar has expanded greatly due to our protection of other species and the prevalence of much game in the hill. Yes, there is game for them to eat, but as was explained by the former speaker, they also seek after domestic animals because they are easy--very easy-to-kill prey. I urge your support of this measure. On behalf of those folks in my district and other areas where childrens' pets are being abolished and killed by these predators."

#### REMARKS BY SENATOR ROACH

Senator Roach: "A year ago at this time, a cougar was in the Lakeland Hills, which is the incorporated area of the city of Auburn and a green belt. A woman walked out on her porch and there she was looking, not even feet away from her hand, at a full grown male cougar. Since that time, we have seen the sightings and the encounters increased, and I have received phone calls and messages from people literally all over western Washington and some in eastern Washington--because of what is happening. We have had cougars outside the fence in preschool areas of schools here in Olympia. We've had them in neighborhoods out on the Peninsula.

"So, I believe that this is a good bill and needs to be passed. I know that the citizens of the state of Washington are very, very concerned, as we all were, when there was a bat in the Governor's Mansion and there was just a chance that that little baby would have been harmed. We all watched that. Well, I believe that there is a danger for our children outside the Governor's Mansion and that they, too, have the right to be protected and would urge your support of this bill."

#### REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Thank you, Mr. President. Well, I'm not going to repeat all the arguments that have been made up to now, but I know that there will be some that will say, 'Well, the Initiative did not ban hunting of cougar, it just banned the use of hounds in the hunting of cougar.' So, I wanted to address that issue briefly, because the Department of Fish and Game has been issuing 'boot permits' or permits for deer hunters to hunt cougar for the last twenty years and, in fact, recently have expanded that, so that there is no limit on the number of boot permits for hunting cougars. Yet, in that time, they have a total of one cougar taken with a boot permit. You just do not walk through the woods and get close enough to a cougar to shoot it while you are out hunting for deer and some other animal. They are extremely stealthful and they are not around. You just don't see them. They smell you coming and they go off. If they see you and you see them, you are probably the game.

"I have worked in the woods for over twenty years on the Olympic Peninsula. The Wildlife Department says that there are over five hundred animals on the Olympic Peninsula and in all that time, I have seen one cougar. Yet, I know from the Game Department that there are four cougars out behind my house. There are two adults and there are two kittens, I guess they call them. Now, when those kittens grow up, my children, in my back yard, are going to be potential game to those cougars. The whole issue here is being able to manage the population like we manage all other wildlife population in the state so there is a balance, letting our professionals manage that population. The other point that has not been brought up is that it is not just children, and it is just not domestic animals, our natural deer and elk populations are being disseminated in some areas because the cougar populations are not being controlled. So, I mean, it has an issue in the natural there, too. I would urge your support of the bill."

#### REMARKS BY SENATOR JACOBSEN

Senator Jacobsen: "Thank you, Mr. President. The other thing I want to emphasize about the bill, it doesn't mandate the Fish and Wildlife Department to authorize cougar hunting. They are authorized to do it on a regional basis or in any way they see fit after they have had hearings and they have looked at the information from the biologists. It is going to be based on good scientific information. There are areas so complicated that to think that it could be regulated by Initiative is not a good idea. You need to have the experts take a look at it and make a decision." "The other thing I want to emphasize in the bill, we put in the requirement that the department distribute information on how to live with cougars and what to do in case of danger. On top of that, there is an emergency clause on it. In part, I felt that was necessary, because last year while visiting a city light dam in eastern Washington, the very day I was over there, there was a report of a five year old being mauled by a cougar in a park. I thought if we are going to do this, we need an emergency clause on it. It would be a shame to wait for ninety days after the session is over to take effect. In that time, somebody could be injured and that would be really heart breaking. I urge you all to support the bill."

#### REMARKS BY SENATOR HEAVEY

Senator Heavey: "Thank you, Mr. President. Coming from an urban district, I have probably ten letters and hotlines saying, 'vote no' on this bill, but I think it is just a matter to me of common sense that a cougar, while it is a nice animal, is a predator. The more that there are, the more they are going to get pushed out. I remember back in the seventies or early eighties, we had a cougar in Ballard that had come down the railroad tracks. If we don't pass this, and even if we do pass it, it is just a matter of time until a mother leaves a baby out on a blanket in the back yard and that cougar that is lying in the woods behind, pops out and the kid is gone. It is just a matter of time and I think it is less likely to happen if we pass this bill than if we don't. All things considered, I would urge a 'yes' vote on this bill."

#### POINT OF INQUIRY

Senator Franklin: "Senator Jacobsen, I, too, much as the good Senator from the Thirty-Fourth District, has had stacks of letters and e-mails saying to vote against this measure, because there are other ways or ways of really controlling the cougars. There was also an explanation of how the cougars are chased up a tree and how cruel it had been in search of these cougars. My question to you, then, is will the cougar population be scientifically controlled and also with the Department of Fish and Wildlife, if you will--Department of Game--I guess that is the old name--will have a real great hand in this instead of just letting dogs unmanaged go out and hunt these predators, if you will, to upset the balance of the environment. So, my question--maybe I confused it a bit, but do you understand what I am trying to get at?"

Senator Jacobsen: "In answer to your question, I want to point out that the Commission does retain the authority for regulating the time and place for hunting cougar. I would assume they would have public testimony and information from wildlife biologists before they would allow a hunt. The other thing is, in a lot of these issues, the ecosystems and the balance is so upset now that we have to be in there manipulating--we don't have a natural relationship anymore between a prey and glory. With the growth and population and the sprawl and everything else, these incidents are going to become more common and we just have to have a way to handle it. In the back of it, of course, I point out that there is always the danger to human beings."

Senator Franklin: "Thank you."

#### REMARKS BY SENATOR KOHL-WELLES

Senator Kohl-Welles: "Thank you, Mr. President. I would like to set the record straight here. This debate on this bill is really not about whether there should be some control--managed control of the hunting of cougars. No one who opposes this bill wants to have little children being mauled by cougars. Even parents in Ballard--no where in this state does anybody want that. The question here though, ladies and gentlemen, is that the voters approved an Initiative and a very large part of that Initiative had to do with the disapproval of using one method for controlling the population of the cougar. That being the new account, that is what opposition to this bill is about. It is not about denying the hunting of cougars, it is not about having any lesser concern about public safety or the safety of domestic animals or property. Please keep that in mind. Thank you."

#### REMARKS BY SENATOR OKE

Senator Oke: "Thank you, Mr. President, and fellow Senators. We had, as has been stated, really good testimony on the issue and the Fish and Wildlife Department has come to us with a map of the state and it reveals the sightings that we have had on cougars. The extent that they really worked this problem and with the scientists that they have, we know that they were in excess in many, many areas. One of the issues that has occurred in Washington is those folks, as a business, raised and feed and took care of hound dogs--the people who do this--have actually left our state. They can no longer pursue what they consider an enjoyable and very expensive business for them individually.

"Previously, the department, if they had a cougar and it was a problem, they could call these individuals and they would assist in tracking down that animal that had gotten out of hand. We need to, again, be able to use these dogs--and they are controlled. They have radar controls on them and it is very dangerous for the dogs and it is probably a lot more dangerous for the dogs than it is for the cougar. I think Senator Hargrove made a comment about--it may be a little confusing to some of you--but when you are in the woods, you don't see any cougar. They don't come near you. Those are the ones that aren't hungry; the ones that are hungry do come around."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5001.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5001 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Franklin, Fraser, Gardner, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Oke, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, T., Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 33.

Voting nay: Senators Costa, Eide, Fairley, Goings, Haugen, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Sheldon, B., Shin, Thibaudeau and Wojahn - 14.

Excused: Senators Deccio and Finkbeiner - 2.

SUBSTITUTE SENATE BILL NO. 5001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

SENATE RESOLUTION 1999-8620

By Senators Goings, Oke, B. Sheldon, Snyder, McCaslin, Johnson, Swecker, Gardner, Shin, Rasmussen, Fairley, Hargrove, West, Deccio, Benton, Kohl-Welles, Wojahn, Zarelli, Roach, Long, T. Sheldon, Franklin, Fraser, Stevens and Sheahan

WHEREAS, Over 180,000 Americans are missing in action or have been declared prisoners of war in this century; and

WHEREAS, 1,868 Americans who served in the Vietnam War are still unaccounted for in Asia; and

WHEREAS, Fifty-one Americans from Washington State are still listed as missing in action or as prisoners of war; and

WHEREAS, The valiant efforts of Americans in foreign conflict should be acknowledged; and

WHEREAS, The state of Washington should maintain the awareness of its citizens to the plight of patriots that remain captive abroad; and

WHEREAS, The safe return of Americans who are still missing in action or prisoners of war is imperative;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor the brave actions of American prisoners of war and Americans missing in action; and

BE IT FURTHER RESOLVED, By the Senate of the state of Washington, that every city and town is encouraged to display the prisoner-of-war and missing-in-action flag on one or more of the existing flag poles in the city or town; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the President of the Senate to the Governor.

Senators Goings, Swecker, Oke, Bauer, Shin, Hochstatter, Franklin and Kline spoke to Senate Resolution 1999-8620.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the prisoners of war and missing in action organizations, as well as families with loved ones still listed as missing in action or as prisoners of war, who were seated in the gallery.

#### MOTION

At 12:12 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, February 15, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

THIRTY-THIRD DAY, FEBRUARY 12, 1999

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#### THIRTY-SIXTH DAY

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NOON SESSION

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Senate Chamber, Olympia, Monday, February 15, 1999

The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

## MOTION

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

## REPORTS OF STANDING COMMITTEES

February 11, 1999

SB 5064 Prime Sponsor, Senator Haugen: Protecting certain public transportation information. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5064 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 12, 1999

SB 5074 Prime Sponsor, Senator Roach: Establishing the crime of mail theft or receipt of stolen mail. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5074 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 11, 1999

SB 5102 Prime Sponsor, Senator Haugen: Increasing the level of training for fire fighters. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5102 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Horn, Johnson, Oke, Patterson, Sellar, T. Sheldon and Shin.

Referred to Committee on Ways and Means.

February 12, 1999

SB 5148 Prime Sponsor, Senator B. Sheldon: Changing permit assistance center provisions. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5148 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Morton, Jacobsen, McAuliffe and Swecker.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Honeyford.

Referred to Committee on Ways and Means.

February 12, 1999

SB 5190 Prime Sponsor, Senator Swecker: Regarding lakes management. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5190 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Morton, Honeyford, Jacobsen, McAuliffe and Swecker.

Referred to Committee on Ways and Means.

February 12, 1999

SB 5210 Prime Sponsor, Senator Stevens: Altering shelter care laws. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5210 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan and Stevens.

Referred to Committee on Ways and Means.

February 12, 1999

SB 5281 Prime Sponsor, Senator T. Sheldon: Changing provisions relating to the permit assistance center. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5281 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Referred to Committee on Ways and Means.

February 12, 1999

SB 5285 Prime Sponsor, Senator Hargrove: Permitting certain actions based on air emission or water or solid waste discharge. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5285 be substituted therefor, and the substitute bill do pass. Signed by Senators Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Kline, Vice Chair; Costa and Thibaudeau.

Passed to Committee on Rules for second reading.

February 12, 1999

SB 5288 Prime Sponsor, Senator Fraser: Changing the description of waters from which oil tanker passage is prohibited. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5288 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen and McAuliffe.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Honeyford and Morton.

Passed to Committee on Rules for second reading.

February 11, 1999

SB 5298 Prime Sponsor, Senator McAuliffe: Changing local assistance funds provisions. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5298 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

Referred to Committee on Ways and Means.

February 12, 1999

SB 5301 Prime Sponsor, Senator Heavey: Modernizing traffic offense processing. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 12, 1999

SB 5302 Prime Sponsor, Senator Roach: Defining the jurisdiction of civil antiharassment actions. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 12, 1999

SB 5304 Prime Sponsor, Senator Costa: Making violations of the liquor code misdemeanor offenses. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5304 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 11, 1999

SB 5315 Prime Sponsor, Senator Jacobsen: Creating the aquatic nuisance species coordination committee. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5315 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

February 11, 1999

SB 5363 Prime Sponsor, Senator Fairley: Enacting the civil service reform act of 1999. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5363 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Hochstatter and Oke.

Referred to Committee on Ways and Means.

February 11, 1999

SB 5365 Prime Sponsor, Senator Prentice: Regulating the preparation and sale of dietary supplements containing alcohol. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

February 11, 1999

SB 5402 Prime Sponsor, Senator Haugen: Concerning the compensation of the forest practices appeals board. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 11, 1999

SB 5412 Prime Sponsor, Senator McAuliffe: Authorizing the use of the education savings account for technology training for educators. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5412 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Kohl-Welles, Rasmussen and Swecker.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Zarelli.

Passed to Committee on Rules for second reading.

February 12, 1999

SB 5424 Prime Sponsor, Senator Winsley: Allowing the use of certain commercially approved herbicides for aquatic plant management. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5424 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Eide, Vice Chair; Morton, Honeyford, Jacobsen, McAuliffe and Swecker.

Referred to Committee on Ways and Means.

February 12, 1999

SB 5457 Prime Sponsor, Senator Costa: Revising provisions relating to conditions involving diversion agreements for juveniles. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5457 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan and Stevens.

Passed to Committee on Rules for second reading.

February 12, 1999

SB 5513 Prime Sponsor, Senator Costa: Augmenting provisions for execution witnesses. Reported by Committee on Judiciary

MAJORITY Recommendation: That the bill be referred to Committee on Human Services and Corrections. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

Referred to Committee on Human Services and Corrections.

February 11, 1999

SB 5525 Prime Sponsor, Senator Hargrove: Revising provision for appointment of a county legislative authority member of the forest practices board. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 11, 1999

SB 5579 Prime Sponsor, Senator Loveland: Allowing solid rubber tires on farm machinery. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 11, 1999

SB 5599 Prime Sponsor, Senator Prentice: Regulating temporary worker housing. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5599 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, T. Sheldon, West and Winsley.

Referred to Committee on Ways and Means.

February 12, 1999

SB 5623 Prime Sponsor, Senator Hargrove: Extending court supervision of children subject to youth-at-risk orders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Long, Patterson, Sheahan and Stevens.

Referred to Committee on Ways and Means.

February 11, 1999

SB 5651 Prime Sponsor, Senator Winsley: Requiring a purchaser of timber by contract to provide proof of payment of all taxes before release of a performance bond. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5651 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Oke, Rossi, Snyder and Spanel.

Referred to Committee on Ways and Means.

February 11, 1999

SB 5653 Prime Sponsor, Senator Honeyford: Providing entrepreneurial opportunities for disabled persons. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That the bill be referred to Committee on State and Local Government. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, T. Sheldon, West and Winsley.

Referred to Committee on State and Local Government.

February 11, 1999

SB 5700 Prime Sponsor, Senator Fairley: Limiting state use of long-term temporary or leased employees. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 11, 1999

SJM 8010 Prime Sponsor, Senator Jacobsen: Requesting support for the full appropriation to fund state aquatic nuisance species management plans. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation : Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senate Betti Sheldon, the following Senate Bills were referred to the Committee on Ways and Means: Senate Bill No. 5148, Senate Bill No. 5190, Senate Bill No. 5210, Senate Bill No. 5298, Senate Bill No. 5363, Senate Bill No. 5599 and Senate Bill No. 5623.

#### REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

February 12, 1999

GA 9005 ANN DALEY, appointed August 25, 1997, for a term ending June 30, 2002, as a member of the Pollution Control/Shorelines Hearings Board.

Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation : That said appointment be confirmed: Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 5868 by Senators Rasmussen, Sheahan, Morton, Loveland and Hale

AN ACT Relating to tax exemptions and credits for structures and equipment used to reduce agricultural burning of cereal grains and field and turf grass grown for seed; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5869 by Senators Prentice, Hale and Winsley (by request of Attorney General Gregoire)

AN ACT Relating to regulating service contracts; adding a new section to chapter 42.17 RCW; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5870 by Senators Thibaudeau, Wojahn and Sellar

AN ACT Relating to insurance coverage of pharmacy services; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; and adding a new section to chapter 48.44 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5871 by Senator Heavey

AN ACT Relating to liability of alcohol sellers; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

SB 5872 by Senators Heavey, Eide and Oke

AN ACT Relating to operating a motor vehicle after consuming alcohol; adding a new section to chapter 46.61 RCW; and prescribing penalties.  
Referred to Committee on Judiciary.

SB 5873 by Senator Heavey

AN ACT Relating to liability of social hosts; and adding a new section to chapter 4.24 RCW.  
Referred to Committee on Judiciary.

SB 5874 by Senators Deccio, Franklin, Hale, Prentice, Costa, Loveland, B. Sheldon, Fairley, Kline, Spanel, Hochstatter, Long, Shin and McAuliffe

AN ACT Relating to authorizing optometrists to use and prescribe approved drugs for diagnostic or therapeutic purposes without limitation upon the methods of delivery in the practice of optometry; amending RCW 18.53.010, 18.53.140, 69.41.030, and 69.50.101; adding a new section to chapter 18.53 RCW; and adding a new section to chapter 70.41 RCW.  
Referred to Committee on Health and Long-Term Care.

SB 5875 by Senators Wojahn, Prentice, Benton, Winsley, West and Hale

AN ACT Relating to sellers of travel; amending RCW 19.138.030, 19.138.040, 19.138.100, 19.138.110, 19.138.120, 19.138.130, 19.138.140, 19.138.170, 19.138.190, 19.138.200, and 19.138.240; adding a new section to chapter 19.138 RCW; adding new sections to chapter 43.131 RCW; and repealing RCW 19.138.180.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5876 by Senators Kohl-Welles, Winsley, Thibaudeau and Oke (by request of Department of Social and Health Services)

AN ACT Relating to criminal history background checks for potential state employees and contractors; amending RCW 43.43.832 and 43.20A.710; and declaring an emergency.  
Referred to Committee on Human Services and Corrections.

SB 5877 by Senators Thibaudeau, Johnson and Winsley

AN ACT Relating to the registration of surgical technologists; amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.  
Referred to Committee on Health and Long-Term Care.

SB 5878 by Senators Prentice, Benton and Winsley

AN ACT Relating to financial institutions and other parties that administer nonprobate asset arrangements; amending RCW 11.02.005 and 11.07.010; repealing RCW 11.11.003, 11.11.005, 11.11.007, 11.11.010, 11.11.020, 11.11.030, 11.11.040, 11.11.050, 11.11.060, 11.11.070, 11.11.080, 11.11.090, 11.11.100, 11.11.110, 11.11.900, 11.11.901, 11.11.902, and 11.11.903; providing an effective date; and declaring an emergency.  
Referred to Committee on Judiciary.

SB 5879 by Senators Prentice and Winsley

AN ACT Relating to loan origination fees on consumer loans; and amending RCW 31.04.105.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5880 by Senators Thibaudeau, Winsley, Wojahn, Heavey, Franklin, Deccio, Prentice, McAuliffe, Costa, Swecker, McDonald, Johnson, B. Sheldon and Oke

AN ACT Relating to needle stick protections; and adding a new section to chapter 49.17 RCW.  
Referred to Committee on Health and Long-Term Care.

SB 5881 by Senators Thibaudeau, Oke, Costa and Winsley (by request of Governor Locke and Attorney General Gregoire)

AN ACT Relating to regulation of tobacco products under the access to minors statutes; amending RCW 70.155.010, 70.155.020, 70.155.030, 70.155.040, 70.155.050, 70.155.100, 70.155.110, and 70.155.130; adding a new section to chapter 70.155 RCW; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 5882 by Senators Fraser, Winsley, Kohl-Welles, Brown and Jacobsen

AN ACT Relating to the Washington commission for the humanities; creating new sections; and making an appropriation.  
Referred to Committee on Ways and Means.

SB 5883 by Senators Franklin, Winsley and Thibaudeau (by request of Department of Social and Health Services)

AN ACT Relating to giving the department of social and health services authority to impose a moratorium on new adult family home licenses; adding a new section to chapter 70.128 RCW; repealing RCW 70.128.061 and 70.128.062; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5884 by Senators Hochstatter, Morton, Honeyford, Deccio, West and Oke

AN ACT Relating to workers' compensation insurance; adding a new section to chapter 51.04 RCW; and creating new sections.

Referred to Committee on Labor and Workforce Development.

SB 5885 by Senator Fraser

AN ACT Relating to domestic waste treatment plants and plant operators; and amending RCW 70.95B.080, 70.95B.090, 70.95B.095, 70.95B.100, 70.95B.130, and 70.95B.150.

Referred to Committee on Environmental Quality and Water Resources.

SB 5886 by Senators Fraser, Fairley, Kline, Thibaudeau and Franklin

AN ACT Relating to adopting new air emission standards for motor vehicles; amending 1991 c 199 s 229 (uncodified); adding a new section to chapter 70.120 RCW; and providing an effective date.

Referred to Committee on Environmental Quality and Water Resources.

SB 5887 by Senators Rasmussen, Deccio, Shin, Hargrove, T. Sheldon, Benton, Wojahn, Heavey, Snyder, Bauer, Sellar, Johnson, Hale, Horn, Franklin, Honeyford, Oke, McCaslin, Hochstatter, Jacobsen, Morton, McDonald, Patterson, Goings, Eide, Winsley, Sheahan, Costa, McAuliffe, Kohl-Welles, Swecker, Roach, B. Sheldon, Rossi, Haugen, Gardner, Fairley, Prentice, Long, Kline, Stevens and Zarelli

AN ACT Relating to property tax exemptions for the principal residences of veterans of the armed forces of the United States who have a service-connected disability; reenacting and amending RCW 84.69.020; adding a new chapter to Title 84 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Ways and Means.

SB 5888 by Senators Fraser and Winsley (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to historic cemeteries; and amending RCW 68.60.050.

Referred to Committee on State and Local Government.

SB 5889 by Senators Kline, Finkbeiner, Costa and Oke (by request of Department of General Administration and Department of Information Services)

AN ACT Relating to restricting liability for harm caused by incorrectly calculated or interpreted dates associated with year 2000 date-changes processed by electronic computing devices; adding a new section to chapter 4.22 RCW; and providing an expiration date.

Referred to Committee on Judiciary.

SB 5890 by Senators Zarelli, Benton, West, Bauer, Oke, Sellar, Winsley, Roach, Rossi, Honeyford and McCaslin

AN ACT Relating to the student transportation allocation; creating new sections; and making appropriations.

Referred to Committee on Education.

SB 5891 by Senators Stevens, Roach, Morton, Swecker, Hochstatter, Zarelli, Long, Rossi, Winsley, Honeyford and Johnson

AN ACT Relating to flood plain management; and amending RCW 86.16.041.

Referred to Committee on State and Local Government.

SB 5892 by Senators Gardner, Costa and Goings

AN ACT Relating to retirement benefits for fire fighters; amending RCW 41.40.094; reenacting and amending RCW 41.26.030; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways and Means.

SB 5893 by Senators Haugen, Sellar, Spanel, McCaslin, Prentice, Loveland, Winsley and Oke

AN ACT Relating to business address disclosure in telephone directories; adding a new section to chapter 80.36 RCW; and creating a new section.

Referred to Committee on Energy, Technology and Telecommunications.

SB 5894 by Senators Haugen and Gardner

AN ACT Relating to the Whidbey Island game farm; adding a new section to chapter 77.12 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5895 by Senators Franklin, Swecker, Eide, Winsley, Costa, Benton, Kohl-Welles, Rasmussen, Hargrove, Oke, Kline, Rossi, Honeyford, Johnson, Shin, Patterson, Fairley, Prentice, Brown, Thibaudeau and Goings

AN ACT Relating to a temporary exemption for clothing and footwear from sales and use taxes; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5896 by Senators Jacobsen, Oke, Loveland, Swecker, Hale, T. Sheldon, Rasmussen, Rossi, Haugen, West and Winsley (by request of Governor Locke)

AN ACT Relating to forest practices as they affect the recovery of salmon and other aquatic resources; amending RCW 76.09.020, 84.33.081, 76.13.010, 76.42.060, 76.09.330, 76.09.140, 76.09.150, 76.09.170, 76.09.040, 76.09.010, 76.09.080, 76.09.090, 76.09.030, and 90.48.420; reenacting and amending RCW 76.09.220; adding new sections to chapter 75.46 RCW; adding new sections to chapter 76.09 RCW; adding a new section to chapter 34.05 RCW; adding a new section to chapter 19.85 RCW; adding new sections to chapter 43.21C RCW; adding a new section to chapter 84.33 RCW; and adding new sections to chapter 76.13 RCW.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5897 by Senators Costa, Winsley, Thibaudeau and Oke (by request of Attorney General Gregoire)

AN ACT Relating to the sale of export cigarettes; amending RCW 82.24.110, 82.24.130, and 82.24.145; adding a new section to chapter 82.24 RCW; creating a new section; prescribing penalties; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 5898 by Senators Prentice, West, McCaslin, Rasmussen, Honeyford, Winsley and Oke

AN ACT Relating to a business and occupation tax credit for taxpayers that pay for employee hepatitis A immunizations; and adding a new section to chapter 82.04 RCW.  
Referred to Committee on Ways and Means.

SB 5899 by Senators Patterson, Bauer, Franklin, Rasmussen, B. Sheldon, Haugen, Kohl-Welles, McAuliffe, Fraser, Prentice, Thibaudeau and Spanel

AN ACT Relating to penalties for violation of the public disclosure act; amending RCW 42.17.390 and 42.17.395; and prescribing penalties.  
Referred to Committee on State and Local Government.

SB 5900 by Senators Patterson, Haugen, Bauer, Franklin, B. Sheldon, Snyder, Rasmussen, Kohl-Welles, McAuliffe, Thibaudeau, Fairley, Fraser, Prentice, Spanel and Eide

AN ACT Relating to political advertising and independent expenditures in political campaigns; amending RCW 42.17.020, 42.17.040, 42.17.100, 42.17.510, 42.17.550, and 42.36.040; and adding new sections to chapter 42.17 RCW.  
Referred to Committee on State and Local Government.

SB 5901 by Senators Morton, Rasmussen, Rossi, Hochstatter, Oke, Jacobsen and Sheahan

AN ACT Relating to liability of owners or others in possession of land and water areas for injuries to recreation users; and amending RCW 4.24.210.  
Referred to Committee on Judiciary.

SB 5902 by Senators Kohl-Welles, Sheahan and Shin

AN ACT Relating to higher education; amending RCW 28B.10.800, 28B.10.804, 28B.10.806, 28B.10.808, 28B.10.810, and 28B.10.822; and adding a new section to chapter 28B.10 RCW.  
Referred to Committee on Higher Education.

SB 5903 by Senators Prentice, Rasmussen and B. Sheldon

AN ACT Relating to authorizing tax, levy, and execution exemptions for properties of Indian housing authorities designated for low-income housing program uses; adding new sections to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SCR 8407 by Senators Prentice, Hochstatter, T. Sheldon, Honeyford, Eide, Hale and Winsley

Creating an employment standards task force.

Referred to Committee on Labor and Workforce Development.

#### MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Tuesday, February 16, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

THIRTY-SIXTH DAY, FEBRUARY 15, 1999

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

#### THIRTY-SEVENTH DAY

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, February 16, 1999

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 12, 1999

SB 5011 Prime Sponsor, Senator Long: Changing provisions relating to dangerous mentally ill offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5011 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan and Stevens.

Referred to Committee on Ways and Means.

February 15, 1999

SB 5021 Prime Sponsor, Senator Snyder: Exempting certain nonprofit organizations from property taxation. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1999

SB 5024 Prime Sponsor, Senator Loveland: Responding to a supreme court ruling regarding property tax value averaging. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1999

SB 5170 Prime Sponsor, Senator Haugen: Changing provisions for school district name changes. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

February 15, 1999

SB 5299 Prime Sponsor, Senator Fairley: Eliminating the residency requirement for TANF eligibility. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5299 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1999

SB 5328 Prime Sponsor, Senator Morton: Exempting certain commercial guiding and outfitting operations from the leasehold tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5328 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Honeyford, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1999

SB 5400 Prime Sponsor, Senator Haugen: Clarifying distributions to the office of municipal research. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5400 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fairley, Fraser, Honeyford, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1999

SB 5408 Prime Sponsor, Senator Benton: Creating a state medal of valor. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Hale, Horn and Kline.

Referred to Committee on Ways and Means.

February 15, 1999

SB 5413 Prime Sponsor, Senator McAuliffe: Incorporating teacher assessment into the certification system. Reported by Committee on Education

MAJORITY Recommendation : That Substitute Senate Bill No. 5413 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Kohl-Welles, Rasmussen, Sellar and Swecker.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Hochstatter and Zarelli.

Passed to Committee on Rules for second reading.

February 15, 1999

SB 5495 Prime Sponsor, Senator Snyder: Repealing a restriction on regular property tax levies. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5495 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Kohl-Welles, Long, McDonald, B. Sheldon, Snyder, Spanel, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1999

SB 5519 Prime Sponsor, Senator Horn: Calculating the time limits for local project review under the growth management act. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 15, 1999

SB 5578 Prime Sponsor, Senator Patterson: Enabling the bureau of forensic laboratory services. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5578 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Horn, Kline and McCaslin.

Referred to Committee on Ways and Means.

February 11, 1999

SB 5583 Prime Sponsor, Senator Franklin: Prohibiting employers from not providing benefits to employees. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5583 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Hochstatter and Oke.

Passed to Committee on Rules for second reading.

February 15, 1999

SB 5643 Prime Sponsor, Senator Gardner: Revising laws on the state voters' pamphlet. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 15, 1999

SB 5644 Prime Sponsor, Senator Gardner: Clarifying when a voters' pamphlet is required. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen and Kline.

Referred to Committee on Ways and Means.

February 15, 1999

SB 5783 Prime Sponsor, Senator Thibaudeau: Establishing nurse/student ratios for schools. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Education. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to Committee on Education.

February 11, 1999

SCR 8402 Prime Sponsor, Senator Franklin: Recommending establishment of an interagency task force to conduct a study of contingent work force issues. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Concurrent Resolution No. 8402 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hochstatter.

Referred to Committee on Ways and Means.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5408, Senate Bill No. 5578 and Senate Concurrent Resolution No. 8402 were referred to the Committee on Ways and Means.

#### MESSAGES FROM THE HOUSE

February 12, 1999

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1061,  
HOUSE BILL NO. 1139,  
HOUSE BILL NO. 1142,  
HOUSE BILL NO. 1152,  
HOUSE BILL NO. 1159, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk  
DEAN R. FOSTER, Co-Chief Clerk

February 12, 1999

MR. PRESIDENT:

The House has passed:  
ENGROSSED HOUSE BILL NO. 1097,  
ENGROSSED HOUSE BILL NO. 1151, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk  
DEAN R. FOSTER, Co-Chief Clerk

February 15, 1999

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1164,  
HOUSE BILL NO. 1203, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk  
DEAN R. FOSTER, Co-Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5904 by Senators Loveland, Winsley, Long, Prentice, Kline, Bauer, West and Rasmussen (by request of Attorney General Gregoire and Department of General Administration)

AN ACT Relating to the elimination of the tort claims revolving fund; amending RCW 4.92.130, 4.92.135, 4.92.160, 4.92.070, and 28B.10.842; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5905 by Senators Winsley, Benton, West, Zarelli, Sheahan, McCaslin, Swecker, Horn, Hale, Sellar, Oke, Honeyford, McDonald, Hochstatter, Stevens, Morton, Roach, Johnson, Rossi, Long, Deccio and Finkbeiner

AN ACT Relating to eliminating the state property tax; amending RCW 84.52.065, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145, 36.73.060, 36.83.030, 36.100.050, 67.38.130, and 84.52.010; reenacting and amending RCW 84.69.020; and creating a new section.  
Referred to Committee on Ways and Means.

SB 5906 by Senators West and Oke

AN ACT Relating to managed competition; adding new sections to chapter 41.06 RCW; creating new sections; and repealing RCW 41.06.380 and 41.06.382.  
Referred to Committee on Labor and Workforce Development.

SB 5907 by Senators Snyder, Goings, Oke and Rasmussen

AN ACT Relating to a property tax exemption for widows or widowers of honorably discharged veterans; and adding a new section to chapter 84.36 RCW.  
Referred to Committee on Ways and Means.

SB 5908 by Senators Winsley, Prentice, Fraser and Goings

AN ACT Relating to applying the consumer protection act to violations of the mobile home landlord-tenant act; and adding a new section to chapter 59.20 RCW.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5909 by Senator Fairley

AN ACT Relating to a worker retraining program; amending RCW 28C.04.410 and 28C.04.420; adding new sections to chapter 28C.04 RCW; and repealing RCW 28C.04.430, 28C.04.440, 28C.04.450, 28C.04.460, and 28C.04.480.  
Referred to Committee on Labor and Workforce Development.

SB 5910 by Senators McCaslin and Rasmussen

AN ACT Relating to use of public resources for political campaigns; and amending RCW 42.52.180.  
Referred to Committee on State and Local Government.

SB 5911 by Senators Eide, Hochstatter and McAuliffe

AN ACT Relating to school director positions, residency, and vacancies; and amending RCW 28A.315.490.  
Referred to Committee on Education.

SB 5912 by Senators Winsley, Horn and Kline

AN ACT Relating to the adoption of a charter as a charter code city; and amending RCW 35A.08.030.  
Referred to Committee on State and Local Government.

SB 5913 by Senators McAuliffe, Hochstatter and Rasmussen

AN ACT Relating to employment contract exceptions to school district officers' conflicts of interest; amending RCW 28A.330.240; adding a new section to chapter 28A.320 RCW; and recodifying RCW 28A.330.240.  
Referred to Committee on Education.

SB 5914 by Senators Patterson, Prentice, McCaslin, Oke, Kline, Sheahan, Franklin, Shin, Goings, Haugen, Winsley and Rasmussen

AN ACT Relating to enforcement and incentive measures for compliance with growth management housing goals; and amending RCW 36.70A.010, 36.70A.070, 36.70A.210, 36.70A.215, 36.70A.345, 47.80.050, 82.08.020, 82.46.010, 43.17.250, 43.160.060, 70.146.070, and 84.14.010.

Referred to Committee on State and Local Government.

SB 5915 by Senators Patterson and McDonald (by request of Office of Financial Management)

AN ACT Relating to reports to the legislature; amending RCW 4.24.5502, 13.40.460, 18.20.230, 28B.10.782, 34.05.328, 41.05.021, 43.06.400, 43.20A.375, 43.20A.870, 43.20B.030, 43.41.195, 43.59.150, 43.88.067, 43.180.070, 43.200.080, 47.06B.030, 70.24.107, 75.08.510, and 80.36.600; and repealing RCW 48.85.050 and 75.46.020.

Referred to Committee on State and Local Government.

SB 5916 by Senators Jacobsen and Oke

AN ACT Relating to wildlife and wildlife parts; amending RCW 77.15.070; adding new sections to chapter 77.15 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5917 by Senators Franklin, Winsley and Thibaudeau

AN ACT Relating to compensation for the medical quality assurance commission; and amending RCW 18.71.015.

Referred to Committee on Health and Long-Term Care.

SB 5918 by Senators Kline, Winsley and Rasmussen

AN ACT Relating to whistleblowers; adding a new section to chapter 42.40 RCW; and making appropriations.

Referred to Committee on State and Local Government.

SB 5919 by Senators Hochstatter, Costa and Rossi

AN ACT Relating to the taxation of aggregators as competitive telephone service providers; and amending RCW 82.04.065.

Referred to Committee on Energy, Technology and Telecommunications.

SB 5920 by Senators Costa, Thibaudeau, Deccio, Haugen and Kohl-Welles

AN ACT Relating to adding midwives to the definition of health care practitioners that provide women's health care services; and amending RCW 48.42.100.

Referred to Committee on Health and Long-Term Care.

SB 5921 by Senator Kohl-Welles

AN ACT Relating to the disclosure of fire protection and building safety information; and amending RCW 59.18.060.

Referred to Committee on Judiciary.

SB 5922 by Senators Prentice, Winsley, Rasmussen and Oke

AN ACT Relating to creating a program for compulsive gambling education and awareness; amending RCW 9.46.071, 67.70.240, and 67.16.095; making an appropriation; and providing a contingent effective date. Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5923 by Senators Kohl-Welles and Snyder

AN ACT Relating to home warranties; amending RCW 4.16.300; adding new chapters to Title 64 RCW; creating a new section; and prescribing penalties. Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5924 by Senators Jacobsen, Honeyford and Gardner

AN ACT Relating to real estate appraisers; amending RCW 18.140.005, 18.140.010, 18.140.030, and 18.140.140; adding new sections to chapter 18.140 RCW; providing an effective date; and declaring an emergency. Referred to Committee on State and Local Government.

SB 5925 by Senators Kohl-Welles, Long, Wojahn, Brown and Oke

AN ACT Relating to sales and use tax exemptions for acquisitions of tangible personal property by day-care facilities; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW. Referred to Committee on Ways and Means.

SB 5926 by Senators Fraser, Eide, Jacobsen and McAuliffe (by request of Office of Financial Management)

AN ACT Relating to the oil spill response tax; amending RCW 82.23B.020 and 90.56.510; and declaring an emergency. Referred to Committee on Environmental Quality and Water Resources.

SB 5927 by Senator Franklin

AN ACT Relating to optometry and adding one public member and one licensed ophthalmologist to the board of optometry and one optometrist to the medical quality assurance commission; and amending RCW 18.54.030 and 18.71.015. Referred to Committee on Health and Long-Term Care.

SB 5928 by Senator Prentice

AN ACT Relating to good faith communications to self-regulatory organizations delegated authority by government agencies; and amending RCW 4.24.510. HOLD.

SB 5929 by Senators Haugen, Long, Gardner, Costa, Swecker, Hargrove, Winsley, Patterson, Eide, Snyder and Bauer

AN ACT Relating to local motor vehicle excise tax; amending RCW 35.58.273, 82.44.150, and 82.44.180; providing an effective date; and declaring an emergency. Referred to Committee on Transportation.

SB 5930 by Senators Fairley, Patterson, McAuliffe, Fraser, Prentice, Costa, Thibaudeau, Wojahn, Spanel, Franklin, Kohl-Welles and Rasmussen

AN ACT Relating to expanding maternity care for at-risk mothers; adding new sections to chapter 74.09 RCW; adding a new section to chapter 82.04 RCW; creating a new section; making appropriations; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 5931 by Senators Patterson, Horn, Gardner, McCaslin, Haugen, Kline, Brown, Costa, Hale, Kohl-Welles, B. Sheldon and Bauer

AN ACT Relating to electronic filing and publication of campaign finance and lobbyist reports; amending RCW 42.17.370, 42.17.365, and 42.17.367; adding new sections to chapter 42.17 RCW; and making appropriations.

Referred to Committee on State and Local Government.

SB 5932 by Senators Loveland, Bauer, Rossi, West, Hale and Rasmussen

AN ACT Relating to general obligation bond debt service payments from the community and technical college projects account; amending RCW 28B.50.360; amending 1997 c 235 s 709 (uncodified); and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5933 by Senators Brown and Fraser

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

Referred to Committee on Energy, Technology and Telecommunications.

SB 5934 by Senators Thibaudeau and Roach

AN ACT Relating to naturopathic physicians; amending RCW 18.36A.010, 18.36A.020, 18.36A.030, 18.36A.040, 18.36A.050, 18.36A.070, 18.06.050, 18.74.010, 18.120.020, 18.130.040, and 43.70.470; adding new sections to chapter 18.36A RCW; adding a new section to chapter 19.68 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 5935 by Senators Jacobsen, Oke, Snyder, McDonald, Spanel, Swecker, Sellar, Morton, Hale, T. Sheldon, Rasmussen, Winsley and Stevens

AN ACT Relating to the recovery of salmon; amending RCW 79.01.2951 and 79.01.2955; adding a new chapter to Title 75 RCW; and declaring an emergency.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 5936 by Senators Gardner, Winsley, Haugen, Patterson and Goings

AN ACT Relating to creation of the trip reduction program; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

SJR 8207 by Senator McCaslin

Extending length of legislative terms.

Referred to Committee on State and Local Government.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1061 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Fisher, Radcliff, Sullivan, Skinner and Hankins) (by request of Legislative Transportation Committee)

Modifying provisions concerning the freight mobility strategic investment board.

Referred to Committee on Transportation.

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

Allowing a regional transit authority to establish fines for certain civil infractions.

Referred to Committee on Transportation.

HB 1139 by Representatives Sheahan, Constantine and Kenney

Removing a director of a nonprofit corporation from office.

Referred to Committee on Judiciary.

HB 1142 by Representatives Constantine and McDonald (by request of Statute Law Committee)

Making technical corrections to various criminal laws.

Referred to Committee on Judiciary.

EHB 1151 by Representatives Linville, G. Chandler, Cooper and Koster (by request of Department of Agriculture)

Updating or repealing dairy or food laws.

Referred to Committee on Agriculture and Rural Economic Development.

HB 1152 by Representatives McMorris, G. Chandler, Linville and Cooper (by request of Department of Agriculture)

Regulating private applicator licenses.

Referred to Committee on Agriculture and Rural Economic Development.

HB 1159 by Representatives Hurst, Sheahan, Constantine and Kenney

Comporting with Internal Revenue Code language.

Referred to Committee on Judiciary.

HB 1164 by Representatives G. Chandler, Linville, Koster and Cooper (by request of Department of Health)

Changing the definition of public water system.

Referred to Committee on Environmental Quality and Water Resources.

HB 1203 by Representatives Pflug, Hurst, Mitchell, Miloscia, Fortunato, Stensen and Cairnes

Authorizing state highway bonds.

Referred to Committee on Transportation.

#### MOTIONS

On motion of Senator Betti Sheldon, Senate Bill No. 5924 was referred to the Committee on State and Local Government.

On motion of Senator Betti Sheldon, Senate Bill No. 5928 was held on the desk.

#### MOTION

At 12:04 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, February 17, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

THIRTY-SEVENTH DAY, FEBRUARY 16, 1999

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

#### THIRTY-EIGHTH DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, February 17, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Lisa Flynn and Erin Patterson, presented the Colors. Brenda Hill, of the Bahai' Assembly of Tumwater, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 16, 1999

SB 5019 Prime Sponsor, Senator Patterson: Changing provisions relating to opiate substitution treatment programs.

Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5019 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means..

February 16, 1999

SB 5103 Prime Sponsor, Senator Haugen: Changing provisions relating to the state's coastal zone program. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5103 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 15, 1999

SB 5115 Prime Sponsor, Senator Heavey: Changing judicial review of public employment relations commission proceedings. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5115 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1999

SB 5121 Prime Sponsor, Senator Hargrove: Establishing a carbon storage program. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5121 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

February 15, 1999

SB 5147 Prime Sponsor, Senator Patterson: Prescribing procedures for payment of industrial insurance awards after death. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5147 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

February 16, 1999

SB 5172 Prime Sponsor, Senator Zarelli: Changing provisions relating to HIV testing of offenders and arrested or detained persons. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5172 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 16, 1999

SB 5290 Prime Sponsor, Senator Fraser: Changing the freshwater aquatic weeds management program by clarifying funding and creating an advisory committee. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5290 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 15, 1999

SB 5300 Prime Sponsor, Senator Patterson: Amending and adding provisions affecting cities and towns. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5300 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 15, 1999

SB 5401 Prime Sponsor, Senator Haugen: Repealing an obsolete provision pertaining to hydraulic project applications. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 15, 1999

SB 5536 Prime Sponsor, Senator Spanel: Requiring a review and report on the adequacy of department of natural resources management plans of forest lands within watersheds. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5536 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Oke, Snyder and Spanel.

Referred to Committee on Ways and Means.

#### INTRODUCTION AND FIRST READING

SB 5937 by Senators Prentice, Benton, Haugen, Goings, Brown, Oke, Gardner, Winsley, Hale, Fraser and Rasmussen

AN ACT Relating to underground petroleum storage tanks; amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 70.148 RCW; providing an effective date; and providing expiration dates. Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 5938 by Senators Fraser, Hochstatter, B. Sheldon and Patterson

AN ACT Relating to establishing a moratorium on bypassing the facilities of local electric utilities; adding a new chapter to Title 80 RCW; providing an expiration date; and declaring an emergency.  
Referred to Committee on Energy, Technology and Telecommunications.

SB 5939 by Senators Johnson, T. Sheldon, Oke and Roach

AN ACT Relating to collection of small claims court judgments by collection agencies; amending RCW 12.40.105 and 12.40.110; and adding a new section to chapter 12.40 RCW.  
Referred to Committee on Judiciary.

SB 5940 by Senators Stevens, Hargrove, Long and Sheahan

AN ACT Relating to treatment of minors in the custody of the department of social and health services; amending RCW 71.05.150 and 71.05.200; adding new sections to chapter 71.34 RCW; and adding a new section to chapter 71.05 RCW.  
Referred to Committee on Human Services and Corrections.

SB 5941 by Senators Kline, Haugen, Patterson and Fraser

AN ACT Relating to reviewing state funds that support recreational uses on nonhighway roads and off-road vehicle trails; and creating new sections.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5942 by Senators Kline and Patterson

AN ACT Relating to employee noncompetition agreements in the broadcasting industry; and adding a new section to chapter 49.44 RCW.  
Referred to Committee on Labor and Workforce Development.

SB 5943 by Senators Kline, Patterson and Costa

AN ACT Relating to the creation of the Washington citizen enforcement act; and adding a new chapter to Title 7 RCW.  
Referred to Committee on Judiciary.

SB 5944 by Senators Haugen and Snyder

AN ACT Relating to management of state-owned aquatic lands; amending RCW 79.90.465, 79.90.520, and 79.93.040; and adding a new section to chapter 79.90 RCW.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 5945 by Senators Spanel, Hale, Winsley and Rasmussen (by request of Washington State Patrol)

AN ACT Relating to unlawful harassment; and adding a new chapter to Title 7 RCW.  
Referred to Committee on Judiciary.

SB 5946 by Senators Stevens, Oke and Winsley (by request of Washington State Patrol)

AN ACT Relating to enhancing auto theft investigations; amending RCW 46.12.040 and 46.12.060; reenacting and amending RCW 46.12.030; and creating new sections.  
Referred to Committee on Judiciary.

SB 5947 by Senator Jacobsen

AN ACT Relating to telecommunications companies; adding new sections to chapter 80.36 RCW; and prescribing penalties.  
Referred to Committee on Energy, Technology and Telecommunications.

SB 5948 by Senator Morton

AN ACT Relating to the definition of "leasehold interest"; and adding a new section to chapter 82.29A RCW.  
Referred to Committee on Ways and Means.

SB 5949 by Senators Finkbeiner, Johnson, Oke and Winsley

AN ACT Relating to academic choice in education scholarship program; adding a new chapter to Title 28A RCW; and providing for submission of this act to a vote of the people.  
Referred to Committee on Education.

SB 5950 by Senators Fairley, Fraser, Thibaudeau, Kohl-Welles and Prentice

AN ACT Relating to early hearing loss detection, diagnosis, and intervention; creating new sections; making appropriations; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 5951 by Senators Costa, Long and Winsley (by request of Department of Social and Health Services)

AN ACT Relating to technical amendments concerning the child abuse protection and treatment act; amending RCW 74.13.500; and declaring an emergency.  
Referred to Committee on Human Services and Corrections.

SB 5952 by Senators Bauer and Winsley

AN ACT Relating to the compact for education; and adding a new chapter to Title 28A RCW.  
Referred to Committee on Education.

SB 5953 by Senators Kohl-Welles, Sheahan, Shin, Winsley and Thibaudeau

AN ACT Relating to a loan repayment and scholarship endowment program for attorneys who provide legal services in public interest areas of the law; amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW.  
Referred to Committee on Higher Education.

SB 5954 by Senators Kline, Eide and Thibaudeau (by request of Department of Social and Health Services)

AN ACT Relating to torts committed against recipients of state assistance; and amending RCW 43.20B.070.  
Referred to Committee on Health and Long-Term Care.

SB 5955 by Senators Snyder, Haugen, McDonald, Benton and Prentice

AN ACT Relating to the legislative transportation committee; amending RCW 44.40.010; and adding a new section to chapter 44.40 RCW.  
Referred to Committee on Transportation.

SB 5956 by Senators Kohl-Welles, Sheahan, Shin, Goings, Gardner, Winsley, Thibaudeau, Spanel, B. Sheldon and Costa

AN ACT Relating to part-time employees of community and technical colleges.  
Referred to Committee on Higher Education.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5928, which was held on the desk February 16, 1999, was referred to the Committee on Judiciary.

MOTION

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

SENATE RESOLUTION 1999-8623

By Senators Rasmussen, Honeyford, Spanel, Loveland, Gardner and Fraser

WHEREAS, Dairy farming in Washington has a proud one hundred-twenty year history; and  
WHEREAS, Washington is home to 1400 dairy farms and 260,000 dairy cows; and  
WHEREAS, Washington's dairy cows are the eighth most productive in the United States, with total annual milk production of 5.3 billion pounds in 1997; and

WHEREAS, Our state's dairy farmers contributed approximately \$730 million to the state's economy in 1997 with milk production ranked second in dollar value among all of Washington's bountiful agricultural commodities; and

WHEREAS, Citizens throughout the state today celebrate Dairy Day at the state capitol under the proud sponsorship of The Washington State Dairy Federation; and

WHEREAS, Julie Haakenson of Carnation is representing the dairy industry with distinction as the reigning Washington State Dairy Ambassador, as well as serving an eleven month internship with the Washington Dairy Products Commission; and

WHEREAS, Her alternates are Becky Smith of Custer and Amanda Miller of Spokane;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate acknowledge and honor the women and men whose work on dairy farms throughout Washington has contributed so much to the strength and vitality of our state and its economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Washington State Dairy Ambassador Julie Haakenson, and to alternates Becky Smith and Amanda Miller.

Senators Rasmussen, Morton, Prentice, Honeyford and Deccio spoke to Senate Resolution 1999-8623.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Julie Haakenson, the Washington State Dairy Ambassador from Carnation and Alternate Ambassadors Becky Smith of Custer and Amanda Miller of Spokane, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Dairy Ambassador Julie to address the Senate.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. Ladies and gentlemen of the Senate, I would like to call your attention to the Press Corps. I look forward, this week, to clarity in the articles, truthfulness--oh, they are leaving already. Well, we are still ahead of the game, folks."

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9006, Jesus "Jess" Del Bosque, as a member of the Board of Trustees for Skagit Valley Community College District No. 4, was confirmed.

APPOINTMENT OF JESUS "JESS" DEL BOSQUE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Absent: Senator Benton - 1.

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9078, William P. Roehl, as a member of the Fish and Wildlife Commission, was confirmed.

APPOINTMENT OF WILLIAM P. ROEHL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senators Hochstatter, Honeyford and Morton - 3.

Absent: Senator Deccio - 1.

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9014, Sheila Guenther, as a member of the Lottery Commission, was confirmed.

Senators Fraser and Bauer spoke to the confirmation of Sheila Guenther as a member of the Lottery Commission.

APPOINTMENT OF SHEILA GUENTHER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9059, Gary L. Christenson, as Administrator of the Washington State Health Care Authority, was confirmed.

Senators Fraser, Deccio, Wojahn and Thibaudeau spoke to the confirmation of Gary L. Christenson as Administrator of the Washington State Health Care Authority.

#### APPOINTMENT OF GARY L. CHRISTENSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced United States Senator, Patty Murray, who was in the Senate Chamber.

#### MOTION

At 10:43 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:30 a.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5046, by Senators Long, Hargrove and Costa

Revising hearing procedures for defendants receiving mental health evaluations.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5046 was substituted for Senate Bill No. 5046 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5046 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5046.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5046 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5047, by Senators Long, Hargrove and Costa

Revising the sharing of information among mental health professionals.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5047 was substituted for Senate Bill No. 5047 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5047 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5047.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5047 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5047, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Benton: "Mr. President, I rise to a point of personal privilege. As many of you have read in your reports and e-mails over the last few days, February nineteenth is fast approaching. I have asked the Pages to pass out to your desks a pamphlet on the World War II Memorial. I would like to just read to you from the inside, if I may, Mr. President: 'When my country called, I answered; When my country asked, I gave; Reach out now across the years and through the tears, remember me.' That was written by a World War II veteran. This memorial will be dedicated in late May, but you have until February 19 to be a permanent part of that memorial. So, you can put anything on three lines, twenty characters per line that you choose. It does not necessarily have to be related to a war veteran. If you want to recognize a child or a brother or a sister or even a friend from any war or for any reason, you can do so. I just want to remind you that your opportunity to do so will be over on the nineteenth, which is in just a few short days. I wanted to remind my Senators, my colleagues, to take advantage of this last opportunity to be a part of this everlasting memorial. Thank you."

#### SECOND READING

SENATE BILL NO. 5352, by Senator McCaslin

Removing the term limit for members of boundary review boards.

#### MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5352 was substituted for Senate Bill No. 5352 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5352 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5352.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5352 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 44.

Voting nay: Senators Benton, Fairley, Roach, Stevens and Zarelli - 5.

SUBSTITUTE SENATE BILL NO. 5352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5490, by Senators Wojahn, Winsley, Kline, Fairley, B. Sheldon, McAuliffe, Thibaudeau, Snyder, Rasmussen and Costa

Requiring temporary assistance for needy families employment assessments to screen for learning disabilities.

The bill was read the second time.

#### MOTIONS

On motion of Senator Fairley, the following Committee on Labor and Workforce Development amendment was adopted:

On page 2, line 4, after "families", delete "applicants" and insert "recipients"

On motion of Senator Fairley, the rules were suspended, Engrossed Senate Bill No. 5490 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5490.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5490 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 46.

Voting nay: Senators Hochstatter, McDonald and Zarelli - 3.

ENGROSSED SENATE BILL NO. 5490, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

## PARLIAMENTARY INQUIRY

Senator Heavey: "Mr. President, a point of parliamentary inquiry. Is it permissible for a Senator to use a lap top computer while we are engaged in debate?"

## REPLY BY THE PRESIDENT

President Owen: "Senator Heavey, the Senate has not addressed that issue in their rules, but since I think that precedent having been set for the last ten years would say it is. The President would have to rule at this time, based on precedent, that it is appropriate for a person to be using a lap top computer if they so choose--at this time. If you would like to convene a meeting of the Committee on Rules, or whatever, to discuss that, I am sure that everybody would just love to have that discussion."

## MOTION

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

### SENATE RESOLUTION 1999-8621

By Senators Jacobsen, Snyder, Spanel, Fairley, B. Sheldon, Fraser, Kohl-Welles, Goings, Gardner and Rasmussen

WHEREAS, Jack J. Spitzer has achieved great success and prominence in business, politics, and civic affairs. He is best known for his dedication to improving his community and supporting the development and personal growth of young people; and

WHEREAS, The depth and breadth of Mr. Spitzer's charitable activities span across political, social and geographic boundaries and his sixty years of tireless work have benefitted thousands of people, both young and old, from Seattle to South Africa; and

WHEREAS, Mr. Spitzer, in his post as full-time volunteer International President of B'nai B'rith, led the first ever mission from Israel to Egypt at the invitation of Egyptian President Anwar Sadat and continues to work as an international ambassador for peace; and

WHEREAS, Mr. Spitzer worked closely with the Conference for Material Claims Against Germany, the first and oldest organization representing holocaust victims in their struggle to recover damages for losses experienced during the atrocities of the Second World War; and

WHEREAS, Mr. Spitzer chairs the Advisory Committee to the International Center on Global Aging at Catholic University of America, is a co-founder and Vice-Chair of the Board of Medical Education for South African Blacks, and has served on the Executive Committee of United Way of King County; and

WHEREAS, Mr. Spitzer has been recognized and honored with the "World Community Service Award" from his Rotary Region, the "Torch of Liberty Award" from the Anti-Defamation League of B'nai B'rith, the "Community Service Award" of the Wurtzweiler School of Social Work, and the United States Army Commendation Ribbon after having served in the China-Burma-India region; and

WHEREAS, The Spitzer Endowment for Youth has been established in his honor to support students of all ages and backgrounds with scholarships and awards, and the Hillel Spitzer Forum on Public Policy which teaches college students from over one hundred campuses how to become leaders in their communities, and the March of the Living which sends teenagers from across the globe to visit concentration camps to teach them about the evils of intolerance - then on to Israel to celebrate that country's independence day, and the Seymour Kaplan Awards which honor Seattle students for their community service; and

WHEREAS, After sixty years of service Mr. Spitzer just recently finished serving as the United States Public Delegate to the United Nations General Assembly as appointed by President Clinton, and considers his greatest success of all to be his family: wife Charlotte, two children, and seven grandchildren;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Mr. Jack Spitzer for his accomplishments, contributions, and continuing success, and thank him for his great service and dedication to the citizens of Washington and the people of the world.

Senators Jacobsen, Thibaudeau, Patterson, Kline and Kohl-Welles spoke to Senate Resolution 1999-8621.

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Jack Spitzer, his wife, Charlotte, and his family, who were seated in the gallery.

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Washington State Dairy Federation, including the board and dairy producers visiting the Capital celebrating Dairy Day, who were in the gallery.

## MOTION

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

### SENATE RESOLUTION 1999-8626

By Senators Hale, Snyder, Deccio, McDonald, Sellar, T. Sheldon, Honeyford, Horn, McCaslin, Swecker, Benton, Sheahan, Zarelli, Oke, Johnson, Hochstatter, Morton, Rasmussen, Loveland, Rossi, Long and Haugen

WHEREAS, The Columbia and Snake River system, located in the states of Oregon, Washington, and Idaho, is an essential transportation link for United States exports, transporting forty-three percent of all United States wheat exports in 1997; and

WHEREAS, Producers who ship their products on the Columbia and Snake River system save approximately thirty-eight million dollars per year over land-based transportation, a savings that keeps United States exports competitive on world markets; and

WHEREAS, The Columbia and Snake River system allows large volumes of freight to be moved with negligible impact on air quality, and replacing this transportation capacity would require use of one hundred-twenty thousand rail cars or seven hundred thousand trucks; and

WHEREAS, Approximately seventy-five percent of the Pacific Northwest's electricity is provided by Columbia and Snake River system dams, which generate renewable energy without creating any air or water pollution; and

WHEREAS, Replacing the power currently generated by the dams on the Columbia and Snake Rivers would result in significant increases in costs to consumers and could cause significant harm to the economy of the Pacific Northwest; and

WHEREAS, The United States Army Corps of Engineers estimates that the flood control provided by the dams on the Columbia and Snake River system prevented four billion six hundred million dollars in damages in 1996 and 1997;

WHEREAS, Water collected in the Columbia and Snake River system irrigates half the productive farmland in Oregon, Washington, and Idaho;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize that the dams on the Columbia and Snake River system provide tremendous economic and environmental benefits to the state of Washington and the United States; and

BE IT FURTHER RESOLVED, That the Senate recognize and honor the people whose livelihoods depend on the dams on the Columbia and Snake River system.

Senators Hale, Deccio and Morton spoke to Senate Resolution 1999-8626.

## MOTION

At 12:20 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, February 18, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-EIGHTH DAY, FEBRUARY 17, 1999

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

**THIRTY-NINTH DAY**

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**NOON SESSION**  
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Senate Chamber, Olympia, Thursday, February 18, 1999  
The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

**MOTION**

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

**MOTION**

Pursuant to Rule 46, on motion of Senator Betti Sheldon, the Committee on Labor and Workforce Development was granted permission to meet during session.

EDITOR'S NOTE: Senate Rule 46 states: 'No committee shall sit during the daily session of the senate unless by special leave.'

**REPORTS OF STANDING COMMITTEES**

February 16, 1999

SB 5020 Prime Sponsor, Senator Snyder: Allowing dealers of recreational licenses to collect a fee of at least two dollars for each license sold. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, West and Winsley.

Passed to Committee on Rules for second reading.

February 16, 1999

SB 5036 Prime Sponsor, Senator McCaslin: Adding a judge to the superior court of Okanogan county. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 16, 1999

SB 5037 Prime Sponsor, Senator McCaslin: Creating a new court of appeals position for Pierce county. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5078 Prime Sponsor, Senator Jacobsen: Requiring additional consideration of the need for parks and recreation facilities in land use planning. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5078 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen and Kline.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Horn and McCaslin.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5097 Prime Sponsor, Senator Haugen: Transferring the office of archaeology and historic preservation from the department of community, trade, and economic development to the office of the secretary of state. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5109 Prime Sponsor, Senator Patterson: Creating limited immunity for school districts. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Goings, Hochstatter, Kohl-Welles, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5154 Prime Sponsor, Senator Hargrove: Limiting the liability of electric utilities. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5154 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Zarelli.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5178 Prime Sponsor, Senator McAuliffe: Correcting references to the third grade standardized achievement test. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Goings, Hochstatter, Kohl-Welles, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

February 15, 1999

SB 5227 Prime Sponsor, Senator Heavey: Permitting employees to copy personnel files. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5227 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 16, 1999

SB 5247 Prime Sponsor, Senator Kline: Providing affordable housing to certain low-income individuals. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5247 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, T. Sheldon, West and Winsley.

Referred to Committee on Ways and Means.

February 17, 1999

SB 5265 Prime Sponsor, Senator Swecker: Authorizing a collaborative procedure for land use and environmental review and permitting in rural counties. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Referred to Committee on Ways and Means.

February 16, 1999

SB 5283 Prime Sponsor, Senator Goings: Updating references to the transportation improvement board bond retirement account. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5283 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Sellar, T. Sheldon and Shin.

Referred to Committee on Ways and Means.

February 16, 1999

SB 5295 Prime Sponsor, Senator Costa: Protecting the act of breastfeeding. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5295 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline, Oke and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5345 Prime Sponsor, Senator Bauer: Creating the school district credit enhancement program. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5345 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Finkbeiner, Goings, Kohl-Welles, Rasmussen, Sellar and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hochstatter.

Referred to Committee on Ways and Means.

February 16, 1999

SB 5380 Prime Sponsor, Senator Goings: Requiring stops at intersections with nonfunctioning signal lights. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Sellar, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 16, 1999

SB 5386 Prime Sponsor, Senator Shin: Creating a state plan for economic development. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5386 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

February 16, 1999

SB 5387 Prime Sponsor, Senator B. Sheldon: Expanding the definition of economic development activities. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5387 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5410 Prime Sponsor, Senator McAuliffe: Reclassifying the state board of education as a class four group. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Kohl-Welles, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

February 16, 1999

SB 5434 Prime Sponsor, Senator Loveland: Extending the time for designating an eligible area for international services tax credits. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel and Winsley.

Passed to Committee on Rules for second reading.

February 16, 1999

SB 5454 Prime Sponsor, Senator Horn: Adjusting deadlines for reports to the secretary of transportation. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Sellar, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5469 Prime Sponsor, Senator Patterson: Revising certain competitive bid dollar amounts to account for inflation. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn and Kline.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5499 Prime Sponsor, Senator Wojahn: Making modifications to the home health, hospice, and home care agency licensure law. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5508 Prime Sponsor, Senator Spanel: Increasing harvest data accuracy for the recreational crab fishery. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5508 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 16, 1999

SB 5530 Prime Sponsor, Senator Loveland: Correcting errors related to property tax levies. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 16, 1999

SB 5533 Prime Sponsor, Senator Fairley: Creating a state work force investment board. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5533 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 15, 1999

SB 5562 Prime Sponsor, Senator Franklin: Declaring when payment of wages are due an employee ceasing to work. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5562 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Referred to Committee on Ways and Means.

February 17, 1999

SB 5606 Prime Sponsor, Senator Heavey: Providing procedures for discipline and termination of administrative appeals judges in the environmental hearings office. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5613 Prime Sponsor, Senator Jacobsen: Identifying a state-wide salmon recovery strategy. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5671 Prime Sponsor, Senator Kline: Repealing anarchy and sabotage statutes. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5671 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5672 Prime Sponsor, Senator Kline: Retaliating against a whistleblower. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5672 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5728 Prime Sponsor, Senator Winsley: Determining the validity of a proposed bond issuance. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5728 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5731 Prime Sponsor, Senator Snyder: Revising provisions regulating municipal officers' interest in contracts. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5740 Prime Sponsor, Senator Morton: Creating a program to save the bull trout. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5740 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

February 17, 1999

SJR 8206 Prime Sponsor, Senator Bauer: Guaranteeing school district debt. Reported by Committee on Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Goings, Kohl-Welles, Rasmussen and Sellar.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Referred to Committee on Ways and Means.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5247 and Senate Bill No. 5562 were referred to the Committee on Ways and Means.

#### INTRODUCTION AND FIRST READING

SB 5957 by Senators Johnson, B. Sheldon, McDonald, Hale, Deccio, Costa, Wojahn and Roach

AN ACT Relating to food labeling; and adding a new section to chapter 69.04 RCW.  
Referred to Committee on Agriculture and Rural Economic Development.

SB 5958 by Senators Brown, Eide and Rasmussen

AN ACT Relating to enhancing local effort assistance; amending RCW 28A.500.010; adding new sections to chapter 28A.500 RCW; and providing an effective date.  
Referred to Committee on Education.

SB 5959 by Senators Brown, Kohl-Welles and Rasmussen

AN ACT Relating to leave to care for a newborn child; amending RCW 50.20.050; and creating a new section.  
Referred to Committee on Labor and Workforce Development.

SB 5960 by Senator Prentice

AN ACT Relating to authorizing tribal-state compacts in which the state retrocedes from motor fuel tax for fuel sold or distributed by a tribal government, a tribally owned enterprise, or a tribally licensed business; adding new sections to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW; and repealing RCW 82.36.450 and 82.38.310.  
Referred to Committee on Transportation.

SB 5961 by Senators Haugen, Goings, Gardner, Benton, Patterson, Eide, Morton, Sellar, T. Sheldon, Jacobsen, Winsley and Rasmussen

AN ACT Relating to the duty of a driver in an accident; amending RCW 46.52.020; and prescribing penalties.  
Referred to Committee on Transportation.

SB 5962 by Senators Brown, Horn and Finkbeiner (by request of Secretary of State Munro and Governor Locke)

AN ACT Relating to the promotion of electronic commerce through digital signatures; amending RCW 19.34.010, 19.34.020, 19.34.030, 19.34.100, 19.34.110, 19.34.111, 19.34.120, 19.34.130, 19.34.200, 19.34.210,

19.34.231, 19.34.250, 19.34.280, 19.34.330, 19.34.340, 19.34.400, 19.34.410, and 43.105.320; adding a new section to chapter 19.34 RCW; creating a new section; providing an expiration date; and declaring an emergency. Referred to Committee on Energy, Technology and Telecommunications.

SB 5963 by Senators Loveland and Rasmussen

AN ACT Relating to fiscal matters.  
Referred to Committee on Ways and Means.

SB 5964 by Senators Loveland and Rasmussen

AN ACT Relating to fiscal matters.  
Referred to Committee on Ways and Means.

SB 5965 by Senators Loveland and Rasmussen

AN ACT Relating to state government.  
Referred to Committee on Ways and Means.

SB 5966 by Senators Loveland and Rasmussen

AN ACT Relating to state government.  
Referred to Committee on Ways and Means.

SB 5967 by Senators Loveland and Rasmussen

AN ACT Relating to human services.  
Referred to Committee on Ways and Means.

SB 5968 by Senators Loveland and Rasmussen

AN ACT Relating to human services.  
Referred to Committee on Ways and Means.

SB 5969 by Senators Loveland and Rasmussen

AN ACT Relating to natural resources.  
Referred to Committee on Ways and Means.

SB 5970 by Senators Loveland and Rasmussen

AN ACT Relating to natural resources.  
Referred to Committee on Ways and Means.

SB 5971 by Senators Loveland and Rasmussen

AN ACT Relating to education.  
Referred to Committee on Ways and Means.

SB 5972 by Senators Loveland and Rasmussen

AN ACT Relating to education.  
Referred to Committee on Ways and Means.

SB 5973 by Senators Loveland and Rasmussen

AN ACT Relating to higher education.  
Referred to Committee on Ways and Means.

SB 5974 by Senators Loveland and Rasmussen

AN ACT Relating to higher education.  
Referred to Committee on Ways and Means.

SB 5975 by Senators Loveland and Rasmussen

AN ACT Relating to revenue and taxation.  
Referred to Committee on Ways and Means.

SB 5976 by Senators Loveland and Rasmussen

AN ACT Relating to revenue and taxation.  
Referred to Committee on Ways and Means.

SB 5977 by Senator Heavey

AN ACT Relating to the motor vehicle fuel tax rate and distribution statutes; and amending RCW 46.68.095 and 82.36.025.  
Referred to Committee on Transportation.

SB 5978 by Senators Roach and Heavey

AN ACT Relating to sex offender sentencing; amending RCW 9.94A.120 and 9.94A.130; prescribing penalties; and declaring an emergency.  
Referred to Committee on Judiciary.

SB 5979 by Senator Roach

AN ACT Relating to designating lottery moneys for school construction, arts education, and construction of outdoor athletic facilities; and amending RCW 67.70.240, 43.99N.060, and 28A.300.040.  
Referred to Committee on Ways and Means.

SB 5980 by Senator Roach

AN ACT Relating to capital punishment; amending RCW 10.95.020; and prescribing penalties.  
Referred to Committee on Judiciary.

SB 5981 by Senator Heavey

AN ACT Relating to legal blood alcohol concentrations; amending RCW 46.61.502, 46.61.504, 46.61.506, 88.12.025, 90.56.540, and 90.56.550; reenacting and amending RCW 46.20.308, 46.20.3101, and 46.61.5055; and prescribing penalties.  
Referred to Committee on Judiciary.

SB 5982 by Senators West, Sheahan, Brown, McCaslin and Hale

AN ACT Relating to funding for regional convention, conference, or special events centers; amending RCW 82.14.048, 82.14.050, 36.100.060, 36.100.030, and 82.29A.130; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 35 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on State and Local Government.

SB 5983 by Senators West, Finkbeiner, Sheahan, McDonald, Hale, Oke, Benton, Swecker, Horn, Sellar and Honeyford

AN ACT Relating to K-12 funding; adding a new section to chapter 28A.150 RCW; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5984 by Senators West, Heavey, McDonald, T. Sheldon, Hale, Oke, Benton, Swecker, Long, Hochstatter, Horn, Stevens, Roach, Sheahan, Honeyford and Finkbeiner

AN ACT Relating to limitations on the regular property tax levies of taxing districts; amending RCW 84.55.0101; and creating a new section.  
Referred to Committee on Ways and Means.

SB 5985 by Senators Kline, Goings, Roach, Benton, Patterson, Eide, Costa, Gardner, Rasmussen, B. Sheldon, Shin, Haugen, Heavey, Kohl-Welles, Fairley and Brown

AN ACT Relating to retirement under the law enforcement officers' and fire fighters' retirement system; amending RCW 41.26.430; and reenacting and amending RCW 41.26.030.  
Referred to Committee on Ways and Means.

SB 5986 by Senators Goings, Benton, Bauer, Costa and Rasmussen

AN ACT Relating to duty connected death benefits under the law enforcement officers' and fire fighters' retirement system, plan 1; amending RCW 41.26.160; adding a new section to chapter 41.26 RCW; creating new sections; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5987 by Senators Goings, Benton, Bauer, Hochstatter, Costa, Gardner and Rasmussen

AN ACT Relating to the withdrawal of accumulated contributions under the law enforcement officers' and fire fighters' retirement system; amending RCW 41.26.470; and creating a new section.  
Referred to Committee on Ways and Means.

SB 5988 by Senators McAuliffe, Eide, Long, Finkbeiner, Goings, Zarelli, Patterson, Hargrove, Gardner, Kline, Franklin, Kohl-Welles, B. Sheldon, Winsley and Rasmussen

AN ACT Relating to revising judicial truancy provisions; and amending RCW 28A.225.030 and 28A.225.035.  
Referred to Committee on Education.

SB 5989 by Senators Haugen, Morton and Rasmussen

AN ACT Relating to aircraft registration fees and taxes; and amending RCW 47.68.250 and 82.48.080.  
Referred to Committee on Transportation.

SB 5990 by Senators Haugen, Morton, Gardner and Rasmussen

AN ACT Relating to distribution of sales and use taxes on aircraft fuel; amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 82.32 RCW; adding a new section to chapter 82.42 RCW; providing effective dates; providing an expiration date; and declaring an emergency.  
Referred to Committee on Transportation.

SB 5991 by Senators Gardner, Horn, Haugen, Kline, Patterson, McCaslin and Rasmussen

AN ACT Relating to the length of collective bargaining for public employees; and amending RCW 41.56.070.  
Referred to Committee on Labor and Workforce Development.

SB 5992 by Senators Benton, Zarelli, Finkbeiner, Sheahan, Hochstatter, Honeyford and Hargrove

AN ACT Relating to permanent concealed pistol licenses; and amending RCW 9.41.070 and 9.41.090.  
Referred to Committee on Judiciary.

SB 5993 by Senators Benton, Rossi, Zarelli, Stevens, Johnson and Finkbeiner

AN ACT Relating to open public meetings; and amending RCW 42.30.030, 42.30.040, 42.30.060, and 42.30.070.  
Referred to Committee on State and Local Government.

SB 5994 by Senators Fraser, B. Sheldon, Bauer, Gardner, Roach, Kohl-Welles, Wojahn, Rasmussen, Winsley, Kline, Brown and Patterson

AN ACT Relating to state pension policy and funding; amending RCW 41.45.020, 41.45.030, 41.40.650, 41.26.450, 41.45.061, 41.45.061, 44.44.010, 44.44.030, 44.44.040, and 44.44.060; reenacting and amending RCW 41.45.020 and 41.45.060; adding new sections to chapter 43.33A RCW; adding new sections to chapter 41.50 RCW; adding a new section to chapter 43.41 RCW; adding a new section to chapter 44.04 RCW; adding a new section to chapter 43.09 RCW; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 44.44.010, 44.44.030, and 44.44.040; repealing RCW 41.45.100, 41.45.110, 41.45.120, 41.52.010, 41.52.020, 41.52.030, 41.52.040, 41.52.050, 41.52.060, and 41.52.070; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency.  
Referred to Committee on Ways and Means.

#### MOTION

At 12:04 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, February 19, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

THIRTY-NINTH DAY, FEBRUARY 18, 1999

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**FORTIETH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Friday, February 19, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Deccio, Hale, Haugen, Jacobsen, Loveland, McCaslin, McDonald, Sellar, Stevens and West. On motion of Senator Honeyford, Senators Benton, Deccio, Hale, McCaslin, McDonald, Sellar, Stevens and West were excused. On motion of Senator Franklin, Senators Haugen, Jacobsen and Loveland were excused.

The Sergeant at Arms Color Guard consisting of Pages Rachel Vacca and Rebecca Isquith, presented the Colors. John Michalovskis of the Bahai' Assembly of Olympia, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 17, 1999

SB 5050 Prime Sponsor, Senator Prentice: Describing the treatment of intractable pain with controlled substances. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5050 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 18, 1999

SB 5105 Prime Sponsor, Senator Eide: Changing the definition of public water system. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5111 Prime Sponsor, Senator Franklin: Prohibiting health insurance discrimination on the basis of genetic information. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5111 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5149 Prime Sponsor, Senator Thibaudeau: Revising provisions relating to occupational therapy. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5149 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5201 Prime Sponsor, Senator Thibaudeau: Increasing fees for the production of certain records. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5201 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Deccio, Johnson and Winsley.

Referred to Committee on Ways and Means.

February 17, 1999

SB 5255 Prime Sponsor, Senator Jacobsen: Changing Washington conservation corps provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West and Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1999

SB 5343 Prime Sponsor, Senator Jacobsen: Requiring that school information be included in the passport provided to foster parents. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5374 Prime Sponsor, Senator Heavey: Making corrective amendments to certain drivers' licensing laws. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5432 Prime Sponsor, Senator Fraser: Authorizing charitable deductions from retirement allowances. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, West and Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1999

SB 5442 Prime Sponsor, Senator Kline: Increasing the defined amount of "nominal deposit" affecting real estate brokers. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

February 18, 1999

SB 5462 Prime Sponsor, Senator Hargrove: Providing services to the homeless. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5462 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5466 Prime Sponsor, Senator Costa: Revising sanctions for violating conditions of the juvenile offender basic training camp program. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West and Wojahn.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5503 Prime Sponsor, Senator T. Sheldon: Changing provisions relating to sewer service. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, B. Sheldon, Snyder, Spanel and Wojahn.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5516 Prime Sponsor, Senator Thibaudeau: Creating the tobacco prevention and control program. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5516 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5529 Prime Sponsor, Senator Loveland: Clarifying the property tax exemption statutes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, West and Wojahn.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5531 Prime Sponsor, Senator Loveland: Updating the tax code by making administrative clarifications, correcting oversights, and deleting obsolete references. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5531 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, West and Wojahn.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5542 Prime Sponsor, Senator B. Sheldon: Allowing counties to vote on an additional sales and use tax for emergency communication systems. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, West and Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1999

SB 5549 Prime Sponsor, Senator Kohl-Welles: Authorizing the secretary of corrections to grant extraordinary medical releases to offenders when specified conditions are met. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5549 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5584 Prime Sponsor, Senator Fraser: Preventing the use of step transactions to avoid real estate excise tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel, West and Wojahn.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5617 Prime Sponsor, Senator Horn: Providing exemptions from driver's license requirements for nonresidents. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 18, 1999

SB 5664 Prime Sponsor, Senator Costa: Renaming, with regard to adult and juvenile offenders, "community service" as "community restitution." Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5666 Prime Sponsor, Senator Rasmussen: Simplifying acquisitions procedures for wreckers. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5666 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 18, 1999

SB 5748 Prime Sponsor, Senator Stevens: Making technical corrections to RCW 13.34.130. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 18, 1999

GA 9088 ANN ANDERSON, appointed September 15, 1998, for a term ending March 1, 2003, as a member of the Tax Appeals Board.

Reported by Committee on Ways and Means

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Kohl-Welles, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to Committee on Rules.

February 18, 1999

GA 9137 HARTLY KRUGER, appointed August 18, 1998, for a term ending January 17, 2002, as a member of the Horse Racing Commission.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules.

February 18, 1999

GA 9146 PAT LOVETT, appointed March 17, 1998, for a term ending December 5, 2000, as a member of the Western State Hospital Advisory Board.

Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan and Stevens.

Passed to Committee on Rules.

February 18, 1999

GA 9193 GEORGE MASTEN, reappointed January 15, 1999, for a term ending December 31, 2001, as a member of the State Investment Board.

Reported by Committee on Ways and Means

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Kohl-Welles, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

August, 28, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michael Spearman, reappointed August 28, 1998, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to the Committee on Judiciary.

January 22, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dorothy Hollingsworth, appointed January 22, 1999, for a term ending September 30, 2003, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6.

Sincerely,

Referred to the Committee on Higher Education.

INTRODUCTION AND FIRST READING

SB 5995 by Senators Fraser, Winsley, Prentice, Eide, Fairley, Gardner, Roach, Kohl-Welles, Haugen, Kline, Franklin and Rasmussen

AN ACT Relating to the public retirement systems; amending RCW 41.40.630, 41.40.670, 41.32.765, 41.32.790, 41.32.875, 41.32.880, 41.26.430, 41.26.470, 41.35.420, 41.35.440, 41.35.680, and 41.35.690; adding a new chapter to Title 41 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5996 by Senators Fraser, Winsley, Roach, Haugen, Bauer, Gardner, Kohl-Welles, Fairley, Kline, Franklin and Rasmussen

AN ACT Relating to the public retirement systems; amending RCW 41.40.630, 41.40.670, 41.32.765, 41.32.790, 41.32.875, 41.32.880, 41.26.430, 41.26.470, 41.35.420, 41.35.440, 41.35.680, and 41.35.690; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5997 by Senators Eide, Long and Rasmussen

AN ACT Relating to exempting private residences on United States forest service land from the leasehold excise tax; and amending RCW 82.29A.130.

Referred to Committee on Ways and Means.

SB 5998 by Senators McAuliffe, Prentice, Winsley and Jacobsen

AN ACT Relating to bids for school district work or purchase; and amending RCW 28A.335.190.

Referred to Committee on Education.

SB 5999 by Senator Hale

AN ACT Relating to public hospital districts; and adding a new section to chapter 70.44 RCW.

Referred to Committee on State and Local Government.

SB 6000 by Senators Zarelli, Finkbeiner, Oke and Benton

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

Referred to Committee on Education.

SB 6001 by Senators Hargrove, Long, Winsley and Rasmussen

AN ACT Relating to the office of the family and children's ombudsman; amending RCW 43.06A.030, 13.34.105, and 13.50.100; adding a new section to chapter 26.12 RCW; adding new sections to chapter 43.06A RCW; and adding a new section to chapter 13.50 RCW.

Referred to Committee on Human Services and Corrections.

SB 6002 by Senators Patterson, McCaslin, Bauer, Benton, Haugen, Goings, Winsley, Gardner, Oke and Rasmussen

AN ACT Relating to implementing the capital facilities and transportation elements of comprehensive plans adopted under the growth management act; amending RCW 36.70A.103, 43.84.092, and 43.84.092; adding a new section to chapter 36.70A RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on State and Local Government.

SB 6003 by Senators Snyder, Winsley, Prentice, Wojahn, T. Sheldon and Rasmussen (by request of Governor Locke)

AN ACT Relating to the reorganization of the liquor control board; amending RCW 66.04.010, 66.08.012, 66.08.014, 66.08.016, 66.08.020, 66.08.020, 66.08.022, 66.08.024, 66.08.026, 66.08.030, 66.08.055, 66.08.060, 66.08.070, 66.08.075, 66.08.080, 66.08.090, 66.08.095, 66.08.100, 66.08.130, 66.08.140, 66.08.150, 66.08.170, 66.08.220, 66.08.235, 10.93.020, 19.02.050, 42.17.2401, 43.17.020, and 43.82.010; reenacting and amending RCW 66.08.180 and 43.17.010; adding new sections to chapter 66.08 RCW; creating new sections; repealing RCW 66.08.016 and 66.08.050; and providing an effective date.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6004 by Senators Winsley, Prentice, Hale, Shin, Goings and Rasmussen

AN ACT Relating to certification of resident managers of mobile home parks; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SJM 8011 by Senators Sheahan, T. Sheldon, Stevens, Morton, Honeyford, Hochstatter and Oke

Urging elimination of unilateral trade sanctions.

Referred to Committee on Agriculture and Rural Economic Development.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Shin, Gubernatorial Appointment No. 9022, Dr. Jay W. Kim, as a member of the Board of Trustees for Pierce Community College District No. 11, was confirmed.

Senators Shin and Franklin spoke to Dr. Jay W. Kim, as a member of the Board of Trustees for Pierce Community College.

APPOINTMENT OF DR. JAY W. KIM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 38.

Excused: Senators Benton, Deccio, Hale, Haugen, Jacobsen, Loveland, McCaslin, McDonald, Sellar, Stevens and West - 11.

MOTION

On motion of Senator Costa, Gubernatorial Appointment No. 9086, Jenny Wieland, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF JENNY WIELAND

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Deccio, Hale, Haugen, Jacobsen, McCaslin, Stevens and West - 7.

## SECOND READING

SENATE BILL NO. 5275, by Senators Bauer, Snyder, Zarelli, Eide, Sellar, Deccio, Haugen, Franklin, Hargrove, Patterson, Heavey, Rasmussen, Shin, Kohl-Welles, Fairley, Fraser, Prentice, Goings, T. Sheldon, Costa, Wojahn, Spanel, Jacobsen, Roach and Hale

Regarding Lewis and Clark bicentennial advisory committee.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5275 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5275.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5275 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Deccio, Hale, Jacobsen, McCaslin and Stevens - 5.

SENATE BILL NO. 5275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5005, by Senators Loveland, Haugen, Winsley and Rasmussen

Allowing signing of safer routes to tourist-oriented businesses.

The bill was read the second time.

## MOTION

On motion of Senator Loveland, the rules were suspended, Senate Bill No. 5005 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5005.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5005 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Deccio, Hale, Jacobsen, McCaslin and Stevens - 5.

SENATE BILL NO. 5005, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5358, by Senators Benton, Snyder, Shin, Patterson, Costa, Rasmussen, Finkbeiner, Swecker, T. Sheldon, Sellar, Haugen, Hochstatter, Zarelli, Jacobsen, Heavey, Gardner, Prentice, Rossi, Horn and Stevens

Eliminating motorcycle handlebar height restrictions.

The bill was read the second time.

## MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5358.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5358 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Deccio, Hale, Jacobsen, McCaslin and Stevens - 5.

SENATE BILL NO. 5358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5094, by Senators Oke, Jacobsen, B. Sheldon, Bauer, Gardner, T. Sheldon, Fairley, Fraser, Winsley, McAuliffe, Long, Eide, Kohl-Welles, Costa, Haugen and McCaslin

Concerning personal flotation devices.

## MOTIONS

On motion of Senator Tim Sheldon, Substitute Senate Bill No. 5094 was substituted for Senate Bill No. 5094 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the rules were suspended, Substitute Senate Bill No. 5094 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Morton: "Senator Oke, I am concerned about the wording in the bill. Really, Mr. President, I have three pointed questions. On page 2, line 1, it says, 'appropriate size.' I am wondering if there is a definition of appropriate size of this particular flotation device. Then, page 2, line 5, it says, 'the vessel is underway.' I am wondering if there is a definition of being underway. Are we out on the great sea and drifting with the tide; is that underway? Are we under power, are we under oar, or are we just out there somewhere? Then, finally on page 2, line 11, it says that a child is on a Coast Guard inspected passenger-carrying vessel.

"Now I have two vessels, one is a canoe and one is a little row boat. They both have tags from the United States Coast Guard that give the capacity of the boat, both in pounds and numbers of passengers. Is that what fits here or not? I need some explanation before I can give approval. I think, sir, that I have too many questions to be able to vote affirmatively."

Senator Oke: "Thank you, Senator Morton. I think I thank you; those are three long questions. The answer to all three of them really lies in Subsection 4 (c), which is a new element of this bill that we had over last year. Your concern is really taken

care of by the officers that are out there--giving the infraction--if necessary, insuring that this is being done. It says, 'While on board a vessel, at a time and place where no person would reasonably expect drowning to occur.'"

#### POINT OF ORDER

Senator Heavey: "Thank you, Mr. President, a point of order. I would like to remind the body that when we ask colloquies or we spread the remarks on the Journal, that we are imposing a lot of work on the staff. So, if we could refrain, unless we have it well worked in advance what the question and answer would be, I think it would be appreciated by everybody."

Further debate ensued.

#### CALL FOR THE PREVIOUS QUESTION

Senators Snyder, Franklin, and Prentice called for the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5094.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5094 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 10; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 34.

Voting nay: Senators Benton, Finkbeiner, Hochstatter, Honeyford, Horn, Morton, Roach, Sellar, West and Zarelli - 10.

Excused: Senators Deccio, Hale, Jacobsen, McCaslin and Stevens - 5.

SENATE BILL NO. 5094, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5309, by Senator Haugen

Technically editing chapter 46.20 RCW.

#### MOTIONS

On motion of Senator Gardner, Substitute Senate Bill No. 5309 was substituted for Senate Bill No. 5309 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gardner, the rules were suspended, Substitute Senate Bill No. 5309 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5309.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5309 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Deccio, Hale, Jacobsen, McCaslin and Stevens - 5.

SUBSTITUTE SENATE BILL NO. 5309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Heavey: "A point of personal privilege, Mr. President. The gentleman from the Fourth District isn't here today, so I think it is appropriate, having just suffered through what we did, to mention the first speech of the lady from the Forty-Second District, which sounded like the ear-splitting shriek of a diseased camel. Having inflicted that pain on the membership, she will have to, or she should be considerate and give us a little something for the pain which we went through and a gift would be in order. Thank you."

#### PERSONAL PRIVILEGE

Senator Gardner: "A point of personal privilege, Mr. President. I am going to have to bow to the Senator's superior knowledge of camels. I do have something for you. I do regret that Senator McCaslin is absent, because I know he does get hungry at this time of day. I wanted to assure him that I had something for him to eat. I also know that you have heard me speak of Blaine and what a wonderful place to live, so I wanted to give you a map of the Forty-Second District with Blaine prominently featured, so that you can not only see where we are, but you can enjoy this treat that is made in Blaine and see that we truly have everything there. Thank you."

#### SECOND READING

SENATE BILL NO. 5195, by Senators Heavey, Johnson, Kline and Winsley

Protecting employee benefits.

#### MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5195 was substituted for Senate Bill No. 5195 and the substitute bill was placed on second reading and read the second time.

Senator Heavey moved that the following amendment be adopted:

On page 3, line 3, after "41.32," insert "41.34, 41.35."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Heavey on page 3, line 3, to Substitute Senate Bill No. 5195.

The motion by Senator Heavey carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Honeyford, Senator McDonald was excused.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Engrossed Substitute Senate Bill No. 5195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5195.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5195 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Deccio, Hale, Jacobsen, McCaslin, McDonald and Stevens - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### SENATE RESOLUTION 1999-8612

By Senator Loveland

WHEREAS, Winning the state football championship is the pinnacle of sports for high school football teams throughout Washington; and

WHEREAS, The Touchet High School "Indians" had a perfect record, going unbeaten the entire season; and

WHEREAS, With a school enrollment of just forty-seven students, more than half the school is on the twenty-six member football team; and

WHEREAS, Touchet High School scored 465 points during the regular season and an additional 198 points during the playoffs for an incredible total of 663 points scored over twelve games; and

WHEREAS, During this the 1998-99 school year, Touchet High School won its third state football B-8 championship by a score of 71-48; and

WHEREAS, Touchet's student-athletes exemplify the qualities of commitment to a common goal, perseverance, and dedication; and

WHEREAS, Following the leadership of coaches Wayne Dickey, Gary Dorman, Donny Weaver, and Leland Weber, the players learned and practiced the values of discipline, initiative, confidence, leadership, fitness, and pride;

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate honor and recognize the hard work and achievement of the student athletes and coaches at Touchet High School — the 1998 B-8 State Football Champions.

BE IT FURTHER RESOLVED, That the Secretary of the Senate do hereby immediately transmit a copy of this resolution to Wayne Dickey, head football coach at Touchet High School.

#### MOTION

At 11:16 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:51 a.m. by President Owen.

#### MOTION

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

#### SENATE RESOLUTION 1999-8613

By Senator Loveland

WHEREAS, Winning the state football championship is the highest achievement possible for student players; and

WHEREAS, Pasco High School, in just its first appearance in any playoff game, clinched the state 4A football title by a score of 17-0, also known as a "shutout"; and

WHEREAS, An estimated 5,000 Pasco "Bulldog" fans not only followed the season in great numbers during the conference games, but also braved stormy, snowy roads across the Cascade Mountains to cheer their team on during the playoffs; and

WHEREAS, The Pasco "Bulldogs" exemplify teamwork by recognizing that no win can be achieved by star performance alone but, rather, by collective effort; and

WHEREAS, The student athletes on this team achieved their success through hard work, long days, perseverance, and personal sacrifice; and

WHEREAS, Under the skillful guidance of dedicated coaches Steve Graff, Dave Spray, Kevin Pedersen, Don Hogue, Andy Troxel, and Billy Templeton, the players learned and practiced the values of discipline, initiative, confidence, leadership, fitness, and pride;

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate honor and recognize the exceptional achievement reached by the student athletes and coaches at Pasco High School - the 1998 4A State Football Champions.

BE IT FURTHER RESOLVED, That the Secretary of the Senate do hereby immediately transmit a copy of this resolution to Steve Graff, head football coach at Pasco High School.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the 1998 State 4A Championship Football Team, the Pasco Bulldogs, who were seated in the gallery.

#### MOTION

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

#### SENATE RESOLUTION 1999-8611

By Senator Loveland

WHEREAS, The DeSales Irish from Walla Walla may be on the road to a football legacy by winning their second consecutive B-11 high school football championship; and

WHEREAS, The winning football trophy will join the seven consecutively-won Class B baseball championship trophies DeSales has earned; and

WHEREAS, With a student body of seventy-one, DeSales players know and practice the values of community, mutual support, and collective effort; and

WHEREAS, The student-athletes of the Irish achieved their back-to-back champion success by dedicating long hours after school to practice while still keeping up with their academic studies; and

WHEREAS, Under the leadership of head coach Pat Graham, the athletes learned the importance of discipline, goal-setting, leadership, fitness, and pride;

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate honor and recognize the exceptional achievement reached by the student athletes and coaches at DeSales High School - the 1998 B-11 State Football Champions.

BE IT FURTHER RESOLVED, That the Secretary of the Senate do hereby immediately transmit a copy of this resolution to Pat Graham, head football coach at DeSales High School.

#### MOTION

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

#### SENATE RESOLUTION 1999-8632

By Senators Snyder, Fraser and Rasmussen

WHEREAS, The year 1999 marks the two hundredth anniversary of the death of America's Founding Father, George Washington; and

WHEREAS, George Washington was the indispensable figure in the creation of the United States of America, and served our nation as its first Commander in Chief and President with unparalleled distinction; and

WHEREAS, George Washington modeled for the world the peaceful transference power, a cornerstone of democracy; and

WHEREAS, George Washington, in the first presidential inaugural address, challenged all Americans with the task of preserving, for all ages, the "sacred fire of liberty"; and

WHEREAS, In 1853, the Territory of Washington was so named for the nation's hero; and

WHEREAS, In 1889, the state of Washington joined the Union as the Forty-Second State and became the only state named for a President;

NOW, THEREFORE, BE IT RESOLVED, That the Senate proclaim 1999 as George Washington Year to celebrate the life and legacies of George Washington: First in War, First in Peace, and First in the Hearts of His Countrymen.

Senators Snyder, Fraser and Shin spoke to Senate Resolution 1999-8632

MOTION

At 12:01 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, February 22, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FORTIETH DAY, FEBRUARY 19, 1999

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**FORTY-THIRD DAY**

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**NOON SESSION**

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Senate Chamber, Olympia, Monday, February 22, 1999

The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 17, 1999

SB 5141 Prime Sponsor, Senator Thibaudeau: Allowing the department of health to charge a fee for newborn screening services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to Committee on Ways and Means.

February 18, 1999

SB 5256 Prime Sponsor, Senator Snyder: Expanding the exemption to public disclosure laws for the state investment board. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Deccio, Gardner, Rasmussen, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Hale, Heavey and T. Sheldon.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5273 Prime Sponsor, Senator Jacobsen: Creating a scenic byways designation program. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5273 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 19, 1999

SB 5277 Prime Sponsor, Senator Kohl-Welles: Creating the Washington fund for student child care in higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5277 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules for second reading.

February 11, 1999

SB 5293 Prime Sponsor, Senator Fairley: Changing provisions relating to family leave. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Hochstatter and Oke.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5312 Prime Sponsor, Senator Costa: Providing for the prevention of workplace violence in health care settings. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5312 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to Committee on Ways and Means.

February 18, 1999

SB 5367 Prime Sponsor, Senator Kline: Requiring a permanent anchor for worker fall protection. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5425 Prime Sponsor, Senator Thibaudeau: Establishing parity for mental health services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5425 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa and Franklin.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Deccio and Johnson.

Referred to Committee on Ways and Means.

February 17, 1999

SB 5445 Prime Sponsor, Senator Franklin: Allowing the chair of a legislative committee to request review by the department of health of a mandated benefit bill. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 17, 1999

SB 5465 Prime Sponsor, Senator Costa: Authorizing implementation of a waiver for the department of social and health services to provide family planning services to eligible persons. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5465 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin and Winsley.

Referred to Committee on Ways and Means.

February 17, 1999

SB 5512 Prime Sponsor, Senator Costa: Requiring health plans that cover prescription drugs to cover the cost of prescription contraceptives. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5512 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin and Winsley.

Passed to Committee on Rules for second reading.

February 18, 1999

SB 5614 Prime Sponsor, Senator Hochstatter: Concerning the issuance of citations under the Washington industrial safety and health act. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

February 19, 1999

SB 5624 Prime Sponsor, Senator Kohl-Welles: Imposing an additional assessment for persons entering diversion agreements in regard to prostitution offenses. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson and Zarelli.

Passed to Committee on Rules for second reading.

February 18, 1999

SB 5669 Prime Sponsor, Senator Snyder: Regulating conversion vending units and medical units. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5669 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1999

SB 5674 Prime Sponsor, Senator Costa: Authorizing tax exemptions for community health clinics. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin and Winsley.

Referred to Committee on Ways and Means.

February 18, 1999

SB 5702 Prime Sponsor, Senator Thibaudeau: Changing physician assistant licensing and practice requirements. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Franklin and Winsley.

Passed to Committee on Rules for second reading.

February 19, 1999

SB 5789 Prime Sponsor, Senator Bauer: Creating the K-20 educational network board. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

February 18, 1999

GA 9045 JOHN P. SULLIVAN, reappointed May 22, 1997, for a term ending June 15, 2002, as a member of the Marine Employees' Commission.

Reported by Committee on Transportation

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules.

February 19, 1999

GA 9057 ELIZABETH M. CALVIN, reappointed November 26, 1997, for a term ending August 2, 2002, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Long, Roach and Thibaudeau.

Passed to Committee on Rules.

February 19, 1999

GA 9062 MICHAEL E. DONAHUE, appointed January 9, 1998, for a term ending August 2, 2000, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Johnson, Long, Thibaudeau and Zarelli.

Passed to Committee on Rules.

February 19, 1999

GA 9065 CHRIS JENSEN, reappointed January 28, 1997, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Johnson, Long, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules.

February 19, 1999

GA 9083 CYRUS VANCE, reappointed January 28, 1997, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Johnson, Long, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules.

February 18, 1999

GA 9101 HENRY CHILES, reappointed June 30, 1998, for a term ending June 15, 2003, as Chair of the Marine Employees' Commission.

Reported by Committee on Transportation

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules.

February 19, 1999

GA 9117 AMY C. GILLESPIE, appointed June 1, 1998, for a term ending May 31, 1999, as a member of the Board of Trustees for Central Washington University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

February 19, 1999

GA 9120 AARON C. GUTIERREZ, appointed June 19, 1998, for a term ending May 31, 1999, as a member of the Board of Trustees for Eastern Washington University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

February 19, 1999

GA 9145 LARA LITTLEFIELD, appointed June 5, 1998, for a term ending May 31, 1999, as a member of the Board of Trustees for The Evergreen State College.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

February 19, 1999

GA 9154 JANELLE MILODRAGOVICH, appointed June 1, 1998, for a term ending May 31, 1999, as a member of the Board of Regents for Washington State University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

February 19, 1999

GA 9178 ADRIENNE THOMPSON, appointed June 22, 1998, for a term ending May 31, 1999, as a member of the Board of Trustees for Western Washington University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

February 19, 1999

GA 9183 ELIZABETH A. WILLIS, appointed August 21, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Pierce Community College District No. 11.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, McAuliffe, Sheahan, B. Sheldon and West.

Passed to Committee on Rules.

#### MESSAGE FROM THE HOUSE

February 19, 1999

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1212,

SUBSTITUTE HOUSE BILL NO. 1294,

SUBSTITUTE HOUSE BILL NO. 1317,

HOUSE JOINT MEMORIAL NO. 4006, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6005 by Senators Benton, Zarelli and Hochstatter

AN ACT Relating to contracts for certificated school personnel; and amending RCW 28A.400.010, 28A.400.300, 28A.405.100, 28A.405.210, 28A.405.220, 28A.405.230, 28A.405.240, 28A.405.300, 28A.405.310, 28A.405.320, 28A.405.350, and 28A.405.380.

Referred to Committee on Education.

SB 6006 by Senators Zarelli, Hochstatter and Bauer

AN ACT Relating to certain school district certificated employees; and amending RCW 28A.405.900.  
Referred to Committee on Education.

SB 6007 by Senators Hochstatter and Bauer

AN ACT Relating to fiscal notes on legislation and administrative rules affecting school districts; amending RCW 28A.150.290, 28A.150.290, and 28A.305.130; adding new sections to chapter 28A.300 RCW; and providing a contingent effective date.  
Referred to Committee on Education.

SB 6008 by Senators Costa, Hargrove and Long

AN ACT Relating to authorizing the participation of youth as decision makers in dispositions of minor offenses and rules violations; amending RCW 13.40.020, 13.40.250, and 46.63.040; adding new sections to chapter 13.40 RCW; and adding new sections to chapter 28A.150 RCW.  
Referred to Committee on Human Services and Corrections.

SB 6009 by Senators Oke and Haugen (by request of Department of Licensing)

AN ACT Relating to nonphoto identification cards for disabled parking; and amending RCW 46.16.381.  
Referred to Committee on Transportation.

SB 6010 by Senators West, Jacobsen and Sheahan

AN ACT Relating to operating fee waivers; amending RCW 28B.15.066 and 28B.15.910; and adding a new section to chapter 28B.15 RCW.  
Referred to Committee on Higher Education.

SB 6011 by Senators Patterson, Hale, Haugen and Johnson

AN ACT Relating to technical assistance documents; and adding a new section to chapter 43.05 RCW.  
Referred to Committee on State and Local Government.

SB 6012 by Senators Long and Fraser

AN ACT Relating to a monthly unit valuation for certain portfolios and funds managed by the state investment board; and amending RCW 41.34.060 and 41.34.140.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6013 by Senators Costa and Thibaudeau

AN ACT Relating to implementing programs that implement health needs; and adding a new section to chapter 43.70 RCW.  
Referred to Committee on Health and Long-Term Care.

SB 6014 by Senators Benton, Rossi, Bauer and Swecker

AN ACT Relating to small scale prospecting and mining; amending RCW 75.20.100; adding a new section to chapter 75.20 RCW; and declaring an emergency.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6015 by Senators Goings, Heavey, McCaslin, Fairley, Long and Roach

AN ACT Relating to criminal mistreatment; adding a new section to chapter 9A.42 RCW; and prescribing penalties.  
Referred to Committee on Judiciary.

SB 6016 by Senators Gardner, Kline, Patterson and Haugen

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

SB 6017 by Senators Spanel and Swecker (by request of Department of Ecology)

AN ACT Relating to motor vehicle emission inspections; and amending RCW 46.16.015.  
Referred to Committee on Environmental Quality and Water Resources.

SB 6018 by Senators McAuliffe, Bauer and Rasmussen

AN ACT Relating to the creation of the temporary citizens' commission on school funding and education excellence; creating new sections; making appropriations; and declaring an emergency.  
Referred to Committee on Education.

SB 6019 by Senator Rasmussen

AN ACT Relating to crop credit associations; and repealing RCW 31.16.020, 31.16.025, 31.16.028, 31.16.030, 31.16.040, 31.16.050, 31.16.060, 31.16.070, 31.16.080, 31.16.090, 31.16.100, 31.16.110, 31.16.120, 31.16.130, 31.16.150, 31.16.160, 31.16.170, 31.16.180, 31.16.190, 31.16.200, 31.16.210, 31.16.220, 31.16.230, 31.16.240, 31.16.250, 31.16.255, 31.16.260, 31.16.270, 31.16.280, 31.16.290, 31.16.300, 31.16.310, 31.16.320, 31.16.900, and 31.16.910.  
Referred to Committee on Agriculture and Rural Economic Development.

SB 6020 by Senators Hargrove, Fairley, Benton, Kohl-Welles, Zarelli, Swecker, Roach, McDonald, Rossi, Morton, Spanel, Thibaudeau, Hochstatter, T. Sheldon, Sheahan, Johnson, Prentice, Brown, Heavey, Stevens and Costa

AN ACT Relating to recording of social security numbers on applications for licenses to assist in child support enforcement; amending RCW 26.23.150; and creating a new section.  
Referred to Committee on Labor and Workforce Development.

SB 6021 by Senators Prentice and Patterson

AN ACT Relating to a sales and use tax exemption for regional transportation authorities; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.  
Referred to Committee on Transportation.

SB 6022 by Senators Thibaudeau, Benton, Prentice, Eide, Sellar, Honeyford and Patterson

AN ACT Relating to the medicaid trial prescription program; and amending RCW 74.09.010 and 74.09.520.  
Referred to Committee on Health and Long-Term Care.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1212 by House Committee on Transportation (originally sponsored by Representatives Eickmeyer, Clements, Mielke, Benson, Veloria, Haigh, O'Brien, Doumit, Murray, Anderson, Conway, Constantine, Fisher, Hatfield, Dunshee, H. Sommers and Kenney)

Extending certain drivers' licenses for out-of-state licensees.

Referred to Committee on Transportation.

SHB 1294 by House Committee on Transportation (originally sponsored by Representatives Fisher and K. Schmidt)

Technically editing chapter 46.20 RCW.

Referred to Committee on Transportation.

SHB 1317 by House Committee on Transportation (originally sponsored by Representatives Murray, K. Schmidt, Fisher, Romero, Ogden, Scott, Hankins, Skinner, Morris, Lovick, Cooper, Reardon, O'Brien, Wood and McIntire)

Enhancing regional transportation planning.

Referred to Committee on Transportation.

HJM 4006 by Representatives Fisher, K. Schmidt, Mitchell, Radcliff, Skinner, Hankins, Wood, Cooper and Ogden

Requesting the Transportation Commission to update the system of Highways of Statewide Significance.

Referred to Committee on Transportation.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6017 was referred to the Committee on Environmental Quality and Water Resources.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Tuesday, February 23, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-THIRD DAY, FEBRUARY 22, 1999

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**FORTY-FOURTH DAY**

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NOON SESSION

Senate Chamber, Olympia, Tuesday, February 23, 1999  
The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 22, 1999

SB 5049 Prime Sponsor, Senator Rasmussen: Enhancing penalties for manufacturing methamphetamines inside a conveyance. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5049 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Heavey, Chair; Costa, Goings, Hargrove, Haugen, Long, McCaslin, Roach and Thibaudeau.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Kline, Vice Chair.

Referred to Committee on Ways and Means.

February 22, 1999

SB 5168 Prime Sponsor, Senator T. Sheldon: Encouraging economic development in distressed areas. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5168 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder and Swecker.

Referred to Committee on Ways and Means.

February 22, 1999

SB 5205 Prime Sponsor, Senator Morton: Changing provisions relating to the prevention of cruelty to animals. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5205 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder and Swecker.

Passed to Committee on Rules for second reading.

February 22, 1999

SB 5250 Prime Sponsor, Senator Wojahn: Permitting the secretary of health to implement programs regarding women's health. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1999

SB 5291 Prime Sponsor, Senator Franklin: Creating the crime of aggressive driving to combat road rage. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass and be referred to Committee on Transportation. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen McCaslin and Thibaudeau.

Referred to Committee on Transportation.

February 22, 1999

SB 5414 Prime Sponsor, Senator Snyder: Providing excise tax incentives for help desk technology businesses in distressed counties. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5414 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder and Swecker.

Referred to Committee on Ways and Means.

February 22, 1999

SB 5456 Prime Sponsor, Senator Rasmussen: Creating an electric utility rural economic development revolving fund. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5456 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder and Swecker.

Referred to Committee on Ways and Means.

February 22, 1999

SB 5487 Prime Sponsor, Senator Heavey: Changing fees for court procedures. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5487 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

February 22, 1999

SB 5501 Prime Sponsor, Senator Rasmussen: Creating the summer school jump start program. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5501 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar and Swecker.

Passed to Committee on Rules for second reading.

February 22, 1999

SB 5538 Prime Sponsor, Senator Costa: Clarifying sentencing requirements for certain crimes. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Long, McCaslin and Thibaudeau.

Referred to Committee on Ways and Means.

February 22, 1999

SB 5554 Prime Sponsor, Senator Costa: Authorizing community and technical colleges boards of trustees to adopt rules regarding weapons on district-owned or maintained property. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Jacobsen, McAuliffe and B. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Horn.

Passed to Committee on Rules for second reading.

February 22, 1999

SB 5567 Prime Sponsor, Senator Hale: Using federal funds to reduce the outstanding debt of school districts within counties. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 22, 1999

SB 5652 Prime Sponsor, Senator Bauer: Increasing statutory limits on appraiser fees in eminent domain proceedings. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 22, 1999

SB 5662 Prime Sponsor, Senator Finkbeiner: Studying on-line voting. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn and Kline.

Passed to Committee on Rules for second reading.

February 22, 1999

SB 5696 Prime Sponsor, Senator McCaslin: Extending state responsibility for election costs. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Referred to Committee on Ways and Means.

February 22, 1999

SB 5772 Prime Sponsor, Senator Gardner: Strengthening confidentiality for victims of domestic violence. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 22, 1999

SB 5803 Prime Sponsor, Senator Rasmussen: Changing dairy nutrient management provisions. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5803 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder and Swecker.

Passed to Committee on Rules for second reading.

February 22, 1999

SJR 8205 Prime Sponsor, Senator Hargrove: Requiring initiative signatures from all congressional districts. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Joint Resolution No. 8205 be substituted therefor, and the substitute resolution do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Haugen, Horn, Kline and McCaslin.

Referred to Committee on Ways and Means.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 22, 1999

GA 9141 CLARENCE F. LEGEL, appointed November 10, 1998, for a term ending June 19, 1999, as a member of the Health Care Facilities Authority.

Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

Passed to Committee on Rules.

February 22, 1999

GA 9158 ERIK W. PEARSON, appointed October 28, 1998, for a term ending September 30, 2001, as a member of the Board of Trustees for Western Washington University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe and B. Sheldon.

Passed to Committee on Rules.

February 22, 1999

GA 9186 BETTY WOODS, appointed October 28, 1998, for a term ending September 30, 2004, as a member of the Board of Trustees for Western Washington University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe and B. Sheldon.

Passed to Committee on Rules.

February 22, 1999

GA 9192 MICHAEL KLIENBERG, appointed January 22, 1999, for a term ending January 19, 2003, as a member of the Board of Pharmacy.

Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

Passed to Committee on Rules.

#### MESSAGE FROM THE HOUSE

February 22, 1999

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1023,  
HOUSE BILL NO. 1031,  
SUBSTITUTE HOUSE BILL NO. 1041  
HOUSE BILL NO. 1098,  
SUBSTITUTE HOUSE BILL NO. 1124,  
SUBSTITUTE HOUSE BILL NO. 1149,  
HOUSE BILL NO. 1150,  
SUBSTITUTE HOUSE BILL NO. 1183,  
HOUSE BILL NO. 1188, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6023 by Senators McAuliffe and Winsley

AN ACT Relating to volunteers at school athletic events; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

SB 6024 by Senators Kline, Patterson, McCaslin and Gardner

AN ACT Relating to the collection of personally identifiable information by state agencies; and amending RCW 43.105.020 and 43.105.052.

Referred to Committee on State and Local Government.

SB 6025 by Senators Bauer, Horn and Patterson (by request of State Board for Community and Technical Colleges)

AN ACT Relating to purchases for resale by institutions of higher education; and amending RCW 43.19.1906.

Referred to Committee on Higher Education.

SB 6026 by Senators Goings, Benton, Hargrove and T. Sheldon

AN ACT Relating to authorized emergency vehicles; and amending RCW 46.61.035.

Referred to Committee on Judiciary.

SB 6027 by Senators Goings, Heavey, Benton, Hargrove, T. Sheldon and Snyder

AN ACT Relating to attempting to elude a pursuing police vehicle; amending RCW 46.20.311 and 46.61.024; reenacting and amending RCW 46.20.285 and 9.94A.320; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6028 by Senators Jacobsen, Kline, Spanel, Thibaudeau, Fraser, Fairley and Costa (by request of Commissioner of Public Lands Belcher)

AN ACT Relating to providing funding for the acquisition of salmon habitat and recreation areas; adding new sections to chapter 43.98A RCW; adding a new section to chapter 43.135 RCW; creating a new section; and providing for submission of this act to a vote of the people.

Referred to Committee on Natural Resources, Parks and Recreation.

SB 6029 by Senator Thibaudeau

AN ACT Relating to certifying reflexologists in the practice of reflexology; amending RCW 18.108.010 and 18.108.030; and adding new sections to chapter 18.108 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6030 by Senator Snyder

AN ACT Relating to the Lewis and Clark Highway; and amending RCW 47.22.020.

Referred to Committee on Transportation.

SB 6031 by Senators Haugen, Horn, Gardner, Patterson and Goings

AN ACT Relating to regional transportation corridors; creating new sections; and declaring an emergency.

Referred to Committee on Transportation.

SB 6032 by Senators Spanel, Honeyford and Gardner

AN ACT Relating to granting the department of revenue the authority to issue direct payment permits; amending RCW 82.08.050, 82.12.040, and 82.32.160; adding a new section to chapter 82.32 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 6033 by Senator Rasmussen

AN ACT Relating to notices regarding registered sex offenders in residential leases or real estate contracts; adding a new section to chapter 59.18 RCW; and adding a new section to chapter 64.06 RCW.  
Referred to Committee on Judiciary.

SB 6034 by Senators Brown, Hochstatter and Winsley

AN ACT Relating to cable subscriber information practices; and adding a new chapter to Title 19 RCW.  
Referred to Committee on Energy, Technology and Telecommunications.

SB 6035 by Senator Swecker

AN ACT Relating to the year 2000 citizens' protection act; adding new sections to chapter 4.24 RCW; creating new sections; providing expiration dates; and declaring an emergency.  
Referred to Committee on Judiciary.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Sharing extraordinary investment gains in the teachers' retirement system plan 3.

Referred to Committee on Ways and Means.

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

Exempting community radio stations from property taxation.

Referred to Committee on Ways and Means.

SHB 1041 by House Committee on Capital Budget (originally sponsored by Representatives Mitchell, Murray, Kessler, O'Brien, Ogden, Lantz, Rockefeller, Hankins, Esser and Morris) (by request of Public Works Board)

Authorizing funds for public works projects.

Referred to Committee on Ways and Means.

HB 1098 by Representatives Sheahan, Constantine and Lantz

Resolving trust and estate disputes.

Referred to Committee on Judiciary.

SHB 1124 by House Committee on Judiciary (originally sponsored by Representatives Constantine, Sheahan, Ballasiotes, Lantz, McDonald, Lambert, Stensen, Hurst and Esser)

Correcting DUI penalty provisions.

Referred to Committee on Judiciary.

SHB 1149 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Sullivan, Kastama, Lantz, Gombosky, Rockefeller, Linville, Conway, Murray, H. Sommers and Wolfe)

Filing financial statements under the insurance code.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

HB 1150 by Representatives G. Chandler, Linville and Cooper (by request of Department of Agriculture)

Certifying planting stock.

Referred to Committee on Agriculture and Rural Economic Development.

SHB 1183 by House Committee on State Government (originally sponsored by Representatives H. Sommers, Huff, Romero, McMorris, McIntire and Esser) (by request of State Treasurer Murphy)

Negotiating state-wide custody contracts.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

HB 1188 by Representatives Hurst, Clements, Conway, Ballasiotes, Lisk, McMorris, B. Chandler, McIntire, Romero, Kessler, Carrell, Dickerson, O'Brien, Kenney, Ogden, Dunn, Lovick, Miloscia, Lantz and Rockefeller (by request of Department of Licensing)

Preventing a registered sex offender from holding a real estate license.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

#### MOTION

At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, February 24, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

FORTY-FOURTH DAY, FEBRUARY 23, 1999

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

**FORTY-FIFTH DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Wednesday, February 24, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Oke. On motion of Senator Honeyford, Senator Oke was excused.

The Sergeant at Arms Color Guard consisting of Pages Dionika Knight and Kevin Kline, presented the Colors. Reverend Doug Dornhecker, pastor of the First Christian Church of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 23, 1999

SB 5106 Prime Sponsor, Senator Eide: Providing for the safe decontamination or destruction of residential property used for illegal drug manufacturing or storage. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 22, 1999

SB 5263 Prime Sponsor, Senator Morton: Exempting horse training businesses from state taxes. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Honeyford, Morton, Snyder and Swecker.

Referred to Committee on Ways and Means.

February 22, 1999

SB 5418 Prime Sponsor, Senator McAuliffe: Changing school accountability and assistance provisions. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5418 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Goings, Kohl-Welles and Rasmussen.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Benton, Finkbeiner, Hochstatter, Sellar and Swecker.

Passed to Committee on Rules for second reading.

February 22, 1999

SB 5437 Prime Sponsor, Senator Thibaudeau: Reimbursing podiatric physicians and surgeons. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1999

SB 5547 Prime Sponsor, Senator McAuliffe: Providing medical assistance in public schools. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5547 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar and Swecker.

Passed to Committee on Rules for second reading.

February 22, 1999

SB 5560 Prime Sponsor, Senator Franklin: Revising provisions relating to supported employment for persons with severe disabilities. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1999

SB 5590 Prime Sponsor, Senator Thibaudeau: Expanding the health professionals who may request administration of oral medication at school. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5590 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1999

SB 5594 Prime Sponsor, Senator Rasmussen: Enhancing economic vitality. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5594 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder and Swecker.

Referred to Committee on Ways and Means.

February 22, 1999

SB 5607 Prime Sponsor, Senator Thibaudeau: Permitting retired and disabled employees to obtain health insurance. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5607 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1999

SB 5620 Prime Sponsor, Senator Long: Revising provisions relating to chemical dependency treatment services. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5620 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson and Zarelli.

Referred to Committee on Ways and Means.

February 22, 1999

SB 5626 Prime Sponsor, Senator Franklin: Changing disbursement of medicaid incentive payments to school districts. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5626 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar and Swecker.

Passed to Committee on Rules for second reading.

February 22, 1999

SB 5739 Prime Sponsor, Senator Thibaudeau: Preparing certificates of death or fetal death. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1999

SB 5839 Prime Sponsor, Senator Patterson: Making seller's real estate disclosures more accurate. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5839 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 23, 1999

SB 5854 Prime Sponsor, Senator Hargrove: Providing for a hunger survey project. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson and Zarelli.

Referred to Committee on Ways and Means.

February 23, 1999

SB 5865 Prime Sponsor, Senator Kohl-Welles: Clarifying language regarding guardianship fees. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Kohl-Welles, Long, Patterson and Zarelli.

Referred to Committee on Ways and Means.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 23, 1999

GA 9025 JOSEPH D. LEHMAN, appointed March 10, 1997, for a term ending at the Governor's pleasure, as Secretary of the Department of Corrections.

Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long and Patterson.

Passed to Committee on Rules.

February 18, 1999

GA 9070 MARSHA TADANO LONG, appointed January 15, 1997, for a term ending at the Governor's pleasure, as Director of the Department of General Administration.

Reported by Committee on State and Local Government

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules.

February 18, 1999

GA 9074 H. GEORGE MORTON, appointed March 10, 1998, for a term ending at the Governor's pleasure, as Director of the Department of Printing.

Reported by Committee on State and Local Government

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules.

February 23, 1999

GA 9160 JOHN PERRYMAN, appointed September 29, 1998, for a term ending October 1, 2002, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and West.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 6036 by Senators Goings, Johnson, Hargrove, Winsley, T. Sheldon, Brown, Sellar, Snyder, Costa, Rasmussen and Kohl-Welles

AN ACT Relating to a Washington state law enforcement memorial as part of the heritage park development project; creating a new section; and making an appropriation.  
Referred to Committee on Ways and Means.

SB 6037 by Senators Shin and Prentice

AN ACT Relating to rescinding a retirement allowance agreement; amending RCW 41.40.188; and creating a new section.  
Referred to Committee on Ways and Means.

SB 6038 by Senators Prentice, Benton, Winsley, Kline, B. Sheldon, Fairley, Heavey, Goings, Shin, T. Sheldon and Rasmussen

AN ACT Relating to an actuarial reduction at the time of retirement; amending RCW 41.32.765, 41.35.420, and 41.40.630; and providing an effective date.  
Referred to Committee on Ways and Means.

SB 6039 by Senators Benton, Rasmussen, Prentice, Winsley, Shin, Hale, T. Sheldon, Deccio, West and Bauer

AN ACT Relating to the definition of "combined disposable income"; amending RCW 84.36.383; and creating a new section.  
Referred to Committee on Ways and Means.

SB 6040 by Senators B. Sheldon, T. Sheldon, Oke, Haugen, Hale, Rasmussen and Kohl-Welles

AN ACT Relating to making counties with sudden federal employment losses eligible for the distressed county sales tax credit; and amending RCW 82.14.370.  
Referred to Committee on Ways and Means.

SB 6041 by Senators Rasmussen, Roach, Gardner, Patterson, Haugen, Heavey and Johnson

AN ACT Relating to public-private transportation initiatives; and amending RCW 47.46.050.  
Referred to Committee on Transportation.

SB 6042 by Senators Roach, Heavey, Thibaudeau, Rasmussen and Johnson

AN ACT Relating to placing tolls or user fees on existing roads, bridges, and facilities through public-private transportation initiatives; and amending RCW 47.46.010.

Referred to Committee on Transportation.

SB 6043 by Senators Roach, Patterson, Rasmussen and Johnson

AN ACT Relating to establishing a toll rate before an advisory vote on public-private transportation initiatives; and amending RCW 47.46.030.

Referred to Committee on Transportation.

SB 6044 by Senators Roach, Rasmussen, Patterson, Haugen, Heavey and Gardner

AN ACT Relating to construction of projects identified under the public-private transportation initiatives; and amending RCW 47.46.040.

Referred to Committee on Transportation.

SB 6045 by Senators Hargrove, Stevens, McCaslin, West, Brown, Kline and Kohl-Welles

AN ACT Relating to an ex-offender transitional work program; adding a new section to chapter 50.62 RCW; creating a new section; and making appropriations.

Referred to Committee on Human Services and Corrections.

#### MOTION

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

#### SENATE RESOLUTION 1999-8633

By Senators Rasmussen, Morton, Sheahan and Fraser

WHEREAS, According to the most recent data available, wheat ranks as the third largest crop in Washington State as measured by farm gate value;

WHEREAS, Annually, over 165 million bushels were produced on 2.5 million acres of land in the state of Washington;

WHEREAS, Washington ranks fifth in the nation in the number of bushels of wheat grown in a state and contributes nearly seven percent of the nations production;

WHEREAS, Washington State is the proud home of many productive areas including Whitman County which is the leading county in the nation in the production of wheat;

NOW, THEREFORE BE IT RESOLVED, That the men and women involved in wheat farming in Washington State be hereby recognized by the Washington State Senate for their contributions to our rural and state economies.

Senators Rasmussen, Morton and Hochstatter spoke to Senate Resolution 1999-8633.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Washington State Association of Wheat Growers who were seated in the gallery.

#### MOTION

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

#### SENATE RESOLUTION 1999-8622

By Senators Rasmussen, Honeyford, Spanel, Loveland, Spanel, B. Sheldon, Sheahan, Fraser and Johnson

WHEREAS, The economy of the state of Washington is comprised of diverse activities engaged in by people of varying interests and talents from all walks of life; and

WHEREAS, Vocational education is vital to the success of our state as an economic leader; and

WHEREAS, Vocational education is not relegated solely to the higher education system, but begins in Washington's secondary schools; and

WHEREAS, High school vocational education in Washington is ably represented by vocational student organizations; and

WHEREAS, Vocational student organizations are comprised of VICA (Vocational Industrial Clubs of America), FFA, FBLA (Future Business Leaders of America), FHA-HERO (Future Homemakers of America), and DECA (Distributive Education Clubs of America); and

WHEREAS, These organization represent more than 27,000 students from all corners of our state; and

WHEREAS, Through their involvement in their vocational activities, these students are learning skills not necessarily available to them in the conventional classroom setting; and

WHEREAS, They are training to become better workers, better leaders, better problem-solvers and decision-makers; as well as better citizens; and

WHEREAS, Their activities are supported by true public/private partnerships that allow private enterprise to become more fully involved with public schools in shaping the future of our economy and its entrepreneurs and workforce; and

WHEREAS, These active, forward-thinking, and creative young people are blazing the trail into the future for our state; and

WHEREAS, Their initiative and leadership today will no doubt inspire many others tomorrow and in the years ahead; and

WHEREAS, Their example of personal responsibility and of creating opportunity is one that all citizens would do well to emulate;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate of the state of Washington do hereby recognize and honor the hard work and dedication of the state officers of VICA, DECA, FHA, FFA, and FBLA here present and the more than 27,000 members they represent, as well as vocational student organizations and its chairperson. Charlotte Crimmins, who is also the state director of VICA, and thank them for all their efforts on behalf of themselves and their future, as well as the future of the great State of Washington; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate do hereby immediately transmit copies of this resolution to each of the aforementioned organizations.

Senators McAuliffe and Honeyford spoke to Senate Resolution 1999-8622.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Vocational Education Students, who were seated in the gallery.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Adjutant General, Major General Gregory Barlow, of the Washington National Guard who was seated in the gallery.

#### MOTION

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

#### SENATE RESOLUTION 1999-8628

By Senators Brown, Goings, Eide, Kohl-Welles and Fraser

WHEREAS, February 20-27 marks Eating Disorders Awareness Week, established by Eating Disorders Awareness and Prevention, Inc., a national, Seattle-based, non-profit organization dedicated to increasing the awareness and prevention of eating disorders; and

WHEREAS, Eating disorders, including anorexia nervosa, bulimia nervosa, and compulsive overeating, are extreme expressions of a range of weight and food issues experienced by both men and women; and

WHEREAS, These disorders can lead to a variety of life-threatening physical and mental health problems; and

WHEREAS, More than five million Americans suffer from eating disorders; and

WHEREAS, Fifteen percent of young women have substantially disordered eating attitudes and behaviors; and

WHEREAS, Our culture's unrelenting glorification of thinness and the "perfect body" at the expense of physical and emotional health is a contributing factor to eating disorders;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate recognize that eating disorders are serious diseases that affect the mind and body simultaneously and can have grave medical consequences, especially for our younger population; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Eating Disorders Awareness and Prevention, Inc.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Joe Lucey, Director of the Behavioral Health Services Program from Swedish Hospital, who was seated in the gallery.

#### MOTION

At 10:23 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 10:45 a.m.

The Senate was called to order at 10:49 a.m. by President Owen.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5485, by Senators Thibaudeau, Deccio, McDonald, Snyder, Winsley, Kline, Oke and Costa (by request of Attorney General Gregoire)

Regulating certain tobacco product manufacturers.

The bill was read the second time.

#### MOTIONS

On motion of Senator Thibaudeau, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. FINDINGS AND PURPOSE.** (a) Cigarette smoking presents serious public health concerns to the State and to the citizens of the State. The Surgeon General has determined that smoking causes lung cancer, heart disease and other serious diseases, and that there are hundreds of thousands of tobacco-related deaths in the United States each year. These diseases most often do not appear until many years after the person in question begins smoking.

(b) Cigarette smoking also presents serious financial concerns for the State. Under certain health-care programs, the State may have a legal obligation to provide medical assistance to eligible persons for health conditions associated with cigarette smoking, and those persons may have a legal entitlement to receive such medical assistance.

(c) Under these programs, the State pays millions of dollars each year to provide medical assistance for these persons for health conditions associated with cigarette smoking.

(d) It is the policy of the State that financial burdens imposed on the State by cigarette smoking be borne by tobacco product manufacturers rather than by the State to the extent that such manufacturers either determine to enter into a settlement with the State or are found culpable by the courts.

(e) On November 23, 1998, leading United States tobacco product manufacturers entered into a settlement agreement, entitled the "Master Settlement Agreement," with the State. The Master Settlement Agreement obligates these manufacturers, in return for a release of past, present and certain future claims against them as described therein, to pay substantial sums to the State (tied in part to their volume of sales); to fund a national foundation devoted to the interests of public health; and to make substantial changes in their advertising and marketing practices and corporate culture, with the intention of reducing underage smoking.

(f) It would be contrary to the policy of the State if tobacco product manufacturers who determine not to enter into such a settlement could use a resulting cost advantage to derive large, short-term profits in the years before liability may arise without ensuring that the State will have an eventual source of recovery from them if they are proven to have acted culpably. It is thus in the interest of the State to require that such manufacturers establish a reserve fund to guarantee a source of compensation and to prevent such manufacturers from deriving large, short-term profits and then becoming judgment-proof before liability may arise.

**NEW SECTION. Sec. 2. DEFINITIONS.** (a) "Adjusted for inflation" means increased in accordance with the formula for inflation adjustment set forth in Exhibit C to the Master Settlement Agreement.

(b) "Affiliate" means a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. Solely for purposes of this definition, the terms "owns," "is owned" and "ownership" mean ownership of an equity interest, or the equivalent thereof, of ten percent or more, and the term "person" means an individual, partnership, committee, association, corporation or any other organization or group of persons.

(c) "Allocable share" means Allocable Share as that term is defined in the Master Settlement Agreement.

(d) "Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or (2) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (3) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in clause (1) of this definition. The term "cigarette" includes "roll-your-own" (i.e., any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes). For purposes of this definition of "cigarette," 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette".

(e) "Master Settlement Agreement" means the settlement agreement (and related documents) entered into on November 23, 1998 by the State and leading United States tobacco product manufacturers.

(f) "Qualified escrow fund" means an escrow arrangement with a federally or State chartered financial institution having no affiliation with any tobacco product manufacturer and having assets of at least \$1,000,000,000 where such arrangement requires that such financial institution hold the escrowed funds' principal for the benefit of releasing parties and prohibits the tobacco product manufacturer placing the funds into escrow from using, accessing or directing the use of the funds' principal except as consistent with section 3(b) of this Act.

(g) "Released claims" means Released Claims as that term is defined in the Master Settlement Agreement.

(h) "Releasing parties" means Releasing Parties as that term is defined in the Master Settlement Agreement.

(i) "Tobacco Product Manufacturer" means an entity that after the date of enactment of this Act directly (and not exclusively through any affiliate):

(1) manufactures cigarettes anywhere that such manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer (except where such importer is an original participating manufacturer (as that term is defined in the Master Settlement Agreement) that will be responsible for the payments under the Master Settlement Agreement with respect to such cigarettes as a result of the provisions of subsections II(mm) of the Master Settlement Agreement and that pays the taxes specified in subsection II(z) of the Master Settlement Agreement, and provided that the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States);

(2) is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States; or

(3) becomes a successor of an entity described in paragraph (1) or (2).

The term "Tobacco Product Manufacturer" shall not include an affiliate of a tobacco product manufacturer unless such affiliate itself falls within any of (1)-(3) above.

(j) "Units sold" means the number of individual cigarettes sold in the State by the applicable tobacco product manufacturer (whether directly or through a distributor, retailer or similar intermediary or intermediaries) during the year in question, as measured by excise taxes collected by the State on packs bearing the excise tax stamp of the State or "roll-your-own" tobacco containers. The department of revenue shall promulgate such regulations as are necessary to ascertain the amount of State excise tax paid on the cigarettes of such tobacco product manufacturer for each year.

**NEW SECTION. Sec. 3. REQUIREMENTS.** Any tobacco product manufacturer selling cigarettes to consumers within the State (whether directly or through a distributor, retailer or similar intermediary or intermediaries) after the date of enactment of this Act shall do one of the following:

(a) become a participating manufacturer (as that term is defined in section II(jj) of the Master Settlement Agreement) and generally perform its financial obligations under the Master Settlement Agreement; or

(b)(1) place into a qualified escrow fund by April 15 of the year following the year in question the following amounts (as such amounts are adjusted for inflation) --

1999: \$.0094241 per unit sold after the date of enactment of this Act;

2000: \$.0104712 per unit sold;

for each of 2001 and 2002: \$.0136125 per unit sold;

for each of 2003 through 2006: \$.0167539 per unit sold;

for each of 2007 and each year thereafter: \$.0188482 per unit sold.

(2) A tobacco product manufacturer that places funds into escrow pursuant to paragraph (1) shall receive the interest or other appreciation on such funds as earned. Such funds themselves shall be released from escrow only under the following circumstances --

(A) to pay a judgment or settlement on any released claim brought against such tobacco product manufacturer by the State or any releasing party located or residing in the State. Funds shall be released from escrow under this subparagraph (i) in the order in which they were placed into escrow and (ii) only to the extent and at the time necessary to make payments required under such judgment or settlement;

(B) to the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow in a particular year was greater than the State's allocable share of the total payments that such manufacturer would have been required to make in that year under the Master Settlement Agreement (as determined pursuant to section IX(i)(2) of the Master Settlement Agreement, and before any of the adjustments or offsets described in section IX(i)(3) of that Agreement other than the Inflation Adjustment) had it been a participating manufacturer, the excess shall be released from escrow and revert back to such tobacco product manufacturer; or

(C) to the extent not released from escrow under subparagraphs (A) or (B), funds shall be released from escrow and revert back to such tobacco product manufacturer twenty-five years after the date on which they were placed into escrow.

(3) Each tobacco product manufacturer that elects to place funds into escrow pursuant to this subsection shall annually certify to the Attorney General that it is in compliance with this subsection. The Attorney General may bring a civil action on behalf of the State against any tobacco product manufacturer that fails to place into escrow the funds required under this section. Any tobacco product manufacturer that fails in any year to place into escrow the funds required under this section shall --

(A) be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a violation of this subsection, may impose a civil penalty to be paid to the general fund of the state in an amount not to exceed 5 percent of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 100 percent of the original amount improperly withheld from escrow;

(B) in the case of a knowing violation, be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a knowing violation of this subsection, may impose a civil penalty to be paid to the general fund of the state in an amount not to exceed 15 percent of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 300 percent of the original amount improperly withheld from escrow; and

(C) in the case of a second knowing violation, be prohibited from selling cigarettes to consumers within the State (whether directly or through a distributor, retailer or similar intermediary) for a period not to exceed 2 years.

Each failure to make an annual deposit required under this section shall constitute a separate violation. The violator shall also pay the State's costs and attorney's fees incurred during a successful prosecution under this paragraph (3).

**NEW SECTION. Sec. 4.** Sections 1 through 3 of this act constitute a new chapter in Title 70 RCW.

**NEW SECTION. Sec. 5.** Captions used in this act are not part of the law.

**NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 2 of the title, after "agreement;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and declaring an emergency."

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Senate Bill No. 5485 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5485.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5485 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 40.

Voting nay: Senators Benton, Finkbeiner, Hochstatter, Honeyford, Roach, Stevens, Swecker and Zarelli - 8.

Excused: Senator Oke - 1.

ENGROSSED SENATE BILL NO. 5485, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5359, by Senators Thibaudeau, Deccio, Wojahn, Winsley, Franklin, Oke, Kohl-Welles and Fairley (by request of Governor Locke and Attorney General Gregoire)

Managing moneys received under tobacco company litigation.

#### MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 5359 was substituted for Senate Bill No. 5359 and the substitute bill was placed on second reading and read the second time.

Senator McDonald moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 4, strike the first "and"

On page 2, line 5, after "act" and before the period, insert ", and to the education enhancement account for purposes set forth in section 4 of this act"

On page 2, after line 12, strike all material down to and including line 17 and insert the following:

**"NEW SECTION. Sec. 4.** A new section is added to chapter 43.79 RCW to read as follows:

The education enhancement account is created in the state treasury. Moneys in the account may be spent only after appropriation and may be used exclusively for enhancing and improving the common school system of the state.

**NEW SECTION. Sec. 5.** (1) For the 1999-01 fiscal biennium, the state treasurer shall transfer one hundred fifty million dollars from the tobacco settlement account to the tobacco prevention and control account upon authorization of the director of financial management. The director shall authorize transfer of the total amount by June 30, 2001.

(2) For the 2001-03 fiscal biennium, the state treasurer shall transfer one hundred fifty million dollars from the tobacco settlement account to the education enhancement account upon authorization of the director of financial management. The director shall authorize transfer of the total amount by June 30, 2003."

Renumber the sections consecutively and correct any internal references accordingly.

On page 3, line 28, after "construction fund," insert "education enhancement account."

On page 6, line 22, after "construction fund," insert "education enhancement account."

Debate ensued

Senator Johnson demanded a roll call and the demand was sustained

The President declared the question before Senate to be the roll call on the adoption of the amendments by Senator McDonald on page 2, lines, 4, 5, and 12; page 3, line 28; and page 6, line 22, to Substitute Senate Bill No. 5359.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1. Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Excused: Senator Oke - 1.

#### PARLIAMENTARY INQUIRY

Senator West: "Mr. President, I rise to a point of parliamentary inquiry. In light of the remarks by the gentleman from the nineteenth, I would think it would be worthwhile if the President reminded the Senate of Rule 224 in Reed's as far as references in debate."

#### REPLY BY THE PRESIDENT

President Owen: "Thank you, Senator West. You are correct. The reference, in rule 224, says, 'It is not permissible to allude to the action of the other house of a legislature, or to refer to a debate there, etc.'"

#### PERSONAL PRIVILEGE

Senator McCaslin: "Thank you, Mr. President, a point of personal privilege. I want to point out to the body that the flowers on Senator Deccio's desk, which were not sent by me--this is his fifty-third anniversary. I think his wife is to be congratulated. We all know Senator Deccio; he tells me this is his second marriage. I am working on the numbers now and I'll let you know later if he is kidding me or not.

"Senator Deccio, congratulations to you and Lucille. She is a wonderful, wonderful woman and you are a pretty nice guy, too."

#### MOTION

Senator West moved that the following amendment be adopted:

On page 2, after line 12, insert the following:

"The legislature may direct the transfer of moneys from the tobacco prevention and control account to the water quality account and the violence reduction and drug enforcement account to fully or partially offset any loss of cigarette tax revenues that may result from the settlement of the state's legal action against tobacco product manufacturers."

Debate ensued.

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

Further debate ensued.

The President declared the question before Senate to be the roll call on the adoption of the amendment by Senator West on page 2, after line 12, to Substitute Senate Bill No. 5359.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Excused: Senator Oke - 1.

#### MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and Deccio be adopted:

On page 8, after line 10, insert the following:

**"NEW SECTION. Sec. 7.** The sum of \$20,000,000 dollars is transferred from the tobacco settlement account to the health services account and is hereby appropriated from the health services account to the superintendent of public instruction for the 1999-01 fiscal biennium for the purposes of providing additional nursing services to protect the health of children in public schools. Priority for the allocation of funds shall be given to the school districts most in need of services."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Finkbeiner demanded a roll call and the demand was sustained

The President declared the question before Senate to be the roll call on the adoption of the amendment by Senators Zarelli and Deccio on page 8, after line 10, to Substitute Senate Bill No. 5359.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Excused: Senator Oke - 1.

#### PARLIAMENTARY INQUIRY

Senator Heavey: "A point of parliamentary inquiry, Mr. President. Do we have a Senate rule that prohibits the use of lap top computers during debate?"

#### REPLY BY THE PRESIDENT

President Owen: "We do not, Senator."

Senator Heavey: "Thank you."

#### MOTION

Senator Roach moved that the following amendment be adopted:

On page 8, after line 10, insert the following:

**"NEW SECTION. Sec. 7.** A new section is added to chapter 43.79 RCW to read as follows:

(1) The emergency medical services assistance account is created in the state treasury. On the first day of the months of January, April, July, and October of each year, the state treasurer shall distribute the funds in the emergency medical services assistance account to the counties ratably on the basis of population as last determined by the office of financial management.

(2) Funds distributed from the emergency medical services assistance account under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles, and structures needed for the provision of emergency medical care or emergency medical services, or for distribution by the county to emergency medical service districts, cities or towns, public hospital districts, urban emergency medical service districts, or fire protection districts within the county for the provision of emergency medical care or emergency medical services.

**NEW SECTION. Sec. 8.** The sum of \$30,000,000 dollars is transferred from the tobacco settlement account to the health services account and is hereby appropriated from the health services account to the emergency medical services assistance account."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

#### POINT OF INQUIRY

Senator Roach: "Senator Loveland, the money that you will be appropriating--will any of that go specifically to EMS services?"

Senator Loveland: "No, it will not."

Senator Roach: "Thank you."

Further debate ensued.

Senator Finkbeiner demanded a roll call and the demand was sustained

The President declared the question before Senate to be the roll call on the adoption of the amendment by Senator Roach on page 8, after line 10, to Substitute Senate Bill No. 5359.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Excused: Senator Oke - 1.

#### POINT OF ORDER

Senator Heavey: "A point of order. Thank you, Mr. President. I realize we don't have a rule against lap top computers during debate. We don't have a rule on bouquets of flowers that may be three feet in height and maybe we should, but I would submit, Mr. President, that those two elements--those two things--fall under indecorous conduct, which we do have rules prohibiting indecorous conduct. I would ask the President, at a later date, if he could make a ruling on whether such conduct amounted to indecorous conduct. Thank you."

#### RULING BY THE PRESIDENT

President Owen: "I think the President is prepared to respond to that at this time. He certainly would do not want to impugn his own actions, when he was a distinguished member of this distinguished body, in the Senate, and operating a lap top computer at his desk. I have found that tradition has it that members have been allowed to use lap top computers during the session, and unless the body deems to pass a rule differently, would continue to allow that.

"Secondly, in case of the flowers, the President believes that a brief display of the flowers on the member's desk is appropriate, but ongoing could interfere with the ability for the President to identify speakers behind jungles of flowers. Therefore, it might be wise to have them removed--and the President would encourage that they be removed--after a day or so."

#### MOTION

Senator McDonald moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.79 RCW to read as follows:

The legislature recognizes that the citizens of the state of Washington have suffered substantial harm as a result of the marketing, sale, and use of tobacco products. Moneys received by the state of Washington in accordance with the settlement of the state's legal action against tobacco product manufacturers, exclusive of costs and attorneys' fees, shall be deposited in the tobacco settlement account created in section 2 of this act.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.79 RCW to read as follows:

The tobacco settlement account is created in the state treasury. Moneys in the tobacco settlement account may only be transferred to the health services account for the purposes set forth in RCW 43.72.900, and to the education enhancement account for purposes set forth in section 3 of this act. Forty-five percent of the revenues to the tobacco settlement account shall be deposited in the education enhancement account.

NEW SECTION. Sec. 3. A new section is added to chapter 43.79 RCW to read as follows:

The education enhancement account is created in the state treasury. Moneys in the account may be spent only after appropriation and may be used exclusively for enhancing and improving the common school system of the state.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

Senator Finkbeiner demanded a roll call and the demand was sustained

The President declared the question before Senate to be the roll call on the adoption of the striking amendment by Senator McDonald to Substitute Senate Bill No. 5359.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 26; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 26.

Absent: Senator Kohl-Welles - 1.

Excused: Senator Oke - 1.

#### MOTION

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 5359 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5359.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5359 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senators Benton, Finkbeiner, Honeyford, Roach, Stevens and Swecker - 6.

Excused: Senator Oke - 1.

SUBSTITUTE SENATE BILL NO. 5359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

#### MOTION

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

SENATE RESOLUTION 1999-8625

By Senators Haugen, Spanel, Eide and Fraser

WHEREAS, It is the policy of the Washington State Legislature to honor meritorious service and to recognize excellence in all fields of endeavor; and

WHEREAS, As modern society continues to grow more complex with each passing year, the necessity for innovative people becomes even more apparent; and

WHEREAS, No nation can function effectively without the most efficient waste management systems; and

WHEREAS, Paul F. Brewer has been a leader in the field of waste recycling as the Director of Solid Waste Management at the Naval Air Station, Whidbey Island; and

WHEREAS, Paul F. Brewer has been the driving force behind the successful Navy Whidbey Recycle program; and

WHEREAS, The Navy Whidbey Recycle program has received numerous awards, including the White House "Closing the Loop" Award, and drawn praise from, among others, Vice President Albert Gore, Keep America Beautiful, Inc., the Office of the Federal Environmental Executive, the National Awards Council for Environmental Sustainability, the Secretary of the Navy, and the Chief of Naval Operations; and

WHEREAS, In a state already known for its innovative and progressive recycling efforts, the recycling program at NAS Whidbey stands out as a leader in waste reduction and completing the loop by encouraging the purchase of products made of recycled materials; and

WHEREAS, The Navy Whidbey Recycle program serves not only NAS Whidbey, but also its 35,000 neighbors in the surrounding community; and

WHEREAS, Because of the Navy Whidbey Recycle program, NAS Whidbey and its neighbors now recycle as much as 6,500 tons of material a year, saving taxpayers at least \$1.5 million a year in disposal costs;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington hereby recognize and honor the outstanding contributions to our environment and our community by Paul F. Brewer and the Navy Whidbey Recycle program; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mr. Paul F. Brewer.

Senators Haugen and Fraser spoke to Senator Resolution 1999-8625

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the honoree, Paul Brewer, who was accompanied by Captain Larry Salter, the Commanding Officer, and Commander Bob Parker, the Public Works Officer at the Navy Air Station at Whidbey Island, who were seated in the gallery.

#### MOTION

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

#### SENATE RESOLUTION 1999-8627

By Senators McAuliffe, Spanel, Eide and Fraser

WHEREAS, Reading is the foundation upon which all other learning is built; and

WHEREAS, "Read Across America", a national celebration of Dr. Seuss's birthday on March 2nd, promotes reading and adult involvement in the education of our children; and

WHEREAS, Dr. Seuss's love of children and learning has been an inspiration for millions of young readers; and

WHEREAS, Parents and grandparents can relive the thrill of learning to read while helping each child explore the world between a book's cover; and

WHEREAS, By reading, a child can visit foreign lands, meet historical figures, travel through time, and even learn to love green eggs and ham; and

WHEREAS, Reading is the catalyst for our students' future academic success, their preparation for the workforce, and their ability to become involved citizens; and

WHEREAS, Washington has set high standards for reading in our public schools, and students and educators throughout the state are improving their practices to rise to the challenge; and

WHEREAS, All children should be so fortunate as to enjoy a good book and the company of an involved adult to read with on this day and every day;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize March 2nd as "Read Across America" day; and

BE IT FURTHER RESOLVED, That we do hereby urge each and every citizen of the state of Washington to take the time to read with a child to celebrate Dr. Seuss's birthday.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced The Cat in the Hat and the students from the Hoquiam, Yakima, Mukilteo, Mount Vernon and Seattle School Districts, who were seated in the gallery. These students will be reading aloud from their favorite Dr. Seuss books in the Senate Chamber, following the adjournment of the session.

#### MOTION

At 12:11 p.m., on motion of Senator Goings, the Senate adjourned until 12:00 noon, Thursday, February 25, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

FORTY-FIFTH DAY, FEBRUARY 24, 1999

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

#### FORTY-SIXTH DAY

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, February 25, 1999

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 23, 1999

SB 5030 Prime Sponsor, Senator Long: Adjusting the Washington state patrol surviving spouse retirement allowance. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5030 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 1999

SB 5031 Prime Sponsor, Senator Long: Sharing extraordinary investment gains in the teachers' retirement system plan 3. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5031 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 1999

SB 5032 Prime Sponsor, Senator Fraser: Providing a retirement option for certain retirement system members. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5032 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 1999

SB 5033 Prime Sponsor, Senator Winsley: Separating from public employees' retirement system plan 1. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 1999

SB 5083 Prime Sponsor, Senator Swecker: Requiring a study of treatment and disposal methods of biomedical waste. Reported by Committee on Environmental Quality and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5083 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton, and Swecker.

Referred to Committee on Ways and Means.

February 24, 1999

SB 5134 Prime Sponsor, Senator Wojahn: Removing barriers faced by persons entitled to a foreign protection order.  
Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5134 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Long, McCaslin and Thibaudeau.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hargrove.

Passed to Committee on Rules for second reading.

February 24, 1999

SB 5197 Prime Sponsor, Senator Johnson: Making technical corrections to the disclaimer statute. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5197 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 24, 1999

SB 5268 Prime Sponsor, Senator Kohl-Welles: Modifying provisions concerning metropolitan park districts.  
Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5268 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen and Kline.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Horn and McCaslin.

Passed to Committee on Rules for second reading.

February 23, 1999

SB 5270 Prime Sponsor, Senator Prentice: Clarifying the requirement to publish minimum wage rates in contract documents. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 23, 1999

SB 5280 Prime Sponsor, Senator Franklin: Meeting financial responsibility requirements for automobiles. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5280 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Johnson, Morton, Patterson, Prentice, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 23, 1999

SB 5306 Prime Sponsor, Senator Gardner: Authorizing state agencies to offer incentives to state employees to relocate from one part of the state to another. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5306 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline and Wojahn.

Referred to Committee on Ways and Means.

February 23, 1999

SB 5363 Prime Sponsor, Senator Fairley: Enacting the civil service reform act of 1999. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5363 as recommended by Committee on Labor and Workforce Development be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford, McDonald, Rossi and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 1999

SB 5364 Prime Sponsor, Senator Prentice: Administering and designating liquor licenses. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5364 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and West.

Passed to Committee on Rules for second reading.

February 23, 1999

SB 5378 Prime Sponsor, Senator Wojahn: Changing service of process provisions for divisions of child support documents. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5378 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1999

SB 5416 Prime Sponsor, Senator Thibaudeau: Creating the children's health insurance program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5416 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland,

Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Honeyford, Rossi and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 1999

SB 5433 Prime Sponsor, Senator Fraser: Requiring comprehensive solid waste management plans to consider handling, transport, and disposal of biomedical waste. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5433 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 23, 1999

SB 5435 Prime Sponsor, Senator Fraser: Creating the Washington environment 21 commission. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5435 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, McAuliffe, Morton and Swecker.

Referred to Committee on Ways and Means.

February 23, 1999

SB 5502 Prime Sponsor, Senator Haugen: Reporting the salary survey of ferry employees. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Johnson, Morton, Patterson, Prentice, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 24, 1999

SB 5585 Prime Sponsor, Senator Rasmussen: Reducing the tax on health products for animals. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Honeyford, Morton, Prentice, Stevens and Swecker.

Referred to Committee on Ways and Means.

February 23, 1999

SB 5589 Prime Sponsor, Senator Fairley: Creating an apprenticeship assistance program. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5589 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline and Wojahn.

Referred to Committee on Ways and Means.

February 24, 1999

SB 5595 Prime Sponsor, Senator Jacobsen: Establishing the salmon recovery funding board. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5595 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

February 23, 1999

SB 5597 Prime Sponsor, Senator Fraser: Requiring occupational health standards to protect workers from airborne and waterborne pathogens. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5597 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 24, 1999

SB 5659 Prime Sponsor, Senator Heavey: Changing provisions relating to mandatory arbitration of civil actions. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5659 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 24, 1999

SB 5665 Prime Sponsor, Senator Costa: Authorizing vacation of records of convictions for misdemeanors and gross misdemeanors. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 23, 1999

SB 5667 Prime Sponsor, Senator West: Increasing the number of untaxed complimentary tickets available for boxing, kickboxing, martial arts, and wrestling. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1999

SB 5682 Prime Sponsor, Senator Brown: Authorizing local governments to require that septic systems be removed in areas designated as having a critical recharging effect for an aquifer that is the primary drinking water source for a city of over 150,000 population. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, McAuliffe and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 23, 1999

SB 5706 Prime Sponsor, Senator Bauer: Decriminalizing license fraud and establishing a license fraud task force in the Washington state patrol. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5706 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Johnson, Morton, Patterson, Prentice, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 24, 1999

SB 5721 Prime Sponsor, Senator Heavey: Excluding a member or manager of a limited liability company from workers' compensation coverage. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5721 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 1999

SB 5850 Prime Sponsor, Senator Haugen: Adjusting retirement allowances. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5850 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fraser, Honeyford, Long, McDonald, Rasmussen, Roach, B. Sheldon, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1999

SB 5881 Prime Sponsor, Senator Thibaudeau: Regulating youth access to tobacco products. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Refer to Committee on Commerce, Trade, Housing and Financial Institutions. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin, Johnson and Winsley.

Referred to Committee on Health and Long-Term Care.

February 24, 1999

SB 5897 Prime Sponsor, Senator Jacobsen: Informing purchasers of cigarettes of adverse health consequences and whether the cigarettes were manufactured for consumption within the United States. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Refer to Committee on Commerce, Trade, Housing and Financial Institutions. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

February 24, 1999

SB 5924 Prime Sponsor, Senator Jacobsen: Establishing the real estate appraiser commission of the state of Washington. Reported by Committee on State and Local Government

MAJORITY Recommendation: Refer to Committee on Commerce, Trade, Housing and Financial Institutions. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

#### MOTIONS

On motion of Senator Betti Sheldon, Senate Bill No. 5306 and Senate Bill No. 5589 were referred to the Committee on Ways and Means.

On motion of Senator Betti Sheldon, Senate Bill No. 5881 was referred to the Committee on Health and Long-Term Care.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 24, 1999

GA 9036 ESTHER L. PATRICK, appointed December 22, 1997, for a term ending September 30, 2002, as a member of the Board of Trustees for Highline Community College District No. 9.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules.

February 24, 1999

GA 9056 RONDA CAHILL, appointed February 21, 1997, for a term ending December 31, 2001, as a member of the Public Disclosure Commission.

Reported by Committee on State and Local Government

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules.

February 24, 1999

GA 9094 SUSAN P. BRADY, appointed January 1, 1999, for a term ending December 31, 2004, as a member of the Public Disclosure Commission.

Reported by Committee on State and Local Government

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules.

February 24, 1999

GA 9102 ARK G. CHIN, appointed October 7, 1998, for a term ending September 30, 2003, as a member of the Board of Regents for the University of Washington.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules.

February 24, 1999

GA 9113 JENNIFER FRANKEL, appointed June 1, 1998, for a term ending May 31, 1999, as a member of the Board of Regents for the University of Washington.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules.

February 24, 1999

GA 9131 ARUN G. JHAVERI, appointed October 14, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Highline Community College District No. 9.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules.

February 24, 1999

GA 9151 RON MEYERS, appointed February 6, 1998, for a term ending December 31, 2000, as a member of the Public Disclosure Commission.

Reported by Committee on State and Local Government

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules.

#### MESSAGE FROM THE HOUSE

February 24, 1999

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1080,  
HOUSE BILL NO. 1192,  
HOUSE BILL NO. 1297,  
HOUSE BILL NO. 1321,  
HOUSE BILL NO. 1330,  
HOUSE BILL NO. 1372,  
HOUSE BILL NO. 1378, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk  
DEAN R. FOSTER, Co-Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6046 by Senators Thibaudeau, Kohl-Welles, Long and Fairley

AN ACT Relating to health inspections of child day-care providers; and adding a new section to chapter 74.15 RCW.

Referred to Committee on Human Services and Corrections.

SB 6047 by Senator Benton

AN ACT Relating to special license plates for civilian employees of the federal government; and reenacting and amending RCW 46.16.305.

Referred to Committee on Transportation.

SB 6048 by Senators Haugen, Hochstatter, Loveland, T. Sheldon, Oke, Goings, Rasmussen and Hale (by request of Department of Labor and Industries)

AN ACT Relating to the entrance criteria for retrospective rating groups; amending RCW 51.16.035; and adding a new chapter to Title 51 RCW.

Referred to Committee on Labor and Workforce Development.

SB 6049 by Senator Heavey

AN ACT Relating to the termination of stepparent liability for child support; and amending RCW 26.16.200, 26.16.205, and 74.20A.020.

Referred to Committee on Labor and Workforce Development.

SB 6050 by Senators Gardner, T. Sheldon, Haugen, Spanel, Jacobsen and Rasmussen

AN ACT Relating to the study to determine the proportion of motor vehicle fuel tax derived from taxes paid on fuel used for marine purposes; amending RCW 43.99.030 and 43.99.040; and creating a new section.  
Referred to Committee on Natural Resources, Parks and Recreation.

SB 6051 by Senators Gardner, Patterson, Costa, Shin, T. Sheldon, Eide and Jacobsen

AN ACT Relating to vehicle and vessel titling and registration fees; and adding a new section to chapter 46.01 RCW.  
Referred to Committee on Transportation.

SB 6052 by Senators Jacobsen and Rasmussen

AN ACT Relating to funding hunter safety programs; amending RCW 9.41.070; and creating a new section.  
Referred to Committee on Natural Resources, Parks and Recreation.

SJM 8012 by Senator Brown

Allowing schools and libraries to receive telecommunications at below-tariffed rates without losing universal service discounts.

Referred to Committee on Energy, Technology and Telecommunications.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Providing infectious disease testing for good samaritans.

Referred to Committee on Health and Long-Term Care.

HB 1192 by Representatives Morris, Dunn, Miloscia, Veloria, Eickmeyer, DeBolt, Quall, Linville, Wolfe, Barlean, Kenney and Santos

Adding to the definition of economic development activities.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

HB 1297 by Representatives O'Brien, Ballasiotes, Lovick, Cairnes, Kagi, Campbell and Benson

Clarifying the application of limitations on earned early release time to serious violent offenders.

Referred to Committee on Human Services and Corrections.

HB 1321 by Representatives Ericksen, Fisher, K. Schmidt, Mitchell, Rockefeller, Carrell and McDonald (by request of Department of Transportation and Washington State Patrol)

Requiring stops at intersections with nonfunctioning signal lights.

Referred to Committee on Transportation.

HB 1330 by Representatives Alexander, Sump, Buck, Regala, Anderson, Lantz, Doumit, G. Chandler, Pennington, Rockefeller, Benson and Mulliken (by request of Parks and Recreation Commission)

Granting concessions or leases in state parks and parkways.

Referred to Committee on Natural Resources, Parks and Recreation.

HB 1372 by Representatives Schual-Berke, Esser, Boldt and Keiser (by request of Department of Health)

Repealing the requirement to maintain a registry for handicapped children.

Referred to Committee on Health and Long-Term Care.

HB 1378 by Representatives Veloria, Dunn, Morris, Kastama, Van Luven, Ogden, Kenney, Bush, Santos, Fortunato, Hurst, Edwards, O'Brien, McDonald and Keiser

Regulating manufactured and mobile home landlord-tenant relations.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

#### MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:20 p.m.

The Senate was called to order at 1:20 p.m. by President Owen.

#### POINT OF ORDER

Senator Heavey: "A point of order, Mr. President. We have a Senate Rule that says, 'no liquids on the desk,' I believe. I believe Lieutenant Governor Cherberg imposed that rule. So, I would suggest to the Lieutenant Governor that, as President of the Senate, that he could also impose such a rule as to flowers, lap tops, and that sort of thing."

#### REPLY BY THE PRESIDENT

President Owen: "Is it your suggestion, Senator Heavey, that because some of the lap tops have liquid crystals and the flowers have water in them--?"

Senator Heavey: "Very similar, very similar."

#### RULING BY THE PRESIDENT

President Owen: "As has been stated now, for the third time, the President believes that--well first off--you are correct, I do follow the general rules of decorum, but I have already said that I believe that that falls within the decorum of the Senate and if the Senator would like to ask for a rule to be passed that would prohibit that sort of thing."

Senator Heavey: "Mr. President, I ask for a rule to be passed that would prohibit flowers over twenty-four inches, and any lap top computer to be used during debate."

President Owen: "That would have to go through the appropriate committee--the Rules Committee--some committee."

Further debate ensued.

At 1:25 p.m., the members of the Senate retired to the House Chamber for the purpose of a Joint Session.

#### JOINT SESSION

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

Co-Speaker Pro Tempore Val Ogden instructed the Sergeants at Arms of the House and Senate to escort President of the Senate Brad Owen, President Pro Tempore R. Lorraine Wojahn, Majority Leader Sid Snyder and Minority Leader Dan McDonald to seats on the rostrum.

Co-Speaker Pro Tempore Val Ogden invited the Senators to seats within the House Chamber.

#### REMARKS BY CO-SPEAKER PRO TEMPORE OGDEN

Co-Speaker Pro Tempore Ogden: "It is my pleasure at this time to turn the gavel over to Lieutenant Governor Owen."

The Co-Speaker Pro Tempore presented the gavel to President Owen.

The Colors were presented by the First Corps Command Color Guard.

The President led the body in the Pledge of Allegiance.

The President welcomed and introduced the state elected officials present in the chamber: Secretary of State Ralph Munro, State Treasurer Mike Murphy, State Auditor Brian Sonntag, Superintendent of Public Instruction Terry Bergeson and Insurance Commissioner Deborah Senn.

The Clerk of the House called the roll of members of the House and Senate.

The Clerk of the House call the roll of former members who were present: Senators Barbara Granlund, Gary Hanna, Bill Kiskaddon, Bob Lewis, Carol Monohon Conley, Gary Nelson, Eugene Prince, Dean Sutherland, Pete von Reichbauer, Johnathan Whetzel and Hal Zimmerman; Former Speakers Duane Berentson, Thomas Copeland, Charlie Hodde, Don Eldridge, John O'Brien, and Tom Swayze; and Representatives Marlin Appelwick, Bob Basich, Shirley Doty, Joan Houchen, George Hurley, Charles Kilbury, Richard King, Roy Meyers, Don Miles, Richard Poff, Oliver Ristuben, Paul Sanders, Carl Scheuerman, Earl Tilley, and Bill Young.

#### REMARKS BY PRESIDENT OWEN

President Owen: "Honored members of the Legislature, ladies and gentlemen. The purpose of this Joint Session is to conduct memorial services in memory of departed former members of the Legislature. The President, at this time, would like to respectfully present the gavel to the Honorable Val Ogden, Co-Speaker Pro Tempore of the House of Representatives."

The President presented the gavel to Co-Speaker Pro Tempore Ogden.

Co-Speaker Pro Tempore Ogden introduced Co-Speaker Pro Tempore John Pennington to call the roll of the deceased former members of the Senate and House of Representatives.

#### **MEMORIAL PROGRAM**

**Presiding: President of the Senate Brad Owen  
Co-Speaker Clyde Ballard \* Co-Speaker Frank Chopp  
Co-Speaker Pro Tempore Val Ogden  
Co-Speaker Pro Tempore John Pennington**

#### **INVOCATION**

**by  
Father Kilian Malvey, St. Martin's Abbey  
Lacey**

***For All the Saints*  
Legislative Choir**

**Representative Cathy McMorris, Accompanist**

**MEMORIAL TRIBUTE**

**by**

**Co-Speaker Pro Tempore Val Ogden  
Co-Speaker Pro Tempore John Pennington**

**CANDLE SERVICE**

***IN MEMORIAM***

***JOHN BECK***

*Twenty-first District, Served in the House from 1987 to 1993  
Memorialized by Representative Renee Radcliff*

***BETTY EDMONDSON***

*Fourteenth District, Served in the House from 1991 to 1995  
Memorialized by Representative Mary Skinner*

***LOUIS EGGER***

*Seventh District, Served in the House from 1983 to 1985  
Memorialized by Representative Cathy McMorris*

***KATHRYN EPTON***

*Fourth District, Served in the House from 1957 to 1963 and from 1965 to 1967  
Memorialized by Senator Pat Thibaudeau*

***ELEANOR FORTSON***

*Tenth District, Served in the House from 1973 to 1979  
Memorialized by Senator Mary Margaret Haugen*

***WILLIAM C. GOODLOE***

*Thirty-second District, Served in the Senate from 1951 to 1959  
Supreme Court Justice from 1985 to 1988  
Memorialized by Senator Pam Roach*

***WIN GRANLUND***

*Twenty-sixth District, Served in the Senate from 1985 to 1987  
Memorialized by Senator Shirley Winsley*

***KARL HERRMANN***

*Fourth District, Served in the Senate from 1957 to 1969  
Memorialized by Senator Rosa Franklin*

***RON KELLER***

*Twenty-second District, Served in the House from 1977 to 1981  
Memorialized by Senator Karen Fraser*

***R. W. "BOB" O'DELL***

*Seventeenth District, Served in the House from 1965 to 1971  
Memorialized by Senator Stephen Johnson*

***JOEL PRITCHARD***

*Thirty-sixth District, Served in the House from 1959 to 1967 and in the Senate from 1967 to 1971*

*U.S. Delegate to General Assembly, United Nations in 1983  
Served as Lieutenant Governor from 1989-1997  
Memorialized by Senator Dan McDonald*

*DAVID SPRAGUE  
Thirty-seventh District, Served in the House from 1967 to 1971  
Memorialized by Representative Helen Sommers*

*RAY VAN HOLLEBEKE  
First District, Served in the Senate from 1973 to 1981  
Memorialized by Senator Sid Snyder*

*JERRY VROOMAN  
Fortieth District, Served in the House from 1977 to 1981  
Memorialized by Representative Dave Quall*

**MEMORIAL PRAYER  
by  
Rabbi Mark Glickman  
Temple Beth El, Tacoma**

*Hymn of Promise  
Legislative Choir  
Representative Cathy McMorris, Accompanist*

**CLOSING PRAYER  
Pastor Lee Forstrom, Westwood Baptist Church  
Olympia**

*Amazing Grace  
The Honorable Ralph Munro, Secretary of State  
and the Olympia Highlanders*

**TAPS  
Washington Army National Guard  
American Legion Post # 3**

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Co-Speaker Pro Tempore Val Ogden returned the gavel to the President of the Senate.

The Color Guard retired the Colors.

MOTION

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

The President of the Senate returned the gavel to Co-Speaker Pro Tempore Ogden.

Co-Speaker Pro Tempore Ogden instructed the Sergeants at Arms of the House and the Senate to escort the President of the Senate Brad Owen, President Pro Tempore R. Lorraine Wojahn, Majority Leader Sid Snyder, Minority Leader Dan McDonald and members of the Washington State Senate from the House Chamber.

The Senate was called to order at 2:15 p.m. by President Owen.

MOTION

At 2:15 p.m., on motion of Senator Snyder, the Senate adjourned until 10:00 a.m., Friday, February 26, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-SIXTH DAY, FEBRUARY 25, 1999

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

**FORTY-SEVENTH DAY**

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

Senate Chamber, Olympia, Friday, February 26, 1999

The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Deccio, Roach, Sellar and Zarelli. On motion of Senator Honeyford, Senator Deccio was excused.

The Sergeant at Arms Color Guard consisting of Pages Jonathan Medley and Andrew Barnett, presented the Colors. Reverend Doug Dornhecker, pastor of the First Christian Church of Olympia, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 25, 1999

SB 5107 Prime Sponsor, Senator Fairley: Changing Puget Sound action team provisions. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5107 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; McAuliffe and Swecker.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 25, 1999

SB 5113 Prime Sponsor, Senator T. Sheldon: Requiring a formal hearing on proposed water company rate increases when requested by affected customers. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5113 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Hochstatter, Roach and Rossi.

Passed to Committee on Rules for second reading.

February 23, 1999

SB 5233 Prime Sponsor, Senator Patterson: Exempting specified positions within the department of corrections from civil service laws. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1999

SB 5332 Prime Sponsor, Senator Brown: Establishing community voice mail as a component of the Washington telephone assistance program. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5332 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley and Fraser.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Hochstatter and Rossi.

Passed to Committee on Rules for second reading.

February 24, 1999

SB 5518 Prime Sponsor, Senator Jacobsen: Establishing a community outdoor athletic fields board and account to provide assistance with the repair, maintenance, or construction of community athletic fields. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5518 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 24, 1999

SB 5528 Prime Sponsor, Senator Loveland: Clarifying the phrase "services rendered in respect to constructing" for business and occupation tax purposes. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5528 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1999

SB 5608 Prime Sponsor, Senator Snyder: Revising the machinery and equipment tax exemption for manufacturers and processors for hire. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5608 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Roach, B. Sheldon, Snyder, Thibaudeau, West and Winsley.

Passed to Committee on Rules for second reading.

February 24, 1999

SB 5637 Prime Sponsor, Senator Spanel: Authorizing the reconveyance of forest lands for municipal water supply protection purposes. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5637 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

February 24, 1999

SB 5638 Prime Sponsor, Senator Hargrove: Correcting fish and wildlife enforcement code provisions. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5638 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 24, 1999

SB 5661 Prime Sponsor, Senator Rasmussen: Providing clarification and administrative simplification for the leasehold excise tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5661 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Roach, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1999

SB 5681 Prime Sponsor, Senator Brown: Levying a use tax for the privilege of consuming electricity in the state of Washington. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5681 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter and Rossi.

Referred to Committee on Ways and Means.

February 24, 1999

SB 5684 Prime Sponsor, Senator Thibaudeau: Simplifying tax reporting by revising the active nonreporting threshold so that it parallels the small business credit. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Roach, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1999

SB 5729 Prime Sponsor, Senator Rasmussen: Establishing parameters for solid waste facility locational standards. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5729 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, Morton and Swecker.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 25, 1999

SB 5730 Prime Sponsor, Senator Rasmussen: Changing financial responsibility requirements for operators of solid waste landfills. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5730 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, McAuliffe and Swecker.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Honeyford and Morton.

Referred to Committee on Ways and Means.

February 25, 1999

SB 5742 Prime Sponsor, Senator Morton: Combating the spread of Eurasian water milfoil. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5742 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Referred to Committee on Ways and Means.

February 24, 1999

SB 5746 Prime Sponsor, Senator Wojahn: Modifying certain exemption language for new and rehabilitated multiple-unit dwellings in urban centers. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5746 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1999

SB 5749 Prime Sponsor, Senator Long: Establishing a team to create state-wide protocols for interviews relating to investigations of allegations of child abuse. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5749 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 24, 1999

SB 5797 Prime Sponsor, Senator McAuliffe: Improving class size. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5797 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

Referred to Committee on Ways and Means.

February 23, 1999

SB 5802 Prime Sponsor, Senator Fairley: Regulating telecommunications contractors and installations. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5802 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hochstatter.

Referred to Committee on Ways and Means.

February 25, 1999

SB 5810 Prime Sponsor, Senator Fraser: Allowing for the regulation of flowing wells within city limits. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5810 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, McAuliffe and Swecker.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Honeyford and Morton.

Passed to Committee on Rules for second reading.

February 24, 1999

SB 5825 Prime Sponsor, Senator McAuliffe: Changing student assessments. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5825 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Goings, Kohl-Welles and Rasmussen.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Benton, Finkbeiner, Hochstatter, Sellar, Swecker and Zarelli.

Referred to Committee on Ways and Means.

February 25, 1999

SB 6012 Prime Sponsor, Senator Long: Declaring monthly unit valuations for certain portfolios and funds managed by the state investment board. Reported by Committee on Commerce, Trade, Housing and Financial Institutions.

MAJORITY Recommendation: Refer to Committee on Ways and Means. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, T. Sheldon and Winsley

Referred to Committee on Ways and Means.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5637 and Senator Bill No. 5802 were referred to the Committee on Ways and Means.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 25, 1999

GA 9096 PAUL R. CALDERON, appointed September 29, 1998, for a term ending October 1, 2002, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules.

February 25, 1999

GA 9191 CLARK CROUCH, appointed January 19, 1999, for a term ending June 30, 2001, as a member of the Housing Finance Commission.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 6053 by Senators Loveland, Morton, Snyder, Hale, Winsley, Oke and Kohl-Welles (by request of Office of Financial Management)

AN ACT Relating to the impact of extraordinary criminal justice expenses on counties and cities; amending RCW 82.14.310, 82.14.320, and 82.14.330; and adding new sections to chapter 82.14 RCW.

Referred to Committee on Ways and Means.

SB 6054 by Senators Prentice and Winsley

AN ACT Relating to allowing approved organizations to share a location for bingo; and amending RCW 9.46.0205.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6055 by Senators Heavey, Rossi and Zarelli

AN ACT Relating to adverse possession and prescriptive easements; amending RCW 4.16.020 and 7.28.010; adding a new section to chapter 7.28 RCW; creating new sections; and providing an effective date.

Referred to Committee on Judiciary.

SB 6056 by Senators Shin, Haugen, Costa and Goings

AN ACT Relating to newly licensed drivers under eighteen years of age; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

SB 6057 by Senators T. Sheldon, Winsley, Goings, Roach, Franklin, Kline, Eide, Honeyford, Spanel and Rasmussen

AN ACT Relating to creation of the public employees' retirement system, plan 3; amending RCW 41.40.005, 41.40.010, 41.40.054, 41.40.088, 41.45.010, 41.45.010, 41.45.020, 41.45.050, 41.45.050, 41.50.075, 41.50.075, 41.54.030, 41.05.011, 41.05.011, and 43.33A.190; reenacting and amending RCW 41.40.010, 41.40.088, 41.45.020, 41.45.060, 41.45.070, and 41.54.030; adding new sections to chapter 41.40 RCW; adding a new section to chapter 41.45 RCW; adding new chapters to Title 41 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Ways and Means.

SB 6058 by Senators Loveland, Honeyford, Sellar, Oke, Stevens and Rasmussen (by request of Department of Revenue)

AN ACT Relating to stating the intent of the legislature that the activities of growing or packing agricultural products is not a manufacturing activity; amending RCW 82.04.120; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6059 by Senators Stevens, Johnson and Hochstatter

AN ACT Relating to programs for highly capable students; amending RCW 28A.185.020 and 28A.185.030; and creating a new section.

Referred to Committee on Education.

SB 6060 by Senators Eide, Swecker, T. Sheldon, Goings, Fraser, Finkbeiner and Winsley

AN ACT Relating to sales and use tax exemptions for uncooked pizza; and amending RCW 82.08.0293 and 82.12.0293.

Referred to Committee on Ways and Means.

#### MOTION

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

#### SENATE RESOLUTION 1999-8635

By Senators Hale and Rasmussen

WHEREAS, Intel Corporation has conducted a science talent search among high school seniors across the country, and this fifty-eight year old contest is often considered the Junior Nobel Prize of Science competition for United States high school seniors; and

WHEREAS, Students in this competition are judged for their research ability, scientific originality, and creative thinking, and all entries are reviewed and judged by top scientists from a variety of disciplines; and

WHEREAS, The forty finalists were selected from a group of 1,470 applications submitted by 566 high schools from across the country; and

WHEREAS, Constance JoAnne Wang, a senior at Hanford High School in Richland, Washington, has been named as a finalist in the Junior Nobel Prize competition for her research on behavioral changes in crayfish; and

WHEREAS, Constance, who is the daughter of Oliver and Maron Wang, has also demonstrated her interest in the legislative process by serving as a Senate page during the 1997 legislative session; and

WHEREAS, Constance will be attending the Science Talent Institute in Washington, D.C. in March 1999, as the only finalist representing Washington State;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Constance Wang for her hard work and impressive scientific achievement; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Constance Wang.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the honoree, Constance Wang, and her parents, Oliver and Maron Wang, who were seated in the gallery.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Shin, Gubernatorial Appointment No. 9032, James A. Medina, as Director of the Office of Minority and Women's Business Enterprises, was confirmed.

#### APPOINTMENT OF JAMES A. MEDINA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 5; Absent, 3; Excused, 1. Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 40.

Voting nay: Senators Benton, Hochstatter, Johnson, Rossi and Stevens - 5.

Absent: Senators Roach, Sellar and Zarelli - 3.

Excused: Senator Deccio - 1.

#### MOTION

On motion of Senator Costa, Gubernatorial Appointment No. 9035, Connie Niva, as a member of the Transportation Commission, was confirmed.

Senators Costa and Thibaudeau spoke to the confirmation of Connie Niva as a member of the Transportation Commission.

#### MOTION

On motion of Senator Honeyford, Senator Roach was excused.

#### APPOINTMENT OF CONNIE NIVA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 33; Nays, 12; Absent, 2; Excused, 2. Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 33.

Voting nay: Senators Benton, Finkbeiner, Hale, Hochstatter, Johnson, McDonald, Morton, Rossi, Sheahan, Stevens, Swecker and West - 12.

Absent: Senators Sellar and Zarelli - 2.

Excused: Senators Deccio and Roach - 2.

President Owen assumed the Chair.

#### STATEMENT FOR THE JOURNAL

I mistakenly voted 'no' on Senate Bill No. 5355. I had intended to vote 'yes.'

SENATOR JIM HONEYFORD, 15th District

#### SECOND READING

SENATE BILL NO. 5355, by Senators Thibaudeau, Costa, Kohl-Welles and Prentice (by request of Insurance Commissioner Senn)

Mandating coverage for replacement medicare insurance policies.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 5355 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5355.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5355 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 47.

Voting nay: Senator Honeyford - 1.

Absent: Senator Zarelli - 1.

SENATE BILL NO 5355, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act

#### SECOND READING

SENATE BILL NO. 5084, by Senators Hargrove and Long

Modifying the procedure for determining the administrative costs allowed for the community public health and safety networks.

The bill was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5084 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5084.

The Secretary called the roll on the final passage of Senate Bill No. 5084 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 48.

Absent: Senator Zarelli - 1.

SENATE BILL NO. 5084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5348, by Senators Gardner, Horn and Spanel (by request of Superintendent of Public Instruction Bergeson and Washington State Library Commission)

Reorganizing the state library commission.

## MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5348 was substituted for Senate Bill No. 5348 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gardner, the following amendment was adopted:

On page 2, beginning on line 11, after "from" strike "the executive or legislative branches of Washington state government" and insert "an executive branch agency"

## MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute Senate Bill No. 5348 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5348.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5348 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5348, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

## MOTION

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

SENATE RESOLUTION 1999-8624

By Senators Rasmussen and Honeyford

WHEREAS, Ronald W. Crawford has dedicated more than twenty years as a state vocational program supervisor in the office of the Superintendent of Public Instruction with responsibility for 250 school districts; and

WHEREAS, His administration of federal and state vocational-technical programs in various fields led to a student enrollment from 14,000 to 34,000 in ten years; and

WHEREAS, He developed a new statewide curriculum in Forestry and Horticulture adopted by more than 145 schools; and

WHEREAS, He served on a national task force for the development of a curriculum in Biotechnology and Money Management; and

WHEREAS, He directed a national contest in sales and marketing to teach students the intricacies of management, budgeting, and facility development; and

WHEREAS, He developed a curriculum in golf course management with twenty-five pilot programs in Washington;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate acknowledge and honor Ronald W. Crawford, and the important role he has played in promoting vocational and technical training for students in Washington and throughout the United States; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Ronald W. Crawford.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ronald Crawford, the State Vocational Program Supervisor in the Office of Superintendent of Public Instruction, as well as Rebekah Riches, Tammie Vining, Rachel Willemsen, Jeremy Olson, Becky Wallace and Rosie Jacobs, the Yelm School FFA Officers, who were seated in the gallery.

MOTION

At 10:47 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:24 a.m. by President Owen.

MOTION

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

SENATE RESOLUTION 1999-8634

By Senators Costa and Rasmussen

WHEREAS, The Washington State Senate strives to recognize the outstanding achievements and triumphs of young people today; and

WHEREAS, The Boys & Girls Clubs of America works to inspire and enable all young people, especially those from disadvantaged circumstances, to realize their full potential as productive, responsible, and caring citizens; and

WHEREAS, Ms. Liberty Franklin has overcome her own difficult life challenges to be named national "Youth of the Year," the top honor awarded by the Boys & Girls Clubs of America; and

WHEREAS, This remarkable Everett High School senior maintains an impressive 3.95 grade point average, is a member of the National Honor Society, plays varsity softball, and works several part-time jobs to help her family and save for college; and

WHEREAS, Liberty has received \$45,000 in college scholarships in pursuit of her goal to study dentistry at the University of Washington, and;

WHEREAS, Liberty also gives back to her community as a senior center volunteer, church choir member, and coordinator of Teen Talk sessions at her local Boys & Girls Club; and

WHEREAS, She has further distinguished herself since receiving this honor by speaking at conferences across the country, testifying on youth legislation before Congress, and meeting dignitaries at the White House, and will serve as a teen spokeswoman for nearly three million members of the Boys & Girls Clubs nationwide; and

WHEREAS, Liberty's commitment, confidence, and talents as a communicator make her a stellar role model for our state's youth;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor Liberty Franklin, and acknowledge the great contributions made by Ms. Franklin to her family, to her community, and to the youth of Washington; and

BE IT FURTHER RESOLVED, That we do hereby urge all citizens of the state of Washington to join us in so recognizing Liberty Franklin as a shining example of how community support can help inspire, motivate, and encourage our youth to succeed in life, despite all odds, and that the Secretary of the Senate do hereby immediately transmit copies of this resolution to Ms. Liberty Franklin and to the Boys & Girls Club of America.

Senators Costa, Thibaudeau and Franklin spoke to Senate Resolution 1999-8634.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Liberty Franklin, the national 'Youth of the Year' for the Boys and Girls Clubs of America, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Ms. Franklin to address the Senate.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

#### MOTION

On motion of Senator Honeyford, Senator West was excused.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8406, by Senators Snyder, McCaslin, Franklin and Goings

Resolving to determine whether or not the legislature should commence proceedings to remove Judge Grant Anderson from office.

#### MOTIONS

On motion of Senator Heavey, Substitute Senate Concurrent Resolution No. 8406 was substituted for Senate Concurrent Resolution No. 8406 and the substitute concurrent resolution was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Concurrent Resolution No. 8406 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Concurrent Resolution No. 8406.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8406 and the concurrent resolution passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Wojahn and Zarelli - 46.

Voting nay: Senators Fraser and Winsley - 2.

Excused: Senator West - 1.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8406, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Goings, Senator Haugen was excused.

#### SECOND READING

SENATE BILL NO. 5038, by Senators Goings, Prentice, McCaslin, Winsley and Costa (by request of Criminal Justice Training Commission)

Expanding the membership of the criminal justice training commission.

The bill was read the second time.

#### MOTION

On motion of Senator Goings, the rules were suspended, Senate Bill No. 5038 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5038.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5038 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Haugen and West - 2.

SENATE BILL NO. 5038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Kline: "Mr. President, a point of personal privilege. I would like to note, Mr. President, that our good Senator from Federal Way is coming very close to violating the Presidential Rule on flowers here. You spoke of a jungle the other day. I counted twenty-three of those white roses and it is not coincidental that today is the good Senator's twenty-third wedding anniversary. Since she is married to a defense lawyer, I just want you to know that those are twenty-three years of service, shall we say--of good service and the cause. I thought that maybe this was an opportunity for us to express our appreciation to our new member. Thank you, Mr. President."

#### PERSONAL PRIVILEGE

Senator Eide: "A point of personal privilege, Mr. President. I am also one of these people that are short. I want to thank this body and Senator Kline for those kind words. It has been twenty-three glorious years and I am looking forward to twenty-three more glorious years; I am married to a wonderful man. Thank you."

## SECOND READING

SENATE BILL NO. 5175, by Senators Patterson, Horn, Franklin, Eide, B. Sheldon, Finkbeiner, McCaslin, Goings, Oke, Winsley, Kohl-Welles, Fraser, Rasmussen, Costa and Benton (by request of Department of General Administration and Superintendent of Public Instruction Bergeson)

Authorizing the donation of surplus computers and computer-related equipment to school districts and educational service districts.

## MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5175 was substituted for Senate Bill No. 5175 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendments by Senators Hargrove and Patterson were considered simultaneously and were adopted:

On page 1, line 9, delete "RCW 42.52.010" and insert "subsection (3) of this section"

On page 1, after line 17, insert:

"(3) "Agency" means any state board, commission, bureau, committee, department, institution, division, or tribunal in the executive or judicial branch of state government, including those institutions of higher education created and supported by the state government, and those courts that are parts of state government."

## POINT OF INQUIRY

Senator Zarelli: "Senator Patterson, is it your intention not to preclude those currently who enjoy access to surplus computer equipment, but to allow for donation of the same types of equipment to school districts and ESDs?"

Senator Patterson: "Thank you, Senator Zarelli, that is my intent. The intent of the bill is simply to make it very clear that agencies may donate to any school district--may donate surplus computer equipment."

Senator Zarelli: "Thank you very much."

## MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute Senate Bill No. 5175 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5175.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5175 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Haugen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5153, by Senators Haugen, Goings, Gardner, T. Sheldon, Rasmussen and Patterson (by request of Legislative Transportation Committee)

Modifying provisions concerning the freight mobility strategic investment board.

#### MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5153 was substituted for Senate Bill No. 5153 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Goings, the rules were suspended, Substitute Senate Bill No. 5153 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Franklin, Senator Brown was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5153.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5153 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Brown and Haugen - 2.

SUBSTITUTE SENATE BILL NO. 5153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, March 1, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

FORTY-SEVENTH DAY, FEBRUARY 26, 1999

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#### FIFTIETH DAY

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#### NOON SESSION

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Senate Chamber, Olympia, Monday, March 1, 1999

The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 25, 1999

SB 5121 Prime Sponsor, Senator Hargrove: Establishing a carbon storage program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5121 as recommended by Committee on Natural Resources, Parks and Recreation be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 25, 1999

SB 5252 Prime Sponsor, Senator Fraser: Creating a wage claims collection account. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5252 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hochstatter.

Referred to Committee on Ways and Means.

February 25, 1999

SB 5283 Prime Sponsor, Senator Goings: Updating references to the transportation improvement board bond retirement account. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5283 as recommended by Committee on Transportation be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 26, 1999

SB 5296 Prime Sponsor, Senator Costa: Creating a grant program to reduce the number of juvenile offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5296 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 26, 1999

SB 5344 Prime Sponsor, Senator Jacobsen: Creating the foster care scholarship program. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5344 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Finkbeiner, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

February 25, 1999

SB 5345 Prime Sponsor, Senator Bauer: Creating the school district credit enhancement program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5345 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West and Zarelli.

Passed to Committee on Rules for second reading.

February 24, 1999

SB 5393 Prime Sponsor, Senator Haugen: Regulating the use and operation of personal watercraft. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5393 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Jacobsen, Patterson, Prentice, Sellar, Sheahan and Shin.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Horn.

Passed to Committee on Rules for second reading.

February 25, 1999

SB 5447 Prime Sponsor, Senator Franklin: Changing provisions relating to guardians ad litem. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5447 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 25, 1999

SB 5509 Prime Sponsor, Senator Kline: Creating the Holocaust victims insurance relief act. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5509 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

February 26, 1999

SB 5513 Prime Sponsor, Senator Costa: Augmenting provisions for execution witnesses. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5513 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 25, 1999

SB 5522 Prime Sponsor, Senator Fairley: Changing work activity provisions for recipients of temporary assistance for needy families. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5522 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Referred to Committee on Ways and Means.

February 25, 1999

SB 5557 Prime Sponsor, Senator Hargrove: Providing residential placement and transitional living services to street youth. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5557 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 25, 1999

SB 5580 Prime Sponsor, Senator Wojahn: Paying industrial insurance benefits during appeal. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 24, 1999

SB 5588 Prime Sponsor, Senator Wojahn: Classifying false advertising of health carriers as unfair or deceptive acts. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5588 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa and Franklin.

Passed to Committee on Rules for second reading.

February 26, 1999

SB 5720 Prime Sponsor, Senator Shin: Promoting cooperative real estate research. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Finkbeiner, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 26, 1999

SB 5733 Prime Sponsor, Senator Honeyford: Revising law governing the sealing of juvenile records. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5733 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 26, 1999

SB 5743 Prime Sponsor, Senator Kohl-Welles: Improving community and technical colleges' contributions to economic development. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5743 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Finkbeiner, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 26, 1999

SB 5744 Prime Sponsor, Senator Haugen: Providing for representation of parties in child dependency and termination proceedings. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5744 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 25, 1999

SB 5798 Prime Sponsor, Senator Fairley: Assisting needy families. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Referred to Committee on Ways and Means.

February 26, 1999

SB 5902 Prime Sponsor, Senator Kohl-Welles: Changing higher education financial aid provisions. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5902 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Finkbeiner, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 25, 1999

SB 5932 Prime Sponsor, Senator Loveland: Changing provisions relating to bond debt service payments from the community and technical college capital projects account. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5932 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West and Zarelli.

Passed to Committee on Rules for second reading.

February 25, 1999

SB 5986 Prime Sponsor, Senator Goings: Paying duty connected death or disability benefits. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 25, 1999

SB 5987 Prime Sponsor, Senator Goings: Withdrawing accumulated contributions under the law enforcement officers' and fire fighters' retirement system. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Honeyford, Kline, Kohl-Welles, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

February 25, 1999

SB 6003 Prime Sponsor, Senator Snyder: Reorganizing the liquor control board. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6003 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Benton and Heavey.

Passed to Committee on Rules for second reading.

February 25, 1999

SJR 8206 Prime Sponsor, Senator Bauer: Guaranteeing school district debt. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West and Zarelli.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5252, Senate Bill No. 5344, Senate Bill No. 5522 and Senate Bill No. 5798 were referred to the Committee on Ways and Means.

#### INTRODUCTION AND FIRST READING

SB 6061 by Senators Loveland, Winsley, Costa, Thibaudeau, Fraser, Kline and Jacobsen (by request of Commissioner of Public Lands Belcher and Superintendent of Public Instruction Bergeson)

AN ACT Relating to funding management of the common school trust lands; amending RCW 79.64.020, 79.64.030, and 79.64.040; making appropriations; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 6062 by Senators Gardner, Spanel, West and Oke

AN ACT Relating to a sales and use tax deferral for natural gas-fired energy generating facilities sited in rural areas; adding a new chapter to Title 82 RCW; providing an effective date; and providing an expiration date.  
Referred to Committee on Ways and Means.

SB 6063 by Senators Loveland, West, Snyder and Oke

AN ACT Relating to the authority of the state investment board to invest and reinvest moneys in the emergency reserve fund; adding a new section to chapter 43.135 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 6064 by Senator Prentice

AN ACT Relating to social card games; and creating a new section.  
Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SB 6065 by Senators Wojahn and Winsley

AN ACT Relating to providing an excise tax exemption for property owned, operated, or controlled by a public corporation if the property is used as a public esplanade, street, public way, public open space, park, public utility corridor, or view corridor for the general public or the property is used to implement an agreement or plan; and amending RCW 35.21.755.  
Referred to Committee on Ways and Means.

SB 6066 by Senator Roach

AN ACT Relating to public-private transportation initiatives; and amending RCW 47.46.010, 47.46.030, 47.46.040, and 47.46.050.  
Referred to Committee on Transportation.

SB 6067 by Senator Thibaudeau

AN ACT Relating to access to individual health insurance coverage; and creating a new section.  
Referred to Committee on Health and Long-Term Care.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Tuesday, March 2, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTIETH DAY, MARCH 1, 1999

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**FIFTY-FIRST DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, March 2, 1999  
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 1, 1999  
SB 5211 Prime Sponsor, Senator Costa: Clarifying the jurisdiction over drunk drivers. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5307 Prime Sponsor, Senator Jacobsen: Concerning reclamation of underground mine tailings. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5337 Prime Sponsor, Senator Kohl-Welles: Broadening actions for employment discrimination. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5428 Prime Sponsor, Senator T. Sheldon: Establishing a program to purchase and plant privately grown trout. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5428 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

March 1, 1999

SB 5446 Prime Sponsor, Senator Franklin: Allowing public funding of local office campaigns. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen and Kline.

MINORITY Recommendation: Do not pass. Signed by Senators Hale, Horn and McCaslin.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5556 Prime Sponsor, Senator Fraser: Freeing the base for transfers of marine and nonhighway fuel taxes. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5556 be substituted therefor, and the substitute bill do pass and be referred to Committee on Transportation. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Transportation.

March 1, 1999

SB 5563 Prime Sponsor, Senator Costa: Authorizing a filing fee surcharge for funding county law libraries. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5618 Prime Sponsor, Senator Jacobsen: Establishing minimum fees for recreational and hunting licenses. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

March 1, 1999

SB 5619 Prime Sponsor, Senator Jacobsen: Increasing the assessment for forest fire protection. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5619 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5655 Prime Sponsor, Senator Kohl-Welles: Establishing the parents as scholars program. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5655 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

March 1, 1999

SB 5658 Prime Sponsor, Senator Spanel: Changing shellfish provisions. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5658 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

March 1, 1999

SB 5670 Prime Sponsor, Senator Snyder: Creating criteria for the issuance of water quality permits for the treatment of noxious weeds. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5677 Prime Sponsor, Senator Patterson: Planning by general purpose and special purpose local governments. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5677 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen and Kline.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Hale, Horn and McCaslin.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5679 Prime Sponsor, Senator Morton: Changing grant and loan eligibility requirements for counties, cities, and towns planning under the growth management act. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5679 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5703 Prime Sponsor, Senator Hargrove: Allowing for the use of funds to dredge marine recreation land. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5734 Prime Sponsor, Senator Bauer: Recognizing the sixteenth day of April as Mother Joseph day. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn and McCaslin.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5760 Prime Sponsor, Senator Goings: Allowing unincorporated territory adjacent to a fire protection district to be annexed. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5764 Prime Sponsor, Senator Heavey: Eliminating a maximum amount threshold for pleadings in actions arising from public works contracts. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5764 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5806 Prime Sponsor, Senator Haugen: Requiring the adjutant general to adopt rules relating to automatic location identification. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5816 Prime Sponsor, Senator Haugen: Enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5823 Prime Sponsor, Senator Kohl-Welles: Creating an accountability incentive system for institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5823 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

March 1, 1999

SB 5832 Prime Sponsor, Senator Horn: Increasing the building code council fee. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Referred to Committee on Ways and Means.

March 1, 1999

SB 5862 Prime Sponsor, Senator Gardner: Protecting records of strategy discussions. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5888 Prime Sponsor, Senator Fraser: Changing provisions relating to historic cemeteries. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5953 Prime Sponsor, Senator Kohl-Welles: Creating the public interest attorney loan repayment and scholarship program. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5953 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

March 1, 1999

SJM 8003 Prime Sponsor, Senator Jacobsen: Requesting legislation to eliminate family forests from estate taxes. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi and Stevens.

Passed to Committee on Rules for second reading.

March 1, 1999

SHB 1124 Prime Sponsor, House Committee on Judiciary (originally sponsored by Representative Constantine): Correcting DUI penalty provisions. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5655, Senate Bill No. 5823 and Senate Bill No. 5953 were referred to the Committee on Ways and Means.

#### REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

March 1, 1999

GA 9053 GREGORY BARLOW, appointed January 15, 1997, for a term ending at the pleasure of the Governor as Adjutant General of the Military Department.

Reported by Committee on State and Local Government

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn and McCaslin.

Passed to Committee on Rules.

#### MESSAGE FROM THE HOUSE

February 26, 1999

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1019,  
HOUSE BILL NO. 1042,  
ENGROSSED HOUSE BILL NO. 1085,  
SUBSTITUTE HOUSE BILL NO. 1181,  
HOUSE BILL NO. 1194,  
SUBSTITUTE HOUSE BILL NO. 1219,  
SUBSTITUTE HOUSE BILL NO. 1222,  
HOUSE BILL NO. 1233,  
SUBSTITUTE HOUSE BILL NO. 1234, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk  
TIMOTHY A.

MARTIN, Co-Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6068 by Senators Haugen and Benton

AN ACT Relating to drivers' license fees; and amending RCW 46.20.161 and 46.20.181.  
Referred to Committee on Transportation.

SB 6069 by Senator Franklin

AN ACT Relating to eligibility for health insurance coverage; and amending RCW 48.41.100.  
Referred to Committee on Health and Long-Term Care.

SB 6070 by Senator Fraser

AN ACT Relating to studying global climate change; creating new sections; and making an appropriation.  
Referred to Committee on Environmental Quality and Water Resources.

SJR 8208 by Senators Loveland, West and Snyder

Authorizing investments as specified by the legislature.

Referred to Committee on Ways and Means.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Changing provisions relating to foreign degree-granting institutions' branch campuses.

Referred to Committee on Higher Education.

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

Exempting certain computer software from public inspection.

Referred to Committee on Energy, Technology and Telecommunications.

EHB 1085 by Representatives Dunn, Conway, Lambert and Esser

Penalizing possession of stolen checks.

Referred to Committee on Judiciary.

SHB 1181 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Edwards, Romero, Radcliff, Scott, DeBolt, Cooper, Lovick, Hurst, Fisher, Kessler, Dickerson, O'Brien, Cody, Kenney, Ogden, Wood, Santos, Regala, Conway, Lantz, Rockefeller, McIntire and Stensen)

Changing provisions relating to penalties and treatment for crimes involving domestic violence.

Referred to Committee on Judiciary.

HB 1194 by Representatives Pflug, Schual-Berke, Parlette and Cody

Extending the due date for a report to the legislature concerning accreditation of licensed boarding homes.

Referred to Committee on Health and Long-Term Care.

SHB 1219 by House Committee on Appropriations (originally sponsored by Representatives Ogden, Carlson, Conway, Doumit, D. Schmidt, Lantz and Parlette)

Changing relief and retirement pension provisions under chapter 41.24 RCW.

Referred to Committee on Ways and Means.

SHB 1222 by House Committee on Capital Budget (originally sponsored by Representatives Ogden, Mitchell, Lantz, Murray, Constantine, Hankins and O'Brien)

Creating a competitive grant program to assist nonprofit organizations with capital projects.

Referred to Committee on Ways and Means.

HB 1233 by Representatives Edmonds, Sheahan and Constantine

Determining the net value of a homestead exemption.

Referred to Committee on Judiciary.

SHB 1234 by House Committee on State Government (originally sponsored by Representatives Romero, McMorris, Ogden, D. Schmidt and Kenney) (by request of Superintendent of Public Instruction Bergeson and Washington State Library)

Reorganizing the state library commission.

Referred to Committee on State and Local Government.

#### MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, March 3, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

FIFTY-FIRST DAY, MARCH 2, 1999

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

#### FIFTY-SECOND DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, March 3, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Brown, Long and Wojahn.

The Sergeant at Arms Color Guard consisting of Pages Casey West and Gabe Sherwood, presented the Colors. Chaplain Connie Walker, of the Providence Spiritual Care Network, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

March 1, 1999

SB 5019 Prime Sponsor, Senator Patterson: Changing provisions relating to opiate substitution treatment programs.  
Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5019 as recommended by Committee on Human Services and Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5092 Prime Sponsor, Senator Goings: Defining the act of displaying a deadly weapon. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5092 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Johnson, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5141 Prime Sponsor, Senator Thibaudeau: Allowing the department of health to charge a fee for newborn screening services. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Health and Long-Term Care. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5148 Prime Sponsor, Senator B. Sheldon: Changing permit assistance center provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5148 as recommended by Committee on Environmental Quality and Water Resources be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel and Thibaudeau.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5201 Prime Sponsor, Senator Thibaudeau: Increasing fees for the production of certain records. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5201 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland,

Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5333 Prime Sponsor, Senator Brown: Authorizing low-income rate discounts by gas, electric, and water companies. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5333 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter and Rossi.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5349 Prime Sponsor, Senator Costa: Providing insurance coverage for cranial hair. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5349 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin and Winsley.

Referred to Committee on Ways and Means.

March 1, 1999

SB 5388 Prime Sponsor, Senator Deccio: Allowing endorsed dental hygienists to provide sealants to low-income school children. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5388 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5399 Prime Sponsor, Senator Rossi: Changing provisions relating to traffic offenses. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5399 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5430 Prime Sponsor, Senator Wojahn: Creating the office of women's health within the department of health. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5430 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5439 Prime Sponsor, Senator Kline: Enacting the Washington state false claims act. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5439 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5443 Prime Sponsor, Senator Kline: Providing for waiver of administrative alcohol or drug-related hearing fees due to indigency. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5482 Prime Sponsor, Senator Thibaudeau: Regulating disclosure of medical and health research records. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5482 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5493 Prime Sponsor, Senator McCaslin: Changing provisions relating to operating a vessel while under the influence of intoxicating liquor or any drug. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5493 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5539 Prime Sponsor, Senator Fairley: Providing for state and local procurement of recycled content products. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, McAuliffe and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford and Morton.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5540 Prime Sponsor, Senator Deccio: Concerning the public disclosure of department of health information received through the hospital licensing process. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5540 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5561 Prime Sponsor, Senator Thibaudeau: Protecting vulnerable adults. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5561 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5570 Prime Sponsor, Senator Costa: Expanding the definition of vehicular assault. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5573 Prime Sponsor, Senator Horn: Improving criminal history record dispositions. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5573 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5578 Prime Sponsor, Senator Patterson: Enabling the bureau of forensic laboratory services. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5578 as recommended by Committee on State and Local Government be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5599 Prime Sponsor, Senator Prentice: Regulating temporary worker housing. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5599 as recommended by Committee on Commerce, Trade, Housing and Financial Institutions be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5604 Prime Sponsor, Senator Deccio: Identifying health care facility workers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5604 be substituted therefor, and the substitute bill do pass. Signed by Senators Costa, Deccio, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5652 Prime Sponsor, Senator Bauer: Increasing statutory limits on appraiser fees in eminent domain proceedings. Reported by Committee on Rules

MAJORITY Recommendation: Refer to Committee on Transportation. Signed by Lieutenant Governor Owen, Senators Wojahn, Vice Chair; Costa, Deccio, Edie, Franklin, Goings, Hale, Hochstatter, Horn, Johnson, McDonald, B. Sheldon, Snyder and Spanel.

Referred to Committee Transportation.

March 2, 1999

SB 5735 Prime Sponsor, Senator Finkbeiner: Increasing competition among telecommunications carriers in order to provide customers with higher service quality standards. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5735 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley and Fraser.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5766 Prime Sponsor, Senator Wojahn: Modifying the duties of a long-term care ombudsman. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5766 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to Committee on Ways and Means.

March 1, 1999

SB 5768 Prime Sponsor, Senator Finkbeiner: Allowing emergency medical technicians to administer epinephrine. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5768 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin and Winsley.

Referred to Committee on Ways and Means.

March 2, 1999

SB 5811 Prime Sponsor, Senator Brown: Creating a program to advance universal telecommunications service. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5811 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley and Fraser.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Hochstatter and Rossi.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5877 Prime Sponsor, Senator Thibaudeau: Providing for the registration of surgical technologists. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5877 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to Committee on Ways and Means.

March 2, 1999

SB 5893 Prime Sponsor, Senator Haugen: Requiring the disclosure of the physical address of a business advertising in a telephone directory. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5893 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter, Roach and Rossi.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5903 Prime Sponsor, Senator Prentice: Authorizing tax, levy, and execution exemptions for properties of Indian housing authorities for low-income housing programs. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5903 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5933 Prime Sponsor, Senator Brown: Providing for disclosure to consumers regarding the characteristics associated with their electric energy product. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5933 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley and Fraser.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Hochstatter and Rossi.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5962 Prime Sponsor, Senator Brown: Promoting electronic commerce through digital signatures. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5962 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley and Fraser.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 6070 Prime Sponsor, Senator Fraser: Studying the effects of climate change. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen and McAuliffe.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford, Morton and Swecker.

Referred to Committee on Ways and Means.

March 1, 1999

SJM 8005 Prime Sponsor, Senator Kohl-Welles: Urging Congress to downgrade marijuana to a Schedule II controlled substance. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin and Winsley.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SB 6071 by Senators Rossi, Johnson, McCaslin, T. Sheldon and Oke

AN ACT Relating to duties of drivers involved in accidents; amending RCW 46.52.020 and 13.40.0357; reenacting and amending RCW 9.94A.320; and prescribing penalties.  
Referred to Committee on Judiciary.

SB 6072 by Senators Thibaudeau, West, Jacobsen, Long and Rasmussen

AN ACT Relating to tax exemptions for sales of food products sold through vending machines for human consumption; and amending RCW 82.08.0293 and 82.12.0293.  
Referred to Committee on Ways and Means.

SB 6073 by Senators Fraser, Rasmussen and Kline

AN ACT Relating to the use of revenues under the county conservation futures levy; and amending RCW 84.34.230 and 84.34.240.  
Referred to Committee on Ways and Means.

SB 6074 by Senators Fraser, Long, Bauer, Winsley, Franklin, Gardner and Rasmussen

AN ACT Relating to informed retirement planning; and adding a new section to chapter 41.50 RCW.  
Referred to Committee on Ways and Means.

SB 6075 by Senators Goings, Shin, Honeyford and Rasmussen

AN ACT Relating to computation of partial service credit for classified school employees; reenacting and amending RCW 41.40.088; and providing an expiration date.  
Referred to Committee on Ways and Means.

SJR 8209 by Senator Deccio

Fixing legislative salaries at forty percent of the governor's salary.

Referred to Committee on Ways and Means.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9001, Larry Brown, as a member of the Board of Trustees for Green River Community College District No. 10, was confirmed.

#### APPOINTMENT OF LARRY BROWN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 4; Excused, 0. Voting yea: Senators Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senators Bauer, Brown, Long and Wojahn - 4.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a committee of honor consisting of Senators Sellar and Loveland to escort the Apple Blossom Festival Royalty to the rostrum.

The President welcomed and introduced the Apple Blossom Festival Queen Lindsay France, and Princesses Jenny Smelser and Brandi DeChenne

With permission of the Senate, business was suspended to permit Queen Lindsay to address the Senate.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

#### MOTION

At 10:18 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 10:45 a.m.

The Senate was called to order at 10:45 a.m. by President Owen.

#### MOTION

At 10:45 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:57 a.m. by President Owen.

#### MOTION

On motion of Senator Honeyford, Senator Long was excused.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9017, Lucy Isaki, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

Senators Jacobsen and Thibaudeau spoke to the confirmation of Lucy Isaki as a member of the Board of Trustees for Eastern Washington University.

#### APPOINTMENT OF LUCY ISAKI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Voting nay: Senator Benton - 1.  
Absent: Senator Franklin - 1.  
Excused: Senator Long - 1.

#### SECOND READING

SENATE BILL NO. 5199, by Senators Thibaudeau, Deccio, Wojahn and Winsley (by request of Department of Health)

Modifying provisions that concern the control and prevention of tuberculosis.

#### MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5199 was substituted for Senate Bill No. 5199 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5199.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5199 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Long - 1.

SUBSTITUTE SENATE BILL NO. 5199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5058, by Senators Prentice and Winsley (by request of Department of Financial Institutions)

Regulating certain financial institutions.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5058 was substituted for Senate Bill No. 5058 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5058.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5058 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Long - 1.

SUBSTITUTE SENATE BILL NO. 5058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5262, by Senators Thibaudeau and Deccio

Allowing unregulated persons to perform sleep monitoring tasks.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 5262 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5262.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5262 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senators Hargrove and Sellar - 2.

Excused: Senator Long - 1.

SENATE BILL NO. 5262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5117, by Senator Bauer

Allowing the parking commission to have more than five members.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5117 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5117.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5117 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Long - 1.

SENATE BILL NO. 5117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5226, by Senator Heavey

Revising provisions relating to offers of settlement.

## MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5226 was substituted for Senate Bill No. 5226 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 4.84.250 and 1984 c 258 s 88 are each amended to read as follows:

Notwithstanding any other provisions of chapter 4.84 RCW and RCW 12.20.060, in any action for damages where the amount pleaded by the prevailing party as hereinafter defined, exclusive of costs, is ~~((seven))~~ thirty-five thousand ~~((five hundred))~~ dollars or less, there shall be taxed and allowed to the prevailing party as a part of the costs of the action a reasonable amount to be fixed by the court as attorneys' fees. ~~((After July 1, 1985, the maximum amount of the pleading under this section shall be ten thousand dollars.))~~ Attorneys' fees provided for in this section accrue to the benefit of the prevailing party."

## MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 1 of the title, after "settlement;" strike the remainder of the title and insert "and amending RCW 4.84.250."

On motion of Senator Heavey, the rules were suspended, Engrossed Substitute Senate Bill No. 5226 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5226.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5226 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Snyder - 1.

Excused: Senator Long - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5202, by Senators Loveland, Hale and Winsley

Preventing convicted embezzlers from working for the county treasurer.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Benton: "Senator Patterson, I just wanted to ask if you have any information on whether or not the passage of this bill will cause any of our county treasurers to be unemployed?"

Senator Patterson: "Thank you, Senator Benton. I do not have that information available, but perhaps the prime sponsor does."

#### POINT OF INQUIRY

Senator Patterson: "Senator Loveland, will you yield to a question? If Senate Bill No. 5202 passes, Senator Loveland, Senator Benton and I are wondering if you have any information as to whether or not it will result in any county treasurers losing their jobs?"

Senator Loveland: "I can speak that that will not occur. This was a situation that came up in a county and they found that they had difficulty with current personnel rules and requirements for disclosure of employment and we don't want this to ever happen again and it seemed a reasonable way to address it."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5202.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5202 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Long - 1.

SENATE BILL NO. 5202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5125, by Senators Loveland, Rasmussen, Morton, Stevens, T. Sheldon and Honeyford

Giving direction to the commission on pesticide registration.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5125.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5125 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Long - 1.

SENATE BILL NO. 5125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5156, by Senators Prentice and Winsley

Amending housing authority law.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5156 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5156.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5156 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator McCaslin - 1.

Excused: Senator Long - 1.

SENATE BILL NO. 5156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5191, by Senators Goings, Benton, Haugen, Sellar, Patterson, Winsley, T. Sheldon and Costa

Penalizing motor carriers that operate without a permit.

#### MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5191 was substituted for Senate Bill No. 5191 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Goings, the rules were suspended, Substitute Senate Bill No. 5191 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Franklin, Senator Loveland was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5191.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5191 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Sellar - 1.

Excused: Senators Long and Loveland - 2.

SUBSTITUTE SENATE BILL NO. 5191, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Deccio, Senator McCaslin was excused.

#### SECOND READING

SENATE BILL NO. 5015, by Senators Long, Hargrove, Winsley and Costa

Changing provisions relating to community mental health services.

The bill was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5015 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5015.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5015 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Long, Loveland and McCaslin - 3.

SENATE BILL NO. 5015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5336, by Senators Kline, Kohl-Welles, McDonald, Fraser and McAuliffe

Specifying allowable sewer facility capacity charges.

The bill was read the second time.

#### MOTIONS

On motion of Senator Kline, the following amendment by Senators Kline and Horn was adopted:

On page 1, line 11, after "reviewed" strike "~~(and reapproved)~~" and insert "and reapproved"

On motion of Senator Patterson, the rules were suspended, Engrossed Senate Bill No. 5336 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

. Debate ensued.

#### POINT OF INQUIRY

Senator Heavey: "Senator Kline, on page 2, line 7, it says, 'that there will be annual adjustments after January 1, 2002, to reflect annual increases in the implicit price deflator for Seattle.' If it is deflating, I am not sure why you would want increases--there would be increases, but what exactly is the implicit price deflator?"

Senator Kline: "The Senator from the 34th, I have no idea what the implicit price deflator is. To me it is the CPI, the price index --the consumer price index is what I think staff meant when they wrote that. I believe--I don't have it handy--I believe that is the same thing; it is the consumer price index."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5336.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5336 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 18; Absent, 2; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Horn, Jacobsen, Kline, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Sellar, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Heavey, Hochstatter, Honeyford, Johnson, Morton, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 18.

Absent: Senators Fairley and Kohl-Welles - 2.

Excused: Senators Long and McCaslin - 2.

ENGROSSED SENATE BILL NO. 5336, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

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

On motion of Senator Snyder, the Committee on Labor and Workforce Development was relieved of further consideration of Senate Bill No. 6048.

#### MOTION

On motion of Senator Snyder, the rules were suspended and Senate Bill No. 6048 was referred to the Committee on Rules.

#### MOTION

At 12:08 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 6:31 p.m. by Vice President Pro Tempore Bauer.  
There being no objection, the Vice President Pro Tempore returned the Senate to the first order of business.

#### REPORTS OF STANDING COMMITTEES

March 2, 1999

SB 5049 Prime Sponsor, Senator Rasmussen: Enhancing penalties for manufacturing methamphetamines inside a conveyance. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5049 as recommended by Committee on Judiciary be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5059 Prime Sponsor, Senator Brown: Allowing counties to assess impact fees to cover the costs associated with the transport of radioactive waste over their roadways. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5059 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Morton, Jacobsen, McAuliffe and Swecker.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5065 Prime Sponsor, Senator Rasmussen: Revoking driving privileges for alcohol violations until the person is age twenty-one. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5065 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5066 Prime Sponsor, Senator Fairley: Imposing a penalty for state agencies that fail to meet legislative reporting requirements. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5066 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5067 Prime Sponsor, Senator Morton: Regulating reclamation and closure of uranium and thorium mills.  
Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5067 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5071 Prime Sponsor, Senator Patterson: Providing protection for candidates for public office against false statements in political advertising made with malice. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5082 Prime Sponsor, Senator Swecker: Requiring microbial inactivation of biomedical waste. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5082 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5101 Prime Sponsor, Senator Haugen: Avoiding farmland conversion. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5101 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Morton, Prentice and Swecker.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Honeyford and Stevens.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5104 Prime Sponsor, Senator Haugen: Providing parameters for a catch and release steelhead fishery. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5104 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Hargrove, Morton, Snyder and Spanel.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5144 Prime Sponsor, Senator Patterson: Changing provisions regarding relocation assistance. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5144 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Kline and McCaslin.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Horn.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5145 Prime Sponsor, Senator Patterson: Revising conditions for award of fees in condemnation actions. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5145 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5155 Prime Sponsor, Senator Kohl-Welles: Giving TANF recipients a priority in federal workforce investment act of 1998 programs. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5155 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5158 Prime Sponsor, Senator Honeyford: Declaring buildings used for criminal street gang activity to be a nuisance. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5158 be substituted therefor, and the substitute bill do pass. Signed by Senators Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Heavey, Chair; Kline, Vice Chair; and Thibaudeau.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5208 Prime Sponsor, Senator Rasmussen: Labeling of specialty fertilizers. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5208 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Morton, Honeyford, Jacobsen, McAuliffe and Swecker.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5232 Prime Sponsor, Senator Horn: Enhancing consumer protection regarding contractors. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5232 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5236 Prime Sponsor, Senator Hargrove: Requiring the retention of records pertaining to sexually violent offenses. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5236 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5260 Prime Sponsor, Senator Kline: Amending the equal access to justice act. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5260 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5279 Prime Sponsor, Senator Kohl-Welles: Regulating the placement of children in mental health treatment by the department of social and health services. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5279 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5289 Prime Sponsor, Senator Fraser: Strengthening laws concerning water resources in order to protect and restore fish stocks. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5289 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen and McAuliffe.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Honeyford, Morton and Swecker.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5313 Prime Sponsor, Senator Wojahn: Limiting the scope of mental health record audits. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5313 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5325 Prime Sponsor, Senator Haugen: Establishing unincorporated area councils. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5325 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5340 Prime Sponsor, Senator Haugen: Granting the utilities and transportation commission authority to inspect businesses that ship hazardous material by rail. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5340 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Johnson, Oke, T. Sheldon, Shin and Swecker.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Heavey, Horn, Morton, Sellar and Sheahan.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5351 Prime Sponsor, Senator Zarelli: Increasing penalties for indecent exposure. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5351 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Goings, Hargrove, Johnson, Long, McCaslin, Roach and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Kline, Vice Chair; Haugen and Thibaudeau.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5369 Prime Sponsor, Senator Wojahn: Revitalizing downtown and neighborhood commercial districts. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5369 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Hale, Rasmussen, T. Sheldon, West and Winsley.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Benton.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5376 Prime Sponsor, Senator Costa: Making corrections to sentencing laws. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5376 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5377 Prime Sponsor, Senator Kline: Regulating occupational drivers' licenses. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5377 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

SB 5398 Prime Sponsor, Senator Brown: Requiring health carriers to provide coverage for the treatment of eating disorders. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5398 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin and Winsley.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5421 Prime Sponsor, Senator Hargrove: Enhancing supervision of offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5421 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

March 2, 1999

SB 5444 Prime Sponsor, Senator Kline: Eliminating the authority for attorneys' fees awards to prevailing parties in land use and shoreline management decisions appeals. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5444 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Kline and McCaslin.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Hale and Haugen.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5452 Prime Sponsor, Senator Bauer: Creating a public facilities district. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5452 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Referred to Committee on Ways and Means.

March 2, 1999

SB 5460 Prime Sponsor, Senator Rasmussen: Allocating taxes for community revitalization. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5460 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Benton.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5464 Prime Sponsor, Senator Costa: Adopting the uniform child custody jurisdiction and enforcement act. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5467 Prime Sponsor, Senator Costa: Eliminating the time limit on regular tax levies for medical care and services. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5467 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Kline and McCaslin.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Horn.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5470 Prime Sponsor, Senator Kline: Studying chemically related illnesses and injuries. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5470 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Kline, Oke and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5480 Prime Sponsor, Senator Patterson: Requiring identification of drug-affected infants and providing treatment services to their mothers. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5480 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

March 2, 1999

SB 5481 Prime Sponsor, Senator Prentice: Siting manufactured housing. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5481 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5491 Prime Sponsor, Senator Costa: Using apprentices on public works projects. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5491 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5492 Prime Sponsor, Senator Haugen: Extending protection of transit employees and customers. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5492 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5520 Prime Sponsor, Senator Costa: Creating a juvenile offender community sanction sentencing alternative. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5520 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles and Patterson.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

March 2, 1999

SB 5532 Prime Sponsor, Senator McAuliffe: Exempting certain low-income rental housing from property taxes. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5532 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, West and Winsley.

Referred to Committee on Ways and Means.

March 2, 1999

SB 5538 Prime Sponsor, Senator Costa: Clarifying sentencing requirements for certain crimes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5544 Prime Sponsor, Senator Patterson: Revising the law governing assumptions of water and sewer districts by cities. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5544 be substituted therefor, and the substitute bill do pass. Signed by Senators Gardner, Vice Chair; Hale, Haugen, Horn and McCaslin.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Patterson.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5545 Prime Sponsor, Senator Fraser: Authorizing implementation of total maximum daily loads. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5545 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen and Swecker.

Referred to Committee on Ways and Means.

March 2, 1999

SB 5553 Prime Sponsor, Senator Prentice: Regulating professional athletics. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5553 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5564 Prime Sponsor, Senator Gardner: Taxation of park trailers and travel trailers. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Hale, Heavey, Rasmussen and T. Sheldon.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5569 Prime Sponsor, Senator Fairley: Revising strike-related disqualifications for employment compensation. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Oke.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5581 Prime Sponsor, Senator Franklin: Reopening workers' compensation claims. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5581 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5587 Prime Sponsor, Senator Wojahn: Adopting a patient bill of rights. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5587 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio and Johnson.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5592 Prime Sponsor, Senator Kohl-Welles: Changing higher education tuition provisions. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5592 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, McAuliffe and B. Sheldon.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Finkbeiner, Jacobsen, Sheahan and West.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5593 Prime Sponsor, Senator McAuliffe: Creating the Washington professional educator standards board. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5593 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Finkbeiner, Goings, Kohl-Welles and Rasmussen.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Benton, Hochstatter, Sellar, Swecker and Zarelli.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5598 Prime Sponsor, Senator McAuliffe: Creating the Washington's promise scholarship program. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5598 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Finkbeiner, Horn, Jacobsen, McAuliffe and B. Sheldon.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Sheahan.

Referred to Committee on Ways and Means.

March 1, 1999

SB 5611 Prime Sponsor, Senator Thibaudeau: Regulating medicare supplement insurance. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5611 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5625 Prime Sponsor, Senator Kohl-Welles: Changing work requirement provisions for the temporary assistance for needy families program. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5625 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Hochstatter.

Referred to Committee on Ways and Means.

March 2, 1999

SB 5628 Prime Sponsor, Senator Gardner: Modifying license duration and continuing education requirements for accountants. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5629 Prime Sponsor, Senator Roach: Creating the civil rights act of 1999. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5629 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Goings, Hargrove, Johnson, Roach and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, McCaslin and Thibaudeau.

Referred to Committee on Ways and Means.

March 2, 1999

SB 5630 Prime Sponsor, Senator Prentice: Providing affordable housing to certain low-income individuals. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Hale, Rasmussen, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Referred to Committee on Ways and Means.

March 2, 1999

SB 5631 Prime Sponsor, Senator Wojahn: Increasing the amount of allowable vocational rehabilitation benefits. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5634 Prime Sponsor, Senator Finkbeiner: Requiring school districts to adopt policies for the retention and promotion of students. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5634 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar and Swecker.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5640 Prime Sponsor, Senator Gardner: Revising election and primary timing. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5640 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5641 Prime Sponsor, Senator Haugen: Regarding special license plates. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5641 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5648 Prime Sponsor, Senator Haugen: Providing consistency in definitions regarding businesses furnishing lodging. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5649 Prime Sponsor, Senator Haugen: Regulating security for long-term impounds. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5649 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Jacobsen, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5651 Prime Sponsor, Senator Winsley: Requiring a purchaser of timber by contract to provide proof of payment of all taxes before release of a performance bond. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5651 as recommended by Committee on Natural Resources, Parks and Recreation be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5657 Prime Sponsor, Senator Kohl-Welles: Operating veterinary medical facilities. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5657 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5668 Prime Sponsor, Senator West: Allowing school districts and organizations that provide volunteers to school districts to share criminal background information concerning volunteers. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5668 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5683 Prime Sponsor, Senator Jacobsen: Creating the Puget Sound foundation to facilitate salmon recovery funding. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5683 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5693 Prime Sponsor, Senator Wojahn: Establishing the developmental disabilities endowment trust fund. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5693 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

Referred to Committee on Ways and Means.

March 1, 1999

SB 5694 Prime Sponsor, Senator Stevens: Creating a consistent policy for the creation and maintenance of forest roads. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 5694 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

March 2, 1999

SB 5697 Prime Sponsor, Senator Prentice: Distributing the earnings credited to the treasury income account. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5697 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5704 Prime Sponsor, Senator Kohl-Welles: Authorizing adoption of rules to implement medical marijuana law. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5710 Prime Sponsor, Senator Wojahn: Authorizing a sales and use tax for zoo and aquarium purposes. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5710 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5712 Prime Sponsor, Senator Prentice: Regulating motel liquor licenses. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5712 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5718 Prime Sponsor, Senator Gardner: Changing plans of government for cities and towns. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5718 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5745 Prime Sponsor, Senator Bauer: Reducing gambling taxes. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5745 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5762 Prime Sponsor, Senator Haugen: Amending cosmetology laws. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5762 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5777 Prime Sponsor, Senator Prentice: Addressing payment for denturist services. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5779 Prime Sponsor, Senator Kline: Requiring additional crime prevention training for employees of evening retail establishments. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5792 Prime Sponsor, Senator McAuliffe: Adopting recommendations of the state board of education. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5792 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5793 Prime Sponsor, Senator Thibaudeau: Protecting information related to sexually transmitted diseases and HIV. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5793 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5800 Prime Sponsor, Senator Rasmussen: Regulating commercial fertilizer. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5800 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5805 Prime Sponsor, Senator Thibaudeau: Completing prescriptive authority for advanced registered nurse practitioners. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5805 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5807 Prime Sponsor, Senator Franklin: Expanding health care coverage for retired or disabled school or state employees. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Johnson and Winsley.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5808 Prime Sponsor, Senator Franklin: Subsidizing health benefit premiums for certain retired or disabled employees. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Johnson and Winsley.

Referred to Committee on Ways and Means.

March 2, 1999

SB 5809 Prime Sponsor, Senator McAuliffe: Directing the department of ecology to place controls on dioxin. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5809 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, McAuliffe and Swecker.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Morton and Honeyford.

Referred to Committee on Ways and Means.

March 1, 1999

SB 5812 Prime Sponsor, Senator Thibaudeau: Requiring prompt payment of health care claims. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5812 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5813 Prime Sponsor, Senator Thibaudeau: Requiring third-party payors to designate a licensed medical director for its coverage decisions. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5813 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5815 Prime Sponsor, Senator Prentice: Lowering the maximum tax rate on social card games. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5815 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5819 Prime Sponsor, Senator Shin: Modifying the benefits period for certain unemployed workers. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Hochstatter and Oke.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5821 Prime Sponsor, Senator Eide: Establishing a state-wide licensing program for persons who design on-site wastewater treatment systems. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5821 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe and Swecker.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Morton.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5828 Prime Sponsor, Senator B. Sheldon: Presenting a gift of life award. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5828 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5829 Prime Sponsor, Senator Thibaudeau: Allowing providers of occupational therapy and physical therapy to become shareholders in a professional services corporation. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5833 Prime Sponsor, Senator Wojahn: Regulating health care services decisions. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5833 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Franklin and Winsley.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5838 Prime Sponsor, Senator McAuliffe: Permitting personal holiday leave sharing for school district employees. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5838 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar and Swecker.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5843 Prime Sponsor, Senator Prentice: Concerning the housing finance commission. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5847 Prime Sponsor, Senator Costa: Revising sentencing options for drug and alcohol offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5847 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

March 1, 1999

SB 5848 Prime Sponsor, Senator Hargrove: Providing insurance coverage under the basic health plan. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5848 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5853 Prime Sponsor, Senator Kohl-Welles: Determining the need for child care for children in homeless families. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5853 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson and Sheahan.

Referred to Committee on Ways and Means.

March 2, 1999

SB 5860 Prime Sponsor, Senator Hargrove: Increasing employment opportunities for persons with disabilities through the use of tax credits. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Referred to Committee on Ways and Means.

March 1, 1999

SB 5864 Prime Sponsor, Senator Fairley: Allowing a health maintenance organization to return an individual to his or her nursing care facility. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5864 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5866 Prime Sponsor, Senator Fraser: Eliminating component registration of fertilizer products. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5866 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, McAuliffe and Swecker.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Honeyford and Morton.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5869 Prime Sponsor, Senator Prentice: Regulating service contracts. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5870 Prime Sponsor, Senator Thibaudeau: Requiring coverage of pharmacy services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5872 Prime Sponsor, Senator Heavey: Making it a traffic infraction to drive with a blood alcohol concentration of between .02 and .08. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5872 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Haugen, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 1, 1999

SB 5880 Prime Sponsor, Senator Thibaudeau: Establishing needle stick protections. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5880 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5881 Prime Sponsor, Senator Thibaudeau: Regulating youth access to tobacco products. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5885 Prime Sponsor, Senator Fraser: Establishing a certification program for operators of wastewater treatment plants. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5885 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Referred to Committee on Ways and Means.

March 2, 1999

SB 5886 Prime Sponsor, Senator Fraser: Requiring new vehicles sold in this state to meet California emission standards. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen and McAuliffe.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford, Morton and Swecker.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5894 Prime Sponsor, Senator Haugen: Selling the Whidbey Island game farm. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

March 2, 1999

SB 5897 Prime Sponsor, Senator Costa: Informing purchasers of cigarettes of adverse health consequences and whether the cigarettes were manufactured for consumption within the United States. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5899 Prime Sponsor, Senator Patterson: Adjusting penalties under the public disclosure act. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5899 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5900 Prime Sponsor, Senator Patterson: Regulating political advertising and independent expenditures. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5900 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Kline and McCaslin.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Horn.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5908 Prime Sponsor, Senator Winsley: Applying the consumer protection act to the landlord-tenant act. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Heavey, West and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5909 Prime Sponsor, Senator Fairley: Modifying the job skills program. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5909 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5911 Prime Sponsor, Senator Eide: Changing school director eligibility provisions. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5913 Prime Sponsor, Senator McAuliffe: Changing employment contract exceptions for second class school districts. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5914 Prime Sponsor, Senator Patterson: Providing incentive and enforcement measures for compliance with growth management housing goals. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5914 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Kline and McCaslin.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Horn.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5915 Prime Sponsor, Senator Patterson: Removing language requiring obsolete or unwanted reports. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5917 Prime Sponsor, Senator Franklin: Providing for per diem compensation for members of the medical quality assurance commission. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5918 Prime Sponsor, Senator Kline: Creating a registry of advocates to assist whistleblowers. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5918 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Hale, Haugen, Horn, Kline and McCaslin.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5920 Prime Sponsor, Senator Costa: Including midwives in women's health care services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5921 Prime Sponsor, Senator Kohl-Welles: Requiring the disclosure of fire protection and building safety information. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5921 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5922 Prime Sponsor, Senator Prentice: Creating a program for compulsive gambling education and awareness. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5922 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Hale, Heavey, Rasmussen, West and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5926 Prime Sponsor, Senator Fraser: Reducing the account balance requirements necessary for the imposition of the oil spill response tax. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Refer to Committee on Ways and Means without recommendation.. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen and McAuliffe.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5928 Prime Sponsor, Senator Prentice: Extending to those who communicate a complaint or information to self-regulatory agencies. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5928 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5930 Prime Sponsor, Senator Fairley: Expanding maternity care for at-risk mothers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Costa, Deccio, Franklin and Winsley.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5931 Prime Sponsor, Senator Patterson: Requiring electronic filing and publication of campaign finance and lobbyist reports. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5931 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Referred to Committee on Ways and Means.

March 2, 1999

SB 5937 Prime Sponsor, Senator Prentice: Establishing a program to assist owners of underground petroleum storage tanks. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5937 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5941 Prime Sponsor, Senator Kline: Reviewing state funds that support recreational uses on nonhighway roads and off-road vehicle trails. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; Hargrove, Morton, Oke, Rossi, Snyder and Stevens.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5944 Prime Sponsor, Senator Haugen: Describing those lands eligible to be included in a port district aquatic lands management agreement. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder and Stevens.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5950 Prime Sponsor, Senator Fairley: Creating a pilot program to detect early hearing loss. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5950 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to Committee on Ways and Means.

March 2, 1999

SB 5951 Prime Sponsor, Senator Costa: Amending the child abuse protection and treatment act. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5954 Prime Sponsor, Senator Kline: Claiming the proceeds recovered on behalf of recipients of state assistance. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5956 Prime Sponsor, Senator Kohl-Welles: Relating to part-time employees of community and technical colleges. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5956 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Finkbeiner, Horn, McAuliffe, Sheahan and B. Sheldon.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Jacobsen.

Referred to Committee on Ways and Means.

March 3, 1999

SB 5957 Prime Sponsor, Senator Johnson: Requiring country of origin labeling for bulk fruits and vegetables for retail sale. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5957 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Snyder and Swecker.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5988 Prime Sponsor, Senator McAuliffe: Changing provisions relating to truancy. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5988 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Finkbeiner, Goings, Kohl-Welles, Rasmussen and Sellar.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Benton, Hochstatter and Swecker.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 6001 Prime Sponsor, Senator Hargrove: Providing for the disclosure of information to the office of the family and children's ombudsman. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6001 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 6004 Prime Sponsor, Senator Winsley: Certifying resident managers of mobile home parks. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6004 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Benton, Heavey, Rasmussen, T. Sheldon and Winsley.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Shin, Vice Chair; and West.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 6008 Prime Sponsor, Senator Costa: Creating youth courts. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6008 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 6010 Prime Sponsor, Senator West: Creating operating fees waivers not supported by state general fund appropriations. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Finkbeiner, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 6019 Prime Sponsor, Senator Rasmussen: Eliminating authority for crop credit associations. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 6020 Prime Sponsor, Senator Hargrove: Delaying implementation of the requirement to record social security numbers on license applications to assist in child support enforcement. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6020 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline and Oke.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 6025 Prime Sponsor, Senator Bauer: Allowing purchases for resale by institutions of higher education without using the competitive bid process. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 6035 Prime Sponsor, Senator Swecker: Creating the year 2000 citizens' protection act. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6035 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 6052 Prime Sponsor, Senator Jacobsen: Assisting volunteers in hunter safety programs. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: That Substitute Senate Bill No. 6052 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 6055 Prime Sponsor, Senator Heavey: Providing additional requirements for adverse possession claims. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6055 be substituted therefor, and the substitute bill do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 3, 1999

SJM 8011 Prime Sponsor, Senator Sheahan: Urging elimination of unilateral trade sanctions. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: That Substitute Senate Joint Memorial No. 8011 be substituted therefor, and the substitute memorial do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 3, 1999

SJR 8207 Prime Sponsor, Senator McCaslin: Extending length of legislative terms. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Hale, Haugen, Horn and McCaslin.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENT

March 3, 1999

GA 9185 MARK WOLFRAM, appointed January 11, 1999, for a term ending September 30, 1999, as a member of the Board of Trustees for Cascadia Community College District No. 30.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Finkbeiner, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules.

#### MOTIONS

On motion of Senator Spanel, Senate Bill No. 5155, Senate Bill No. 5369, Senate Bill No. 5460, Senate Bill No. 5532, Senate Bill No. 5625, Senate Bill No. 5629, Senate Bill No. 5630, Senate Bill No. 5697, Senate Bill No. 5860, and Senate Bill No. 5937 were referred to the Committee on Ways and Means.

On motion of Senator Spanel, Senate Bill No. 6052 was passed to the Committee on Rules.

#### MOTION

At 6:32 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Thursday, March 4, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

FIFTY-SECOND DAY, MARCH 3, 1999

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#### FIFTY-THIRD DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Thursday, March 4, 1999

The Senate was called to order at 9:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Fairley, Hargrove, Kohl-Welles, Long, Prentice, Roach and West. On motion of Senator Franklin, Senators Hargrove, Kohl-Welles and Prentice were excused. On motion of Senator Honeyford, Senators Long, Roach and West were excused.

The Sergeant at Arms Color Guard consisting of Pages Robert Heck and Shawn Piper, presented the Colors. Chaplain Bill Whalen, from the Providence Spiritual Care Network, offered the prayer.

#### MOTION

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

## INTRODUCTION AND FIRST READING

SB 6076 by Senators Swecker and Benton

AN ACT Relating to real estate excise tax; amending RCW 82.46.010; and reenacting and amending RCW 82.46.035.

Referred to Committee on State and Local Government.

SB 6077 by Senators Horn and T. Sheldon

AN ACT Relating to transportation benefit districts; amending RCW 36.73.020; and adding a new section to chapter 36.73 RCW.

Referred to Committee on Transportation.

SB 6078 by Senators Rasmussen, Honeyford, T. Sheldon, Prentice, Morton, Gardner, Stevens, Swecker, Roach and Oke

AN ACT Relating to developing a program for promotion of agricultural products produced in Washington state; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Agriculture and Rural Economic Development.

## SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

### MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9010, Jerry Farley, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

### APPOINTMENT OF JERRY FARLEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 42.

Absent: Senator Fairley - 1.

Excused: Senators Hargrove, Kohl-Welles, Long, Prentice, Roach and West - 6.

### MOTION

On motion of Senator Franklin, Senator Fairley was excused.

## SECOND READING

SENATE BILL NO. 5496, by Senators Brown, Finkbeiner, West, Winsley and Oke (by request of Department of Revenue)

Authorizing the department of revenue to receive electronically filed taxpayer returns and remittances.

The bill was read the second time.

## MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 5496 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5496.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5496 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Fairley, Hargrove, Kohl-Welles, Long, Prentice, Roach and West - 7.

SENATE BILL NO. 5496, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5457, by Senators Costa, Zarelli, Hargrove and Long

Revising provisions relating to conditions involving diversion agreements for juveniles.

## MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 5457 was substituted for Senate Bill No. 5457 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the rules were suspended, Substitute Senate Bill No. 5457 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5457.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5457 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 42.

Absent: Senator Bauer - 1.

Excused: Senators Fairley, Hargrove, Kohl-Welles, Long, Prentice and West - 6.

SUBSTITUTE SENATE BILL NO. 5457, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5122, by Senators Fairley and Oke (by request of Department of Labor and Industries)

Recovering industrial insurance benefits payments.

The bill was read the second time.

#### MOTION

On motion of Senator Franklin, the rules were suspended, Senate Bill No. 5122 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5122.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5122 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Fairley, Hargrove, Kohl-Welles, Long, Prentice and West - 6.

SENATE BILL NO. 5122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5179, by Senators Oke and Jacobsen

Creating Title 79A RCW, Public Recreational Lands.

#### MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5179 was substituted for Senate Bill No. 5179 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Roach: "Senator Jacobsen, I haven't had a chance to look this up. It came up so quickly. Are there any substantial changes in the current law or is this just pulling it together to put it in one section?"

Senator Jacobsen: "It is just pulling it together and putting it in one section and staff did it over the summer."

Senator Roach: "So, there are no substantial changes? Thank you very much."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5179.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5179 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Fraser - 1.

Excused: Senators Fairley, Long, Prentice and West - 4.

SUBSTITUTE SENATE BILL NO. 5179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Fraser was excused.

#### SECOND READING

SENATE BILL NO. 5095, by Senators Thibaudeau, Horn, Kohl-Welles, Patterson, Haugen, Prentice and Costa

Clarifying that public corporations, commissions, and authorities are public agencies for purposes of the open public meetings act.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5095.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5095 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Fairley, Fraser and Prentice - 3.

SENATE BILL NO. 5095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5215, by Senators Bauer, Oke, Kohl-Welles, Roach, Winsley, T. Sheldon and Rasmussen

Extending veterans' exemptions from higher education tuition.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5215 was substituted for Senate Bill No. 5215 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5215 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5215.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5215 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Fraser and Prentice - 2.

SUBSTITUTE SENATE BILL NO. 5215, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. Ladies and gentlemen of the Senate. Another momentous monumental memorial moment has arrived here on the State Senate floor. Little do we realize in the passing of time, how important these moments are, but Larry Sheahan spoke for the first time on this floor--Senator Sheahan from the Ninth District. Now, Senator Sheahan, usually most people like something to eat. Eide passed out baseballs. It took me a week and a half to eat that and it is awfully hard on old teeth. Now, the rumor is and I don't know if it is true, that as a present you are going to give everyone here a billable hour. We get enough legal advise; we would appreciate a little snack. Could you respond to this request; could you respond to this question, Senator? Now, when I say would you respond, you have to get up and say something. Do you have any plans, Senator?"

#### REPLY BY SENATOR SHEAHAN

Senator Sheahan: "Yes, I do by the way."

Senator McCaslin: "I see you are from the wheat country. I suppose we will have some wheat or barley or hay or schnapps or something."

#### PERSONAL PRIVILEGE

Senator Sheahan: "A point of personal privilege, Madam President. As a matter of fact, I do have a gift today for the members of the Senate. It is a tradition for a new member when they speak for the first time on this floor to give something that is indicative of the district. Now, I had a hard time deciding what to give. I have a very interesting and diverse district. Fairchild Air Force Base is in my district, so I thought about maybe chocolate airplanes for Senator McCaslin. Also, I have Eastern Washington University, the home of the Eagles. I also have the western part of Adams County, as one of the key potato producing parts of the state, so I thought maybe french fries.

"Also, we have some wonderful dams--very important dams, by the way--two of them on the border of my district, so I have some 'Save the Dam' buttons that I thought about handing out. But, I wanted to do something that was indicative of the agricultural heritage of my area. If you can imagine a French trapper or maybe a French missionary coming to Whitman County standing on Stepto Butte, looking out over the hundreds of thousands of acres of agricultural land. At that time, they were completely covered with grass and that French person called that area the Palouse, which is a French word for green carpet. So, I wanted something that was indicative of the Palouse area and also indicative of the largest town in my district, which is Pullman, the home of our wonderful land grant institution.

"It is not a Cougar, but it is something, Senator McCaslin, that you can eat. One of our key agricultural products, which the Pages are passing out right now --it is the lentil--the noble legume--the lentil. The lentil is rich in vitamin A, calcium, iron, protein, carbohydrates, and fiber. It is also very low in fat and cholesterol. I would like to

invite all of you to Pullman the third week of August to come to the Lentil Festival. At the Lentil Festival, you can enjoy lentil chilli, lentil tacos, lentil pancakes, lentil cookies, lentil brownies and even lentil ice cream.

"Madam Chairman, if I may, I would like to thank the Pea and Lentil Association for the gift I passed out today. I would like to make one final comment. I've heard on the floor several times that the good Senator from the Fourth District has some specific nutritional needs and, particularly, when we get around noon time, he seems very deprived and so this time, if I may, I would like to present Senator McCaslin with a very special gift--if I may, Madam President." (Senator Sheahan presented Senator McCaslin with a twenty-five pound bag of lentils).

#### PERSONAL PRIVILEGE

Senator McCaslin: "May I, Madam President, finish my part in this charade? Remember, ladies and gentlemen, this is a form of a bean. Please don't eat them the same day. If we have one more person that is going to speak, I would recommend they pass out Gas X."

#### POINT OF INQUIRY

Senator Hargrove: "Senator Sheahan, where's the beef?"

Senator Sheahan: "You will have to talk to Senator Hochstatter about that. There is not a lot of beef in my district."

#### POINT OF INQUIRY

Senator Horn: "Senator Sheahan, it seems like this has very complex instructions and I wonder if you would volunteer and come around and prepare for each one of us, so we could have complete training sessions on this?"

Senator Sheahan: "Well, Senator Horn, I think, as Chairman of the Senate Education Committee, Senator McAuliffe would love to join me in coming around and educating the people of the Senate on how to cook these lentils. I would be more than happy to do that with her."

Further debate ensued.

#### SECOND READING

SENATE BILL NO. 5234, by Senators Long, Horn, Kline, Gardner, McCaslin, Zarelli, Roach, Hargrove, Kohl-Welles, Haugen, Franklin, Stevens, Thibaudeau, Oke, Winsley, Costa and Benton (by request of Department of Corrections)

Defining the crime of custodial sexual misconduct.

#### MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5234 was substituted for Senate Bill No. 5234 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5234 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5234.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5234 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Prentice - 1.

SUBSTITUTE SENATE BILL NO. 5234, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5347, by Senators Rasmussen, Honeyford, Prentice and Morton

Extending the period of time to expend funds from the fruit and vegetable district fund.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5347 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5347.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5347 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Prentice - 1.

SENATE BILL NO. 5347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5382, by Senators T. Sheldon, Horn, Haugen and Winsley (by request of Department of Transportation)

Strengthening the Scenic Vistas Act.

#### MOTIONS

On motion of Senator Tim Sheldon, Substitute Senate Bill No.5382 was substituted for Senate Bill No. 5382 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the rules were suspended, Substitute Senate Bill No. 5382 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Hargrove: "Senator Sheldon, I understand the point of the bill. How do you determine whether the person whose name is on the sign is responsible for having that sign put up? You know, paid for it--otherwise, I

could go out and put signs all over your district that say, 'Tim Sheldon's Logging,' and get you a hundred dollar fine on each sign. That maybe would be a nice trick on you. How do you determine that?"

Senator Tim Sheldon: "Thanks for the question, Senator Hargrove. The DOT will have the authority to make an investigation and talk to the people who may be responsible for the sign, they will talk to the property owner to see if it is an authorized sign or not--by the property owner. We can get to the bottom of it. It is really not an issue too much of somebody putting up someone else's signs. Really, the issue is taking down the signs that are unauthorized and put up where people think they can get free advertising. They put them up thirty feet in the air or whatever they do to try and keep them there at all times."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5382.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5382 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Voting nay: Senators Hargrove and Hochstatter - 2.

Excused: Senator Prentice - 1.

SUBSTITUTE SENATE BILL NO. 5382, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5525, by Senators Hargrove, Morton, T. Sheldon, Snyder, Oke, Winsley and Rasmussen

Revising provision for appointment of a county legislative authority member of the forest practices board.

The bill was read the second time.

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5525 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5525.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5525 and the bill passed the Senate by the following vote:

Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Voting nay: Senator Fairley - 1.

Absent: Senator Kohl-Welles - 1.

Excused: Senator Prentice - 1.

SENATE BILL NO. 5525, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5213, by Senators McAuliffe, Kohl-Welles and Costa

Requiring record checks for employees of approved private schools who have regularly scheduled unsupervised access to children.

## MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5213 was substituted for Senate Bill No. 5213 and the substitute bill was placed on second reading and read the second time.

Senator Finkbeiner moved that the following striking amendment by Senators Finkbeiner and Johnson be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28A.195 RCW to read as follows:

(1) The legislature finds additional safeguards are necessary to ensure safety of school children attending private schools in the state of Washington. In order to ensure this goal, beginning July 1, 1999, private schools approved under this chapter shall require that all employees who have regularly scheduled unsupervised access to children and were hired before July 1, 1999, and persons who apply for employment on or after July 1, 1999, undergo a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.838, 10.97.030, and 10.97.050 and through the federal bureau of investigation. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. Certificated employees and employee applicants who have completed a record check in accordance with RCW 28A.410.010 are not required to undergo the record check required by this section. The superintendent of public instruction shall provide a copy of the record report to the employee or applicant. Once an employee or an applicant has a record check as required under this section, additional record checks shall not be required of the employee or applicant unless required by other provisions of law.

(2) Approved private schools and employees hired before July 1, 1999, shall not be required by the state patrol or superintendent of public instruction to pay for the record check required in this section.

(3) The approved private school or the applicant hired on or after July 1, 1999, shall pay the costs associated with the record check required in this section.

(4) The processing of record checks required in this section for employees hired before July 1, 1999, shall begin by September 30, 1999.

(5) When necessary, applicants may be employed on a conditional basis pending completion of the investigation. If the applicant has had a record check within the previous two years, the approved private school or contractor may waive the requirement.

**NEW SECTION. Sec. 2.** The sum of seven hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2000, from the general fund to the superintendent of public instruction for the purposes of this act.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Finkbeiner and Johnson to Substitute Senate Bill No. 5213.

## ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 27.

Excused: Senator Prentice - 1.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5213 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5213.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5213 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Prentice - 1.

SUBSTITUTE SENATE BILL NO. 5213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5114, by Senators Honeyford, Thibaudeau and Deccio

Exempting certain hospitals from annual inspections.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 5114 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5114.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5114 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Prentice - 1

. SENATE BILL NO. 5114, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5152, by Senators Kline, Fairley, Costa, Gardner and Goings

Clarifying who are appointed personnel for the purpose of public employees' collective bargaining.

The bill was read the second time.

#### MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5152.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5152 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Rasmussen, Roach, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 29.

Voting nay: Senators Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sellar, Sheldon, T., Stevens, Swecker, West and Zarelli - 19.

Excused: Senator Prentice - 1.

SENATE BILL NO. 5152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:00 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Owen.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the first order of business.

#### REPORT OF STANDING COMMITTEE

March 4, 1999

SB 5377 Prime Sponsor, Senator Kline: Regulating occupational drivers' licenses. Reported by Committee on Rules

MAJORITY Recommendation: That the bill be referred to Committee on Transportation. Signed by Lt. Governor Owen, Chair; Senator Wojahn, Vice Chair; Bauer, Costa, Deccio, Eide, Franklin, Goings, Hale, Hochstatter, Horn, Johnson, McDonald, Sellar, B. Sheldon, Snyder and Spanel.

Referred to Committee on Transportation.

#### MOTION

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

#### SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

### MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9024, Ruthann Kurose, as a member of the Board of Trustees for Bellevue Community College District No. 8, was confirmed.

### MOTION

On motion of Senator Honeyford, Senator Long was excused.

## APPOINTMENT OF RUTHANN KUROSE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 8; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 39.

Absent: Senators Fraser, Hargrove, Horn, Kline, Patterson, Sellar, West and Zarelli - 8.

Excused: Senators Long and Prentice - 2.

### MOTION

At 1:37 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:40 p.m. by President Owen.

## SECOND READING

SENATE BILL NO. 5177, by Senators McAuliffe, Goings, Oke, Winsley, Kohl-Welles, Long, Eide, Fraser, Rasmussen and Benton

Increasing hours retired teachers can substitute teach.

### MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5177 was substituted for Senate Bill No. 5177 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5177 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5177.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5177 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Prentice - 1.

SUBSTITUTE SENATE BILL NO. 5177, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1124, by Representatives Constantine, Sheahan, Ballasiotes, Lantz, McDonald, Lambert, Stensen, Hurst and Esser

Correcting DUI penalty provisions.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 1124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Franklin, Senator McAuliffe was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1124.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1124 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators McAuliffe and Prentice - 2.

SUBSTITUTE HOUSE BILL NO. 1124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. I placed on your desks a very interesting e-mail that I received this morning from Carol Sayer, the Executive Director of the Salary Commission, in response to my proposed constitutional amendment. I've been getting a lot of notoriety--I've gone before three television stations plus now four newspapers. So, I am going to follow up on a phone call and ask to meet with her. I just thought you might be interested."

#### SECOND READING

SENATE BILL NO. 5453, by Senators Horn, Benton, Haugen, Goings and Eide

Enhancing regional transportation planning.

#### MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5453 was substituted for Senate Bill No. 5453 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 5453 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5453.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5453 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Voting nay: Senators Jacobsen and Johnson - 2.

Excused: Senator Prentice - 1.

SUBSTITUTE SENATE BILL NO. 5453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5200, by Senators Thibaudeau, Deccio, Wojahn and Winsley (by request of Department of Health)

Removing the termination of the secretary of health's authority for administrative procedure.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 5200 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5200.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5200 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Prentice - 1.

SENATE BILL NO. 5200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5196, by Senators Johnson, Kline and Winsley

Resolving trust and estate disputes.

The bill was read the second time.

## MOTION

On motion of Senator Johnson, the rules were suspended, Senate Bill No. 5196 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5196.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5196 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Prentice - 1.

SENATE BILL NO. 5196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE JOINT MEMORIAL NO. 8000, by Senators Kohl-Welles, Deccio, Thibaudeau, Winsley, Prentice, Hale, Patterson, Wojahn, Loveland, Shin, B. Sheldon, Benton, Spanel, Fairley, T. Sheldon, Bauer, Jacobsen, Eide, Gardner, Franklin, Fraser, Kline, McCaslin, Johnson, Oke, Rasmussen, Costa and McAuliffe

Requesting additional funds for prostate cancer research.

The joint memorial was read the second time.

## MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Joint Memorial No. 8000 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8000.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8000 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Prentice - 1.

SENATE JOINT MEMORIAL NO. 8000, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE BILL NO. 5278, by Senators Kohl-Welles, Finkbeiner, Shin and Bauer

Changing provisions relating to foreign degree-granting institutions' branch campuses.

The bill was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5278 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5278.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5278 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Prentice - 1.

SENATE BILL NO. 5278, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5187, by Senator Rasmussen (by request of Department of Agriculture)

Updating or repealing dairy or food laws.

The bill was read the second time.

#### MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen and Stevens be adopted:

On page 17, after line 27, insert the following:

**"NEW SECTION. Sec. 19.** A new section is added to chapter 15.36 RCW to read as follows:

The authority to assess a civil penalty under RCW 15.36.111(1) and 15.36.201(2) shall be used only as consistent with the 1995 grade A pasteurized milk ordinance published by the United States public health service, food and drug administration and adopted by department in WAC 16-101-700, or any subsequent version as adopted by the department under the authority of RCW 15.36.021(3)."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen and Stevens on page 17, after line 27, to Senate Bill No. 5187.

The motion by Senator Rasmussen carried and the amendment was adopted.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 5187 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5187.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5187 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Prentice - 1.

ENGROSSED SENATE BILL NO. 5187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5304, by Senators Costa, Heavey, Fairley, Goings, McCaslin and West

Making violations of the liquor code misdemeanor offenses.

#### MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5304 was substituted for Senate Bill No. 5304 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5304 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5304.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5304 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Prentice - 1.

SUBSTITUTE SENATE BILL NO. 5304, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 3:27 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Friday, March 5, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-THIRD DAY, MARCH 4, 1999

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**FIFTY-FOURTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Friday, March 5, 1999

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Patterson and Sellar. On motion of Senator Franklin, Senators Brown and Patterson were excused. On motion of Senator Deccio, Senator Sellar was excused.

The Sergeant at Arms Color Guard consisting of Pages Leela Yellesetty and Chris Clarey, presented the Colors. Chaplain Connie Walker from the Providence Spiritual Care Network, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 2, 1999

SB 5000 Prime Sponsor, Senator Rossi: Authorizing salmon species enrichment license plates. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5000 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5098 Prime Sponsor, Senator Kohl-Welles: Creating the Washington state women's commission. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5098 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Honeyford, Roach, Rossi, West and Zarelli.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5171 Prime Sponsor, Senator Goings: Regulating Washington state patrol employment agreements. Reported by Committee on Transportation

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5171 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5342 Prime Sponsor, Senator Haugen: Modifying the procedure for collecting fees from railroad companies that operate in this state. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Costa, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Oke, Prentice, Sellar, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Heavey and T. Sheldon.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5383 Prime Sponsor, Senator Haugen: Planning for transportation safety and security. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5383 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5465 Prime Sponsor, Senator Costa: Authorizing implementation of a waiver for the department of social and health services to provide family planning services to eligible persons. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5465 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5572 Prime Sponsor, Senator Heavey: Clarifying status of HOV lane violations as traffic infractions. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5609 Prime Sponsor, Senator Horn: Making awards for state employees' suggestions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5609 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Fraser, Honeyford, Kohl-Welles, McDonald, Rasmussen, Roach, B. Sheldon, Snyder, Thibaudeau, West, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 2, 1999

ESB 5675 Prime Sponsor, Senator Thibaudeau: Prioritizing highway noise mitigation. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Morton, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5741 Prime Sponsor, Senator Morton: Permitting trucks under 16,001 pounds to bypass scales. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 2, 1999

SB 5770 Prime Sponsor, Senator Gardner: Enhancing coordination of special needs transportation. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5770 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5797 Prime Sponsor, Senator McAuliffe: Improving class size. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5797 as recommended by Committee on Education be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5825 Prime Sponsor, Senator McAuliffe: Changing student assessments. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5825 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Honeyford, Roach, Rossi and Zarelli.

Passed to Committee on Rules for second reading.

March 3, 1999

HB 1023 Prime Sponsor, Representative H. Sommers: Sharing extraordinary investment gains in the teachers' retirement system plan 3. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 9, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Cecilia Vogt, appointed February 9, 1999, for a term ending December 31, 2004, as a member of Parks and Recreation Commission.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Natural Resources, Parks and Recreation.

February 18, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Andrew Palmer, reappointed December 24, 1998, for a term ending December 26, 2002, as a member of the Board of Pilotage Commissioners.

Sincerely,

Referred to the Committee on Transportation.

MESSAGE FROM THE HOUSE

March 3, 1999

MR. PRESIDENT:

The House has passed:  
ENGROSSED HOUSE BILL NO. 1325,  
HOUSE BILL NO. 1421,  
ENGROSSED HOUSE BILL NO. 1459, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6079 by Senator Bauer

AN ACT Relating to funding for convention, conference, or special events centers in cities with a population greater than one hundred thousand that are located in counties with a population of less than four hundred thousand; amending RCW 36.38.010; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 35 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1325 by Representatives Mielke, Fisher, K. Schmidt, Wood, Ericksen, Mitchell and Hankins (by request of Department of Transportation)

Phasing in lightweight tire studs.

Referred to Committee on Transportation.

HB 1421 by Representatives Huff, H. Sommers, Hatfield, Benson and McIntire (by request of State Investment Board)

Authorizing the state investment board to establish additional commingled trust funds.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

EHB 1459 by Representatives Poulsen, Crouse, Reardon, Ruderman, Cooper, Wolfe, Kastama, Constantine, Murray, Rockefeller, Dickerson, Lantz, Kenney, McIntire, Lovick, Wood and Edmonds

Allowing reduced rate utility service for low-income citizens.

Referred to Committee on Energy, Technology and Telecommunications.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9027, Thomas W. Malone, as a member Board of Trustees for Seattle, South Seattle, and North Seattle Community Colleges District No. 6, was confirmed.

#### APPOINTMENT OF THOMAS W. MALONE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Brown, Patterson and Sellar - 3.

#### SECOND READING

SENATE BILL NO. 5508, by Senators Spanel, Oke, Snyder, Jacobsen, Rossi and Rasmussen

Increasing harvest data accuracy for the recreational crab fishery.

#### MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5508 was substituted for Senate Bill No. 5508 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Spanel, the following amendments by Senators Spanel, Oke and Jacobsen were considered simultaneously and were adopted:

On page 1, line 16, after "fishing license," insert "personal use shellfish and seaweed license,"

On page 2, beginning on line 3, strike all material through "expired." on line 6

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute Senate Bill No. 5508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Honeyford, Senator Finkbeiner was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5508.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5508 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 46.

Absent: Senator Zarelli - 1.

Excused: Senators Finkbeiner and Sellar - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5542, by Senators B. Sheldon, Oke and T. Sheldon

Allowing counties to vote on an additional sales and use tax for emergency communication systems.

The bill was read the second time.

## MOTION

On motion of Senator Loveland, the rules were suspended, Senate Bill No. 5542 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## MOTION

On motion of Senator Franklin, Senator Heavey was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5542.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5542 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 38.

Voting nay: Senators Benton, Hochstatter, Johnson, McDonald, Roach, Stevens and Zarelli - 7.

Absent: Senator Hargrove - 1.

Excused: Senators Finkbeiner, Heavey and Sellar - 3.

SENATE BILL NO. 5542, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5731, by Senator Snyder

Revising provisions regulating municipal officers' interest in contracts.

The bill was read the second time.

## MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 5731 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5731.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5731 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senators Benton, Hochstatter, Roach and Stevens - 4.

Excused: Senators Finkbeiner, Heavey and Sellar - 3.

SENATE BILL NO. 5731, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. My secretary has just informed me that Senator Finkbeiner's father passed away just a few hours ago."

#### PERSONAL PRIVILEGE

Senator McDonald: "Mr. President, I rise to a point of personal privilege. Mr. President and fellow members of the Senate, two weeks ago, I think, there was great joy in the Finkbeiner home, with the addition of a new child. Today, there is great sadness in that same home with the death of his father just recently--not recently--just within the last hour. I guess I would ask Mr. President if we could have a moment of silence for the Finkbeiner family."

#### REPLY BY THE PRESIDENT

President Owen: "Thank you, Senator McDonald. Many of the members of the chamber knew Mr. Finkbeiner and I think it would be totally appropriate if the members would please stand for a moment of silence for Mr. Finkbeiner."

#### MOMENT OF SILENCE

The members of the Senate stood for a moment of silence in memory of Senator Finkbeiner's father.

#### SECOND READING

SENATE BILL NO. 5274, by Senators Goings, Horn, Haugen, Costa, Winsley, Heavey, McCaslin, Long and Prentice

Allowing a regional transit authority to establish fines for certain civil infractions.

#### MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5274 was substituted for Senate Bill No. 5274 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Goings, the rules were suspended, Substitute Senate Bill No. 5274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5274.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5274 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 40.

Voting nay: Senators Benton, Honeyford, Morton, Rossi, Stevens and Zarelli - 6.

Excused: Senators Finkbeiner, Heavey and Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5231, by Senators Hale, Winsley and Snyder

Revising the duties of the county treasurer pertaining to management of debt.

#### MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5231 was substituted for Senate Bill No. 5231 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5231 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5231.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5231 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senators Hargrove and Swecker - 2.

Excused: Senators Finkbeiner, Heavey and Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5231, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5147, by Senator Patterson

Prescribing procedures for payment of industrial insurance awards after death.

#### MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5147 was substituted for Senate Bill No. 5147 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 5147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5147.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5147 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Finkbeiner, Heavey and Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5111, by Senators Franklin, Winsley, Thibaudeau, Wojahn, McAuliffe, Fraser, Prentice, Rasmussen, Kline, Brown, Eide, Bauer, Costa, Jacobsen, Spanel, Goings, Loveland, Gardner, Fairley, B. Sheldon and Kohl-Welles

Prohibiting health insurance discrimination on the basis of genetic information.

## MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5111 was substituted for Senate Bill No. 5111 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Franklin, the following amendment was adopted:

On page 7, line 5, after "hereditary disease" insert "derived from genetic information"

## MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute Senate Bill No. 5111 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5111.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5111 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Finkbeiner, Heavey and Sellar - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5111, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

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

### SENATE RESOLUTION 1999-8639

By Senators McDonald, Snyder, Fraser, Rasmussen, Swecker, Eide, Kohl-Welles and McAuliffe

WHEREAS, At the rate of an inch per year over millions of years, the Juan De Fuca plate under the Pacific Ocean crushed its way eastward beneath the North American plate, taking down sedimentary rock that melted, rose and pushed through weak spots in the earth's crust forming the Cascade Range of volcanoes, including, some one million years ago, the glorious Mountain that the whole of the Puget Sound populace now views daily with awe and inspiration; and

WHEREAS, At 14,411 feet in height, the Mountain, the highest peak in the Cascade Range, blocks the clouds that pour upon it record snowfalls that, in turn, have settled and compressed one beneath the other to form the largest system of glaciers in the continental United States; and

WHEREAS, Below the glacier zone, the Mountain holds over two hundred pristine alpine lakes teeming with trout, and alpine meadows bursting with summer wild flowers; and below the alpine zone stands an old growth forest of evergreens, some trees of which are a thousand years old; and

WHEREAS, For thousands of years local native American Tribes including the Nisqually and Puyallup called the Mountain, "Tacobet" or "Tahoma", and worshiped the Mountain as the "place where waters begin" and the "mirror to heaven"; and

WHEREAS, In 1792, British explorer, Captain George Vancouver sailed into Puget Sound, saw the Mountain, and named it after his friend, Rear Admiral Peter Rainier; and

WHEREAS, In 1870, Olympia resident General Hazard Stevens, the son of Washington's first territorial Governor, Isaac Stevens, survived a snow storm by sheltering in an ice cave near the Mountain's summit, and then became the first person to reach the top of Rainier; and

WHEREAS, The Mountain, once conquered, was vulnerable to plundering also; and a lobbying effort to protect Rainier was conducted by local community members and national conservationists including John Muir, who wrote: "Of all the fire mountains which, like beacons, once blazed along the Pacific Coast, Mount Rainier is the noblest in form;" and

WHEREAS, One hundred years ago this week, President McKinley signed the act making the entire Mountain a national park, and since that time over 90,000,000 people have visited Mount Rainier National Park; and

WHEREAS, For one hundred years, the United States Park Service has protected and preserved Mount Rainier in its natural state - and in so doing protected our regional identity and our natural and cultural heritage;

NOW THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington celebrate the one hundredth anniversary of Mount Rainier National Park, and that the Senate look forward with Washington's citizens to the activities planned by the Park Service to celebrate "A Century of Resource Stewardship" over the coming year; and

BE IT FURTHER RESOLVED, That the Senate recognize and commend all of the permanent and seasonal National Park Service employees who have dedicated their lives to preserving Mount Rainier for this and future generations.

Senators McDonald, Snyder, Fairley, Wojahn, Roach, Fraser, Kline, Rasmussen, McCaslin, McAuliffe and Swecker spoke to Senate Resolution 1999-8639.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Marie Gillett, Chief of Transportation; John Kramrink, Chief Ranger and Gary Ahlstrand, Chief of Natural and Cultural Resources from the Mount Rainier National Park Service, who were seated in the gallery.

#### MOTION

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

#### SENATE RESOLUTION 1999-8630

By Senators Rasmussen, Honeyford, Morton, Stevens, Sheahan and Fraser

WHEREAS, Livestock growers in the state of Washington produce and manage approximately 1.3 million head of cattle and calves annually; and

WHEREAS, Approximately 9,000 farmers and ranchers in Washington are employed as beef producers; and  
WHEREAS, The value of this agricultural commodity in Washington State totals over \$465 million; and  
WHEREAS, The farm gate and value added output of the livestock industry in total amounts to over \$1.6 billion, clearly establishing it as a significant factor to the health of the Washington State economy; and  
WHEREAS, Americans support this industry by eating, pound for pound, more beef than any other meat;  
NOW, THEREFORE, BE IT RESOLVED, That the women and men of the cattle industry are hereby recognized by the Washington State Senate as vital contributors to the economic vitality of our state and our communities; and  
BE IT FURTHER RESOLVED, That the Washington State Senate formally commend the hard work and industriousness of those men and women who raise cattle and promote a stable economic future in Washington State.

Senators Rasmussen, McCaslin, and Honeyford spoke to Senate Resolution 1999-8630.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced the Mayor of Spokane, John Talcott, who was seated in the gallery. Mayor Talcott is visiting the Capitol and meeting with the Spokane legislators during his stay in Olympia.

#### MOTION

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

#### SENATE RESOLUTION 1999-8644

By Senators West, Sheahan, Brown, McCaslin, and B. Sheldon

WHEREAS, Gonzaga University's Men's basketball team, the Bulldogs, have won their second consecutive West Coast Conference championship title with a decisive win over Santa Clara ; and  
WHEREAS, The Bulldogs Basketball team has achieved their fourth championship title in this decade; and  
WHEREAS, The Gonzaga Bulldogs defeated all Washington schools that they played this season, including the Washington State Cougars and the University of Washington Huskies; and  
WHEREAS, Second year Head Coach Dan Monson guided the Bulldogs through two record setting seasons and successional conference titles; and  
WHEREAS, After winning the 1999 West Coast Conference title, the Bulldogs earned a berth in the NCAA Basketball Tournament; and  
WHEREAS, The NCAA Tournament is the intense competition that leads to the final four and eventually the collegiate national championship; and  
WHEREAS, A berth in the NCAA Tournament is a high achievement of perseverance and team work; and  
WHEREAS, The members of the Bulldogs Basketball team are Eric Chilton, Jeremy Eaton, Quentin Hall, Matt Santangelo, Ryan Floyd, Damany Hendrix, Mike Leasure, Mark Spink, Richie Frahm, Mike Nilson, Axel Calvary, Zach Gourde; and  
WHEREAS, Gonzaga's coaching staff consists of Dan Monson, Mark Few, Bill Grier, Scott Snider, and Trainer Steve DeLong.  
WHEREAS, The community of Spokane takes great pride in Gonzaga University and it's men's championship basketball team;  
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and applaud Gonzaga University's Men's Basketball team for their achievement of both winning the West Coast Conference Championship title, and receiving a well-earned berth to the highly regarded NCAA Tournament;  
BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to the Gonzaga University's Athletic Department in Spokane Washington; to the Bulldogs Head Coach Dan Monson, and to the President of Gonzaga University.

Senators West, Betti Sheldon, Deccio and Brown spoke to Senate Resolution 1999-8644.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Gonzaga Bulldogs and their mascot, who were seated in the gallery.

#### MOTION

On motion of Senator Betti Sheldon, the Senate returned to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5353, by Senators Rasmussen, Morton, Swecker and Gardner

Modifying the powers and duties of the dairy commission.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5353 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5353.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5353 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator McCaslin - 1.

Excused: Senators Finkbeiner, Heavey and Sellar - 3.

SENATE BILL NO. 5353, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Deccio, Senator McDonald was excused.

#### SECOND READING

SENATE BILL NO. 5666, by Senators Rasmussen, Long, Goings, Johnson and Haugen

Simplifying acquisitions procedures for wreckers.

#### MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5666 was substituted for Senate Bill No. 5666 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5666 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5666.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5666 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Finkbeiner, Heavey and McDonald - 3.

SUBSTITUTE SENATE BILL NO. 5666, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5300, by Senators Patterson, Horn, Haugen, Gardner and Honeyford

Amending and adding provisions affecting cities and towns.

#### MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5300 was substituted for Senate Bill No. 5300 and the substitute bill was placed on second reading and read the second time.

Senator Gardner moved that the following amendment be adopted:

On page 1, line 16, after "35A.13 RCW" insert "Such a policy or plan for elected city officials must be adopted at an open meeting, must be included on the council meeting agenda, and must be included as a line item in the city budget"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Gardner on page 1, line 16, to Substitute Senate Bill No. 5300.

The motion by Senator Gardner carried and the amendment was adopted.

#### MOTION

Senator Roach moved that the following amendments by Senators Roach and Patterson be considered simultaneously and be adopted:

On page 6, line 20, after "signed by" strike "~~qualified~~" and insert "qualified ("

On page 7, beginning on line 11, after "signed by" strike "~~qualified~~" and insert "qualified ("

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Roach and Patterson on page 6, line 20, and page 7, beginning on line 11, to Substitute Senate Bill No. 5300.

The motion by Senator Roach carried and the amendments were adopted.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute Senate Bill No. 5300 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5300.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5300 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Finkbeiner, Heavey and McDonald - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5300, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5568, by Senators B. Sheldon, Winsley, Franklin, McAuliffe, Prentice, Snyder and Jacobsen

Establishing a self-employment assistance program.

The bill was read the second time.

## MOTIONS

On motion of Senator Betti Sheldon, the following amendments were considered simultaneously and were adopted:

On page 2, after line 18, insert the following:

**"NEW SECTION. Sec. 4.** In every week that an individual is paid a self-employment assistance allowance, the individual must participate in either entrepreneurial training or business counseling. In any week that an individual fails to participate in either entrepreneurial training or business counseling, the individual shall be disqualified for the week the failure occurs and the individual shall not receive either a self-employment assistance allowance or regular benefits for the week the failure occurs."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 2, beginning on line 26, strike all material through "individual;" on line 28

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, at the beginning of line 3, strike "five" and insert "two"

On motion of Senator Betti Sheldon, the rules were suspended, Engrossed Senate Bill No. 5568 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5568.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5568 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 28.

Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Oke, Roach, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker and Zarelli - 18.

Absent: Senator Morton - 1.

Excused: Senators Finkbeiner and Heavey - 2.

ENGROSSED SENATE BILL NO. 5568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Rhododendron Festival Royalty from Port Townsend, who were seated in the gallery.

## SECOND READING

SENATE BILL NO. 5264, by Senators Horn and Hochstatter

Eliminating categories of motorcycle endorsement.

## MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5264 was substituted for Senate Bill No. 5264 and the substitute bill was placed on second reading and read the second time.

Senator Sellar moved that the following amendment by Senator Benton be adopted:

Beginning on page 4, line 10, strike all of section 6, and renumber the remaining sections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 4, line 10, to Substitute Senate Bill No. 5264.

The motion by Senator Sellar failed and the amendment by Senator Benton was not adopted

## MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Benton be adopted:

On page 5, after line 20, insert the following:

**"Sec. 7.** RCW 46.37.530 and 1997 c 328 s 4 are each amended to read as follows:

(1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage: PROVIDED FURTHER, That no mirror is required on any motorcycle manufactured prior to January 1, 1931;

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state patrol;

(c) For any person under the age of twenty-one years to operate or ride upon a motorcycle, motor-driven cycle, or moped on a state highway, county road, or city street unless wearing upon his or her head a protective helmet of a type conforming to rules adopted by the state patrol except when the vehicle is an antique motor-driven cycle or automobile that is licensed as a motorcycle or when the vehicle is equipped with seat belts and roll bars approved by the state patrol. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion. Persons operating electric-assisted bicycles shall comply with all laws and regulations related to the use of bicycle helmets;

(d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle;

(e) For any person to sell or offer for sale a motorcycle helmet which does not meet the requirements established by the state patrol.

(2) The state patrol is hereby authorized and empowered to adopt and amend rules, pursuant to the Administrative Procedure Act, concerning the standards and procedures for conformance of rules adopted for glasses, goggles, face shields, and protective helmets.

**Sec. 8.** RCW 46.37.535 and 1990 c 270 s 8 are each amended to read as follows:

It is unlawful for any person to rent out motorcycles, motor-driven cycles, or mopeds unless the person also has on hand for rent helmets of a type conforming to rules adopted by the state patrol.

It shall be unlawful for any person under the age of twenty-one years to rent a motorcycle, motor-driven cycle, or moped unless the person has in his or her possession a helmet of a type approved by the state patrol, regardless of from whom the helmet is obtained."

Renumber the next section consecutively and correct any internal references accordingly.

#### POINT OF ORDER

Senator Haugen: "Mr. President, I rise to a point of order. I submit that the amendment proposed by Senators Hargrove and Benton changes the scope and object of Substitute Senate Bill No. 5264 and therefore violates Senate Rule 66. Substitute Senate Bill No. 5264 addresses changes in motorcycle license and learner permits, as well as a requirement for liability insurance.

"The amendment restricts current law requiring the use of helmets by anyone riding a motorcycle to people under the age of twenty-one. I believe the amendment addressing the use of certain equipment while riding a motorcycle is outside the scope and object of the bill that addresses administrative requirements for licensing and liability insurance."

Debate ensued

#### MOTION

On motion of Senator Betti Sheldon, and there being no objection, further consideration of Substitute Senate Bill No. 5264 was deferred.

#### MOTION

On motion of Senator Deccio, Senator Morton was excused.

#### SECOND READING

SENATE BILL NO. 5381, by Senators T. Sheldon, Benton, Haugen, Horn, Costa and Winsley (by request of Department of Transportation)

Adding information to motorist information signs.

The bill was read the second time.

#### MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Senate Bill No. 5381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5381.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5381 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Finkbeiner, Heavey and Morton - 3.

SENATE BILL NO. 5381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PARLIAMENTARY INQUIRY

Senator West: "Mr. President, a point of parliamentary inquiry. Reed's Rules, which governs the Senate when we have no rules that speak specifically to a point. Reed's Rule 212 talks about object of debate and duties of members under debate and decorum. On the second paragraph of that rule, 212, it says, 'members shall never

address any one but the presiding officer. He (and we would have to infer today to also she) he/she must not allude to any member by name, but by some descriptive expression, like the gentleman (and in today's world the gentle woman) who last addressed the assembly, the gentleman/woman from Virginia, the noble and learned lord, the gallant gentleman/gentle woman, the member from Portsmouth.' Of course, this is all parliamentary.

"The point being, Mr. President, that in today's debate many members have referred to other members by name. I know that somewhat over the years we have become a little lax in this. Reed's goes on to point out that the purpose for not referring to a member by debate or by name is to prevent an outbreak of violence on the floor. I think that as the session goes on and as times get tense, we ought to pay more attention to that, because it does cause us to stop and think and reflect before we lash out at another member. So, I bring that to the President's attention and enforce that as we go along."

#### REPLY BY THE PRESIDENT

President Owen: "Senator West, absent to a Senate Rule to the contrary, your point is well taken. However, there has been some flexibility given to the President to allow some discretion in that area over the time, as long as it has not been abused, Senator West."

Further debate ensued.

#### RULING BY THE PRESIDENT

President Owen: "For the information of the members, I think that most members know that the President is somewhat of a stickler to decorum and to the rules. He does try to provide some discretion on occasion, as is in the case of the point that Senator West has made. But, if a member brings up the rule, the President will enforce the rule as requested, because it is the rule. So, if you choose to have that changed, it will have to be done through another rule being drafted and passed by the Senate. Thank you."

#### MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

#### SECOND READING

SENATE BILL NO. 5516, by Senators Thibaudeau, Deccio, Eide, Goings, Winsley, McAuliffe, Kohl-Welles and Oke

Creating the tobacco prevention and control program.

#### MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5516 was substituted for Senate Bill No. 5516 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the following amendments by Senators Thibaudeau and Deccio were considered simultaneously and adopted:

On page 2, line 13, after "address" strike "behavioral"

Beginning on page 2, after line 32, strike all material through "minors." on page 3, line 2

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute Senate Bill No. 5516 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5516.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5516 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Deccio, Finkbeiner, Heavey and Morton - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5516, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced former Senator and former Congressman Mike Kreidler, who was in the Senate Chamber.

#### SECOND READING

SENATE BILL NO. 5219, by Senators Swecker, Zarelli, T. Sheldon and Snyder

Allowing port district annexations.

#### MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5219 was substituted for Senate Bill No. 5219 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF ORDER

Senator Tim Sheldon: "A point of order, Mr. President. Would you direct Senator Patterson to address her remarks to the bill?"

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5219.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5219 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senators Brown and Patterson - 2.

Excused: Senators Finkbeiner, Heavey and Morton - 3.

SUBSTITUTE SENATE BILL NO. 5219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5124, by Senators Prentice and Winsley

Prescribing disclosures required for prize promotions.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5124.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5124 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Finkbeiner, Heavey and Morton - 3.

SENATE BILL NO. 5124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5020, by Senators Snyder and Winsley

Allowing dealers of recreational licenses to collect a fee of at least two dollars for each license sold.

The bill was read the second time.

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5020 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

Senator Roach moved that the rules be suspended and Senate Bill No. 5020 be returned to second reading. Debate ensued.

#### MOTION

On motion of Senator Snyder, further consideration of Senate Bill No. 5020 was deferred.

#### SECOND READING

SENATE BILL NO. 5432, by Senators Fraser, Winsley, Fairley, Hale, Long, Heavey, Franklin, Rasmussen, Prentice, Costa, Jacobsen, Bauer and Kohl-Welles

Authorizing charitable deductions from retirement allowances.

The bill was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5432 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5432.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5432 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator McDonald - 1.

Excused: Senators Finkbeiner, Heavey and Morton - 3.

SENATE BILL NO. 5432, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5264, deferred on second reading earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Haugen to the scope and object of the amendment by Senators Hargrove and Benton on page 5, line 20, to Substitute Senate Bill No. 5264, the President finds that Substitute Senate Bill No. 5264 is a measure which makes changes to motorcycle operating laws including (1) requiring liability insurance coverage; (2) permitting the holders of motorcycle operating licenses to operate any size motorcycle; and (3) providing a tax exemption for motorcycles loaned to persons contracting with the Department of Licensing to provide motorcycle training. All of these changes are administrative in nature. None of these changes relates to equipment required for the safe operation of motorcycles.

"The amendment would permit motorcycle operators over the age of twenty-one to ride without helmets.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Hargrove and Benton on page 5, after line 20, to Substitute Senate Bill No. 5264 was ruled out of order.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5264.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5264 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senators Benton, Hochstatter, Roach and Stevens - 4.

Excused: Senators Finkbeiner, Heavey and Morton - 3.

SUBSTITUTE SENATE BILL NO. 5264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, the Senate returned to the first order of business.

#### REPORTS OF STANDING COMMITTEES

March 3, 1999

SB 5099 Prime Sponsor, Senator Haugen: Enhancing responsibility and training of commercial vehicle enforcement officers. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5099 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 4, 1999

SB 5102 Prime Sponsor, Senator Haugen: Increasing the level of training for fire fighters. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5102 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Fairley, Fraser, Honeyford, Kline, Long, McDonald, Rasmussen, Roach, B. Sheldon, Snyder, Spanel, West, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 1999

SB 5284 Prime Sponsor, Senator Gardner: Making housekeeping changes to multimodal transportation programs. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 4, 1999

SB 5298 Prime Sponsor, Senator McAuliffe: Changing local assistance funds provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5298 as recommended by Committee on Education be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fairley, Fraser, Honeyford, Kline, Long, McDonald, Rasmussen, Roach, B. Sheldon, Snyder, Spanel, West, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 1999

SB 5341 Prime Sponsor, Senator Haugen: Removing the exemptions for certain vehicles from the provisions of chapter 81.80 RCW. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 4, 1999

SB 5594 Prime Sponsor, Senator Rasmussen: Enhancing economic vitality. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5594 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 1999

SB 5595 Prime Sponsor, Senator Jacobsen: Establishing the salmon recovery funding board. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5595 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 4, 1999

SB 5837 Prime Sponsor, Senator Bauer: Allowing the chief administrative officer of a public utility district, port district, or county to join the retirement system. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 1999

SB 5961 Prime Sponsor, Senator Haugen: Allowing a vehicle in an accident to be moved to safety. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5961 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Johnson, Oke, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 4, 1999

SB 6009 Prime Sponsor, Senator Oke: Authorizing nonphoto identification cards for disabled parking. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6009 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Costa, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Morton, Oke, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 4, 1999

SB 6012 Prime Sponsor, Senator Long: Declaring monthly unit valuations for certain portfolios and funds managed by the state investment board. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6012 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 6021 Prime Sponsor, Senator Prentice: Providing a sales and use tax exemption for regional transportation authorities. Reported by Committee on Transportation

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Eide, Finkbeiner, Horn, Jacobsen, Johnson, Morton, Oke, Prentice, Patterson, Sellar, T. Sheldon, Shin and Swecker.

Referred to Committee on Ways and Means..

March 4, 1999

SB 6030 Prime Sponsor, Senator Snyder: Expanding the designation of the Lewis and Clark Highway. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 6031 Prime Sponsor, Senator Haugen: Facilitating regional transportation corridors. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6031 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 4, 1999

SB 6037 Prime Sponsor, Senator Shin: Rescinding a retirement allowance agreement. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 3, 1999

SJR 8205 Prime Sponsor, Senator Hargrove: Requiring initiative signatures from all congressional districts. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Joint Resolution No. 8205 be substituted therefor, and the second substitute resolution do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Honeyford, Long, McDonald, Rasmussen, Snyder, West, Winsley and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Fairley, Fraser, Kline, Kohl-Welles, Thibaudeau and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1999

SHB 1294 Prime Sponsor, House Committee on Transportation : Technically editing chapter 46.20 RCW. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

#### MOTION

At 12:07 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Monday, March 8, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-FOURTH DAY, MARCH 5, 1999

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

**FIFTY-SEVENTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Monday, March 8, 1999

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Heavey, Prentice and Zarelli. On motion of Senator Eide, Senators Heavey and Prentice were excused. On motion of Senator Honeyford, Senators Finkbeiner and Zarelli were excused.

The Sergeant at Arms Color Guard consisting of Pages Emily Urlacker and Adam Jackson, presented the Colors. Senator Rosa Franklin offered the prayer.

**MOTION**

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

**MESSAGE FROM THE HOUSE**

March 4, 1999

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1021,  
HOUSE BILL NO. 1022,  
SUBSTITUTE HOUSE BILL NO. 1024,  
HOUSE BILL NO. 1027,  
SUBSTITUTE HOUSE BILL NO. 1068,  
HOUSE BILL NO. 1070,  
HOUSE BILL NO. 1073,  
SUBSTITUTE HOUSE BILL NO. 1074,  
SUBSTITUTE HOUSE BILL NO. 1075,  
HOUSE BILL NO. 1106,  
SUBSTITUTE HOUSE BILL NO. 1113,  
HOUSE BILL NO. 1138,  
HOUSE BILL NO. 1216,  
ENGROSSED HOUSE BILL NO. 1232,  
HOUSE BILL NO. 1238,  
SUBSTITUTE HOUSE BILL NO. 1250,  
HOUSE BILL NO. 1293,  
HOUSE BILL NO. 1299,  
HOUSE BILL NO. 1352,  
SUBSTITUTE HOUSE BILL NO. 1490,  
ENGROSSED HOUSE BILL NO. 1513,  
SUBSTITUTE HOUSE BILL NO. 1559,  
HOUSE BILL NO. 1579,  
SUBSTITUTE HOUSE BILL NO. 1588, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

## INTRODUCTION AND FIRST READING

SB 6080 by Senators Haugen and Goings

AN ACT Relating to transportation funding and appropriations.  
Referred to Committee on Transportation.

SB 6081 by Senators Haugen and Goings

AN ACT Relating to transportation funding and appropriations.  
Referred to Committee on Transportation.

SB 6082 by Senators Haugen and Goings

AN ACT Relating to transportation funding and appropriations.  
Referred to Committee on Transportation.

SB 6083 by Senators Haugen and Goings

AN ACT Relating to transportation funding and appropriations.  
Referred to Committee on Transportation.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Providing membership in the public employees' retirement system for the chief administrative officer of a public utility district or a county.

Referred to Committee on Ways and Means.

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

Adjusting the Washington state patrol surviving spouse retirement allowance.

Referred to Committee on Ways and Means.

SHB 1024 by House Committee on Appropriations (originally sponsored by Representatives Carlson, H. Sommers, Alexander, D. Sommers, Lambert, Ogden, Conway, Wolfe, Bush, Kastama, G. Chandler, DeBolt, Carrell, Parlette, Talcott, K. Schmidt and Sump )(by request of Joint Committee on Pension Policy)

Providing a retirement option for certain retirement system members.

Referred to Committee on Ways and Means.

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

Expanding the membership of the criminal justice training commission.

Referred to Committee on Judiciary.

SHB 1068 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Ballasiotes, O'Brien, Lambert, Mitchell, Kessler, Esser and Lovick)

Ensuring that prosecuting attorneys and law enforcement agencies have a meaningful role in the clemency process.

Referred to Committee on Human Services and Corrections.

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

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

Referred to Committee on State and Local Government.

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

Changing alternative bid processes for public hospital districts.

Referred to Committee on State and Local Government.

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

Regulating job order contracting for public works.

Referred to Committee on State and Local Government.

SHB 1075 by House Committee on State Government (originally sponsored by Representatives D. Schmidt and Romero) (by request of Alternative Public Works Methods Oversight Committee)

Increasing the monetary limit for use of the small works roster by port districts.

Referred to Committee on State and Local Government.

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

Prescribing disclosures required for prize promotions.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SHB 1113 by House Committee on Health Care (originally sponsored by Representatives Campbell, Cody and Boldt)

Revising provisions relating to occupational therapy.

Referred to Committee on Health and Long-Term Care.

HB 1138 by Representatives Sheahan and Constantine

Making technical corrections to the disclaimer statute.

Referred to Committee on Judiciary.

HB 1216 by Representatives Parlette and Cody (by request of Department of Health)

Removing the termination of the secretary of health's authority for administrative procedure.

Referred to Committee on Health and Long-Term Care.

EHB 1232 by Representatives Sheahan, Constantine, McDonald and Scott

Changing provisions relating to judgments.

Referred to Committee on Judiciary.

HB 1238 by Representatives Conway, Clements, Wood, McMorris and Hurst

Appointing a temporary member to the board of industrial insurance appeals due to illness of a board member.

Referred to Committee on Labor and Workforce Development.

SHB 1250 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives McIntire, Keiser, Sullivan, Santos, Benson, Hatfield, Quall, Barlean, Hurst, Dunshee, Bush, Constantine, Dickerson, Rockefeller, O'Brien and Kenney)

Protecting the privacy of financial information.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

HB 1293 by Representatives Campbell, Romero, McMorris, Lambert, Miloscia, D. Schmidt, Dunshee, Haigh, Bush and Esser

Regulating solicitation of contributions by newly elected state officials.

Referred to Committee on State and Local Government.

HB 1299 by Representatives Ballasiotes, O'Brien, Lambert, Kastama, Esser and Schual-Berke (by request of Sentencing Guidelines Commission)

Authorizing the secretary of corrections to grant extraordinary medical releases to offenders when specified conditions are met.

Referred to Committee on Human Services and Corrections.

HB 1352 by Representatives Carrell, Constantine, Sheahan, Koster, Dickerson, Mielke, Lambert, Fortunato, Lantz, D. Schmidt, Boldt, Kessler, Benson, McMorris, Mulliken, Wensman, Crouse, Hatfield, Gombosky, Talcott, DeBolt, Wood, Hurst, Anderson, Pflug, Mitchell, Dunn, Buck, Wolfe, G. Chandler, McDonald, Campbell, Alexander, Skinner, Thomas, Esser and Bush

Allowing temporary emergency concealed pistol licenses.

Referred to Committee on Judiciary.

SHB 1490 by House Committee on Natural Resources (originally sponsored by Representatives Hatfield, Doumit, Buck and Kessler)

Allowing the landing of salmon caught in other states' offshore waters in Washington ports.

Referred to Committee on Natural Resources, Parks and Recreation.

EHB 1513 by Representatives Kenney, Ericksen, Quall, Talcott, Haigh, Keiser, Veloria, Miloscia, Romero, Wolfe, Santos, Alexander, Rockefeller, Barlean, Lisk, Edwards, Lovick, Thomas, Huff, O'Brien, Lambert, Ogden, Conway, Schual-Berke, Dickerson, Hurst, Regala, Linville, Tokuda, Stensen, McDonald, Anderson, Parlette, Esser, Gombosky, Kagi, Edmonds, Lantz and Wood) (by request of Department of General Administration and Superintendent of Public Instruction Bergeson)

Authorizing the donation of surplus computers and computer-related equipment to school districts and educational service districts.

Referred to Committee on State and Local Government.

SHB 1559 by House Committee on Transportation (originally sponsored by Representatives Fortunato, Murray and McDonald) (by request of Washington State Patrol)

Repealing redundant law on transporting explosives.

Referred to Committee on Transportation.

HB 1579 by Representatives Quall and Cooper

Clarifying the review process for appeals from decisions of the Washington Interscholastic Activities Association.

Referred to Committee on Education.

SHB 1588 by House Committee on Transportation (originally sponsored by Representatives Mitchell, Fisher, Hankins, Ericksen, Skinner, Radcliff, Cooper, K. Schmidt and Ogden) (by request of Legislative Transportation Committee)

Deleting reference to obsolete transportation accounts.

Referred to Committee on Transportation.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Rasmussen, Gubernatorial Appointment No. 9007, Tim Douglas, as Director of the Department of Community, Trade and Economic Development, was confirmed.

APPOINTMENT OF TIM DOUGLAS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald,

Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Excused: Senators Finkbeiner, Heavey, Prentice and Zarelli - 4.

## SECOND READING

SENATE BILL NO. 5387, by Senators B. Sheldon, Roach, Kline, Bauer, Snyder and McAuliffe

Expanding the definition of economic development activities.

## MOTIONS

On motion of Senator Betti Sheldon, Substitute Senate Bill No. 5387 was substituted for Senate Bill No. 5387 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Betti Sheldon, the rules were suspended, Substitute Senate Bill No. 5387 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5387.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5387 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Excused: Senators Finkbeiner, Heavey, Prentice and Zarelli - 4.

SUBSTITUTE SENATE BILL NO. 5387, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## PARLIAMENTARY INQUIRY

Senator McCaslin: "A point of parliamentary inquiry, Mr. President. According to Reed's Rules, I have to address you, but I guess I don't have to look at you. I can look at the body, but the point brought up by the good Senator from the sixth district, who shall remain nameless, and I am not sure he is on the floor at the present time--I spent the weekend looking at Reed's Rules and I came upon Rule 259. Down in the body of that rule, Mr. President, it says, 'Of the extent of these modifications, each assembly must judge for itself and but few suggestions can be made. It has seemed that the best service such a manual such as this could render would be to show some practical modifications which have been made and leave the question of modification in each particular case to the needs of the assembly on which it must necessarily depend.' So, I would ask, Mr. President, can you make these modifications or must the assembly or the body make these modifications?"

## REPLY BY THE PRESIDENT

President Owen: "The President believes that it is up to the body to make the modifications of the rules and that is why you have the separate Senate Rules."

## PERSONAL PRIVILEGE

Senator McCaslin: "Thank you, Mr. President. May I go to a point of personal privilege?"

#### REPLY BY THE PRESIDENT

President Owen: "Certainly."

Senator McCaslin: "To the body, I address this fact. These rules were written sometime around the eighteen nineties or the eighteen seventies or in that area.. It wasn't until nineteen twenty that we gave the women the right to vote. Now, at the present time, the Democratic Caucus is made up of about sixty-five percent women and the total body is made up of forty-three percent women. Now, I didn't read every word in Reed's Rules, but I did look through most of the pages and I never found the reference to 'her' or 'she' or 'woman.' In a way, this is a sexist manual and it is based upon what men do, not what women do. Now, Senator, could you hold it down just a bit? I am making a great speech here. Anyway, I think all of us should look at this, especially, I can't mention him by name--I don't know what district he is from--but he is Sid Snyder. Is that okay?"

"Sid Snyder and Dan McDonald and the woman who happens to be floor leader of the Democrats and the man who is floor leader for the Republicans should get together and come up with a rule for the Senate that is not sexist, but rather recognizes the tremendous power and the contribution that women have made to this body and to the state of Washington. Mr. President, I would ask you if you would appoint a committee of Senator Snyder, Senator Sheldon, Senator McDonald--who is not here hearing this great speech--and Senator Johnson to come up with a rule for this Senate that addresses the fact that women are major players in this body--and mention 'she' or 'her' or 'woman.' A woman is mentioned in the introduction, but that was written probably in the seventies. Nowhere--nowhere is a woman mentioned in these rules. I think it is unfair and I think it should be corrected. Thank you Mr. President."

#### REPLY BY THE PRESIDENT

President Owen: "Thank you, Senator McCaslin. The President will take your suggestion under advisement. He will remind you that he exercises some latitude and discretion and he believes that the rules provide that opportunity for him to do so, unless a member has brought up a specific rule that they want enforced, which is what Senator West has done and, therefore, if you want a change in the rules, it is necessary for the body to make that decision themselves, not the President."

Further debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator McCaslin, if all of this comes to pass, Senator, does this mean that I can't call you a turkey anymore?"

Senator McCaslin: "I would prefer you didn't call me a turkey on the floor, but you could call me a friend."

#### SECOND READING

SENATE BILL NO. 5192, by Senators Goings, Patterson, Benton, Sellar, Haugen, Oke, Winsley, T. Sheldon and Costa

Requiring motor carrier drug testing programs.

#### MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5192 was substituted for Senate Bill No. 5192 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Goings, the rules were suspended, Substitute Senate Bill No. 5192 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5192.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5192 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Excused: Senators Finkbeiner, Heavey, Prentice and Zarelli - 4.

SUBSTITUTE SENATE BILL NO. 5192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5664, by Senators Costa, Long, Kline, Hargrove, Thibaudeau, Wojahn, Franklin and Jacobsen

Renaming, with regard to adult and juvenile offenders, "community service" as "community restitution."

The bill was read the second time.

#### MOTION

On motion of Senator Costa, the rules were suspended, Senate Bill No. 5664 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5664.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5664 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Excused: Senators Finkbeiner, Heavey, Prentice and Zarelli - 4.

SENATE BILL NO. 5664, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5258, by Senators Snyder, Sellar, Winsley and Prentice (by request of State Investment Board)

Authorizing the state investment board to directly order actions relating to securities.

The bill was read the second time.

#### MOTION

On motion of Senator Snyder, the rules were suspended, Senate Bill No. 5258 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5258.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5258 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Finkbeiner, Heavey and Prentice - 3.

SENATE BILL NO. 5258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5483, by Senators McAuliffe, Oke, Winsley and Costa (by request of Parks and Recreation Commission)

Using volunteers at the state parks and recreation commission.

The bill was read the second time.

## MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5483 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5483.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5483 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Finkbeiner, Heavey and Prentice - 3.

SENATE BILL NO. 5483, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5384, by Senators Heavey, Benton, Haugen and Horn (by request of Department of Transportation)

Phasing in lightweight tire studs.

The bill was read the second time.

## MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5384 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5384.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5384 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Patterson, Roach, Rossi, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 38. Voting nay: Senators Brown, Deccio, Hargrove, Loveland, Morton, Rasmussen, Sheahan and West - 8. Excused: Senators Finkbeiner, Heavey and Prentice - 3. SENATE BILL NO. 5384, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5295, by Senators Costa, Prentice, Kohl-Welles, Thibaudeau, Fraser, Fairley and Heavey

Protecting the act of breastfeeding.

#### MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 5295 was substituted for Senate Bill No. 5295 and the substitute bill was placed on second reading and read the second time.

Senator Costa moved that the following amendments be considered simultaneously and be adopted:

On page 6, line 23, after "(23)" insert "Restroom" means a room containing one or more toilets, but not an adjoining and separate room with easily accessible electrical outlets:

(24)"

On page 6, line 26, strike "(24)" and insert "(25)"

Correct any internal references accordingly.

On page 6, at the beginning of line 31, strike "It shall be" and insert "~~((It shall be))~~ (1) Except as provided in this section, it is

On page 7, after line 10, insert the following:

"(2) It is not an unfair practice for:

(a) A business that is not a public resort, accommodation, assemblage, or amusement to offer a specific area of the business, other than a restroom, for a nursing mother to use, so long as the business makes the availability of such an area known only by posting a sign in a prominent location or by responding to an inquiry from a nursing mother; or

(b) An employer to designate a specific room or other location in the workplace for an employee to use as provided under section 5 of this act."

On page 7, line 35, after "(4)" strike "For the purposes of this section, "employer"" and insert "The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Employer""

On page 8, line 2, after "quasi-municipal corporations" insert "; and

(b) "Restroom" includes a room containing one or more toilets, but not an adjoining and separate room with easily accessible electrical outlets"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Costa on page 6, lines 23, 26, 31; page 7, lines 10 and 35; and page 8, line 2, to Substitute Senate Bill No. 5295.

The motion by Senator Costa carried and the amendments were adopted.

#### MOTION

On motion of Senator Costa, the rules were suspended, Engrossed Substitute Senate Bill No. 5295 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

#### POINT OF ORDER

Senator Costa: "Thank you, Mr. President, I rise to a point of order. I believe the good lady was impugning my motive."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Roach, if you would be careful in directing your comments specifically to the bill."  
Further debate ensued.

#### POINT OF ORDER

Senator Patterson: "Mr. President, a point of order. I believe the good Senator is impugning the motive of the maker of the bill by suggesting that the maker is grandstanding. This bill is of extreme importance to many people who live in the state of Washington, even though there are some who may disagree with it. I would ask that the good lady show respect to the underlying legislation and to the maker of the bill."  
Further debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator Costa, I was confused by the speech by the lady from the Thirty-ninth District earlier. It seemed to me that she seemed to think that the bill would make breastfeeding a part of the indecent exposure statute. Isn't it true that the bill specifically will exclude the act of breastfeeding from being an act that is considered to be indecent exposure? That is the way that I understand the bill."

Senator Costa: "You are correct, Senator Patterson. We are specifically excluding from the indecent exposure statute the act of breastfeeding. While it is not specifically included at this time, we are excluding it because there were many women who contacted me who have been threatened with being charged with indecent exposure--who have been escorted out of shopping malls--who have been asked to go to the restroom in a restaurant to nurse their children. So, that is why we are specifically excluding from the indecent exposure statutes the act of breastfeeding."

#### CALL FOR THE PREVIOUS QUESTION

Senators Snyder, Haugen and Spanel called for the previous question and the demand was sustained.  
The President declared the question before the Senate to be the shall the main question be now put.  
The demand for the previous question carried.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5295.

Senator Costa closed debate on Engrossed Substitute Senate Bill No. 5295.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5295 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 39.

Voting nay: Senators Hochstatter, Honeyford, Horn, Morton, Roach, Stevens and West - 7.

Excused: Senators Finkbeiner, Heavey and Prentice - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5036, by Senators McCaslin and Heavey (by request of Board for Judicial Administration)

Adding a judge to the superior court of Okanogan county.

The bill was read the second time.

#### MOTIONS

On motion of Senator Hochstatter, the following amendments by Senators Hochstatter, Heavey and McCaslin were considered simultaneously and were adopted:

On page 1, line 6, after "Grant," strike "two" and insert "((two)) three"

On page 1, line 14, after "**Sec. 2.**" strike "The additional judicial position" and insert "(1) The additional judicial position for Grant county created by section 1 of this act is effective only if Grant county through its duly constituted legislative authority documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial position as provided by state law or the state Constitution.

(2) The additional judicial position for Okanogan county"

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 5036 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5036.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5036 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Finkbeiner, Heavey and Prentice - 3.

ENGROSSED SENATE BILL NO. 5036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5037, by Senators McCaslin, Heavey and Rasmussen (by request of Board for Judicial Administration)

Creating a new court of appeals position for Pierce county.

The bill was read the second time.

#### MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5037.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5037 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Finkbeiner, Heavey and Prentice - 3.

SENATE BILL NO. 5037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5484, by Senators McAuliffe, Rossi, Hargrove and Oke (by request of Parks and Recreation Commission)

Granting concessions or leases in state parks and parkways.

The bill was read the second time.

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5484 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5484.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5484 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senator Wojahn - 1.

Excused: Senators Finkbeiner, Heavey and Prentice - 3.

SENATE BILL NO. 5484, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5163, by Senators Brown, Kohl-Welles, Patterson, Wojahn and Eide

Modifying good cause reasons for failure to participate in WorkFirst program components.

The bill was read the second time.

#### MOTION

Senator Sheahan moved that the following amendment be adopted:

On page 2, after line 2, insert the following:

**"NEW SECTION. Sec. 2.** The infant child care rate paid by the state for recipients' children is hereby increased by twenty percent beginning July 1, 1999."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Sheahan on page 2, after line 2, to Senate Bill No. 5163.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 25.

Excused: Senators Finkbeiner, Heavey and Prentice - 3.

#### MOTION

Senator Hale moved that the following amendment by Senators Hale and Brown be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.08A.270 and 1997 c 58 s 314 are each amended to read as follows:

Good cause reasons for failure to participate in WorkFirst program components include: (1) Situations where the recipient is a parent or other relative personally providing care for a child under the age of six years, and formal or informal child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department fails to provide such care; or (2) until June 30, ((1999)) 2001, if the recipient is a parent with a child under the age of one year. A parent may only receive this exemption for a total of twelve months, which may be consecutive or nonconsecutive; or (3) after June 30, ((1999)) 2001, if the recipient is a parent with a child under three months of age.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.08 RCW to read as follows:

(1) DSHS shall report to the legislature by December 1, 2000 on the implementation of the child care training program authorized for TANF recipients as part of the WorkFirst program, including the number of recipients trained and the number working in child care and early childhood education after completion of the training.

(2) DSHS shall report to the legislature by December 1, 2000 and each year thereafter a comparison of the market rate for infant care and the state rate paid to providers of infant care statewide and by region.

(3) DSHS shall report to the legislature by December 1, 2000 on the availability, affordability and accessibility of child care for infants statewide and by region."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hale and Brown to Senate Bill No. 5163.

The motion by Senator Hale carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Brown, the following title amendment was adopted:

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 74.08A.270; and adding a new section to chapter 74.08A RCW."

On motion of Senator Brown, the rules were suspended, Engrossed Senate Bill No. 5163 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5163.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5163 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 12; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 34.

Voting nay: Senators Benton, Hochstatter, Honeyford, Johnson, McDonald, Morton, Roach, Rossi, Sellar, Stevens, Swecker and Zarelli - 12.

Excused: Senators Finkbeiner, Heavey and Prentice - 3.

ENGROSSED SENATE BILL NO. 5163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### SENATE RESOLUTION 1999-8641

By Senators McAuliffe, Johnson, Haugen, Spanel, Rasmussen, Fairley, Eide, Costa, Kohl-Welles, Fraser

WHEREAS, There are nearly 50,000 classified school employees working with and helping children in Washington's public schools; and

WHEREAS, Classified school employees are instrumental in fulfilling the state's paramount duty to educate children; and

WHEREAS, By supporting the learning environment, classified school employees are crucial partners with teachers and principals in the public schools; and

WHEREAS, Classified school employees are involved in nearly every aspect of education including maintaining school grounds, providing administrative and clerical assistance, preparing and serving meals, providing safe transportation, keeping school facilities clean and orderly, providing more individualized attention to students in the classroom, ensuring students have a safe environment in which to learn, and providing many other essential services; and

WHEREAS, Students, parents, teachers, and the community have come to rely on public school employees to deliver these critical services that enhance the education experience;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate do hereby give tribute to the tireless efforts of classified public school employees and honor the men and women who work with our children every day.

Senators McAuliffe, Sellar, Honeyford and Rasmussen spoke to Senate Resolution 1999-8641.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the classified public school employees, who were seated in the gallery.

#### MOTION

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

#### SENATE RESOLUTION 1999-8643

By Senators Eide, Kohl-Welles, Patterson, Brown, Spanel, Rasmussen, Fairley, Costa and Fraser

WHEREAS, Women of every age, race, religion, creed, ethnicity, economic status, and degree of ability and disability have immeasurably enriched and continue to enrich our homes, schools, workplaces, communities, state, country, and every nation on earth; and

WHEREAS, Women have played a critical economic, cultural, and social role in every sphere of life by constituting a significant portion of the labor force, whether working inside or outside of the home, whether paid, or as volunteers; and

WHEREAS, Women of every age, race, religion, creed, ethnicity, economic status, and degree of ability and disability have served as leaders of every major progressive movement of social change; and

WHEREAS, Day-to-day discrimination against women remains a fact of life around the globe, and women continue to be largely unrecognized and undervalued for their historical and contemporary accomplishments; and

WHEREAS, Women continue to lead efforts in eliminating discrimination and violence committed against women, men, and children, and in promoting equality, equity, and peace; and

WHEREAS, Washington State has always been a champion of women's rights and a national leader in promoting progress for women, having been one of the first states to grant suffrage to women, having the highest proportion of women legislators of any State Legislature,

currently, and in the history of the United States, and having a majority of women in the Senate majority caucus, which is a first in the United States; and

WHEREAS, The United States of America remains a world leader and must continue to set the standards for women's rights and equality; and

WHEREAS, 1999 is the eighty-ninth anniversary of women's suffrage in Washington State and the seventy-ninth anniversary of women's suffrage in the United States; and

WHEREAS, March is National Women's History Month as proclaimed by Congress, and March 8th is International Women's Day as proclaimed by the United Nations;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and celebrate the women of our state, country, and the world, and recognize that today March 8th is International Women's Day and that March is National Women's History Month.

Senators Eide and Kohl Welles spoke to Senate Resolution 1999-8643.

#### PERSONAL PRIVILEGE

Senator Snyder: "A point of personal privilege, please. I think that after this morning's session when we had some rather cross words in debate, if everybody would, between now and tomorrow's session, read Reed's Rules 221 and 224 and 225, it might help avoid the type of confrontation we had on the Senate floor this morning--Reed's 221 to 225."

#### REPLY BY THE PRESIDENT

President Owen: "Point well taken."

#### MOTION

At 10:57 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 6:35 p.m. by Vice President Pro Tempore Bauer.

#### MOTION

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

## REPORTS OF STANDING COMMITTEES

March 5, 1999

SB 5011 Prime Sponsor, Senator Long: Changing provisions relating to dangerous mentally ill offenders. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5011 as recommended by Committee on Human Services and Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fraser, Honeyford, Long, McDonald, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5029 Prime Sponsor, Senator Franklin: Establishing membership in the public employees' retirement system. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5029 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5035 Prime Sponsor, Senator Heavey: Providing an additional funding source for courts. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5035 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Honeyford, McDonald and Rossi.

Passed to Committee on Rules for second reading.

March 5, 1999

SB 5108 Prime Sponsor, Senator Patterson: Creating a task force on missing and exploited children. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5108 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley, Wojahn and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senator West.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5210 Prime Sponsor, Senator Stevens: Altering shelter care laws. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5210 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5236 Prime Sponsor, Senator Hargrove: Requiring the retention of records pertaining to sexually violent offenses. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5236 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5289 Prime Sponsor, Senator Fraser: Strengthening laws concerning water resources in order to protect and restore fish stocks. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5289 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Honeyford, McDonald and Zarelli.

Passed to Committee on Rules for second reading.

March 5, 1999

SB 5291 Prime Sponsor, Senator Franklin: Creating the crime of aggressive driving to combat road rage. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Jacobsen, Patterson, Prentice, Sheahan and Shin.

MINORITY Recommendation: Do not pass. Signed by Senators Johnson, Sellar and Swecker.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5312 Prime Sponsor, Senator Costa: Providing for the prevention of workplace violence in health care settings. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5312 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland,

Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, Roach, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley, Wojahn and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5330 Prime Sponsor, Senator Brown: Treating active military personnel as residents for purposes of higher education tuition. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5331 Prime Sponsor, Senator Brown: Establishing public utility tax credits for weatherization and energy assistance programs. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5331 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5349 Prime Sponsor, Senator Costa: Providing insurance coverage for cranial hair. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5349 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5360 Prime Sponsor, Senator Horn: Consolidating the fuel tax rate and distribution statutes. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5360 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Sheahan, T. Sheldon, Shin and Swecker.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Benton, Finkbeiner, Johnson and Sellar.

Passed to Committee on Rules for second reading.

March 5, 1999

SB 5377 Prime Sponsor, Senator Kline: Regulating occupational drivers' licenses. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5377 as recommended by Committee on Judiciary be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Horn, Jacobsen, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5408 Prime Sponsor, Senator Benton: Creating a state medal of valor. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5408 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5421 Prime Sponsor, Senator Hargrove: Enhancing supervision of offenders. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5421 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5424 Prime Sponsor, Senator Winsley: Allowing the use of certain commercially approved herbicides for aquatic plant management. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5424 as recommended by Committee on Environmental Quality and Water Resources be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5452 Prime Sponsor, Senator Bauer: Creating a public facilities district. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5452 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5480 Prime Sponsor, Senator Patterson: Requiring identification of drug-affected infants and providing treatment services to their mothers. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5480 as recommended by Committee on Human Services and Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5489 Prime Sponsor, Senator West: Exempting certain motor vehicle wash, wax, and vacuum services from sales and use taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Fairley, Honeyford, Kline, McDonald, Rasmussen, Rossi, B. Sheldon, West, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Fraser.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5510 Prime Sponsor, Senator Oke: Using collection agencies to collect unpaid taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5510 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5520 Prime Sponsor, Senator Costa: Creating a juvenile offender community sanction sentencing alternative. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5520 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Honeyford, McDonald, Roach, Rossi, West and Zarelli.

Passed to Committee on Rules for second reading.

March 5, 1999

SB 5522 Prime Sponsor, Senator Fairley: Changing work activity provisions for recipients of temporary assistance for needy families. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5522 as recommended by Committee on Labor and Workforce Development be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, Roach, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5536 Prime Sponsor, Senator Spanel: Requiring a review and report on the adequacy of department of natural resources management plans of forest lands within watersheds. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5536 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5556 Prime Sponsor, Senator Fraser: Freeing the base for transfers of marine and nonhighway fuel taxes. Reported by Committee on Transportation

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5556 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Sellar, Shin and Swecker.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5557 Prime Sponsor, Senator Hargrove: Providing residential placement and transitional living services to street youth. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5557 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 5, 1999

SB 5571 Prime Sponsor, Senator Gardner: Compensating the state patrol for costs of recovering penalties for commercial vehicle violations. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5587 Prime Sponsor, Senator Wojahn: Adopting a patient bill of rights. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5587 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Honeyford and West.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5593 Prime Sponsor, Senator McAuliffe: Creating the Washington professional educator standards board. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5593 as recommended by Committee on Education be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Honeyford, Roach, Rossi and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5598 Prime Sponsor, Senator McAuliffe: Creating the Washington's promise scholarship program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5598 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Honeyford, McDonald, Roach, Rossi and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5610 Prime Sponsor, Senator Prentice: Authorizing the director of the department of licensing to impose a civil penalty for a violation of chapter 46.70 RCW. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5610 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Oke, Patterson, Sellar, Sheahan, T. Sheldon and Shin.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Johnson and Morton.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5615 Prime Sponsor, Senator Horn: Deleting reference to obsolete transportation accounts. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5615 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5625 Prime Sponsor, Senator Kohl-Welles: Changing work requirement provisions for the temporary assistance for needy families program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5625 as recommended by Committee on Labor and Workforce Development be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Honeyford, McDonald, Rossi and Zarelli.

Passed to Committee on Rules for second reading.

March 5, 1999

SB 5652 Prime Sponsor, Senator Bauer: Increasing statutory limits on appraiser fees in eminent domain proceedings. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Costa, Horn, Johnson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5658 Prime Sponsor, Senator Spanel: Changing shellfish provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5658 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5680 Prime Sponsor, Senator Haugen: Creating a moratorium on fee increases for utility use of railroad rights-of-way. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5680 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Johnson, Morton, Patterson, Sheahan, T. Sheldon and Swecker.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Sellar and Shin.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5681 Prime Sponsor, Senator Brown: Levying a use tax for the privilege of consuming electricity in the state of Washington. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5681 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5693 Prime Sponsor, Senator Wojahn: Establishing the developmental disabilities endowment trust fund. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5693 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5730 Prime Sponsor, Senator Rasmussen: Changing financial responsibility requirements for operators of solid waste landfills. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5730 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, Snyder, Spanel, Thibaudeau, West, Wojahn and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5750 Prime Sponsor, Senator Benton: Clarifying transportation planning. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5750 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Jacobsen, Johnson, Morton, Oke, Patterson, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5766 Prime Sponsor, Senator Wojahn: Modifying the duties of a long-term care ombudsman. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5766 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 1999

SB 5781 Prime Sponsor, Senator Eide: Extending the commute trip tax reduction credit. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5781 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 5, 1999

SB 5798 Prime Sponsor, Senator Fairley: Assisting needy families. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Labor and Workforce Development. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Zarelli.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5821 Prime Sponsor, Senator Eide: Establishing a state-wide licensing program for persons who design on-site wastewater treatment systems. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5821 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1999

SB 5822 Prime Sponsor, Senator Haugen: Requiring agreements between public transportation benefit areas and auto transportation companies operating therein. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5822 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Eide, Horn, Jacobsen, Johnson, Patterson, Prentice, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5832 Prime Sponsor, Senator Horn: Increasing the building code council fee. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5894 Prime Sponsor, Senator Haugen: Selling the Whidbey Island game farm. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 3, 1999

SB 5929 Prime Sponsor, Senator Haugen: Reallocating local motor vehicle excise tax for public transportation. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5929 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Heavey, Jacobsen, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Benton, Finkbeiner, Horn, Johnson and Sellar.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5931 Prime Sponsor, Senator Patterson: Requiring electronic filing and publication of campaign finance and lobbyist reports. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5931 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5944 Prime Sponsor, Senator Haugen: Describing those lands eligible to be included in a port district aquatic lands management agreement. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Honeyford, Kline, Long, McDonald, Rossi, Snyder, West and Winsley.

Passed to Committee on Rules for second reading.

March 4, 1999

SB 5955 Prime Sponsor, Senator Snyder: Adjusting composition and administration of the legislative transportation committee. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5955 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 5989 Prime Sponsor, Senator Haugen: Adjusting aircraft registration fees and tax distribution. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5989 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Jacobsen, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 6032 Prime Sponsor, Senator Spanel: Granting the department of revenue the authority to issue direct payment permits. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6032 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 6051 Prime Sponsor, Senator Gardner: Allowing credit card payment of vehicle registration fees. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6051 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 6056 Prime Sponsor, Senator Shin: Prohibiting new drivers under 18 from carrying passengers under 18. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6056 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Horn, Jacobsen, Johnson, Oke, Patterson, Shin and Swecker.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Morton and Sellar.

Passed to Committee on Rules for second reading.

March 5, 1999

SB 6058 Prime Sponsor, Senator Loveland: Providing that growing or packing agricultural products is not a manufacturing activity for tax purposes. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6058 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 5, 1999

SB 6063 Prime Sponsor, Senator Loveland: Authorizing the state investment board to invest and reinvest moneys in the emergency reserve fund. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6063 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 6065 Prime Sponsor, Senator Wojahn: Providing an excise tax exemption for property owned, operated, or controlled by a public corporation. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1999

SB 6074 Prime Sponsor, Senator Fraser: Providing state employees with information on retirement. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 5, 1999

SJR 8208 Prime Sponsor, Senator Loveland: Authorizing investments as specified by the legislature. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Joint Resolution No. 8208 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 5, 1999

SCR 8402 Prime Sponsor, Senator Franklin: Recommending establishment of an interagency task force to conduct a study of contingent work force issues. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 8402 as recommended by Committee on Labor and Workforce Development be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Rossi and Zarelli.

Passed to Committee on Rules for second reading.

MOTION

At 6:36 p.m., on motion of Senator Spanel, the Senate adjourned until 8:30 a.m., Tuesday, March 9, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-SEVENTH DAY, MARCH 8, 1999

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**FIFTY-EIGHTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Tuesday, March 9, 1999

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Finkbeiner, Heavey, Long, Patterson, Prentice and Sellar. On motion of Senator Franklin, Senators Heavey and Prentice were excused. On motion of Senator Honeyford, Senators Finkbeiner and Long were excused.

The Sergeant at Arms Color Guard consisting of Pages Jenn Benton and Kristi Owens, presented the Colors. Reverend Anna Grace, pastor of the Unity Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 5, 1999

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1163,  
HOUSE BILL NO. 1199,  
HOUSE BILL NO. 1200,  
HOUSE BILL NO. 1306,  
HOUSE BILL NO. 1310,  
HOUSE BILL NO. 1346,  
HOUSE BILL NO. 1370,  
SUBSTITUTE HOUSE BILL NO. 1371,  
HOUSE BILL NO. 1425,  
HOUSE BILL NO. 1524,  
SUBSTITUTE HOUSE BILL NO. 1529,  
SUBSTITUTE HOUSE BILL NO. 1560,  
ENGROSSED HOUSE BILL NO. 1577,  
HOUSE BILL NO. 1585,  
HOUSE BILL NO. 1642,  
SUBSTITUTE HOUSE BILL NO. 1671,  
HOUSE BILL NO. 1810,  
HOUSE BILL NO. 1866,

SUBSTITUTE HOUSE BILL NO. 2111,  
HOUSE JOINT MEMORIAL NO. 4012, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk  
DEAN R. FOSTER, Co-Chief Clerk

March 8, 1999

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1331,  
HOUSE BILL NO. 1383,  
HOUSE BILL NO. 1388,  
SUBSTITUTE HOUSE BILL NO. 1392,  
HOUSE BILL NO. 1394,  
HOUSE BILL NO. 1420,  
HOUSE BILL NO. 1422,  
HOUSE BILL NO. 1463,  
HOUSE BILL NO. 1491,  
SUBSTITUTE HOUSE BILL NO. 1535,  
HOUSE BILL NO. 1539,  
HOUSE BILL NO. 1544,  
HOUSE BILL NO. 1550,  
SUBSTITUTE HOUSE BILL NO. 1558,  
HOUSE BILL NO. 1561,  
SUBSTITUTE HOUSE BILL NO. 1650,  
HOUSE BILL NO. 1819,  
HOUSE JOINT MEMORIAL NO. 4004, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk  
DEAN R. FOSTER, Co-Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6084 by Senators Snyder and Rasmussen

AN ACT Relating to natural disaster relief; adding a new section to chapter 48.14 RCW; adding a new chapter to Title 43 RCW; and declaring an emergency. Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1163 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Cooper, Schoesler, Linville, G. Chandler, Keiser, Rockefeller and Conway) (by request of Department of Health)

Providing for the safe decontamination or destruction of residential property used for illegal drug manufacturing or storage.

Referred to Committee on Environmental Quality and Water Resources.

HB 1199 by Representatives Lantz, Constantine, Sheahan and Carrell

Defining the jurisdiction of civil antiharassment actions.

Referred to Committee on Judiciary.

HB 1200 by Representatives Lantz, McDonald, Kastama, Schindler, Constantine, Sheahan and Carrell

Clarifying the jurisdiction over drunk drivers.

Referred to Committee on Judiciary.

HB 1306 by Representatives Huff, H. Sommers and Benson

Implementing 1998 legislation dealing with drunk driving.

Referred to Committee on Ways and Means.

HB 1310 by Representatives Scott, Mulliken, Morris, Schoesler, Ericksen and Linville

Changing the authority of public utility districts.

Referred to Committee on State and Local Government.

HB 1331 by Representatives Buck, Sump, Regala, Anderson, Lantz, Doumit, G. Chandler, Pennington, Hatfield, Rockefeller, D. Sommers, Koster, Benson, Wolfe and Mulliken (by request of Parks and Recreation Commission)

Using volunteers at the state parks and recreation commission.

Referred to Committee on Natural Resources, Parks and Recreation.

HB 1346 by Representatives O'Brien, Koster, Cody, DeBolt, Constantine, Kessler, D. Schmidt, Edwards and Radcliff

Providing an alternative method for dissolving a cultural arts, stadium or convention district.

Referred to Committee on State and Local Government.

HB 1370 by Representatives G. Chandler, Linville, Clements, Grant and B. Chandler

Extending the period of time to expend funds from the fruit and vegetable district fund.

Referred to Committee on Agriculture and Rural Economic Development.

SHB 1371 by House Committee on Health Care (originally sponsored by Representatives Ruderman, Alexander and O'Brien) (by request of Department of Health)

Modifying provisions that concern the control and prevention of tuberculosis.

Referred to Committee on Health and Long-Term Care.

HB 1383 by Representatives Constantine, Delvin, Lambert, Esser, Linville, Pennington, O'Brien and Ogden

Authorizing local government purchase of liability insurance for law enforcement personnel.

Referred to Committee on State and Local Government.

HB 1388 by Representatives Keiser, Ballasiotes, Schual-Berke, Mitchell, Hurst, O'Brien, Lovick and Delvin

Clarifying the state's jurisdiction over crimes committed in the airspace over the state.

Referred to Committee on Judiciary.

SHB 1392 by House Committee on Judiciary (originally sponsored by Representatives Hurst, Constantine, Sheahan and McDonald)

Revising provisions relating to vacation of records of conviction.

Referred to Committee on Judiciary.

HB 1394 by Representatives Hurst, Constantine, Lambert, Sheahan, McDonald, Lovick, H. Sommers, Dickerson, Kenney and Esser

Making the defense of duress unavailable for the crime of homicide by abuse.

Referred to Committee on Judiciary.

HB 1420 by Representatives H. Sommers, Huff, Benson, Hatfield, McIntire and Wolfe (by request of State Investment Board)

Providing a procedure for the state investment board to check the criminal history of prospective appointees and employees.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

HB 1422 by Representatives H. Sommers, Huff, Benson, Hatfield and McIntire (by request of State Investment Board)

Authorizing the state investment board to directly order actions relating to securities.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

HB 1425 by Representatives Linville, Mulliken, Ericksen and Scott

Addressing municipal water or sewer utilities.

Referred to Committee on State and Local Government.

HB 1463 by Representatives Mitchell, Fisher, K. Schmidt, Ogden, Mielke, Haigh and Schual-Berke

Adjusting deadlines for reports to the secretary of transportation.

Referred to Committee on Transportation.

HB 1491 by Representatives Hatfield and Doumit

Regulating the use of dredge spoils in Cowlitz County.

Referred to Committee on Natural Resources, Parks and Recreation.

HB 1524 by Representatives Doumit, Pennington, Conway, Clements, Alexander, Cooper, Hatfield, Mielke, Carlson, Poulsen, Mulliken, Scott and Rockefeller

Expanding the workers' compensation obligation of out-of-state employers.

Referred to Committee on Labor and Workforce Development.

SHB 1529 by House Committee on Education (originally sponsored by Representatives Talcott, Quall and Bush)

Clarifying school district employees' personal holidays.

Referred to Committee on Education.

SHB 1535 by House Committee on Health Care (originally sponsored by Representatives Parlette, Cody, Schual-Berke, Romero, Ruderman, Esser, Hatfield, Boldt, Campbell, Pflug and Alexander)

Reimbursing podiatric physicians and surgeons.

Referred to Committee on Health and Long-Term Care.

HB 1539 by Representative Parlette

Clarifying medicare supplement policies.

Referred to Committee on Health and Long-Term Care.

HB 1544 by Representatives O'Brien, Ballasiotes, Kastama, Cairnes and Keiser (by request of Sentencing Guidelines Commission)

Making corrections to sentencing laws.

Referred to Committee on Judiciary.

HB 1550 by Representatives G. Chandler, Fisher, K. Schmidt and Hankins

Extending Milwaukee Road corridor franchise negotiations.

Referred to Committee on Transportation.

SHB 1558 by House Committee on Transportation (originally sponsored by Representatives Mitchell, Hatfield, McDonald, Poulsen, Bush, Constantine and Radcliff) (by request of Washington State Patrol)

Tightening requirements for release of impounded vehicles.

Referred to Committee on Transportation.

SHB 1560 by House Committee on State Government (originally sponsored by Representatives McMorris, Scott, Ballasiotes, Mitchell, Romero, Dickerson, McDonald, Poulsen, Bush, Constantine, Fortunato and Murray) (by request of Forensic Investigation Council)

Enabling the bureau of forensic laboratory services.

Referred to Committee on State and Local Government.

HB 1561 by Representatives Schoesler, Grant, McMorris, Mastin, G. Chandler, Lisk, Parlette, Mulliken, Delvin and Cox

Allowing solid rubber tires on farm machinery.

Referred to Committee on Transportation.

EHB 1577 by Representatives Bush, Sheahan, Constantine, Barlean, Quall, Talcott, Cairnes, Keiser, McIntire, Santos, Sullivan, Hatfield, DeBolt, Benson, Dunshee, Boldt, Haigh, Mielke, Veloria, Conway and Kenney

Changing when a court may seal juvenile records.

Referred to Committee on Human Services and Corrections.

HB 1585 by Representatives Hankins, Grant, Dunshee, Mastin, Delvin and O'Brien

Using federal funds to reduce the outstanding debt of school districts within counties.

Referred to Committee on State and Local Government.

HB 1642 by Representatives Grant and Mastin

Changing surface water permit and rights provisions.

Referred to Committee on Environmental Quality and Water Resources.

SHB 1650 by House Committee on Education (originally sponsored by Representatives Cody, Talcott, Ruderman, Wood, Quall, Boldt, Stensen, Rockefeller, Parlette, O'Brien, Kenney and Keiser)

Expanding the health professionals who may request administration of oral medication at school.

Referred to Committee on Health and Long-Term Care.

SHB 1671 by House Committee on Judiciary (originally sponsored by Representatives Constantine, Radcliff, Kessler, Mastin, Sullivan, Grant, G. Chandler, Reardon, Lisk, Esser, Alexander, McMorris and Mitchell)

Eliminating a maximum amount threshold for pleadings in actions arising from public works contracts.

Referred to Committee on Judiciary.

HB 1810 by Representatives Boldt and Tokuda (by request of Department of Social and Health Services)

Amending the child abuse protection and treatment act.

Referred to Committee on Human Services and Corrections.

HB 1819 by Representatives Anderson, Barlean, Thomas and O'Brien

Changing provisions for school district name changes.

Referred to Committee on Education.

HB 1866 by Representatives McMorris, Tokuda, Boldt, Sump, D. Sommers and Campbell

Changing shelter care provisions to favor placing a child with a relative.

Referred to Committee on Human Services and Corrections.

SHB 2111 by House Committee on Appropriations (originally sponsored by Representatives Alexander, Benson, Wolfe, Constantine, Hatfield, Grant and H. Sommers) (by request of Attorney General Gregoire and Department of General Administration)

Eliminating the tort claims revolving fund.

Referred to Committee on Ways and Means.

HJM 4004 by Representatives Dickerson, Cody, Skinner, O'Brien, Veloria, Kessler, McIntire, Wood, Lovick, Romero, Conway, Ruderman, Hurst and Kenney

Urging support of prostate cancer research.

Referred to Committee on Health and Long-Term Care.

HJM 4012 by Representatives Regala, Eickmeyer, Buck, Clements, Anderson, Veloria and Conway

Requesting Congress to pass legislation to restore and revitalize federal funding for the land and water conservation fund.

Referred to Committee on Environmental Quality and Water Resources.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9011, Stanley L. K. Flemming, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

APPOINTMENT OF STANLEY L. K. FLEMMING

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 3; Excused, 4.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senators Brown, Patterson and Sellar - 3.

Excused: Senators Finkbeiner, Heavey, Long and Prentice - 4.

MOTION

At 8:42 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 9:32 a.m. by President Owen.

SECOND READING

SENATE BILL NO. 5734, by Senators Bauer, Deccio, Franklin, Rasmussen, B. Sheldon, McAuliffe, Spanel, Rossi, Brown, Snyder, Fairley, Wojahn, Heavey, Thibaudeau, Shin, T. Sheldon, Eide, Goings, Loveland, Jacobsen, Prentice, Haugen, Fraser, Gardner, Kline and Kohl-Welles

Recognizing the sixteenth day of April as Mother Joseph day.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5734 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5734.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5734 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SENATE BILL NO. 5734, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Sister Karin Dufault, head of the Providence Health Systems, who was seated on the rostrum, as well as Sister Jacqueline Fernandez and Sister Rita Bergonini, members of the Sisters of Providence, who were seated in the gallery. With permission of the Senate, business was suspended to permit Sister Karin to address the Senate.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Bauer and Deccio as a special committee to escort Sister Karin from the Senate Chamber.

#### MOTION

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

#### SENATE RESOLUTION 1999-8638

By Senators Rasmussen, Spanel, Honeyford, Fraser and B. Sheldon

WHEREAS, The 4-H Youth Development Program has helped young people in Washington develop useful "life skills" since it was established in 1914; and

WHEREAS, The program centers on teaching young people to become productive members of society by fostering self-esteem, and communication and decision-making skills; and

WHEREAS, 80,000 young people throughout Washington participated in 4-H Youth Development Programs in 1998; and

WHEREAS, These programs help participants learn about a wide variety of subjects including science, family living and applied arts; and

WHEREAS, In addition to working with traditional community clubs, the programs reach youth through urban groups, special interest groups, nutrition programs, school enrichment, camping, and interagency learning experiences; and

WHEREAS, the 4-H Youth Development Program promotes volunteer service by enlisting more than 9,000 volunteers statewide, who donate an average two hundred hours of their time during the year; and

WHEREAS, In 1998, the program achieved its goal of reaching a more diverse audience as twenty percent of participants came from ethnic minority groups; and

WHEREAS, More than three hundred 4-H members from around the state are currently visiting the State Capitol as part of a statewide education program titled "4-H Know Your Government";

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate recognize the 4-H Youth Development Project for its many contributions to the youth of Washington and the betterment of our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Carol Beckman, the State Program Coordinator for the 4-H Youth Development Program.

Senators Rasmussen, Betti Sheldon, Sellar, Deccio, Kohl-Welles, Franklin, Hochstatter, Spanel, Brown and Morton spoke to Senate Resolution 1999-8638.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced 4-H members, who were seated in the gallery. The group was visiting the capitol as part of the statewide education program, '4-H Know Your Government Program.'

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5499, by Senators Wojahn, Deccio, Franklin, Winsley, Costa, McAuliffe, Kline and Rasmussen

Making modifications to the home health, hospice, and home care agency licensure law.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 5499 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5499.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5499 and the bill passed by the following vote Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SENATE BILL NO. 5499, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5454, by Senators Horn, Haugen, Goings and Benton

Adjusting deadlines for reports to the secretary of transportation.

The bill was read the second time.

#### MOTION

On motion of Senator Goings, the rules were suspended, Senate Bill No. 5454 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5454.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5454 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SENATE BILL NO. 5454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5385, by Senators Shin, Prentice, Winsley, Jacobsen, Patterson, T. Sheldon, Benton, Finkbeiner, Snyder, Rasmussen, Goings, Haugen, Hargrove, Gardner, Heavey, Deccio and McAuliffe

Providing an alternative method for dissolution of cultural arts, stadium and convention districts.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5385.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5385 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SENATE BILL NO. 5385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5170, by Senators Haugen, McAuliffe, T. Sheldon, Deccio and Rasmussen

Changing provisions for school district name changes.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5170 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5170.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5170 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SENATE BILL NO. 5170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5530, by Senators Loveland and Winsley (by request of Department of Revenue)

Correcting errors related to property tax levies.

The bill was read the second time.

#### MOTION

On motion of Senator Loveland, the rules were suspended, Senate Bill No. 5530 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5530.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5530 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SENATE BILL NO. 5530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5626, by Senators Franklin, McAuliffe, Fairley, Kohl-Welles, Patterson, Costa, McCaslin, Kline, Wojahn and Rasmussen

Changing disbursement of medicaid incentive payments to school districts.

#### MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5626 was substituted for Senate Bill No. 5626 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5626 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5626.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5626 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 47.

Voting nay: Senator Zarelli - 1.

Absent: Senator Shin - 1.

SUBSTITUTE SENATE BILL NO. 5626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5048, by Senators Long and Hargrove

Making technical corrections to chapters 10.77 and 71.05 RCW.

#### MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5048 was substituted for Senate Bill No. 5048 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the rules were suspended, Substitute Senate Bill No. 5048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5048.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5048 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5607, by Senators Thibaudeau, Wojahn, Fraser, Franklin, Sellar, Prentice, Deccio, Winsley, Rasmussen, Kohl-Welles and Costa

Permitting retired and disabled employees to obtain health insurance.

#### MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5607 was substituted for Senate Bill No. 5607 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5607 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5607.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5607 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5607, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5706, by Senators Bauer, Haugen, Sellar, Benton, Shin, Eide, Prentice, Oke, Rasmussen, Jacobsen and Winsley

Decriminalizing license fraud and establishing a license fraud task force in the Washington state patrol.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5706 was substituted for Senate Bill No. 5706 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5706 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5706.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5706 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senators Franklin and Roach - 2.

SUBSTITUTE SENATE BILL NO. 5706, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5437, by Senators Thibaudeau, Deccio, Franklin, Heavey, Prentice, Sellar, Shin, Bauer, Kline, Winsley, Patterson and B. Sheldon

Reimbursing podiatric physicians and surgeons.

The bill was read the second time.

## MOTIONS

On motion of Senator Thibaudeau, the following Committee on Health and Long-Term Care amendment was adopted:

On page 1, line 7, after "organization" strike all material through "physicians" on line 8 and insert "contracts with a group medical practice which only treats that organization's patients"

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Senate Bill No. 5437 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5437.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5437 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Absent: Senator Bauer - 1.

ENGROSSED SENATE BILL NO. 5437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5253, by Senators Benton, Prentice, Winsley, Shin, Deccio, Heavey, Rasmussen, West, T. Sheldon, Hale, Gardner, Rossi and Oke (by request of Department of Licensing)

Preventing a registered sex offender from holding a real estate license.

The bill was read the second time.

## MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5253 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5253.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5253 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SENATE BILL NO. 5253, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5386, by Senators Shin, Prentice, T. Sheldon, Jacobsen, Patterson, Benton, Finkbeiner, Spanel, Rasmussen, Goings, Haugen, Snyder, Hargrove, Gardner, Heavey, Winsley, Franklin, Bauer and McAuliffe

Creating a state plan for economic development.

#### MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 5386 was substituted for Senate Bill No. 5386 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Bill No. 5386 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5386.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5386 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5386, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

#### SECOND READING

SENATE BILL NO. 5160, by Senators Oke and Winsley

Authorizing donations of surplus computer equipment to food banks.

#### MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5160 was substituted for Senate Bill No. 5160 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5160.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5160 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Rossi - 1.

SUBSTITUTE SENATE BILL NO. 5160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5672, by Senators Kline, Costa, Prentice, Fraser, Fairley, Shin, Kohl-Welles, Haugen, Hargrove and McAuliffe

Retaliating against a whistleblower.

## MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5672 was substituted for Senate Bill No. 5672 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5672 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5672.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5672 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5672, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5433, by Senators Fraser and Rasmussen

Requiring comprehensive solid waste management plans to consider handling, transport, and disposal of biomedical waste.

## MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5433 was substituted for Senate Bill No. 5433 and the substitute bill was placed on second reading and read the second time.

Senator Fraser moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 15, after "program" strike "shall" and insert "may"

On page 2, line 16, after "solid waste" insert "if, in consultation with the local health jurisdiction, segregation is determined to be necessary and appropriate"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Fraser on page 2, lines 15 and 16, to Substitute Senate Bill No. 5433.

The motion by Senator Fraser carried and the amendments were adopted.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 5433 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5433.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5433 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Absent: Senator Brown - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5986, by Senators Goings, Benton, Bauer, Costa and Rasmussen

Paying duty connected death or disability benefits.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 5986 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5986.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5986 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SENATE BILL NO. 5986, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator Loveland was excused.

SECOND READING

SENATE BILL NO. 5198, by Senators Johnson and Kline

Comporting with Internal Revenue Code language.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 5198 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5198.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5198 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Loveland - 1.

SENATE BILL NO. 5198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5434, by Senators Loveland, Fraser, West, Oke and Rasmussen

Extending the time for designating an eligible area for international services tax credits.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5434 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5434.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5434 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SENATE BILL NO. 5434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Roach was excused.

#### SECOND READING

SENATE BILL NO. 5197, by Senators Johnson and Kline

Making technical corrections to the disclaimer statute.

#### MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5197 was substituted for Senate Bill No. 5197 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 5197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5197.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5197 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Swecker - 1.

Excused: Senator Roach - 1.

SUBSTITUTE SENATE BILL NO. 5197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5512, by Senators Costa, Winsley, Kline, Patterson, Gardner, Prentice, Long, Goings, Snyder, Fraser, Brown, Kohl-Welles, Jacobsen, Spanel, Fairley, Haugen, Wojahn, Thibaudeau, Loveland, Bauer, Eide, B. Sheldon, McAuliffe, T. Sheldon, Heavey and Shin

Requiring health plans that cover prescription drugs to cover the cost of prescription contraceptives.

#### MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5512 was substituted for Senate Bill No. 5512 and the substitute bill was placed on second reading and read the second time.

Senator Costa moved that the following amendments be considered simultaneously and be adopted:

On page 4, line 1, after "plan" strike "shall contract" and insert "contracts"

On page 4, line 2, after "community." insert "If all of the providers or facilities with whom the carrier contracts within the enrollee's local community decline to participate in the provision of contraceptive health care services, the carrier shall contract with a provider or facility within the enrollee's local community that will provide such services."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Costa on page 4, lines 1 and 2, to Substitute Senate Bill No. 5512.

The motion by Senator Costa carried and the amendments were adopted.

#### MOTION

Senator Sheahan moved that the following amendment by Senators Sheahan, Stevens, Roach, Swecker, Oke, Rossi and Zarelli be adopted:

On page 4, line 13, after "individual" insert ", employer,"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sheahan, Stevens, Roach, Swecker, Oke, Rossi and Zarelli on page 4, line 13, to Substitute Senate Bill No. 5512.

The motion by Senator Sheahan failed and the amendment was not adopted.

#### MOTION

On motion of Senator Costa, the rules were suspended, Engrossed Substitute Senate Bill No. 5512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Costa, the conscious clause as presented by the Northwest Catholic Conference was agreed by the committee and there was no objection to the bill if the conscious clause was attached--which it was. I've just checked with the representatives of the Northwest Catholic Conference and they have not seen or do they know what is in your amendment on page 4, line 1 and page 4, line 2. Perhaps you can explain what it does and how it differs from the conscious clause that was approved by the Northwest Catholic Conference."

Senator Costa: "Thank you, Senator Deccio and Mr. President. This was the amendment that we did adopt and again it was a clarifying amendment on behalf of Group Health. What it says, currently, the underlying conscious clause says that if a provider does not provide contraception services, due to a religious objection--conscious objection--what they can do is they can refer the patient out to another provider. Group Health's concern was that that would mean that any individual would go to any provider, including someone outside of their network. What they asked for was a clarification that indeed that referral went to someone else within the next network who provided the services and then, if in fact, there was no provider within the network providing contraceptive coverage and services, that they could then go outside of that HMO network. It's simply a clarification on behalf of the HMOs to make sure that we don't just send people outside of their network first."

Senator Deccio: "Mr. President, if I could respond. Senator Costa, you said that this amendment was adopted in committee. I don't recall that it was. If it was adopted in committee, we should not have to deal with it here. My question again is, does what you have accomplished in this amendment run counter to what the conscious clause was suppose to deal with?"

Senator Costa: "Thank you, Senator Deccio. We did adopt the conscious clause in committee. That is what I was referring to--the entire conscious clause that is within the bill. Again, this is simply--this does nothing to alter the conscious clause that is there other than to give Group Health and HMOs the right to have somebody referred to a provider within their network, instead of going outside of their network first. So, it is just for the HMOs."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5512.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5512 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 28.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Honeyford, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sellar, Sheahan, Stevens, Swecker, West and Zarelli - 20.

Excused: Senator Roach - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

Senator Snyder moved that Senate Rule 15 be suspended for the day.

EDITOR'S NOTE Senate Rule 15 states: 'The Senate shall recess ninety minutes for lunch each working day.'

## PARLIAMENTARY INQUIRY

Senator Johnson: "Doesn't suspension of the rules require a two-thirds vote?"

## RULING BY THE PRESIDENT

President Owen: "In this particular rule, you have only required a majority."

The President declared the question before the Senate to be the motion by Senator Snyder to suspend Senate Rule 15 for the day.

The motion carried on a rising vote and Rule 15 was suspended for the day.

## PARLIAMENTARY INQUIRY

Senator McCaslin: "A parliamentary inquiry, do those Senators who have already eaten count?"

## REPLY BY THE PRESIDENT

President Owen: "I'm afraid so, Senator."

## MOTION

At 12:14 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:15 p.m..

The Senate was called to order at 1:15 p.m. by President Owen.

## SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9018, Holly Parker Jensen, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

## APPOINTMENT OF HOLLY PARKER JENSEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 11; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Oke, Prentice, Rasmussen, Roach, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 38.

Absent: Senators Fairley, Fraser, Haugen, Loveland, McCaslin, Morton, Patterson, Rossi, Sheahan, West and Zarelli - 11.

### MOTION

On motion of Senator Thibaudeau, Senator Fairley was excused.

### MOTION

On motion of Senator Honeyford, Senators McCaslin, Morton and West were excused.

### MOTION

On motion of Senator Brown, Gubernatorial Appointment No. 9079, Deborah J. Ross as Director of the Energy Facility Site Evaluation Council, was confirmed.

## APPOINTMENT OF DEBORAH J. ROSS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 3; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 42.

Absent: Senators Loveland, Patterson and Zarelli - 3.

Excused: Senators Fairley, McCaslin, Morton and West - 4.

### MOTION

At 1:27 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 3:07 p.m. by President Owen.

## SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

### MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9037, Constance L. Proctor, as a member of the Board of Regents for the University of Washington, was confirmed.

## APPOINTMENT OF CONSTANCE L. PROCTOR

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin,

McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Wojahn and Zarelli - 46.

Absent: Senators Franklin, Sellar and Winsley - 3.

#### MOTION TO LIMIT DEBATE

Senator Snyder: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through March 17, 1999."

The President declared the question before the Senate to be the motion by Senator Snyder to limit debate. The motion by Senator Snyder carried and debate is limited through March 17, 1999.

#### SECOND READING

SENATE BILL NO. 5702, by Senators Thibaudeau and Deccio

Changing physician assistant licensing and practice requirements.

The bill was read the second time.

#### MOTION

Senator Benton moved that the following striking amendment by Senators Benton and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** Podiatric physicians and surgeons are well-trained, well-educated, and required to take postgraduate training to be licensed in Washington. They are well-suited to become physician assistants. The growing older population of citizens is particularly well-served by having access to these well-trained providers. The legislature finds that by providing for the licensure and supervision of podiatric physicians and surgeons by physicians as physician assistants, the health and welfare of our citizens will be improved and access to preventative health care will be increased.

**Sec. 2.** RCW 18.71A.010 and 1994 sp.s. c 9 s 318 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Physician assistant" means: (a) A person who is licensed by the commission to practice medicine to a limited extent only under the supervision of a physician as defined in chapter 18.71 RCW and who is academically and clinically prepared to provide health care services and perform diagnostic, therapeutic, preventative, and health maintenance services; and (b) a person who is currently licensed as a podiatric physician and surgeon as defined in chapter 18.22 RCW and who is licensed by the commission to practice medicine to a limited extent only under the supervision of a physician licensed under chapter 18.71 RCW.

(2) "Commission" means the medical quality assurance commission.

(3) "Practice medicine" has the meaning defined in RCW 18.71.011.

(4) "Secretary" means the secretary of health or the secretary's designee.

(5) "Department" means the department of health.

**Sec. 3.** RCW 18.71A.020 and 1998 c 132 s 14 are each amended to read as follows:

(1) The commission shall adopt rules fixing the qualifications and the educational and training requirements for licensure as a physician assistant or for those enrolled in any physician assistant training program. The requirements shall include completion of an accredited physician assistant training program approved by the commission and ~~((eligibility to take))~~ within one year successfully take and pass an examination approved by the commission, if the examination tests subjects substantially equivalent to the curriculum of an accredited physician assistant training program. An interim permit may be granted by the department of health for one year provided the applicant meets all other requirements. Physician assistants licensed by the board of medical examiners, or the medical quality assurance commission as of ~~((June 7, 1999))~~ July 1, 1999, shall continue to be licensed. No additional training either academically or clinically shall be required of a person currently licensed as a podiatric physician and surgeon under chapter 18.22 RCW to become a physician assistant under this chapter.

(2)(a) The commission shall adopt rules governing the extent to which:

- (i) Physician assistant students may practice medicine during training; and
  - (ii) Physician assistants may practice after successful completion of a physician assistant training course.
- (b) Such rules shall provide:
- (i) That the practice of a physician assistant shall be limited to the performance of those services for which he or she is trained; and
  - (ii) That each physician assistant shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician or physicians at the place where services are rendered.
- (3) Applicants for licensure shall file an application with the commission on a form prepared by the secretary with the approval of the commission, detailing the education, training, and experience of the physician assistant and such other information as the commission may require. The application shall be accompanied by a fee determined by the secretary as provided in RCW 43.70.250 and 43.70.280. A surcharge of twenty-five dollars per year shall be charged on each license renewal or issuance of a new license to be collected by the department and deposited into the impaired physician account for physician assistant participation in the impaired physician program. Each applicant shall furnish proof satisfactory to the commission of the following:
- (a) That the applicant has completed an accredited physician assistant program approved by the commission, or that the applicant is licensed as a podiatric physician and surgeon under chapter 18.22 RCW, and the applicant is eligible to take the examination approved by the commission;
  - (b) That the applicant is of good moral character; and
  - (c) That the applicant is physically and mentally capable of practicing medicine as a physician assistant with reasonable skill and safety. The commission may require an applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical or mental capability, or both, to safely practice as a physician assistant.
- (4) The commission may approve, deny, or take other disciplinary action upon the application for license as provided in the Uniform Disciplinary Act, chapter 18.130 RCW. The license shall be renewed as determined under RCW 43.70.250 and 43.70.280. The commission may authorize the use of alternative supervisors who are licensed either under chapter 18.57 or 18.71 RCW.

**Sec. 4.** RCW 18.71A.060 and 1994 sp.s. c 9 s 324 are each amended to read as follows:

No health care services may be performed under this chapter in any of the following areas:

- (1) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.
- (2) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training, or orthoptics.
- (3) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.
- (4) Nothing in this section shall preclude the performance of routine visual screening.
- (5) The practice of dentistry or dental hygiene as defined in chapters 18.32 and 18.29 RCW respectively. The exemptions set forth in RCW 18.32.030 (1) and (8), shall not apply to a physician assistant.

(6) The practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine.

(7) The practice of podiatric medicine and surgery as defined in chapter 18.22 RCW unless the physician assistant is licensed as a podiatric physician and surgeon under chapter 18.22 RCW.

**Sec. 5.** RCW 18.57A.010 and 1979 c 117 s 17 are each amended to read as follows:

(1) "Osteopathic physician's assistant" means: (a) A person who has satisfactorily completed a board-approved training program designed to prepare persons to practice osteopathic medicine to a limited extent; and (b) a person who is currently licensed as a podiatric physician and surgeon as defined in chapter 18.22 RCW and who is licensed by the commission to practice medicine to a limited extent only under the supervision of an osteopathic physician licensed under chapter 18.57 RCW;

(2) "Board" means the board of osteopathic medicine and surgery; and

(3) "Practice medicine" shall have the meaning defined in RCW 18.57.001.

**Sec. 6.** RCW 18.57A.020 and 1998 c 132 s 13 are each amended to read as follows:

(1) The board shall adopt rules fixing the qualifications and the educational and training requirements for licensure as an osteopathic physician assistant or for those enrolled in any physician assistant training program. The requirements shall include completion of an accredited physician assistant training program approved by the board and ~~((eligibility to take))~~ within one year successfully take and pass an examination approved by the board, providing such examination tests subjects substantially equivalent to the curriculum of an accredited physician assistant training program. An interim permit may be granted by the

department of health for one year provided the applicant meets all other requirements. Physician assistants licensed by the board of osteopathic medicine as of July 1, 1999, shall continue to be licensed. No additional training either academically or clinically shall be required of a person currently licensed as a podiatric physician and surgeon under chapter 18.22 RCW to become an osteopathic physician's assistant under this chapter.

(2)(a) The board shall adopt rules governing the extent to which:

- (i) Physician assistant students may practice medicine during training; and
- (ii) Physician assistants may practice after successful completion of a training course.

(b) Such rules shall provide:

(i) That the practice of an osteopathic physician assistant shall be limited to the performance of those services for which he or she is trained; and

(ii) That each osteopathic physician assistant shall practice osteopathic medicine only under the supervision and control of an osteopathic physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physicians at the place where services are rendered. The board may authorize the use of alternative supervisors who are licensed either under chapter 18.57 or 18.71 RCW.

(3) Applicants for licensure shall file an application with the board on a form prepared by the secretary with the approval of the board, detailing the education, training, and experience of the physician assistant and such other information as the board may require. The application shall be accompanied by a fee determined by the secretary as provided in RCW 43.70.250 and 43.70.280. A surcharge of twenty-five dollars per year may be charged on each license renewal or issuance of a new license to be collected by the department of health for physician assistant participation in an impaired practitioner program. Each applicant shall furnish proof satisfactory to the board of the following:

(a) That the applicant has completed an accredited physician assistant program approved by the board, or that the applicant is licensed as a podiatric physician and surgeon under chapter 18.22 RCW, and the applicant is eligible to take the examination approved by the board;

(b) That the applicant is of good moral character; and

(c) That the applicant is physically and mentally capable of practicing osteopathic medicine as an osteopathic physician assistant with reasonable skill and safety. The board may require any applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical and/or mental capability to safely practice as an osteopathic physician assistant.

(4) The board may approve, deny, or take other disciplinary action upon the application for a license as provided in the uniform disciplinary act, chapter 18.130 RCW. The license shall be renewed as determined under RCW 43.70.250 and 43.70.280.

**Sec. 7.** RCW 18.57A.060 and 1973 c 77 s 20 are each amended to read as follows:

No health care services may be performed under this chapter in any of the following areas:

(1) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.

(2) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics.

(3) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.

(4) Nothing in this section shall preclude the performance of routine visual screening.

(5) The practice of dentistry or dental hygiene as defined in chapter 18.32 and 18.29 RCW respectively. The exemptions set forth in RCW 18.32.030, paragraphs (1) and (8), shall not apply to a physician's assistant.

(6) The practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine.

(7) The practice of ~~((podiatry))~~ podiatric medicine and surgery as defined in chapter 18.22 RCW unless the osteopathic physician's assistant is licensed as a podiatric physician and surgeon under chapter 18.22 RCW.

**Sec. 8.** RCW 18.22.035 and 1990 c 147 s 6 are each amended to read as follows:

(1) A podiatric physician and surgeon is responsible for the quality of podiatric care.

(2) The practice of podiatric medicine and surgery is the diagnosis and the medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the human foot.

(3) Podiatric physicians and surgeons may issue prescriptions valid at any pharmacy for any drug, including narcotics, necessary in the practice of podiatry.

(4) Podiatrists shall not:

(a) Amputate the foot;

(b) Administer spinal anesthetic or any anesthetic that renders the patient unconscious; or

(c) Treat systemic conditions, except as authorized under chapter 18.71A or 18.57A RCW.

**NEW SECTION. Sec. 9.** A new section is added to chapter 18.71A RCW to read as follows:

From 2000 through 2004, the commission shall report to the legislature each December on the number of podiatric physicians and surgeons who apply and the number who are licensed as physician assistants.

**NEW SECTION. Sec. 10.** A new section is added to chapter 18.57A RCW to read as follows:

From 2000 through 2004, the board shall report to the legislature each December on the number of podiatric physicians and surgeons who apply and the number who are licensed as osteopathic physicians' assistants."

#### POINT OF ORDER

Senator Thibaudeau: "Mr. President, a point of order. I would ask that this amendment be considered beyond the scope and object of this bill. Currently, physicians' assistants and osteopathic physicians' assistants must be eligible to take an examination, but they are not required to take it or pass it to become licensed. This bill puts the emphasis on their taking an exam and it also requires that there be an interim permit, which would be granted by the Health Department. So, this amendment, while I understand the good Senator's intent to deal with a constituent of his, I would suggest that this particular amendment does not fit the scope and object of this bill. Thank you Mr. President."

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Thibaudeau to the scope and object of the striking amendment by Senators Benton and Stevens to Senate Bill No. 5702, the President finds that Senate Bill No. 5702 is a measure which makes procedural changes to licensing requirements for physicians' assistants, including only (1) Requiring prospective physicians' assistants to take a licensing exam, and (2) Permitting otherwise qualified applicants to practice for one year prior to taking the exam.

"The striking amendment would define 'Physician Assistant' to include podiatrists.

"The President, therefore, finds that the striking amendment does change the scope and object of the bill and the point of order is well taken."

The striking amendment by Senators Benton and Stevens to Senate Bill No. 5702 was ruled out of order.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 5702 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5702.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5702 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Absent: Senator Gardner - 1.

SENATE BILL NO. 5702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Patterson was excused.

#### SECOND READING

SENATE BILL NO. 5346, by Senators Prentice, Heavey, West, Roach and Winsley

Authorizing dissemination of criminal history record information to the horse racing commission.

The bill was read the second time.

#### MOTION

Senator Goings moved that the following amendment be adopted:

On page 2, line 7, after "67.16 RCW." insert "The Washington state horse racing commission shall only disseminate nonconviction data obtained under this subsection to criminal justice agencies."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Goings on page 2, line 7, to Senate Bill No. 5346.

The motion by Senator Goings carried and the amendment was adopted.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Senate Bill No. 5346 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5346.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5346 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Wojahn - 42.

Voting nay: Senators Benton, Hargrove, Hochstatter, Swecker and Zarelli - 5.

Absent: Senator Johnson - 1.

Excused: Senator Patterson - 1.

ENGROSSED SENATE BILL NO. 5346, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5134, by Senators Wojahn, Long, Patterson, Roach, Costa, Thibaudeau, Goings, McAuliffe, Kline, Brown, McCaslin, Heavey, Johnson, Prentice, Snyder and Kohl-Welles

Removing barriers faced by persons entitled to a foreign protection order.

#### MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5134 was substituted for Senate Bill No. 5134 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5134 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5134.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5134 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Patterson - 1.

SUBSTITUTE SENATE BILL NO. 5134, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5789, by Senators Bauer, West, Kohl-Welles, McAuliffe, Eide, Sheahan, Rossi, Rasmussen, Honeyford, Franklin, Patterson, Wojahn, Thibaudeau, Prentice, Jacobsen and Fraser

Creating the K-20 educational network board.

The bill was read the second time.

#### MOTION

Senator Bauer moved that the following amendment be adopted:

On page 2, line 27, delete "friends of higher education" and insert "Washington association of independent colleges and universities"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Bauer on page 2, line 27, to Senate Bill No. 5789.

The motion by Senator Bauer carried and the amendment was adopted.

#### MOTION

Senator Bauer moved that the following amendment be adopted:

On page 3, line 9, delete "prioritization of programming within limited resources;"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Bauer on page 3, line 9, to Senate Bill No. 5789.

The motion by Senator Bauer carried and the amendment was adopted.

#### MOTION

Senator Bauer moved that the following amendment be adopted:

On page 3, delete lines 17 and 18, and insert "funding requested for network transport and equipment, hardware or software specific to the use of the network, and proposed new network end site;"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Bauer on page 3, lines 17 and 18, to Senate Bill No. 5789.

The motion by Senator Bauer carried and the amendment was adopted.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 5789 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5789.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5789 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Patterson - 1.

ENGROSSED SENATE BILL NO. 5789, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5606, by Senators Heavey and McCaslin (by request of Environmental Hearings Office)

Providing procedures for discipline and termination of administrative appeals judges in the environmental hearings office.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 5606 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5606.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5606 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senator Hargrove - 1.

Absent: Senators Loveland and Wojahn - 2.

Excused: Senator Patterson - 1.

SENATE BILL NO. 5606, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5509, by Senators Kline, Jacobsen, Heavey, Horn, Finkbeiner, Patterson, Franklin, Fairley, Prentice, Hochstatter, Bauer, Gardner, Costa, Eide, McDonald, B. Sheldon, Goings, McAuliffe, Kohl-Welles, Rasmussen and Oke

Creating the Holocaust victims insurance relief act.

#### MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5509 was substituted for Senate Bill No. 5509 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5509 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Rossi: "Senator Benton, if a domestic insurer only sold insurance in the United States between 1920 and 1945, but had a reinsurance contract as a policy holder at that time with a European company or subsidiary, which did business in Europe, would this bill apply to the domestic insurer?"

Senator Benton: "The answer, Senator Rossi, is 'no.' This is not intended to apply to companies that only had--that acted as a policy holder for the purpose of purchasing reinsurance. They would be customers just like you or I. If they bought a reinsurance contract from a company--and many companies did--they bought Lloyds of London or some other European company. They bought insurance themselves; it is called reinsurance to protect their policy holders. It was solely a business relationship where they were a customer and they bought insurance from another company. No, this legislation is not intended to affect those types of relationships at all, where the domestic company was simply a customer of another company."

Further debate ensued.

#### MOTION

On motion of Senator Sheahan, Senator Honeyford was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5509.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5509 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Honeyford - 1.

SUBSTITUTE SENATE BILL NO. 5509, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senators Snyder and Spanel were excused.

#### SECOND READING

SENATE BILL NO. 5659, by Senators Heavey, Roach, Kline, Johnson, Costa and Thibaudeau

Changing provisions relating to mandatory arbitration of civil actions.

## MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5659 was substituted for Senate Bill No. 5659 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kline, the following amendment by Senators Kline and Johnson was adopted:

On page 3, line 2, after "trial de novo" insert "if the withdrawal is not requested in conjunction with the acceptance of an offer of compromise"

## MOTION

On motion of Senator Heavey, the rules were suspended, Engrossed Substitute Senate Bill No. 5659 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5659.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5659 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Patterson, Prentice, Sheahan, Sheldon, B., Shin, Thibaudeau, Winsley, Wojahn and Zarelli - 32.

Voting nay: Senators Hale, Haugen, Honeyford, Horn, McDonald, Morton, Oke, Rasmussen, Rossi, Sellar, Sheldon, T., Stevens, Swecker and West - 14.

Absent: Senator Roach - 1.

Excused: Senators Snyder and Spanel - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5659, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5564, by Senators Gardner, Winsley, Spanel and Loveland

Taxation of park trailers and travel trailers.

The bill was read the second time.

## MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 5564 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## POINT OF ORDER

Senator Finkbeiner: "I'm rising to a point of order. I am wondering if this bill will require a two-thirds majority since it is raising a tax? My understanding is that requires a two-thirds vote. Is that correct?"

Debate ensued.

## RULING BY THE PRESIDENT

President Owen: "Based on the President's prior rulings considering the application of Initiative 601 on revenue raising increases, the President finds that the passage of Senate Bill No. 5564 requires a two-thirds majority."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5564.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5564 and the bill failed to receive the constitutionally two-thirds majority by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Sellar, Sheldon, B., Sheldon, T., Shin, Spanel, Thibaudeau, Winsley and Wojahn - 31.

Voting nay: Senators Benton, Deccio, Finkbeiner, Goings, Hochstatter, Honeyford, Johnson, Long, McDonald, Morton, Roach, Rossi, Sheahan, Snyder, Stevens, Swecker, West and Zarelli - 18.

SENATE BILL NO. 5564, having failed to receive the constitutional two-thirds majority, was declared lost.

#### SECOND READING

SENATE BILL NO. 5148, by Senators B. Sheldon, Morton and Fraser (by request of Department of Ecology)

Changing permit assistance center provisions.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5148 was substituted for Senate Bill No. 5148 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5148 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5148.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5148 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Absent: Senator Snyder - 1.

SUBSTITUTE SENATE BILL NO. 5148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5277, by Senators Kohl-Welles, Hale, Shin, Brown, Patterson, Finkbeiner, Eide, Bauer, Swecker, Rasmussen, Sellar, Prentice and Winsley

Creating the Washington fund for student child care in higher education.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5277 was substituted for Senate Bill No. 5277 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5277 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Prentice, Senator Snyder was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5277.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5277 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Voting nay: Senators Honeyford, McCaslin and Zarelli - 3.

Excused: Senator Snyder - 1.

SUBSTITUTE SENATE BILL NO. 5277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5328, by Senators Morton, Hargrove, Sellar, Deccio, Swecker and Oke

Exempting certain commercial guiding and outfitting operations from the leasehold tax.

#### MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5328 was substituted for Senate Bill No. 5328 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5328 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5328.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5328 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Prentice - 1.

Excused: Senator Snyder - 1.

SUBSTITUTE SENATE BILL NO. 5328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5669, by Senators Snyder and Brown

Regulating conversion vending units and medical units.

#### MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5669 was substituted for Senate Bill No. 5669 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 5669 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5669.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5669 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Snyder served notice that he would move to reconsider the vote by which Senate Bill No. 5564 failed to pass the Senate earlier today.

#### SECOND READING

SENATE BILL NO. 5363, by Senators Fairley, Winsley, Patterson, Franklin, Fraser, Snyder, Spanel, West, McAuliffe, Roach, Costa and Kohl-Welles (by request of Governor Locke)

Enacting the civil service reform act of 1999.

#### MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5363 was substituted for Senate Bill No. 5363 and the substitute bill was placed on second reading and read the second time.

Senator Hale moved that the following amendments be considered simultaneously and be adopted:

On page 11, line 5, after "employee" insert "according to performance, and without regard to seniority"

On page 64, after line 11, insert the following:

"(4) The employer and the exclusive bargaining representative shall not bargain over rules or standards relating to the reduction, dismissal, suspension, or demotion of employees."

Re-number remaining subsections consecutively and correct any internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Hale on page 11, line 5, and page 64, after line 11, to Substitute Senate Bill No. 5363.

## ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 18; Nays, 30; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sellar, Sheldon, T., Swecker and Zarelli - 18.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 30.

Absent: Senator Stevens - 1.

## MOTION

Senator Horn moved that the following amendments be considered simultaneously and be adopted:

On page 11, line 17, after "vacancies" insert ", with the number of names equal to six more names than there are vacancies to be filled"

On page 63, line 36, after "include" strike "the number of names to be certified for vacancies,"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Horn on page 11, line 17, and page 63, line 36, to Substitute Senate Bill No. 5363.

The motion by Senator Horn failed and the amendments were not adopted.

## MOTION

Senator West moved that the following amendments be considered simultaneously and be adopted:

On page 14, after line 15, strike all material through "section." on page 15, line 2

On page 64, after line 27, strike all material through "act." on line 29

On page 78, after line 5, strike all material through line 11

Renumber the sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the amendments by Senator West on page 14, after line 15; page 64, after line 27; and page 78, after line 5; to Substitute Senate Bill No. 5363.

The motion by Senator West failed and the amendments were not adopted.

## MOTION

Senator Hochstatter moved that the following amendments be considered simultaneously and be adopted:

On page 14, line 26, after "(3)" strike everything through "section." on page 15, line 2, and insert the following: "Nothing in this act shall be interpreted as meaning that the decision to contract out for services shall be subject to collective bargaining."

On page 64, after line 27, strike all material through "act." on line 29

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Hochstatter on page 14, line 26, and page 64, after line 27, to Substitute Senate Bill No. 5363.

The motion by Senator Hochstatter failed and the amendments were not adopted.

## MOTION

Senator Hochstatter moved that the following amendments be considered simultaneously and be adopted:

On page 15, after line 2, insert the following:

"(4) Nothing in this act shall be interpreted as meaning that the decision to contract out for services shall be subject to collective bargaining."

On page 64, after line 27, strike all material through "act." on line 29

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Hochstatter on page 15, after line 2, and page 64, after line 27, to Substitute Senate Bill No. 5363.

The motion by Senator Hochstatter failed and the amendments were not adopted.

#### MOTION

Senator Johnson moved that the following amendments be considered simultaneously and be adopted:

On page 62, line 28, after "legislature" strike "shall" and insert "may"

On page 62, line 29, after "whole" insert ", or may amend the request for funds as the legislature sees fit"

On page 62, line 32, after "act." insert "However, if the legislature amends and approves the submission, neither party may reopen any part of the agreement nor may either party implement procedures provided for in section 310 of this act."

Debate ensued.

Senator Finkbeiner demanded a roll call and the demand was sustained,.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Johnson on page 62, lines 28, 29 and 32, to Substitute Senate Bill No. 5363.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 19; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sellar, Sheldon, T., Stevens, Swecker and Zarelli - 19.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 30.

#### MOTION

Senator McDonald moved that the following amendments be considered simultaneously and be adopted:

On page 65, line 15, after "may" strike everything through "date." on line 18, and insert "not be any earlier than the date on which the negotiations on the new agreement are concluded or the date on which the funding to implement the agreement is approved by the legislature, whichever is later."

On page 65, line 24, after "may" strike everything through "date." on line 28, and insert "not be any earlier than the date on which the negotiations on the new agreement are concluded or the date on which the funding to implement the agreement is approved by the legislature, whichever is later."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator McDonald on page 65, lines 15 and 24, to Substitute Senate Bill No. 5363.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheldon, T., Stevens, Swecker and Zarelli - 20.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 29.

#### MOTION

Senator Rossi moved that the following amendment be adopted:

On page 66, after line 11, strike all material through "duties." on line 15, and insert the following:

NEW SECTION. Sec. 307. Strikes by state employees are prohibited. No employee of any state agency, department, or institution of higher education may strike or refuse to perform his or her official duties.

NEW SECTION. Sec. 308. An employee organization that initiates or continues a strike is subject to a fine of five thousand dollars for each day that the strike is in effect."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rossi on page 66, line 11, to Substitute Senate Bill No. 5363.

The motion by Senator Rossi failed and the amendment was not adopted.

#### MOTION

Senator McDonald moved that the following amendment be adopted:

On page 66, after line 11, strike all material through "duties." on line 15, and insert the following:

"NEW SECTION. Sec. 307. Strikes by state employees are prohibited. No employee of any state agency, department, or institution of higher education may strike or refuse to perform his or her official duties."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator McDonald on page 66, after line 11, to Substitute Senate Bill No. 5363.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 28.

#### MOTION

Senator McDonald moved that the following amendment be adopted:

On page 66, after line 15, insert the following:

"NEW SECTION. Sec. 308. Strikes by employees of the division of drinking water within the department of health are prohibited. No employee of the division of drinking water within the department of health may strike or refuse to perform his or her official duties."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator McDonald on page 66, after line 15, to Substitute Senate Bill No. 5363.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 28.

## MOTION

Senator Honeyford moved that the following amendment be adopted:

On page 66, after line 15, insert the following:

**"NEW SECTION. Sec. 308.** Strikes by employees of the division of epidemiology, health statistics and public health laboratories within the department of health are prohibited. No employee of the division of epidemiology, health statistics and public health laboratories may strike or refuse to perform his or her official duties."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Honeyford on page 66, after line 15, to Substitute Senate Bill No. 5363.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 28.

## MOTION

Senator Benton moved that the following amendment be adopted:

On page 66, after line 15, insert the following:

**"NEW SECTION. Sec. 308.** Strikes by employees of the aging and adult services administration within the department of social and health services are prohibited. No employee of the aging and adult services administration within the department of social and health services may strike or refuse to perform his or her official duties."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Benton on page 66, after line 15, to Substitute Senate Bill No. 5363.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McDonald, Morton, Oke, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 19.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 30.

## MOTION

Senator Zarelli moved that the following amendment be adopted:

On page 66, after line 15, insert the following:

**"NEW SECTION. Sec. 308.** Strikes by employees of the division of child support within the department of social and health services are prohibited. No employee of the division of child support within the department of social and health services may strike or refuse to perform his or her official duties."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Zarelli on page 66, after line 15, to Substitute Senate Bill No. 5363.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McDonald, Morton, Oke, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 19.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 30.

#### MOTION

On motion of Senator Hale, Senator Long was excused.

#### MOTION

Senator Stevens moved that the following amendment be adopted:

On page 66, after line 15, insert the following:

**"NEW SECTION. Sec. 308.** Strikes by employees of the children's administration within the department of social and health services are prohibited. No employee of the children's administration within the department of social and health services may strike or refuse to perform his or her official duties."

Re-number the sections consecutively and correct any internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Stevens on page 66, after line 15, to Substitute Senate Bill No. 5363.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McDonald, Morton, Oke, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 19.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 29.

Excused: Senator Long - 1.

#### MOTION

Senator Deccio moved that the following amendment be adopted:

On page 66, after line 15, insert the following:

**"NEW SECTION. Sec. 308.** Strikes by department of corrections employees are prohibited. No employee of the department of corrections may strike or refuse to perform his or her official duties."

Re-number the sections consecutively and correct any internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Deccio on page 66, after line 15, to Substitute Senate Bill No. 5363.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McDonald, Morton, Oke, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 19.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 29.

Excused: Senator Long - 1.

## MOTION

Senator Deccio moved that the following amendment be adopted:

On page 66, after line 15, insert the following:

**"NEW SECTION. Sec. 308.** Strikes by division of emergency management employees are prohibited. No employee of the division of emergency management may strike or refuse to perform his or her official duties."

Re-number the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Deccio on page 66, after line 15, to Substitute Senate Bill No. 5363.

The motion by Senator Deccio failed and the amendment was not adopted.

## MOTION

Senator Tim Sheldon moved that the following amendment by Senators Tim Sheldon, McDonald and McCaslin be adopted:

On page 69, line 13, after "(1)" strike all text through line 15 on page 70, and insert: "A collective bargaining agreement may not contain a union security provision requiring as a condition of employment the payment of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. A collective bargaining agreement may not require any other fees or payments as a condition of employment."

Correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Tim Sheldon, McDonald and McCaslin on page 69, after line 13, to Substitute Senate Bill No. 5363.

The motion by Senator Tim Sheldon failed and the amendment was not adopted.

## MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 80, line 9, after "Sections" strike all material through "403" and insert "235 through 239"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hochstatter on page 80, line 9, to Substitute Senate Bill No. 5363.

The motion by Senator Hochstatter failed and the amendment was not adopted.

## MOTION

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 5363 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5363.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5363 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 29.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Oke, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, West and Zarelli - 19.

Excused: Senator Long - 1.

SUBSTITUTE SENATE BILL NO. 5363, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## PERSONAL PRIVILEGE

Senator Kohl-Welles: "I rise for a point of personal privilege. I would like to commend somebody on the Senate floor. Senator Alex Deccio, a few days ago, introduced Senate Joint Resolution No. 8209. I feel very profoundly pleased that he took a very courageous stand with regard to the salaries of state legislators. I believe that he has taken a lot of heat about this, but I honestly wish that I would have signed on to this measure. I got distracted and didn't do it; I commend Senator Deccio. I believe he had all legislators in mind, as well as the state of Washington, so that we can have the best people serving in our Legislature and who are paid decently. I would like to personally commend Senator Alex Deccio."

## MOTION

At 6:45 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 8:30 a.m., Wednesday, March 10, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

## JOURNAL OF THE SENATE

FIFTY-EIGHTH DAY, MARCH 9, 1999

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

## FIFTY-NINTH DAY

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## MORNING SESSION

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Senate Chamber, Olympia, Wednesday, March 10, 1999

The Senate was called to order at 8:30 a.m. by Vice President Pro Tempore Bauer. The Secretary called the roll and announced to the Vice President Pro Tempore that all Senators were present except Senators Finkbeiner, Loveland, Patterson, Rossi, Sellar, Thibaudeau and Wojahn. On motion of Senator Deccio, Senator Sellar was excused. On motion of Senator Franklin, Senators Loveland, Patterson, Thibaudeau and Wojahn were excused. On motion of Senator Honeyford, Senators Finkbeiner and Rossi were excused.

The Sergeant at Arms Color Guard consisting of Pages Wil Hutcheson and Nicholaus Palacios, presented the Colors. Reverend Anna Grace, pastor of the Unity Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

October 7, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jeffrey H. Brotman appointed October 7, 1998, for a term ending September 30, 2004, as a member of the Board of Regents for the University of Washington.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

February 17, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Marilyn Showalter, appointed February 17, 1999, for a term ending January 1, 2003, as Chair of the Utilities and Transportation Commission.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Energy, Technology and Telecommunications.

February 24, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lisa M. Pelly, reappointed February 24, 1999, for a term ending December 31, 2004, as a member of the Fish and Wildlife Commission.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Natural Resources, Parks and Recreation.

February 24, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

R. Peter Van Gytenbeek, appointed February 24, 1999, for a term ending December 31, 2004, as a member of the Fish and Wildlife Commission.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Natural Resources, Parks and Recreation.

MESSAGE FROM THE HOUSE

March 9, 1999

MR. PRESIDENT:

The Co-Speakers have signed SUBSTITUTE HOUSE BILL NO. 1124, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief

Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1124.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9038, Ann Ramsey-Jenkins, as a member of the Higher Education Coordinating Board, was confirmed.

APPOINTMENT OF ANN RAMSEY-JENKINS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 42.

Excused: Senators Finkbeiner, Loveland, Patterson, Rossi, Sellar, Thibaudeau and Wojahn - 7.

President Owen assumed the Chair.

MOTION

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

SENATE RESOLUTION 1999-8646

By Senators Heavey and Sheahan

WHEREAS, Patrick Brady's ancestors on both sides of his family came from counties in the northern part of Ireland; and

WHEREAS, Patrick Brady attended O'Dea High School in Seattle and Notre Dame University; and

WHEREAS, Patrick Brady served for thirty-four years in the United States Army, obtaining the rank of Major General; and

WHEREAS, As an air ambulance pilot in Vietnam, Patrick Brady flew more than two thousand combat missions and may have evacuated more wounded - more than five thousand soldiers - from the battlefield than anyone in history; and

WHEREAS, On three different missions and six tasks, Patrick Brady extracted patients from areas where other aircraft failed or were shot down; and

WHEREAS, On one day, Patrick Brady evacuated a total of fifty-one severely injured patients, many of whom would have died without expeditious medical attention; and

WHEREAS, Patrick Brady was awarded the Congressional Medal of Honor for his heroism and efforts; and

WHEREAS, Patrick Brady also was awarded the Distinguished Service Cross; two Distinguished Service Medals; the Defense Superior Service Medal; the Legion of Merit; six Distinguished Flying Crosses; two Bronze Stars, one for valor; the Purple Heart; and fifty-three Air Medals, one for valor; and

WHEREAS, Patrick Brady currently serves on the Board of Regents at Seattle University, works for the Foundation of his former high school, and volunteers for a homeless shelter in Seattle; and

WHEREAS, Patrick Brady has been named the Grand Marshal of the 1999 St. Patrick's Day Parade in Seattle;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby honor the service and contributions of Patrick Brady and urge all citizens, Irish and non-Irish, to celebrate March 17, 1999, St. Patrick's Day, as Patrick Brady Day.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5193, by Senators Goings, Benton, Haugen, Oke, Winsley and T. Sheldon

Collecting information from truck, tractor, or trailer intelligent information systems.

The bill was read the second time.

#### MOTION

On motion of Senator Goings, the rules were suspended, Senate Bill No. 5193 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator McCaslin, Senator Deccio was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5193.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5193 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 42.

Absent: Senator Kline - 1.

Excused: Senators Deccio, Loveland, Rossi, Sellar, Thibaudeau and Wojahn - 6.

SENATE BILL NO. 5193, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5447, by Senators Franklin, Long, Hargrove, Stevens, Winsley, Costa and Rasmussen

Changing provisions relating to guardians ad litem.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5447 was substituted for Senate Bill No. 5447 and the substitute bill was placed on second reading and read the second time.

Senator Franklin moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 2.56.030 and 1997 c 41 s 2 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

- (1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;
- (2) Examine the state of the dockets of the courts and determine the need for assistance by any court;
- (3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;
- (4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;
- (5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;
- (6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;
- (7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;
- (8) Act as secretary of the judicial conference referred to in RCW 2.56.060;
- (9) Submit annually, as of February 1st, to the chief justice, a report of the activities of the administrator's office for the preceding calendar year including activities related to courthouse security;
- (10) Administer programs and standards for the training and education of judicial personnel;
- (11) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration which shall make recommendations to the legislature. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective;
- (12) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;
- (13) Attend to such other matters as may be assigned by the supreme court of this state;
- (14) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers and be updated yearly to reflect changes in statutes, court rules, or case law;
- (15) Develop, in consultation with the entities set forth in RCW 2.56.150(3), a comprehensive state-wide curriculum, training requirements, and continuing education requirements for persons who act as guardians ad litem under Title 13 or 26 RCW except these requirements do not apply to the attorney general or any prosecuting attorney functioning as the guardian ad litem pursuant to RCW 74.20.310. The curriculum, training requirements, and continuing education requirements shall ~~((be made available July 1, 1997, and))~~ include specialty sections on child development, child sexual abuse, child physical abuse, child neglect, clinical and forensic investigative and interviewing techniques, family reconciliation and mediation services, and relevant statutory and legal requirements. The curriculum, training requirements, and continuing education requirements shall be made available to all superior court judges, court personnel, and all persons who act as guardians ad litem and be updated yearly to reflect changes in statutes, court rules, or case law;
- (16) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be made available to all superior court and court of appeals judges and to all justices of the supreme court;
- (17) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel. Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts state-wide;

(18) Authorize the use of closed circuit television and other electronic equipment in judicial proceedings. The administrator shall promulgate necessary standards and procedures and shall provide technical assistance to courts as required;

(19) Maintain a list of all guardians ad litem or investigators under RCW 26.09.220 appointed pursuant to Titles 11, 13, and 26 RCW, who have been removed from the guardian ad litem registry in any superior court within the state pursuant to a grievance action that orders removal from the registry. Superior courts shall report to the administrator for the courts any order removing a guardian ad litem, investigator under RCW 26.09.220 from the registry; and

(20) Develop a model grievance procedure for use by the superior courts when dealing with complaints against: A guardian ad litem under chapter 11.88, 13.34, or 26.12 RCW; a court-appointed special advocate appointed under chapter 13.34 or 26.12 RCW; or an investigator appointed under RCW 26.09.220.

**Sec. 2.** RCW 11.88.090 and 1996 c 249 s 10 are each amended to read as follows:

(1) Nothing contained in RCW 11.88.080 through 11.88.120, 11.92.010 through 11.92.040, 11.92.060 through 11.92.120, 11.92.170, and 11.92.180 shall affect or impair the power of any court to appoint a guardian ad litem to defend the interests of any incapacitated person interested in any suit or matter pending therein, or to commence and prosecute any suit in his or her behalf.

(2) Upon receipt of a petition for appointment of guardian or limited guardian, except as provided herein, the court shall appoint a guardian ad litem to represent the best interests of the alleged incapacitated person, who shall be a person found or known by the court to:

- (a) Be free of influence from anyone interested in the result of the proceeding; and
- (b) Have the requisite knowledge, training, or expertise to perform the duties required by this section.

The guardian ad litem shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, each party with a statement including: His or her training relating to the duties as a guardian ad litem; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the guardian ad litem has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the guardian ad litem's statement, any party may set a hearing and file and serve a motion for an order to show cause why the guardian ad litem should not be removed for one of the following three reasons: (i) Lack of expertise necessary for the proceeding; (ii) an hourly rate higher than what is reasonable for the particular proceeding; or (iii) a conflict of interest. Notice of the hearing shall be provided to the guardian ad litem and all parties. If, after a hearing, the court enters an order replacing the guardian ad litem, findings shall be included, expressly stating the reasons for the removal. If the guardian ad litem is not removed, the court has the authority to assess to the moving party, attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

No guardian ad litem need be appointed when a parent is petitioning for a guardian or a limited guardian to be appointed for his or her minor child and the minority of the child, as defined by RCW 11.92.010, is the sole basis of the petition. The order appointing the guardian ad litem shall recite the duties set forth in subsection (4) of this section. The appointment of a guardian ad litem shall have no effect on the legal competency of the alleged incapacitated person and shall not overcome the presumption of competency or full legal and civil rights of the alleged incapacitated person.

(3)(a) The superior court of each county shall develop and maintain a registry of persons who are willing and qualified to serve as guardians ad litem in guardianship matters. The court shall choose as guardian ad litem a person whose name appears on the registry in a system of consistent rotation, except in extraordinary circumstances such as the need for particular expertise. A person appointed under exceptional circumstances because of a particular expertise may be exempt from the training and continuing education requirements by the court if the court limits the scope of the person's appointment and finds the training and continuing education requirements are unrelated to the tasks the court has assigned to the person. The court shall develop procedures for periodic review of the persons on the registry and for probation, suspension, or removal of persons on the registry for failure to perform properly their duties as guardian ad litem. In the event the court does not select the person next on the list, it shall include in the order of appointment a written reason for its decision.

(b) To be eligible for the registry a person shall:

(i) Present a written statement outlining his or her background and qualifications. The background statement shall include, but is not limited to, the following information:

- (A) Level of formal education;
- (B) Training related to the guardian ad litem's duties;
- (C) Number of years' experience as a guardian ad litem;
- (D) Number of appointments as a guardian ad litem and the county or counties of appointment;
- (E) Criminal history, as defined in RCW 9.94A.030; and

(F) Evidence of the person's knowledge, training, and experience in each of the following: Needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities, and other areas relevant to the needs of incapacitated persons, legal procedure, and the requirements of chapters 11.88 and 11.92 RCW.

The written statement of qualifications shall include ~~((a statement of the number of times the guardian ad litem has been removed for failure to perform his or her duties as guardian ad litem))~~ the names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action that orders removal from the registry, and the cause number of any case in which the court orders removal of the person because the person fails to perform his or her duties as guardian ad litem; and

(ii) Complete the ~~((model))~~ training ((program)) and continuing educational requirements as described in ~~((d))~~ (e) of this subsection. The training and continuing education requirements are not applicable to guardians ad litem appointed pursuant to court rule solely for the limited purpose of assessing a personal injury settlement.

(c) Superior court shall remove any person from the guardian ad litem registry who misrepresents his or her qualifications.

(d) The background and qualification information shall be updated annually.

~~((d))~~ (e) The department of social and health services shall convene an advisory group to develop a model guardian ad litem training program and establish training and continuing educational requirements. The department, in consultation with the advisory group, shall update the model training program biennially. The advisory group shall consist of representatives from consumer, advocacy, and professional groups knowledgeable in developmental disabilities, neurological impairment, physical disabilities, mental illness, aging, legal, court administration, the Washington state bar association, and other interested parties.

~~((e))~~ (f) The superior court shall require ~~((utilization of the model program developed by the advisory group as))~~ that any guardian ad litem appointed pursuant to this chapter comply with the training and continuing education requirements described in ~~((d))~~ (e) of this subsection~~(, to assure that candidates applying for registration as a qualified guardian ad litem shall have satisfactorily completed training to attain these essential minimum qualifications to act as guardian ad litem))~~, unless the guardian ad litem is appointed solely for the limited purposes of assessing a personal injury settlement.

(4) The guardian ad litem appointed pursuant to this section shall have the following duties:

(a) To meet and consult with the alleged incapacitated person as soon as practicable following appointment and explain, in language which such person can reasonably be expected to understand, the substance of the petition, the nature of the resultant proceedings, the person's right to contest the petition, the identification of the proposed guardian or limited guardian, the right to a jury trial on the issue of his or her alleged incapacity, the right to independent legal counsel as provided by RCW 11.88.045, and the right to be present in court at the hearing on the petition;

(b) To obtain a written report according to RCW 11.88.045; and such other written or oral reports from other qualified professionals as are necessary to permit the guardian ad litem to complete the report required by this section;

(c) To meet with the person whose appointment is sought as guardian or limited guardian and ascertain:

(i) The proposed guardian's knowledge of the duties, requirements, and limitations of a guardian; and

(ii) The steps the proposed guardian intends to take or has taken to identify and meet the needs of the alleged incapacitated person;

(d) To consult as necessary to complete the investigation and report required by this section with those known relatives, friends, or other persons the guardian ad litem determines have had a significant, continuing interest in the welfare of the alleged incapacitated person;

(e) To investigate alternate arrangements made, or which might be created, by or on behalf of the alleged incapacitated person, such as revocable or irrevocable trusts, or durable powers of attorney, or blocked accounts in cases of personal injury settlements; whether good cause exists for any such arrangements to be discontinued; and why such arrangements should not be continued or created in lieu of a guardianship;

(f) To provide the court with a written report which shall include the following:

(i) A description of the nature, cause, and degree of incapacity, and the basis upon which this judgment was made;

(ii) A description of the needs of the incapacitated person for care and treatment, the probable residential requirements of the alleged incapacitated person and the basis upon which these findings were made;

(iii) An evaluation of the appropriateness of the guardian or limited guardian whose appointment is sought and a description of the steps the proposed guardian has taken or intends to take to identify and meet current and emerging needs of the incapacitated person;

(iv) A description of any alternative arrangements previously made by the alleged incapacitated person or which could be made, and whether and to what extent such alternatives should be used in lieu of a guardianship, and if the guardian ad litem is recommending discontinuation of any such arrangements, specific findings as to why such arrangements are contrary to the best interest of the alleged incapacitated person;

(v) A description of the abilities of the alleged incapacitated person and a recommendation as to whether a guardian or limited guardian should be appointed. If appointment of a limited guardian is recommended, the guardian ad litem shall recommend

the specific areas of authority the limited guardian should have and the limitations and disabilities to be placed on the incapacitated person;

(vi) An evaluation of the person's mental ability to rationally exercise the right to vote and the basis upon which the evaluation is made;

(vii) Any expression of approval or disapproval made by the alleged incapacitated person concerning the proposed guardian or limited guardian or guardianship or limited guardianship;

(viii) Identification of persons with significant interest in the welfare of the alleged incapacitated person who should be advised of their right to request special notice of proceedings pursuant to RCW 11.92.150; ~~((and))~~

(ix) Unless independent counsel has appeared for the alleged incapacitated person, an explanation of how the alleged incapacitated person responded to the advice of the right to jury trial, to independent counsel and to be present at the hearing on the petition; and

(x) In cases of personal injury settlements, information relevant to the court's analysis of the offered settlement. The information relevant to the court's analysis may be specified by local court rule, and need not include information specified in subsection (4)(f)(i) through (ix) of this section.

Within forty-five days after notice of commencement of the guardianship proceeding has been served upon the guardian ad litem, and at least fifteen days before the hearing on the petition, unless an extension or reduction of time has been granted by the court for good cause, the guardian ad litem shall file its report and send a copy to the alleged incapacitated person and his or her counsel, spouse, all children not residing with a notified person, those persons described in (f)(viii) of this subsection, and persons who have filed a request for special notice pursuant to RCW 11.92.150. If the guardian ad litem needs additional time to finalize his or her report, then the guardian ad litem shall petition the court for a postponement of the hearing or, with the consent of all other parties, an extension or reduction of time for filing the report. If the hearing does not occur within sixty days of filing the petition, then upon the two-month anniversary of filing the petition and on or before the same day of each following month until the hearing, the guardian ad litem shall file interim reports summarizing his or her activities on the proceeding during that time period as well as fees and costs incurred;

(g) To advise the court of the need for appointment of counsel for the alleged incapacitated person within five court days after the meeting described in (a) of this subsection unless (i) counsel has appeared, (ii) the alleged incapacitated person affirmatively communicated a wish not to be represented by counsel after being advised of the right to representation and of the conditions under which court-provided counsel may be available, or (iii) the alleged incapacitated person was unable to communicate at all on the subject, and the guardian ad litem is satisfied that the alleged incapacitated person does not affirmatively desire to be represented by counsel.

(5) If the petition is brought by an interested person or entity requesting the appointment of some other qualified person or entity and a prospective guardian or limited guardian cannot be found, the court shall order the guardian ad litem to investigate the availability of a possible guardian or limited guardian and to include the findings in a report to the court pursuant to subsection (4)(f) of this section.

(6) The parties to the proceeding may file responses to the guardian ad litem report with the court and deliver such responses to the other parties and the guardian ad litem at any time up to the second day prior to the hearing. If a guardian ad litem fails to file his or her report in a timely manner, the hearing shall be continued to give the court and the parties at least fifteen days before the hearing to review the report. At any time during the proceeding upon motion of any party or on the court's own motion, the court may remove the guardian ad litem for failure to perform his or her duties as specified in this chapter, provided that the guardian ad litem shall have five days' notice of any motion to remove before the court enters such order. In addition, the court in its discretion may reduce a guardian ad litem's fee for failure to carry out his or her duties.

(7) The court appointed guardian ad litem shall have the authority, in the event that the alleged incapacitated person is in need of emergency life-saving medical services, and is unable to consent to such medical services due to incapacity pending the hearing on the petition to give consent for such emergency life-saving medical services on behalf of the alleged incapacitated person.

(8) The court-appointed guardian ad litem shall have the authority to move for temporary relief under chapter 7.40 RCW to protect the alleged incapacitated person from abuse, neglect, abandonment, or exploitation, as those terms are defined in RCW 74.34.020, or to address any other emergency needs of the alleged incapacitated person. Any alternative arrangement executed before filing the petition for guardianship shall remain effective unless the court grants the relief requested under chapter 7.40 RCW, or unless, following notice and a hearing at which all parties directly affected by the arrangement are present, the court finds that the alternative arrangement should not remain effective.

(9) The guardian ad litem shall receive a fee determined by the court. The fee shall be charged to the alleged incapacitated person unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That if no guardian or limited guardian is appointed the court may

charge such fee to the petitioner or the alleged incapacitated person, or divide the fee, as it deems just; and if the petition is found to be frivolous or not brought in good faith, the guardian ad litem fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency. In cases of personal injury settlements, guardian ad litem fees shall be negotiated among the parties, and approved by the court.

(10) Upon the presentation of the guardian ad litem report and the entry of an order either dismissing the petition for appointment of guardian or limited guardian or appointing a guardian or limited guardian, the guardian ad litem shall be dismissed and shall have no further duties or obligations unless otherwise ordered by the court. If the court orders the guardian ad litem to perform further duties or obligations, they shall not be performed at county expense.

(11) The guardian ad litem shall appear in person at all hearings on the petition unless all parties provide a written waiver of the requirement to appear.

(12) At any hearing the court may consider whether any person who makes decisions regarding the alleged incapacitated person or estate has breached a statutory or fiduciary duty.

**NEW SECTION. Sec. 3.** A new section is added to chapter 11.88 RCW to read as follows:

The court shall, in each order of appointment, specify the hourly rate the guardian ad litem may charge for his or her services, and shall specify the maximum amount the guardian ad litem may charge without additional court review and approval.

**NEW SECTION. Sec. 4.** A new section is added to chapter 11.88 RCW to read as follows:

All guardians ad litem are prohibited from engaging in ex parte communications with any judicial officer regarding the matter for which he or she is appointed, except as approved pursuant to a hearing conducted with appropriate notice to all parties. All guardians ad litem may petition the court to shorten time to hear any emergency motions pursuant to court rules. Unauthorized communication shall be immediately reported to all parties and their attorneys. The court, upon its own motion, or upon the motion of a party, may consider the removal of any guardian ad litem who violates this section from any pending case or the guardian ad litem rotational registry, and if so removed may require forfeiture of any fees for professional services on any pending cases.

**Sec. 5.** RCW 13.34.100 and 1996 c 249 s 13 are each amended to read as follows:

(1) The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter, unless a court for good cause finds the appointment unnecessary. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by independent counsel in the proceedings.

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) Training related to the guardian's duties;

(c) Number of years' experience as a guardian ad litem;

(d) Number of appointments as a guardian ad litem and the county or counties of appointment; ~~((and))~~

(e) The name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action that orders removal from the registry, and the cause number of any case in which the court orders removal of the person because the person fails to perform his or her duties as guardian ad litem; and

(f) Criminal history, as defined in RCW 9.94A.030.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a statement containing: His or her training relating to the duties as a guardian ad litem; the name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action that orders removal from the registry, and the cause number of any case in which the court orders removal of the person because the person fails to perform his or her duties as guardian ad litem; and his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment. The background statement shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through counsel, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings

and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter.

(6) If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child's position.

(7) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to RCW 13.34.100 shall be deemed a guardian ad litem to represent the best interests of the minor in proceedings before the court.

(8) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends and the appointment shall be effective immediately. The court shall appoint the person recommended by the program. If a party in a case reasonably believes the court-appointed special advocate or volunteer is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate on the grounds the advocate or volunteer is inappropriate or unqualified.

**Sec. 6.** RCW 13.34.102 and 1997 c 41 s 6 are each amended to read as follows:

(1)(a) All guardians ad litem(~~(, who have not previously served or been trained as a guardian ad litem in this state, who are appointed after January 1, 1998,))~~ must ~~((complete the curriculum developed by the office of the administrator for the courts))~~ comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 13 RCW, except that volunteer guardians ad litem or court-appointed special advocates ~~((accepted into a volunteer program after January 1, 1998,))~~ may ~~((complete an alternative curriculum))~~ comply with alternative training requirements approved by the office of the administrator for the courts that meet~~((s))~~ or exceed~~((s))~~ the state-wide ~~((curriculum))~~ requirements.

(b) All persons appointed as guardians ad litem or court-appointed special advocates must comply with the continuing education requirements established under RCW 2.56.030(15).

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as specified in RCW 13.34.100(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) Upon the motion of any party the court shall, if located in a judicial district with a population over one hundred thousand, remove a compensated guardian ad litem who was not selected from a rotational registry system. This subsection (2)(d) does not apply when the guardian ad litem was appointed: (i) Under exceptional circumstances authorized under (a) of this subsection; or (ii) as a result of a joint recommendation of the parties.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

**Sec. 7.** RCW 13.34.105 and 1993 c 241 s 3 are each amended to read as follows:

(1) Unless otherwise directed by the court, the duties of the guardian ad litem include but are not limited to the following:

(a) To ~~((represent))~~ investigate and ~~((be an advocate for))~~ report to the court factual information regarding the best interests of the child;

(b) To collect relevant information about the child's situation;

(c) To monitor all court orders for compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order; ~~((and))~~

(d) To report to the court information on: (i) The legal status of a child's membership in any Indian tribe or band; and (ii) the facts relating to the child's best interests; and

(e) Court-appointed special advocates may make recommendations based upon an independent investigation in the best interests of the child, which the court may consider and weigh in conjunction with the recommendations of all of the parties.

(2) ~~((The))~~ A guardian ad litem shall be deemed an officer of the court for the purpose of immunity from civil liability.

(3) Except for information or records specified in RCW 13.50.100(4), the guardian ad litem shall have access to all information available to the state or agency on the case. Upon presentation of the order of appointment by the guardian ad litem, any agency, hospital, school organization, division or department of the state, doctor, nurse, or other health care provider, psychologist, psychiatrist, police department, or mental health clinic shall permit the guardian ad litem to inspect and copy any records relating to the child or children involved in the case, without the consent of the parent or guardian of the child, or of the child if the child is under the age of thirteen years, unless such access is otherwise specifically prohibited by law.

(4) A guardian ad litem may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.

(5) The guardian ad litem shall release case information in accordance with the provisions of RCW 13.50.100.

**NEW SECTION. Sec. 8.** A new section is added to chapter 13.34 RCW to read as follows:

The court shall, in each order of appointment, specify the hourly rate the guardian ad litem may charge for his or her services, and shall specify the maximum amount the guardian ad litem may charge without additional court review and approval.

**NEW SECTION. Sec. 9.** A new section is added to chapter 13.34 RCW to read as follows:

All guardians ad litem and court-appointed special advocates are prohibited from engaging in ex parte communications with any judicial officer regarding the matter for which he or she is appointed, except as approved pursuant to a hearing conducted with appropriate notice to all parties. All guardians ad litem may petition the court to shorten time to hear any emergency motions pursuant to court rules. Unauthorized communication shall be immediately reported to all parties and their attorneys. The court, upon its own motion, or upon the motion of a party, may consider the removal of any guardian ad litem or court-appointed special advocate who violates this section from any pending case or from any court-authorized registry, and if so removed may require forfeiture of any fees for professional services on any pending cases.

**Sec. 10.** RCW 26.12.175 and 1996 c 249 s 15 are each amended to read as follows:

(1)(a) The court may appoint a guardian ad litem to represent the interests of a minor or dependent child when the court believes the appointment of a guardian ad litem is necessary to protect the best interests of the child in any proceeding under this chapter. The family court services professionals may also make a recommendation to the court regarding whether a guardian ad litem should be appointed for the child. The court may appoint a guardian ad litem from the court-appointed special advocate program, if that program exists in the county.

(b) Unless otherwise ordered, the guardian ad litem's role is to investigate and report to the court concerning parenting arrangements for the child ~~(, and to represent the child's best interests)~~. This should include factual information regarding the best interests of the child. Additionally, if a minor expresses his or her custody wishes, the guardian ad litem must report the wishes to the court. The child's wishes do not determine placement. The court may require the guardian ad litem to provide periodic reports to the parties regarding the status of his or her investigation. The guardian ad litem shall file his or her report at least sixty days prior to trial.

(c) The court shall enter an order for costs, fees, and disbursements to cover the costs of the guardian ad litem. The court may order either or both parents to pay for the costs of the guardian ad litem, according to their ability to pay. If both parents are indigent, the county shall bear the cost of the guardian, subject to appropriation for guardians' ad litem services by the county legislative authority. Guardians ad litem who are not volunteers shall provide the parties with an itemized accounting of their time and billing for services each month.

(2)(a) If the guardian ad litem appointed is from the county court-appointed special advocate program, the program shall supervise any guardian ad litem assigned to the case. The court-appointed special advocate program shall be entitled to notice of all proceedings in the case.

(b) The legislative authority of each county may authorize creation of a court-appointed special advocate program. The county legislative authority may adopt rules of eligibility for court-appointed special advocate program services.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) Training related to the guardian's duties;

(c) Number of years' experience as a guardian ad litem;

(d) Number of appointments as a guardian ad litem and county or counties of appointment; ~~(and)~~

(e) The name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action that orders removal from the registry, and the cause number of any case in which the court orders removal of the person because the person fails to perform his or her duties as guardian ad litem; and

(f) Criminal history, as defined in RCW 9.94A.030.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a statement containing: His or her training relating to the duties as a guardian ad litem; the name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action that orders removal from the registry, and the cause number of any case in which the court orders removal of the person because the person fails to perform his or her duties as guardian ad litem; and his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment. The background statement shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends and the appointment shall be effective immediately. The court shall appoint the person recommended by the program. If a party in a case reasonably believes the court-appointed special advocate or volunteer is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate on the grounds the advocate or volunteer is inappropriate or unqualified.

**Sec. 11.** RCW 26.12.177 and 1997 c 41 s 7 are each amended to read as follows:

(1)(a) All guardians ad litem~~((, who have not previously served or been trained as a guardian ad litem in this state, who are appointed after January 1, 1998,))~~ and investigators appointed under RCW 26.09.220 must ~~((complete the curriculum developed by the office of the administrator for the courts))~~ comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 26 RCW, except that volunteer guardians ad litem or court-appointed special advocates ~~((accepted into a volunteer program after January 1, 1998,))~~ may ~~((complete an alternative curriculum))~~ comply with alternative training requirements approved by the office of the administrator for the courts that meet~~((s))~~ or exceed~~((s))~~ the state-wide ~~((curriculum))~~ requirements.

(b) All persons appointed as guardians ad litem, investigators under RCW 26.09.220, or court-appointed special advocates must comply with the continuing education requirements established under RCW 2.56.030(15).

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem and investigators under RCW 26.09.220. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem and investigators under RCW 26.09.220 shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) Upon the motion of any party the court shall, if located in a judicial district with a population over one hundred thousand, remove a compensated guardian ad litem who was not selected from a rotational registry system. This subsection (2)(d) does not apply when the guardian ad litem was appointed: (i) Under exceptional circumstances authorized under (a) of this subsection; or (ii) as a result of a joint recommendation of the parties.

(e) Under this section, within either registry referred to in (a) of this subsection, a subregistry may be created that consists of guardians ad litem under contract with the department of social and health services' division of child support. Guardians ad litem on such a subregistry shall be selected and appointed in state-initiated paternity cases only.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

**NEW SECTION. Sec. 12.** A new section is added to chapter 26.12 RCW to read as follows:

The court shall, in each order of appointment, specify the hourly rate the guardian ad litem or investigator under RCW 26.09.220 may charge for his or her services, and shall specify the maximum amount the guardian ad litem or investigator under RCW 26.09.220 may charge without additional court review and approval.

**NEW SECTION. Sec. 13.** A new section is added to chapter 26.12 RCW to read as follows:

All guardians ad litem, court-appointed special advocates, and investigators under RCW 26.09.220 are prohibited from engaging in ex parte communications with any judicial officer regarding the matter for which he or she is appointed, except as approved pursuant to a hearing conducted with appropriate notice to all parties. All guardians ad litem or investigators under RCW 26.09.220 may petition the court to shorten time to hear any emergency motions pursuant to court rules. Unauthorized communication shall be immediately reported to all parties and their attorneys. The court, upon its own motion, or upon the motion of a party, may consider the removal of any guardian ad litem, court-appointed special advocate, or investigator who violates this section from any pending case or from any court-authorized registry, and if so removed may require forfeiture of any fees for professional services on any pending cases.

**NEW SECTION. Sec. 14.** A new section is added to chapter 26.12 RCW to read as follows:

All information, records, and reports obtained or created by a guardian ad litem, court-appointed special advocate, or investigator under RCW 26.09.220, shall be discoverable pursuant to court rule to the parties and their attorneys. The guardian ad litem, court-appointed special advocate, or investigator shall maintain the privacy of the parties and the confidentiality of information obtained, pursuant to the investigation, as to third parties. Any guardian ad litem or investigator under RCW 26.09.220 can move the court to seal the court file to protect information obtained by the guardian ad litem from disclosure to third persons, particularly in cases where no evidentiary rulings have been made on information introduced by affidavit, declaration, or other means. Nothing in this section shall be interpreted to authorize disclosure of guardian ad litem or investigator records in personal injury actions.

**NEW SECTION. Sec. 15.** A new section is added to chapter 26.12 RCW to read as follows:

Any guardian ad litem or investigator under RCW 26.09.220 appointed under this chapter may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.

**NEW SECTION. Sec. 16.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999, except for sections 6 and 11 of this act, which take effect January 1, 2001."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Franklin to Substitute Senate Bill No. 5447.

The motion by Senator Franklin carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Franklin, the following title amendment was adopted:

On page 1, line 1 of the title, after "litem;" strike the remainder of the title and insert "amending RCW 2.56.030, 11.88.090, 13.34.100, 13.34.102, 13.34.105, 26.12.175, and 26.12.177; adding new sections to chapter 11.88 RCW; adding new sections to chapter 13.34 RCW; adding new sections to chapter 26.12 RCW; providing effective dates; and declaring an emergency."

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5447 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5447.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5447 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Deccio, Loveland, Sellar and Thibaudeau - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5447, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5106, by Senators Eide, Morton, Jacobsen, Goings, Winsley, Oke and Costa (by request of Department of Health)

Providing for the safe decontamination or destruction of residential property used for illegal drug manufacturing or storage.

The bill was read the second time.

## MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 5106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5106.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5106 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Deccio, Loveland, Sellar and Thibaudeau - 4.

SENATE BILL NO. 5106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6008, by Senators Costa, Hargrove and Long

Creating youth courts.

## MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6008 was substituted for Senate Bill No. 6008 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6008 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6008.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6008 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin,

McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Deccio, Loveland, Sellar and Thibaudeau - 4.

SUBSTITUTE SENATE BILL NO. 6008, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5862, by Senators Gardner, Horn, Patterson, McCaslin and Haugen

Protecting records of strategy discussions.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5862 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5862.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5862 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senator Benton - 1.

Excused: Senators Deccio, Loveland, Sellar and Thibaudeau - 4.

SENATE BILL NO. 5862, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5065, by Senators Rasmussen, Goings, Deccio, Honeyford, Winsley, Rossi, Hochstatter, Oke and Costa

Revoking driving privileges for alcohol violations until the person is age twenty-one.

#### MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5065 was substituted for Senate Bill No. 5065 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5065 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5065.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5065 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Deccio, Loveland, Sellar and Thibaudeau - 4.

SUBSTITUTE SENATE BILL NO. 5065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5614, by Senators Hochstatter, Oke, T. Sheldon and Heavey

Concerning the issuance of citations under the Washington industrial safety and health act.

The bill was read the second time.

#### MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5614 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5614.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5614 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Deccio, Loveland, Sellar and Thibaudeau - 4.

SENATE BILL NO. 5614, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5064, by Senators Haugen, Horn, Gardner, Benton, Long, Costa, B. Sheldon, Swecker, Patterson, Jacobsen, Shin, Oke, Morton, Eide, Spanel, Johnson, Goings, Sellar, Fraser, Thibaudeau, Franklin, Winsley, Rasmussen and McAuliffe

Protecting certain public transportation information.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5064 was substituted for Senate Bill No. 5064 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5064.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5064 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Deccio, Loveland, Sellar and Thibaudeau - 4.

SUBSTITUTE SENATE BILL NO. 5064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5745, by Senators Bauer, Honeyford, Wojahn, West and Long

Reducing gambling taxes.

## MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 5745 was substituted for Senate Bill No. 5745 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 5745 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5745.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5745 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 14; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Finkbeiner, Fraser, Gardner, Goings, Hale, Heavey, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Spanel, Stevens, Swecker, West and Zarelli - 31.

Voting nay: Senators Eide, Fairley, Franklin, Hargrove, Haugen, Hochstatter, Jacobsen, McDonald, Morton, Oke, Sheldon, B., Snyder, Winsley and Wojahn - 14.

Excused: Senators Deccio, Loveland, Sellar and Thibaudeau - 4.

SUBSTITUTE SENATE BILL NO. 5745, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5232, by Senators Horn, Heavey, Fairley, Oke, Franklin, Hochstatter, Kohl-Welles and Winsley

Enhancing consumer protection regarding contractors.

## MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5232 was substituted for Senate Bill No. 5232 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 5232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### CALL FOR THE PREVIOUS QUESTION

Senators Snyder, Spanel and Betti Sheldon called for the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The motion carried and the demand for the previous question carried.

Senator Horn closed debate on Substitute Senate Bill No. 5232.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5232.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5232 and the bill failed to pass the Senate by the following vote: Yeas, 24; Nays, 21; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, Prentice, Rasmussen, Sheldon, B., Snyder, Spanel, Winsley and Wojahn - 24.

Voting nay: Senators Benton, Finkbeiner, Goings, Hale, Hochstatter, Honeyford, Johnson, McCaslin, McDonald, Morton, Oke, Patterson, Roach, Rossi, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West and Zarelli - 21.

Excused: Senators Deccio, Loveland, Sellar and Thibaudeau - 4.

SUBSTITUTE SENATE BILL NO. 5232, having failed to receive the constitutional majority, was declared lost.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDonald served notice that he would move to reconsider the vote by which Substitute Senate Bill No. 5232 failed to pass the Senate.

#### SECOND READING

SENATE BILL NO. 6020, by Senators Hargrove, Fairley, Benton, Kohl-Welles, Zarelli, Swecker, Roach, McDonald, Rossi, Morton, Spanel, Thibaudeau, Hochstatter, T. Sheldon, Sheahan, Johnson, Prentice, Brown, Heavey, Stevens and Costa

Delaying implementation of the requirement to record social security numbers on license applications to assist in child support enforcement.

#### MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 6020 was substituted for Senate Bill No. 6020 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the following amendments by Senators Fairley and Hargrove were considered simultaneously and were adopted:

On page 1, line 14, after "implementation of the" insert "noncommercial driver's license"

On page 1, line 18, after "numbers on" insert "noncommercial driver's"

On page 2, line 2, after "applications for" insert "noncommercial driver's"

#### MOTIONS

On motion of Senator Fairley, the following amendment by Senators Fairley and Hargrove was adopted:

On page 2, line 13, after "enforcement" strike all material through "number" on line 15, and insert "prior to the time necessary to comply with the federal deadline"

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 6020 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6020.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6020 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Voting nay: Senator Wojahn - 1.

Absent: Senator Snyder - 1.

Excused: Senators Deccio, Loveland and Sellar - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6020, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:03 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:39 a.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5021, by Senators Snyder, Swecker, Winsley and Benton

Exempting certain nonprofit organizations from property taxation.

The bill was read the second time.

#### MOTION

On motion of Senator Snyder, the rules were suspended, Senate Bill No. 5021 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5021.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5021 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Deccio and Sellar - 2.

SENATE BILL NO. 5021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5501, by Senators Rasmussen, Finkbeiner, McAuliffe, Eide, Bauer and Spanel.

Creating the summer school jump start program.

#### MOTION

On motion of Senator Rasmussen, Substitute Senate Bill No. 5501 was substituted for Senate Bill No. 5501 and the substitute bill was placed on second reading and read the second time.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute Senate Bill No. 5501 was deferred.

#### SECOND READING

SENATE BILL NO. 5298, by Senators McAuliffe, Winsley, Goings, Honeyford, Eide, Brown, Kohl-Welles and Patterson (by request of Superintendent of Public Instruction Bergeson)

Changing local assistance funds provisions.

#### MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5298 was substituted for Senate Bill No. 5298 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5298 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5298.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5298 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Deccio and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5298, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5797, by Senators McAuliffe, Eide, B. Sheldon, Fairley, Kohl-Welles, Shin, Gardner, Fraser, Snyder, Prentice, Patterson, Goings, Bauer, Winsley, Thibaudeau, Rasmussen and Spanel

Improving class size.

#### MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5797 was substituted for Senate Bill No. 5797 and the substitute bill was placed on second reading and read the second time.

Senator Finkbeiner moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 23, after "ratio" insert ". Any additional funds provided under this subsection (2)(b)(i) for certificated instructional staff must be used solely for the addition of classroom teachers and to reduce class size"

On page 3, line 38, after "five" insert ". Any additional funds provided under this subsection (2)(b)(ii) for certificated instructional staff must be used solely for the addition of classroom teachers and to reduce class size"

On page 7, line 2, after "ratio" insert ". Any additional funds provided under this subsection (2)(b)(i) for certificated instructional staff must be used solely for the addition of classroom teachers and to reduce class size"

On page 7, line 17, after "five" insert ". Any additional funds provided under this subsection (2)(b)(ii) for certificated instructional staff must be used solely for the addition of classroom teachers and to reduce class size"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Finkbeiner on page 3, lines 23 and 38, and page 7, lines 2 and 17, to Substitute Senate Bill No. 5797.

The motion by Senator Finkbeiner failed and the amendments were not adopted.

## MOTION

Senator Horn moved that the following striking amendment by Senators Horn and Finkbeiner be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 28A.150.260 and 1997 c 13 s 1 are each amended to read as follows:

The basic education allocation for each annual average full-time equivalent student shall be determined in accordance with the following procedures:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full-time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

(a) Certificated instructional staff and their related costs;

(b) Certificated administrative staff and their related costs;

(c) Classified staff and their related costs;

(d) Nonsalary costs;

(e) Extraordinary costs of remote and necessary schools and small high schools, including costs of additional certificated and classified staff; and

(f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.

(2)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) The formula adopted by the legislature shall reflect the following ratios at a minimum:

(i) Forty-nine certificated instructional staff to one thousand annual average full-time equivalent students enrolled in grades kindergarten through three;

(ii) Forty-six certificated instructional staff to one thousand annual average full-time equivalent students in grades four through ~~(twelve)~~ six. An additional maximum of four certificated instructional staff per one thousand full-time equivalent students in grades four through six for the addition of teachers solely to reduce class size. Any funds provided for these additional four certificated instructional staff units shall not be considered basic education funding and shall be allocated only if the district documents an actual ratio equal to or greater than fifty certificated instructional staff per thousand full-time equivalent students in grades four through six. For any school district documenting a lower certificated staff ratio, the allocation shall be based on the higher of the district's actual fourth through sixth grade ratio or forty-six certificated instructional staff per thousand;

(iii) Forty-six certificated instructional staff to one thousand annual average full-time equivalent students in grades seven through twelve;

(iv) Four certificated administrative staff to one thousand annual average full-time equivalent students in grades kindergarten through twelve; and

~~((iv))~~ (v) Sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full-time equivalent students enrolled in grades kindergarten through twelve.

(c) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100. The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month and shall exclude full-time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

(3)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such classified people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(4) Each annual average full-time equivalent certificated classroom teacher's direct classroom contact hours shall average at least twenty-five hours per week. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Up to two hundred minutes per week may be deducted from the twenty-five contact hour requirement, at the discretion of the school district board of directors, to accommodate authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity. Implementing rules to be adopted by the state board of education pursuant to RCW 28A.150.220(4) shall provide that compliance with the direct contact hour requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional record-keeping by classroom teachers as a means of accounting for contact hours shall not be required. Waivers from contact hours may be requested under RCW 28A.305.140.

**Sec. 2.** RCW 28A.150.260 and 1997 c 13 s 2 are each amended to read as follows:

The basic education allocation for each annual average full-time equivalent student shall be determined in accordance with the following procedures:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full-time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

(a) Certificated instructional staff and their related costs;

(b) Certificated administrative staff and their related costs;

(c) Classified staff and their related costs;

(d) Nonsalary costs;

(e) Extraordinary costs of remote and necessary schools and small high schools, including costs of additional certificated and classified staff; and

(f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.

(2)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) The formula adopted by the legislature shall reflect the following ratios at a minimum:

(i) Forty-nine certificated instructional staff to one thousand annual average full-time equivalent students enrolled in grades kindergarten through three;

(ii) Forty-six certificated instructional staff to one thousand annual average full-time equivalent students in grades four through ~~(twelve)~~ six. An additional maximum of four certificated instructional staff per one thousand full-time equivalent students in grades four through six for the addition of teachers solely to reduce class size. Any funds provided for these additional four certificated instructional staff units shall not be considered basic education funding and shall be allocated only if the district documents an actual ratio equal to or greater than fifty certificated instructional staff per thousand full-time equivalent students in grades four through six. For any school district documenting a lower certificated staff ratio, the allocation shall be based on the higher of the district's actual fourth through sixth grade ratio or forty-six certificated instructional staff per thousand;

(iii) Forty-six certificated instructional staff to one thousand annual average full-time equivalent students in grades seven through twelve;

(iv) Four certificated administrative staff to one thousand annual average full-time equivalent students in grades kindergarten through twelve; and

~~((iv))~~ (v) Sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full-time equivalent students enrolled in grades kindergarten through twelve.

(c) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100. The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month and shall exclude full-time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

(3)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such classified people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

NEW SECTION. Sec. 3. The sum of ninety-two million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2001, from the general fund to the office of the superintendent of public instruction for the purposes of this act.

NEW SECTION. Sec. 4. Section 1 of this act takes effect September 1, 1999.

NEW SECTION. Sec. 5. Section 2 of this act takes effect September 1, 2000. However, section 2 of this act shall not take effect if, by September 1, 2000, a law is enacted stating that a school accountability and academic assessment system is not in place."

Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Horn and Finkbeiner to Substitute Senate Bill No. 5797.

#### ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 20.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 28.

Excused: Senator Sellar - 1.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5797 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5797.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5797 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 7; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Absent: Senators Jacobsen, McDonald, Morton, Oke, Snyder, Spanel and Swecker - 7.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5797, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Goings, Senator Jacobsen was excused.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5501, deferred on second reading earlier today.

#### MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 2, line 4, after "eight." insert "Such funds shall only be used for students in need of assistance in reading, writing, and math."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hochstatter on page 2, line 4, to Substitute Senate Bill No. 5501.

The motion by Senator Hochstatter failed and the amendment was not adopted.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5501 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5501.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5501 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Morton - 1.

Excused: Senators Jacobsen and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5501, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 5413, by Senators McAuliffe, Rasmussen, Benton, Winsley, Bauer, Kohl-Welles and Haugen (by request of Board of Education, Superintendent of Public Instruction Bergeson and Governor Locke)

Incorporating teacher assessment into the certification system.

## MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5413 was substituted for Senate Bill No. 5413 and the substitute bill was placed on second reading and read the second time.

Senator Finkbeiner moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 15, strike "communications,"

On page 3, line 18, strike "development, purchase" and insert "selection"

On page 4, line 10, strike "development or"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Finkbeiner on page 1, line 15; page 3, line 18; and page 4, line 10; to Substitute Senate Bill 5413.

The motion by Senator Finkbeiner failed on a rising vote and the amendments were not adopted.

## MOTION

Senator Finkbeiner moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 15, after "math" strike all material through "teach;" on page 1, line 16

On page 2, line 21, after "(2)" strike all material through "(3)" on page 2, line 31

On page 3, line 1, after "(1)" strike all material through "(3)" on page 3, line 1, and insert "and (2)"

On page 3, line 11, after "in" strike all material through "(3)" and insert "subsection (2)"

Renumber the subsections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Finkbeiner on page 1, line 15; page 2, line 21; page 3, lines 1 and 11; to Substitute Senate Bill No. 5413.

The motion by Senator Finkbeiner failed and the amendments were not adopted.

## MOTION

Senator Hochstatter moved that the following amendment by Senators Hochstatter and Swecker be adopted:

On page 3, line 1, after "(4)" insert the following:

"Notwithstanding any other statutory requirements for obtaining a teaching certificate, an applicant shall obtain a teaching certificate by successfully passing of the assessments in subsections (1), (2) and (3) of this section.

(5)"

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hochstatter and Swecker on page 3, line 1, to Substitute Senate Bill No. 5413.

The motion by Senator Hochstatter failed and the amendment was not adopted.

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. I, like the rest of you, try to learn something everyday, so I called my office on the word 'pedagogy,' which I had never seen before, so I learned what that means today. When I called my office, he looked in the dictionary and he inserted an 'o' where the 'a' is. I don't know if you know what that means. If you put an 'o' in there, you pronounce it, I can't. That means the study of soils, including organic characteristics and uses. So, today, I have learned two words and I hope you have, too."

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5413 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5413.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5413 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 44.

Voting nay: Senators Benton, Hochstatter, Stevens and Zarelli - 4.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5413, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Snyder, Rule 15 was suspended.

EDITOR'S NOTE: Rule 15 states, 'The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.'

#### MOTION

At 12:14 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:15 p.m.

The Senate was called to order at 1:15 p.m. by President Owen.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Thibaudeau, Gubernatorial Appointment No. 9034, Noel Nightingale, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

Senators Thibaudeau and Johnson spoke to the confirmation of Noel Nightingale as a member of the Board of Trustees for the State School for the Blind.

#### APPOINTMENT OF NOEL NIGHTINGALE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 5; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, Wojahn and Zarelli - 43.

Absent: Senators Haugen, Loveland, Swecker, West and Winsley - 5.

Excused: Senator Sellar - 1.

#### SECOND READING

SENATE BILL NO. 5418, by Senators McAuliffe, Rasmussen, Patterson and Kohl-Welles (by request of Governor Locke, Superintendent of Public Instruction Bergeson and Commission on Student Learning)

Changing school accountability and assistance provisions.

#### MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5418 was substituted for Senate Bill No. 5418 and the substitute bill was placed on second reading and read the second time.

Senator Finkbeiner moved that the following amendments be considered simultaneously and be adopted:

On page 2, after line 20, insert the following:

**"Sec. 201.** RCW 28A.150.210 and 1993 c 336 s 101 are each amended to read as follows:

The goal of the Basic Education Act for the schools of the state of Washington set forth in this chapter shall be to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for all students to develop the knowledge and skills essential to:

(1) Read with comprehension, write with skill, and communicate effectively and responsibly in a variety of ways and settings;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history; and geography; (~~arts; and health and fitness;~~)

(3) Think analytically, logically, and creatively, and to integrate experience and knowledge to form reasoned judgments and solve problems; and

(4) Understand the importance of work and how performance, effort, and decisions directly affect future career and educational opportunities."

Renumber the sections consecutively and correct any internal references accordingly.

On page 22, line 31, after "geography," strike "arts, health, fitness,"

#### POINT OF CLARIFICATION

Senator Goings: "A point of clarification, Mr. President. You may have spoken to this, but in the amendment stack and the amendments on page one that continues until the end of the page and then there is nothing and then there is a blank page and then there is kind of a second page and the amendments don't seem to be continuous. Could you clarify that?"

#### REPLY BY THE PRESIDENT

President Owen: "If there is a blank page, from what I understand, that divides the amendments."

Senator Goings: "There is no number on number two."

President Owen: "Well, Senator Goings, let me take a whack at this. Evidently, when they copied it, when they ran it through the copier, if the back side of the amendment was blank, it produced a blank page. Then, you go on and some of the title amendments did not have a number on them and, therefore, they may not be numbered. Please ask if there appears to be any confusion. If we think there might be confusion, we will try to make sure that everyone understands exactly where we are going on it."

Senator Goings: "Mr. President, it is my understanding that the amendments we are on, actually continue past the blank page onto page two which has an amendment at the top of the page."

President Owen: "The amendment on the top of the other page is a title amendment and would have to be taken separately."

Senator Goings: "Thank you, Mr. President."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Finkbeiner on page 2, after line 20, and page 22, line 31, to Substitute Senate Bill No. 5413.

The motion by Senator Finkbeiner failed on a rising vote and the amendments were not adopted.

#### MOTION

Senator Horn moved that the following amendment by Senators Horn and Finkbeiner be adopted:

On page 6, after line 14, insert the following:

**"Sec. 401.** RCW 28A.150.260 and 1997 c 13 s 1 are each amended to read as follows:

The basic education allocation for each annual average full-time equivalent student shall be determined in accordance with the following procedures:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full-time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

(a) Certificated instructional staff and their related costs;

(b) Certificated administrative staff and their related costs;

(c) Classified staff and their related costs;

(d) Nonsalary costs;

(e) Extraordinary costs of remote and necessary schools and small high schools, including costs of additional certificated and classified staff; and

(f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.

(2)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) The formula adopted by the legislature shall reflect the following ratios at a minimum:

(i) Forty-nine certificated instructional staff to one thousand annual average full-time equivalent students enrolled in grades kindergarten through three;

(ii) Forty-six certificated instructional staff to one thousand annual average full-time equivalent students in grades four through ~~(twelve)~~ six. An additional maximum of four certificated instructional staff per one thousand full-time equivalent students in grades four through six for the addition of teachers solely to reduce class size. Any funds provided for these additional four certificated instructional staff units shall not be considered basic education funding and shall be allocated only if the district documents an actual ratio equal to or greater than fifty certificated instructional staff per thousand full-time equivalent students in grades four through six. For any school district documenting a lower certificated staff ratio, the allocation shall be based on the higher of the district's actual fourth through sixth grade ratio or forty-six certificated instructional staff per thousand;

(iii) Forty-six certificated instructional staff to one thousand annual average full-time equivalent students in grades seven through twelve;

(iv) Four certificated administrative staff to one thousand annual average full-time equivalent students in grades kindergarten through twelve; and

~~((iv))~~ (v) Sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full-time equivalent students enrolled in grades kindergarten through twelve.

(c) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100. The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month and shall exclude full-time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

(3)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such classified people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(4) Each annual average full-time equivalent certificated classroom teacher's direct classroom contact hours shall average at least twenty-five hours per week. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Up to two hundred minutes per week may be deducted from the twenty-five contact hour requirement, at the discretion of the school district board of directors, to accommodate authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity. Implementing rules to be adopted by the state board of education pursuant to RCW 28A.150.220(4) shall provide that compliance with the direct contact hour requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional record-keeping by classroom teachers as a means of accounting for contact hours shall not be required. Waivers from contact hours may be requested under RCW 28A.305.140.

**Sec. 402.** RCW 28A.150.260 and 1997 c 13 s 2 are each amended to read as follows:

The basic education allocation for each annual average full-time equivalent student shall be determined in accordance with the following procedures:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full-time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (a) Certificated instructional staff and their related costs;
- (b) Certificated administrative staff and their related costs;
- (c) Classified staff and their related costs;
- (d) Nonsalary costs;
- (e) Extraordinary costs of remote and necessary schools and small high schools, including costs of additional certificated and classified staff; and
- (f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.

(2)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) The formula adopted by the legislature shall reflect the following ratios at a minimum:

(i) Forty-nine certificated instructional staff to one thousand annual average full-time equivalent students enrolled in grades kindergarten through three;

(ii) Forty-six certificated instructional staff to one thousand annual average full-time equivalent students in grades four through ~~(twelve)~~ six. An additional maximum of four certificated instructional staff per one thousand full-time equivalent students in grades four through six for the addition of teachers solely to reduce class size. Any funds provided for these additional four certificated instructional staff units shall not be considered basic education funding and shall be allocated only if the district documents an actual ratio equal to or greater than fifty certificated instructional staff per thousand full-time equivalent students in grades four through six. For any school district documenting a lower certificated staff ratio, the allocation shall be based on the higher of the district's actual fourth through sixth grade ratio or forty-six certificated instructional staff per thousand;

(iii) Forty-six certificated instructional staff to one thousand annual average full-time equivalent students in grades seven through twelve;

(iv) Four certificated administrative staff to one thousand annual average full-time equivalent students in grades kindergarten through twelve; and

~~((iv))~~ (v) Sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full-time equivalent students enrolled in grades kindergarten through twelve.

(c) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100. The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month and shall exclude full-time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

(3)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such classified people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

NEW SECTION. Sec. 403. The sum of ninety-two million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2001, from the general fund to the office of the superintendent of public instruction for the purposes of sections 401 and 402 of this act.

NEW SECTION. Sec. 404. Section 401 of this act takes effect September 1, 1999.

NEW SECTION. Sec. 405. Section 402 of this act takes effect September 1, 2000. However, section 402 of this act shall not take effect if, by September 1, 2000, a law is enacted stating that a school accountability and academic assessment system is not in place."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator Finkbeiner, you just now stated that you thought that we should support this amendment, because it would result in us putting money in the classroom, as opposed to the money going into associations, meeting groups, and clubs. My specific question is could you give me an example of where it is the money could go, what associations, what meeting group and what club are you referring to that the money could go to if we don't pass this amendment?"

Senator Finkbeiner: "Thank you, Senator Patterson. I appreciate you asking me that question. The underlying bill does deal with accountability and also creates a new accountability task force and several new groups that are going to be here in Olympia focused on maintaining accountability and setting accountability

standards for our classes. It also deals with the whole education reform process, which has, in my mind, and as a supporter of education reform and somebody who wants to see it go forward, has moved from kind of setting high standards to all of our-- acronym and alphabet soup acronyms that have become associated and parade everyday in front of our Education Committee. These are organizations that the people never see--they don't see them teaching their children, they don't see them in the classroom everyday. This bill, I think, in its depth--it is almost an inch thick--is going to create new--some of those are good--but I think tempered and balanced with class size reduction, would make it even better."

The President declared the question before the Senate to be the adoption of the amendment by Senators Horn and Finkbeiner on page 6, after line 14, to Substitute Senate Bill No. 5418.

The motion by Senator Horn failed and the amendment was not adopted.

#### MOTION

Senator Finkbeiner moved that the following amendment be adopted:

On page 7, after line 11, insert the following:

"(5) Funding under this section shall not become part of the state's basic program of education obligation as set forth under Article IX of the state Constitution."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Finkbeiner on page 7, after line 11, to Substitute Senate Bill No. 5418.

The motion by Senator Finkbeiner failed and the amendment was not adopted.

#### MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 10, after line 17, insert the following:

#### **"STATE ASSISTANCE TO STUDENTS**

NEW SECTION. Sec. 601. A new section is added to chapter 28A.300 RCW to read as follows:

To assist high school students to meet the standards set in civics at the high school level, the superintendent of public instruction shall provide each high school student with a copy of Our Constitution and What it Means, by William Kottmeyer and Thomas F. Eagleton, prior to the student studying the Constitution of the United States and the Washington state Constitution.

#### **PART 7"**

Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

#### POINT OF INQUIRY

Senator Goings: "Senator McAuliffe, I am wondering as Chair of the Education Committee, if you are familiar that within the Basic Education Act, do we mandate a particular book? Would this be something that is normal or is this something that has not been done before within the State's Basic Education Act?"

Senator McAuliffe: "Senator Goings, to my knowledge, there is no other book that is mandated that is placed in the hands of our children. It is a local decision and presently the United States Constitution is included in our Civic's Class in the United States History book."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hochstatter on page 10, after line 17, to Substitute Senate Bill No. 5418.

The motion by Senator Hochstatter failed and the amendment was not adopted.

#### MOTION

Senator Stevens moved that the following amendment be adopted:

On page 10, after line 17, insert the following:

**"PROVIDING STATE ASSISTANCE TO SCHOOLS AND HIGHLY CAPABLE STUDENTS**

**NEW SECTION. Sec. 601.** The legislature intends to provide assistance to enhance the ability of basic education teachers to address the needs and expectations of highly capable students in public schools. The legislature further intends to stimulate development by local schools and school districts of innovative and effective means of serving highly capable students. The purpose of this act is to increase the achievement of highly capable students by requiring programs for highly capable students in basic education and providing funding for such programs in all school districts in the state.

**Sec. 602.** RCW 28A.185.020 and 1990 c 33 s 168 are each amended to read as follows:

~~((Supplementary))~~ Funds ~~((as may))~~ shall be provided by the state for ~~((this))~~ programs for highly capable students, in accordance with RCW 28A.150.370, and shall be categorical funding on an excess cost basis based upon a per student amount not to exceed three percent of any district's full-time equivalent enrollment.

**Sec. 603.** RCW 28A.185.030 and 1984 c 278 s 13 are each amended to read as follows:

Local school districts ~~((may))~~ shall establish and operate, either separately or jointly, programs for highly capable students. Such authority shall include the right to employ and pay special instructors and to operate such programs jointly with a public institution of higher education. Local school districts ~~((which establish and operate programs for highly capable students))~~ shall adopt identification procedures and provide educational opportunities as follows:

(1) In accordance with rules ~~((and regulations))~~ adopted by the superintendent of public instruction, school districts shall implement procedures for nomination, assessment and selection of their most highly capable students. Nominations shall be based upon data from teachers, other staff, parents, students, and members of the community. Assessment shall be based upon a review of each student's capability as shown by multiple criteria intended to reveal, from a wide variety of sources and data, each student's unique needs and capabilities. Selection shall be made by a broadly based committee of professionals, after consideration of the results of the multiple criteria assessment.

(2) Students selected pursuant to procedures outlined in this section shall be provided, to the extent feasible, an educational opportunity which takes into account each student's unique needs and capabilities and the limits of the resources and program options available to the district, including those options which can be developed or provided by using funds allocated by the superintendent of public instruction for that purpose.

**PART VII"**

Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

Debate ensued.

**CALL FOR THE PREVIOUS QUESTION**

Senators Snyder, Prentice, Wojahn called for the previous question and the demand was sustained.

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

**MOTION**

On motion of Senator Hale, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on shall the main question be now put.

**ROLL CALL**

The Secretary called the roll and the demand for the previous question carried by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 28.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Long, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 19.

Excused: Senators McCaslin and Sellar - 2.

Senator Stevens closed debate on the amendment on page 10, after line 7, to Substitute Senate Bill No. 5418.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Stevens on page 10, after line 17, to Substitute Senate Bill No. 5418.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Patterson, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 23.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 25.

Excused: Senator Sellar - 1.

#### MOTION

Senator Finkbeiner moved that the following amendment by Senators Finkbeiner, Zarelli, McDonald and Johnson be adopted:

On page 21, after line 29, insert the following:

#### "RECOGNITION AND ASSISTANCE FOR TEACHERS

**NEW SECTION. Sec. 701. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION CERTIFICATED INSTRUCTIONAL STAFF COMPENSATION.** (1) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12E, by the district's average staff mix factor for basic education and special education certificated instructional staff in that school year, computed using LEAP Document 1B.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100 and "special education certificated staff" means staff assigned to the state-supported special education program pursuant to chapter 28A.123 55 RCW in positions requiring a certificate;

(b) "LEAP Document 1B" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on January 25, 1999, at 15:45 hours; and

(c) "LEAP Document 12E" means the computerized tabulation of 1999-00 and 2000-01 school year salary allocations for derived base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on January 25, 1999, at 16:25 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 16.22 percent for certificated staff and 12.20 percent for classified staff for both years of the biennium.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

#### STATE-WIDE SALARY ALLOCATION SCHEDULE FOR THE 1999-00 SCHOOL YEAR

Years of

Service BA BA+15 BA+30 BA+45 BA+90

0	26,002	26,704	27,432	28,161	30,501
1	26,610	27,329	28,073	28,842	31,229
2	27,220	27,954	28,713	29,549	31,954
3	27,855	28,605	29,379	30,253	32,677

4	28,222	29,004	29,784	30,688	33,129
5	28,595	29,381	30,169	31,122	33,556
6	28,969	29,738	30,554	31,555	33,977
7	29,915	30,703	31,538	32,604	35,086
8	30,568	31,391	32,238	33,381	35,872
9	32,420	33,307	34,492	37,041	
10	34,390	35,659	38,243		
11	36,861	39,502			
12	38,025	40,793			
13	42,117				
14	43,448				
15	44,578				

Years of MA+90  
Service BA+135 MA MA+45 or PHD

0	32,009	31,175	33,515	35,023	
1	32,743	31,830	34,217	35,731	
2	33,499	32,509	34,914	36,458	
3	34,276	33,185	35,610	37,208	
4	34,741	33,565	36,006	37,618	
5	35,200	33,945	36,378	38,023	
6	35,630	34,323	36,745	38,398	
7	36,802	35,373	37,854	39,571	
8	37,633	36,121	38,613	40,374	
9	38,862	37,231	39,782	41,603	
10	40,124	38,400	40,983	42,865	
11	41,421	39,602	42,242	44,162	
12	42,771	40,852	43,534	45,511	
13	44,153	42,144	44,858	46,894	
14	45,588	43,476	46,275	48,329	
15	46,773	44,606	47,478	49,585	

STATE-WIDE SALARY ALLOCATION SCHEDULE  
FOR THE 2000-01 SCHOOL YEAR

Years of  
Service BA BA+15 BA+30 BA+45 BA+90

0	26,782	27,506	28,255	29,005	31,416
1	27,408	28,149	28,916	29,708	32,166
2	28,036	28,792	29,574	30,436	32,912
3	28,691	29,463	30,260	31,161	33,658
4	29,068	29,874	30,678	31,608	34,123
5	29,453	30,263	31,074	32,056	34,562
6	29,839	30,631	31,470	32,502	34,996
7	30,812	31,624	32,484	33,582	36,139
8	31,485	32,333	33,205	34,382	36,948
9	33,392	34,307	35,526	38,152	
10	35,422	36,729	39,390		
11	37,967	40,687			
12	39,166	42,017			
13	43,380				

14 44,751  
 15 45,915

Years of MA+90  
 Service BA+135 MA MA+45 or PHD

0	32,969	32,110	34,521	36,074
1	33,725	32,785	35,243	36,802
2	34,504	33,484	35,961	37,552
3	35,304	34,181	36,678	38,325
4	35,783	34,572	37,087	38,747
5	36,256	34,963	37,470	39,164
6	36,699	35,353	37,847	39,550
7	37,906	36,434	38,990	40,758
8	38,762	37,205	39,771	41,585
9	40,028	38,348	40,975	42,851
10	41,328	39,552	42,213	44,151
11	42,663	40,790	43,510	45,487
12	44,054	42,078	44,840	46,877
13	45,478	43,408	46,204	48,301
14	46,956	44,780	47,663	49,779
15	48,177	45,944	48,902	51,073

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and  
 (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree;

(b) "MA" means a masters degree;

(c) "PHD" means a doctorate degree;

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction;

(e) "Credits" means college quarter-hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and chapter 90, Laws of 1997.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

**NEW SECTION. Sec. 702. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR CERTIFICATED INSTRUCTIONAL STAFF COMPENSATION ADJUSTMENTS**

General Fund--State Appropriation (FY 2000) \$	82,999,000
General Fund--State Appropriation (FY 2001) \$	165,599,000
TOTAL APPROPRIATION \$	248,598,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$193,193,000 is provided for a cost-of-living adjustment of 3.0 percent effective September 1, 1999, and another 3.0 percent effective September 1, 2000, for state formula certificated instructional staff units. The appropriations include associated incremental fringe benefit allocations at rates of 16.22 percent. The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs.

(2) \$55,405,000 is provided to adjust the salary allocation schedule to provide for salary increases for staff in the first eight rows of the salary schedule as reflected in the salary schedules contained in section 701 of this act. The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs.

**NEW SECTION. Sec. 703.** Sections 701 and 702 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1999.

#### **PART 8"**

Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

#### POINT OF INQUIRY

Senator McAuliffe: "Senator Finkbeiner, did the Chair of the Education Committee give you a paper that asked you for input or take out of this bill, so you had the opportunity to work on this bill at an earlier time?"

Senator Finkbeiner: "That is correct. At one point in time, my input was listed in this bill, but most of my input was not taken, so I think either way that really doesn't speak to this amendment one way or the other. What we are talking about here is whether or not we should increase pay of teachers' salaries. That is what this amendment would do. If that is not a good idea, then vote against it. If you think the teachers deserve more, especially if first year teachers deserve up to a sixteen percent raise, then I would suggest that you vote for it." Further debate ensued.

#### POINT OF ORDER

Senator Benton: "A point of order, Mr. President. I believe that my integrity has been impugned. I have always been a friend of teachers and consider myself so and always have considered myself so. I don't appreciate the indication that myself or my colleagues have not been friends of teachers."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Kline, the President would appreciate it if you would be careful where you tread."

Senator Kline: "Certainly."  
Further debate ensued.

#### POINT OF ORDER

Senator Goings: "Mr. President, I rise to a point of order. I submit that this amendment proposed to Substitute Senate Bill No. 5418, the amendment by Senators Finkbeiner, Zarelli, McDonald and Johnson on page 21, line 29, changes the scope and object of Substitute Senate Bill No. 5418 and therefore violates Senate Rule 66. The underlying bill, and I know the title does not have a lot to do with it, but changes school accountability and the assistance program.

"Specifically, Substitute Senate Bill No. 5418 creates a commission of academic achievement and talks about teaching goals and the Commission on Student Learning and the Certificate of Mastery Program. This bill does not deal with teacher pay. Therefore, the amendment as proposed is out of the scope and object of the underlying bill."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator McCaslin: "A parliamentary inquiry, Mr. President. Senator Goings said it changes the scope. Does it change the scope or does it expand the scope and object of a bill?"

REPLY BY THE PRESIDENT

President Owen: "The rule says, I believe--we'll look at that and see."

Senator McCaslin: "Thank you."

MOTION

On motion of Senator Betti Sheldon, further consideration of the amendment by Senators Finkbeiner, Zarelli, McDonald and Johnson on page 21, line 29, to Substitute Senate Bill No. 5814 was deferred.

MOTION

Senator Benton moved that the following amendment be adopted:

On page 21, after line 29, insert the following:

**"RECOGNITION OF STUDENTS IN HONORS AND ADVANCED PLACEMENT CLASSES**

**Sec. 701.** RCW 28A.305.220 and 1984 c 178 s 1 are each amended to read as follows:

(1) The state board of education shall develop for use by all public school districts a standardized high school transcript. The state board of education shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) When determining standardized grade points under subsection (1) of this section, the state board of education shall adopt a weighting system for grades earned in honors and advanced placement classes to provide recognition for students participating in those classes.

(3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.

**PART 8"**

Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 21, after line 29, to Substitute Senate Bill No. 5418.

The motion by Senator Benton failed on a rising vote and the amendment was not adopted.

MOTION

Senator Benton moved that the following amendment be adopted:

On page 21, after line 29, insert the following:

**"RECOGNITION OF ACHIEVEMENT BY BEGINNING MATH AND SCIENCE TEACHERS**

**Sec. 701.** RCW 28A.400.200 and 1997 c 141 s 2 are each amended to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a)(i) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a baccalaureate degree and zero years of service((; and)).

(ii) For certificated instructional staff hired with zero years of service specifically assigned to teaching duties that include the subjects of math or science or both and at least a 3.5 grade point average at the time of their graduation from a college or university, there shall be a five thousand dollar bonus paid as follows: Two thousand dollars upon completion of the first year of teaching; one thousand dollars upon completion of the second year of teaching; one thousand dollars upon completion of the third year of teaching; and one thousand dollars upon completion of the fourth year of teaching.

(b) Salaries for certificated instructional staff with a master's degree shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a master's degree and zero years of service((;)).

(3)(a) The actual average salary paid to basic education and special education certificated instructional staff shall not exceed the district's average basic education and special education program certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(b) Fringe benefit contributions for basic education and special education certificated instructional staff shall be included as salary under (a) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education and special education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education and special education programs.

(4) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, additional responsibilities, or incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

## **PART 8"**

Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

## **POINT OF ORDER**

Senator McAuliffe: "Thank you, Mr. President. I rise to a point of order. I submit that the amendment proposed by Senator Benton on page 21, line 29, changes the scope and object of Substitute Senate Bill No. 5814 and, therefore, violates Rule 66. The underlying bill relates to K-12 accountability. As stated in the previous objection, this is a salary bill that talks about salaries for math and science teachers, so I believe it is not within the scope and object of this bill--as well as the previous scope."

Debate ensued.

## **MOTION**

On motion of Senator Betti Sheldon, further consideration Substitute Senate Bill No. 5418 was deferred.

## **SECOND READING**

SENATE BILL NO. 5825, by Senator McAuliffe (by request of Commission on Student Learning and Superintendent of Public Instruction Bergeson)

Changing student assessments.

#### MOTIONS

On motion of Senator Eide, Second Substitute Senate Bill No. 5825 was substituted for Senate Bill No. 5825 and the second substitute bill was placed on second reading and read the second time.

Senator Finkbeiner moved that the following amendment be adopted:

On page 4, line 2, after "grade" strike "three" and insert "~~((three))~~ four

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Finkbeiner on page 4, line 2, to Second Substitute Senate Bill No. 5825.

The motion by Senator Finkbeiner failed and the amendment was not adopted.

#### MOTION

Senator Zarelli moved that the following amendments be considered simultaneously and be adopted:

On page 4, line 2, after "grade" strike "three" and insert "~~((three))~~ four"

On page 4, line 24, after "grade" strike "six" and insert "seven"

On page 5, line 8, after "~~((eighth))~~" strike "ninth" and insert "tenth"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Zarelli on page 4, lines 2 and 24, and page 5, line 8, to Second Substitute Senate Bill No. 5825.

The motion by Senator Zarelli failed on a rising vote and the amendments were not adopted.

#### MOTION

Senator Finkbeiner moved that the following amendments be considered simultaneously and be adopted:

On page 4, line 4, strike "To the extent possible, the basic skills measured in the test shall be consistent with the basic skill essential academic learning requirements adopted under RCW 28A.630.885."

On page 4, line 26, strike "To the extent possible, the basic skills measured in the test shall be consistent with the basic skill essential academic learning requirements adopted under RCW 28A.630.885."

On page 5, line 15, strike "To the extent possible, the basic skills and reasoning and thinking skills measured in the assessment shall be consistent with the basic skill and reasoning and thinking skills essential academic learning requirements adopted under RCW 28A.630.885."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Finkbeiner on page 4, lines 4 and line 26, and page 5, line 15, to Second Substitute Senate Bill No. 5825.

The motion by Senator Finkbeiner carried and the amendments were adopted.

#### MOTION

Senator Finkbeiner moved that the following amendments be considered simultaneously and be adopted:

On page 5, after line 37 insert the following:

**"Sec. 501.** RCW 28A.150.210 and 1993 c 336 s 101 are each amended to read as follows:

The goal of the Basic Education Act for the schools of the state of Washington set forth in this chapter shall be to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for all students to develop the knowledge and skills essential to:

(1) Read with comprehension, write with skill, and communicate effectively and responsibly in a variety of ways and settings;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history; and geography; (~~arts; and health and fitness;~~)

(3) Think analytically, logically, and creatively, and to integrate experience and knowledge to form reasoned judgments and solve problems; and

(4) Understand the importance of work and how performance, effort, and decisions directly affect future career and educational opportunities."

Renumber the sections consecutively and correct any internal references accordingly.

On page 8, after line 25, strike all material through "2007-08" on line 31

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Finkbeiner on page 5, after line 37, and page 8, after line 25, to Second Substitute Senate Bill No. 5825.

The motion by Senator Finkbeiner failed and the amendments were not adopted.

#### MOTIONS

On motion of Senator McAuliffe, the following amendment was adopted:

On page 14, after line 27, insert the following:

"NEW SECTION. Sec. 601. Part headings used in this act are not any part of the law."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 3 of the title, after "28A.230 RCW;" insert "creating a new section;"

#### MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5825 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5825.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5825 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 32.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McDonald, Roach, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 16.

Excused: Senator Sellar - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5825, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. Mr. President and ladies and gentlemen of the Senate, from time to time I will give you an update on the continuing saga of legislative salaries. I placed on your desk some information that was sent to me by Carol Sayer, the Director of the Salary Commission, showing the County Commissioners and Council Members salaries around the state. If you will notice in one county--we represent over one hundred thousand population--in one county, they represent ninety-eight hundred people. Their salaries are higher than ours are.

"There is one county of twenty-four hundred, where their salaries are almost twenty thousand a year. So, this is just another tidbit. I did receive an e-mail from a school teacher in my district, who said, 'Considering that you work part time at your legislative job and have other occupations and/or other professions that provide income when you are not in session, you are asking for a salary exceeding that of professionals who, in most cases, have far more education and preparation for their jobs than state legislators.' I called the school district and got the salary of that person, thinking that she was probably making around twenty-seven or twenty-eight thousand a year. She makes over forty-six thousand a year for a one hundred and eighty day contract.

"So, I guess what I am trying to say is, 'It is still our fault; we aren't telling people what we do. We aren't telling people what we do during the interim.' So from now on, when I go to a meeting, I am going to spend a little time talking about what we do, not just listen to what everybody else does and what they want. From time to time, I will offer you a little tidbit."

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5178, by Senators McAuliffe, Winsley and Rasmussen

Correcting references to the third grade standardized achievement test.

The bill was read the second time.

#### MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 5178 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5178.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5178 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Morton - 1.

Excused: Senator Sellar - 1.

SENATE BILL NO. 5178, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5988, by Senators McAuliffe, Eide, Long, Finkbeiner, Goings, Zarelli, Patterson, Hargrove, Gardner, Kline, Franklin, Kohl-Welles, B. Sheldon, Winsley and Rasmussen

Changing provisions relating to truancy.

#### MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5988 was substituted for Senate Bill No. 5988 and the substitute bill was placed on second reading and read the second time.

Senator Finkbeiner moved that the following amendments be considered simultaneously and be adopted:

On page 1, after line 3, insert the following:

"**Sec. 1.** RCW 28A.225.010 and 1998 c 244 s 14 are each amended to read as follows:

(1) All parents in this state of any child eight years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless:

(a) The child is attending an approved private school for the same time or is enrolled in an extension program as provided in RCW 28A.195.010(4);

(b) The child is receiving home-based instruction as provided in subsection (4) of this section;

(c) The child is attending an education center as provided in chapter 28A.205 RCW;

(d) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services, is incarcerated in an adult correctional facility, or has been temporarily excused upon the request of his or her parents for purposes agreed upon by the school authorities and the parent: PROVIDED, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED FURTHER, That students excused for such temporary absences may be claimed as full time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and shall not affect school district compliance with the provisions of RCW 28A.150.220; or

(e) The child is (~~sixteen~~) fifteen years of age or older and:

(i) The child is regularly and lawfully employed and either the parent agrees that the child should not be required to attend school or the child is emancipated in accordance with chapter 13.64 RCW;

(ii) The child has already met graduation requirements in accordance with state board of education rules and regulations; or

(iii) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.305.190.

(2) A parent for the purpose of this chapter means a parent, guardian, or person having legal custody of a child.

(3) An approved private school for the purposes of this chapter and chapter 28A.200 RCW shall be one approved under regulations established by the state board of education pursuant to RCW 28A.305.130.

(4) For the purposes of this chapter and chapter 28A.200 RCW, instruction shall be home-based if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW 28A.195.010 and 28A.195.040 and if such activities are:

(a) Provided by a parent who is instructing his or her child only and are supervised by a certificated person. A certificated person for purposes of this chapter and chapter 28A.200 RCW shall be a person certified under chapter 28A.410 RCW. For purposes of this section, "supervised by a certificated person" means: The planning by the certificated person and the parent of objectives consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person; and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed thirty for purposes of this subsection; or

(b) Provided by a parent who is instructing his or her child only and who has either earned forty-five college level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a postsecondary institution or a vocational-technical institute; or

(c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.

(5) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection (4) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 4, after line 2, insert the following:

"**NEW SECTION. Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Finkbeiner on page 1, after line 3, and page 4, after line 2, to Substitute Senate Bill No 5988.

The motion by Senator Finkbeiner carried and the amendments were adopted.

#### MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 2 of the title, after "RCW" strike "28A.225.030" and insert "28A.225.010, 28A.225.030,"

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5988 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5988.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5988 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Voting nay: Senator Swecker - 1.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5988, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 8206, by Senators Bauer, McCaslin, Snyder, Loveland and McAuliffe (by request of State Treasurer Murphy)

Guaranteeing school district debt.

The joint resolution was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Senate Joint Resolution No. 8206 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Resolution No. 8206.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8206 and the joint resolution passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke,

Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 38.

Voting nay: Senators Benton, Heavey, Hochstatter, Johnson, Morton, Roach, Sheldon, T., Stevens, Swecker and Zarelli - 10.

Excused: Senator Sellar - 1.

SENATE JOINT RESOLUTION NO. 8206, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE BILL NO. 5345, by Senators Bauer, McCaslin, Snyder, Loveland, McAuliffe, Winsley and Oke (by request of State Treasurer Murphy)

Creating the school district credit enhancement program.

### MOTIONS

On motion of Senator Bauer, Second Substitute Senate Bill No. 5345 was substituted for Senate Bill No. 5345 and the second substitute bill was placed on second reading and read the second time.

### MOTION

Senator West moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 31, after "chapter" strike ", including the establishment of a reserve for funding the state's payment of principal and interest on bonds"

On page 6, beginning on line 1, strike all of sections 9 and 10.

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator West on page 3, line 31, and page 6, beginning on line 1, to Second Substitute Senate Bill No. 5345.

The motion by Senator West carried and the amendments were adopted.

### MOTIONS

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 2 of the title, after "RCW" delete "43.79A.040 and"

On motion of Senator Bauer, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5345 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5345.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5345 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 39.

Voting nay: Senators Benton, Heavey, Hochstatter, Johnson, Sheldon, T., Stevens, Swecker and Zarelli - 8.

Absent: Senator Prentice - 1.

Excused: Senator Sellar - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5345, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5567, by Senators Hale and Snyder

Using federal funds to reduce the outstanding debt of school districts within counties.

The bill was read the second time.

#### MOTION

On motion of Senator Hale, the rules were suspended, Senate Bill No. 5567 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5567.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5567 and the bill passed the Senate by the following vote:

Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Prentice - 1.

Excused: Senator Sellar - 1.

SENATE BILL NO. 5567, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 8204, by Senator McAuliffe, Winsley, Goings, Eide, Brown, Wojahn, Thibaudeau, Kohl-Welles, Patterson and Kline (by request of Superintendent of Public Instruction Bergeson)

Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies.

The joint resolution was read the second time.

#### MOTION

Senator Oke moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 25, after "authorized" insert "only at a general election"

On page 3, line 10, after "authorized" insert "only at a general election"

On page 3, line 30, after "majority" strike "vote" and insert "of the voters voting on the proposition at a general election"

#### POINT OF INQUIRY

Senator Heavey: "Senator Oke, I didn't hear you explain what your amendments do."

Senator Oke: "The amendments would require each year only to have levy and bond issues in November at the general election time--once a year. Yes, that can make it difficult, because in past years, we really have played games with this issue--running a levy in February and then if it fails, we reduce it and we run it again in March and everytime we run a levy, we are spending forty or fifty thousand dollars to run that levy. When there is a failure, there is a failure throughout our community and that is why I really feel strongly that these amendments pass. I want to see the people in the state of Washington have a vote over this issue. We've not had a vote since 1944 and it is time the people had a vote."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Oke on page 2, line 25; page 3, line 10; and page 3, line 30; to Senate Joint Resolution No. 8204.

The motion by Senator Oke failed and the amendments were not adopted.

#### MOTIONS

On motion of Senator Snyder, the rules were suspended, Senate Joint Resolution No. 8204 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

Debate ensued.

#### CALL FOR THE PREVIOUS QUESTION

Senators Thibaudeau, Kohl-Welles and Goings called for the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be shall the main question be now put.

The motion carried and the demand for the previous question carried.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Resolution No. 8204.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8204 and the joint resolution failed to receive the constitutional two-thirds majority by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Morton, Patterson, Prentice, Rasmussen, Sellar, Sheldon, B., Shin, Spanel, Thibaudeau, Winsley and Wojahn - 25.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Oke, Roach, Rossi, Sheahan, Sheldon, T., Snyder, Stevens, Swecker, West and Zarelli - 24.

SENATE JOINT RESOLUTION NO. 8204, having failed to receive the constitutional two-thirds majority, was declared lost.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Snyder served notice that he would move to reconsider the vote by which Senate Joint Resolution No. 8204 failed to pass the Senate.

President Owen assumed the Chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5418 and the pending amendment by Senators Finkbeiner, Zarelli, McDonald and Johnson on page 21, after line 29, and the pending amendment by Senator Benton on page 21, after line 29, deferred earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Goings to the scope and object of the amendment by Senators Finkbeiner, Zarelli, McDonald and Johnson on page 21, after line 29, the President finds that Substitute Senate Bill No. 5418 is a measure which makes changes to statutes relating to school accountability, assessment and specified assistance within the education reform system, including (1) creating a new commission to provide oversight for school accountability; (2) providing for the allocation of available funds for staff time to develop student learning improvement plans; (3) transferring the duties of the Commission on Student Learning to the Office of the Superintendent of Public Instruction; (4) requiring school districts to report assessment results; and (5) establishing a "helping corps" to provide school improvement based on assessments.

"The amendment by Senators Finkbeiner, Zarelli, McDonald and Johnson would provide an across the board salary increase for teachers, with a larger increase for beginning teachers. The amendment does not address accountability, assessment or the kind of specific assistance related to the education reform system that is provided within the bill.

"The President, therefore, finds that the amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Finkbeiner, Zarelli, McDonald and Johnson on page 21, after line 29, to Substitute Senate Bill No. 5814 was ruled out of order.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator McAuliffe to the scope and object of the amendment by Senator Benton on page 21, after line 29, the President finds that Substitute Senate Bill No. 5418 is a measure which makes changes to statutes relating to school accountability, assessment and specified assistance within the education reform system, including (1) creating a new commission to provide oversight for school accountability; (2) providing for the allocation of available funds for staff time to develop student learning improvement plans; (3) transferring the duties of the Commission on Student Learning to the Office of the Superintendent of Public Instruction; (4) requiring school districts to report assessment results; and (5) establishing a "helping corps" to provide school improvement based on assessments.

"The amendment by Senator Benton would provide a bonus to beginning math and science teachers who achieve at least a 3.5 grade point average in undergraduate school. The amendment does not address accountability, assessment or the kind of specific assistance related to the education reform system that is provided within the bill.

"The President, therefore, finds that the amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Benton on page 21, after line 29, to Substitute Senate Bill No. 5814 was ruled out of order.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5418 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5418.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5418 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 31.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hochstatter, Honeyford, Horn, Johnson, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West and Zarelli - 18.

SUBSTITUTE SENATE BILL NO. 5418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PARLIAMENTARY INQUIRY

Senator Benton: "A point of parliamentary inquiry, Mr. President. Earlier today, the gentleman from the Forty-eight District rose to give notice of reconsideration of Substitute Senate Bill No. 5232. According to Rule 37, the rules of the Senate, it states, 'Any member who voted with the prevailing side may give notice of reconsideration.' According to the official roll call vote, Substitute Senate Bill No. 5232 did not receive a constitutional majority. However, the 'yeas' were, in fact, the prevailing side, even though a constitutional majority was not achieved. Therefore, I would ask the President to consider this parliamentary question as to whether or not the Senator from the Forty-eighth would be considered a member of the prevailing side."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Benton, the prevailing side is the side that prevailed and the side that prevailed is the side that lost. I mean the bill went down. They won, because the bill lost. Therefore, the 'no's' prevailed. That is as clear as mud."

#### MOTION

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

#### MOTION

Senator Johnson moved to invoke Rule 48 and that the Committee on Ways and Means be relieved of further consideration of Senate Bill No. 5905 and the Committee on Education be relieved of further consideration of Senate Bill No. 5635 and the rules be suspended and both bills be placed on the second reading calendar.

EDITOR'S NOTE: Rule 48 states, 'Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected or appointed. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.'

#### MOTION

At 5:12 p.m., on motion of Senator Snyder, the Senate adjourned until 8:30 a.m., Thursday, March 11, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

FIFTY-NINTH DAY, MARCH 10, 1999

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

**SIXTIETH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Thursday, March 11, 1999

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Michael Hawkins and Kevin Kirkpatrick, presented the Colors. Reverend Anna Grace, pastor of the Unity Church of Olympia, offered the prayer.

**MOTION**

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

**MOTION**

At 8:37 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 9:37 a.m. by President Owen.

There being no objection, the Senate resumed consideration of the pending motions by Senator Johnson to relieve the Committee on Ways and Means of Senate Bill No. 5905 and to relieve the Committee on Education of Senate Bill No. 5635 and to suspend the rules and place both bills on the second reading calendar, which was made on the ninth order of business, and no action taken, before the Senate adjourned on the Fifty-ninth day, March 10, 1999.

**MOTION**

Senator Snyder moved that the motions be laid on the table.

**MOTION**

On motion of Senator West, the question was divided.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Snyder to lay the motion on the table, which was made by Senator Johnson to relieve the Committee on Ways and Means of Senate Bill No. 5905 and that the rules be suspended and the bill be placed on the second reading calendar.

**ROLL CALL**

The Secretary called the roll and the motion by Senator Snyder to lay the motion by Senator Johnson on the table regarding Senate Bill No. 5905 carried by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 22.

The President declared the question before the Senate to be the roll call on the motion by Senator Snyder to lay the motion on the table, which was made by Senator Johnson to relieve the Committee on Education of further consideration of Senate Bill No. 5635 and that the rules be suspended and the bill be placed on second reading.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Snyder to lay the motion by Senator Johnson on the table regarding Senate Bill No. 5635 carried by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 22.

#### MOTION FOR RECONSIDERATION

Having served prior notice on March 9, 1999, Senator Snyder moved to reconsider the vote by which Senate Bill No. 5564 failed to pass the Senate.

#### CALL FOR THE PREVIOUS QUESTION

Senators Snyder, Prentice and Wojahn called for the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried on a rising vote.

The President declared the question before the Senate to be the motion by Senator Snyder to reconsider the vote by which Senate Bill No. 5564 failed to pass the Senate.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Snyder to reconsider the vote by which Senate Bill No. 5564 failed to pass the Senate.

#### ROLL CALL

The Secretary called the roll and the motion for reconsideration carried by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0. Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 30.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, West and Zarelli - 19.

#### MOTION

On motion of Senator Snyder, further consideration of Senate Bill No. 5564 was deferred and the bill was placed on the third reading calendar.

#### MOTION FOR RECONSIDERATION

Having served prior notice on March 10, 1999, Senator Snyder moved to reconsider the vote by which Senate Joint Resolution No. 8204 failed to pass the Senate.

#### CALL FOR THE PREVIOUS QUESTION

Senators Snyder, Prentice and Wojahn called for the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the motion by Senator Snyder to reconsider the vote by which Senate Joint Resolution No. 8204 failed to pass the Senate.

The motion carried and the Senate will reconsider the vote by which Senate Joint Resolution No. 8204 failed to pass the Senate.

MOTION

On motion of Senator Snyder, further consideration of Senate Joint Resolution No. 8204 was deferred and the joint resolution was placed on the third reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the third order of business.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON  
OFFICE OF FINANCIAL MANAGEMENT  
Insurance Building  
P. O. Box 43113  
Olympia, Washington 98504-3113

March 5, 1999

TO: All Agencies  
FROM: Candace Espeseth, Assistant Director, Budget Division  
SUBJECT: December 1998 Allotment Variance Report

Attached is the December 1998 quarterly variance report which the Office of Financial Management has submitted to the Legislature in accordance with RCW 43.88.110. Please note that this report only includes variance explanations for those agencies that have a cumulative variance of 10 percent or \$5 million. Explanations for Fiscal Year 1998 are included as submitted for the previous variance report. Fiscal Year 1998 numbers and explanations will continue to be displayed for the balance of the biennium, even though they will not change again. Legislative staff has also been provided with the original agency responses.

The Office of Financial Management December 1998 Allotment Variance Report is on file in the Office of the Secretary of Senate.

MOTION

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

MESSAGES FROM THE HOUSE

March 9, 1999

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1156,  
SUBSTITUTE HOUSE BILL NO. 1158,  
ENGROSSED HOUSE BILL NO. 1263,  
HOUSE BILL NO. 1320,  
HOUSE BILL NO. 1322,

HOUSE BILL NO. 1413,  
HOUSE BILL NO. 1432,  
HOUSE BILL NO. 1442,  
SUBSTITUTE HOUSE BILL NO. 1485,  
SUBSTITUTE HOUSE BILL NO. 1487,  
HOUSE BILL NO. 1542,  
HOUSE BILL NO. 1549,  
HOUSE BILL NO. 1556,  
HOUSE BILL NO. 1584,  
SUBSTITUTE HOUSE BILL NO. 1677,  
HOUSE BILL NO. 1715,  
HOUSE BILL NO. 1734,  
SUBSTITUTE HOUSE BILL NO. 1747,  
ENGROSSED HOUSE BILL NO. 1749,  
HOUSE BILL NO. 1757,  
SUBSTITUTE HOUSE BILL NO. 1770,  
SUBSTITUTE HOUSE BILL NO. 1811,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1817,  
SUBSTITUTE HOUSE BILL NO. 1838,  
HOUSE BILL NO. 1849,  
HOUSE BILL NO. 1936,  
HOUSE BILL NO. 2052,  
SUBSTITUTE HOUSE BILL NO. 2054,  
SUBSTITUTE HOUSE BILL NO. 2071,  
HOUSE BILL NO. 2081, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk  
TIMOTHY A. MARTIN, Co-Chief Clerk

March 9, 1999

MR. PRESIDENT:

The House has passed:  
ENGROSSED HOUSE BILL NO. 1014,  
SUBSTITUTE HOUSE BILL NO. 1015,  
SUBSTITUTE HOUSE BILL NO. 1016,  
HOUSE BILL NO. 1025,  
HOUSE BILL NO. 1050,  
SUBSTITUTE HOUSE BILL NO. 1053,  
SUBSTITUTE HOUSE BILL NO. 1072,  
HOUSE BILL NO. 1096,  
HOUSE BILL NO. 1170,  
SUBSTITUTE HOUSE BILL NO. 1171,  
HOUSE BILL NO. 1175,  
SUBSTITUTE HOUSE BILL NO. 1177, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk  
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6085 by Senators McCaslin and Hargrove

AN ACT Relating to work of a legal nature for compensation; and amending RCW 2.48.190 and 2.56.030.

Referred to Committee on Judiciary.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Requiring children age twelve and under to wear a personal flotation device while on a vessel on the waters of the state.

Referred to Committee on Natural Resources, Parks and Recreation.

SHB 1015 by House Committee on Higher Education (originally sponsored by Representatives Carlson, Radcliff and Sheahan)

Extending the tuition waiver for students in the western interstate commission for higher education western undergraduate exchange program.

Referred to Committee on Higher Education.

SHB 1016 by House Committee on Higher Education (originally sponsored by Representatives Carlson, Ogden, Kenney, Boldt, Pennington, Dunn, Hatfield, Doumit, Mielke, Talcott and Lantz)

Creating the border county higher education opportunity pilot project.

Referred to Committee on Higher Education.

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

Establishing membership in the public employees' retirement system.

Referred to Committee on Ways and Means.

HB 1050 by Representatives Conway and Clements (by request of Department of Labor and Industries)

Relieving the department of labor and industries of the duties of coal mine inspection.

Referred to Committee on Labor and Workforce Development.

SHB 1053 by House Committee on Transportation (originally sponsored by Representatives Fisher, K. Schmidt, Hatfield, Radcliff, O'Brien, Tokuda, Hurst, Skinner and Hankins) (by request of Legislative Transportation Committee)

Consolidating the fuel tax rate and distribution statutes.

Referred to Committee on Transportation.

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

Changing provisions relating to the alternative works process.

Referred to Committee on State and Local Government.

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

Making assault of a school employee or sports official an aggravating factor for sentencing.

Referred to Committee on Judiciary.

ESHB 1156 by House Committee on Transportation (originally sponsored by Representatives Ericksen, Cooper, Mielke, Ogden, DeBolt and K. Schmidt)

Requiring motor carrier drug testing programs.

Referred to Committee on Transportation.

SHB 1158 by House Committee on State Government (originally sponsored by Representatives Ogden, DeBolt, Cooper, Ericksen and Mielke)

Collecting information from truck, tractor, or trailer intelligent information systems.

Referred to Committee on Transportation.

HB 1170 by Representatives Campbell, Bush, Scott, Benson, Gombosky, Mulliken, Mielke, Boldt, Schoesler, Esser and Lambert

Making elected municipal officers subject to the same ethics standards as state officers with regard to gifts.

Referred to Committee on State and Local Government.

SHB 1171 by House Committee on Local Government (originally sponsored by Representatives Alexander, Mielke, Doumit, Hatfield, Kessler, Pennington, DeBolt, Scott and D. Schmidt)

Allowing port district annexations.

Referred to Committee on State and Local Government.

HB 1175 by Representatives Cairnes, O'Brien, DeBolt, Dunshee, Schindler, Morris, Koster, Cooper, G. Chandler, Mulliken, Benson, Mielke, Stensen, Carrell, Ogden, Dunn and McIntire

Regulating street rods.

Referred to Committee on Transportation.

SHB 1177 by House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, Lambert, Koster, Kagi, O'Brien, Cairnes, Lovick, Constantine, Hurst, Kessler and Conway) (by request of Department of Corrections)

Defining the crime of custodial sexual misconduct.

Referred to Committee on Judiciary.

EHB 1263 by Representatives Sheahan, Constantine, McDonald and Kastama

Regulating process and fees of district and municipal courts.

Referred to Committee on Judiciary.

HB 1320 by Representatives Fisher, Ericksen, K. Schmidt, Cooper, Romero, O'Brien, Haigh, Ogden, Veloria, Wood, McIntire, Murray and Ruderman (by request of Department of Transportation)

Developing intercity passenger rail service.

Referred to Committee on Transportation.

HB 1322 by Representatives Mitchell, Romero, Fisher and Murray (by request of Department of Transportation)

Adding information to motorist information signs.

Referred to Committee on Transportation.

HB 1413 by Representatives McMorris, Romero, Dunshee, Campbell, Haigh, D. Schmidt, Miloscia and Lambert (by request of Washington Citizens' Commission on Salaries for Elected Officials)

Staggering the terms of the members of the Washington citizens' commission on salaries for elected officials.

Referred to Committee on State and Local Government.

HB 1432 by Representatives Stensen, G. Chandler, Linville, Koster, Cooper, Dunshee, Reardon and Wood

Expanding the powers and duties of the dairy commission.

Referred to Committee on Agriculture and Rural Economic Development.

HB 1442 by Representatives Edwards, Radcliff, Scott, Wolfe, Reardon, Sheahan, Lovick, Fisher, O'Brien, Santos, Romero, Kenney, Conway, Ogden, Dickerson, Haigh and Keiser

Extending protection of transit employees and customers.

Referred to Committee on Judiciary.

SHB 1485 by House Committee on Capital Budget (originally sponsored by Representatives Barlean and Anderson)

Selling the Whidbey Island game farm.

Referred to Committee on Natural Resources, Parks and Recreation.

SHB 1487 by House Committee on Children and Family Services (originally sponsored by Representatives Clements and Skinner)

Changing provisions relating to foster parents' rights.

Referred to Committee on Human Services and Corrections.

HB 1542 by Representatives Ericksen, D. Schmidt, Romero and McMorris

Recording surveys.

Referred to Committee on State and Local Government.

HB 1549 by Representatives G. Chandler, Linville, Mastin, Schoesler, Koster and Fortunato

Requiring the department of ecology to extend the time for work under a permit if water use has been prevented or restricted due to federal or state laws.

Referred to Committee on Environmental Quality and Water Resources.

HB 1556 by Representatives Hatfield, Bush, Romero, McDonald, Dickerson, Ballasiotes, Scott, Radcliff, Poulsen, Delvin, Constantine, Mastin and Murray (by request of Washington State Patrol)

Increasing timeliness of fire death reports.

Referred to Committee on State and Local Government.

HB 1584 by Representatives Hurst, Mulliken, Scott, Stensen and O'Brien

Allowing unincorporated territory adjacent to a fire protection district to be annexed.

Referred to Committee on State and Local Government.

SHB 1677 by House Committee on Agriculture and Ecology (originally sponsored by Representatives B. Chandler, Grant, G. Chandler, Linville, Mastin, Delvin and Parlette)

Changing irrigation district provisions.

Referred to Committee on Agriculture and Rural Economic Development.

HB 1715 by Representatives Cox, Stensen, Schual-Berke and Talcott (by request of Board of Education)

Reclassifying the state board of education as a class four group.

Referred to Committee on Education.

HB 1734 by Representatives Esser and Schual-Berke (by request of Department of Health)

Subjecting licensed psychologists to chapter 18.130 RCW, the uniform disciplinary act.

Referred to Committee on Health and Long-Term Care.

SHB 1747 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Linville and G. Chandler) (by request of Washington State Conservation Commission)

Changing conservation district provisions.

Referred to Committee on Agriculture and Rural Economic Development.

EHB 1749 by Representatives Dickerson, McDonald, Lantz and Koster

Revising eligibility requirements for deferred disposition.

Referred to Committee on Judiciary.

HB 1757 by Representatives Miloscia, O'Brien, Koster, Lovick, Haigh, Hurst and Radcliff

Expanding the number of inmates subject to mandatory DNA testing.

Referred to Committee on Human Services and Corrections.

SHB 1770 by House Committee on Education (originally sponsored by Representatives Stensen and Talcott) (by request of Board of Education)

Adopting recommendations of the state board of education.

Referred to Committee on Education.

SHB 1811 by House Committee on Children and Family Services (originally sponsored by Representatives Tokuda, Boldt, D. Sommers, Kenney and Ogden) (by request of Department of Social and Health Services)

Revising provisions relating to supported employment for persons with severe disabilities.

Referred to Committee on Health and Long-Term Care.

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

Funding horticultural pest and disease boards.

Referred to Committee on Agriculture and Rural Economic Development.

SHB 1838 by House Committee on Health Care (originally sponsored by Representatives Schual-Berke, Mulliken and Ogden)

Creating the impaired dentist account.

Referred to Committee on Health and Long-Term Care.

HB 1849 by Representatives Kagi, Carrell, Tokuda, Boldt, Lovick, Barlean, McIntire, Edwards, Kenney and Schual-Berke

Expanding aggravating circumstances when a court may impose an exceptional sentence.

Referred to Committee on Judiciary.

HB 1936 by Representatives Tokuda, Boldt, D. Sommers and Santos

Requiring employability screening for recipients of temporary assistance for needy families.

Referred to Committee on Labor and Workforce Development.

HB 2052 by Representatives Barlean, Keiser, Benson and Hatfield (by request of Attorney General Gregoire)

Regulating service contracts.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SHB 2054 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Quall, Benson, Hatfield and Cairnes)

Regulating sellers who finance the goods they sell.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SHB 2071 by House Committee on Commerce and Labor (originally sponsored by Representatives B. Chandler, Conway, McMorris and Koster)

Excluding a member or manager of a limited liability company from workers' compensation coverage.

Referred to Committee on Judiciary.

HB 2081 by Representatives Ruderman, Crouse, Dunshee, Thomas, Kessler, Murray, O'Brien, Ogden, Rockefeller, Stensen, Constantine and Lantz (by request of Governor Locke)

Continuing a moratorium that prohibits a city or town from imposing a specific fee or tax on an internet service provider.

Referred to Committee on Energy, Technology and Telecommunications.

#### MOTION

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

#### MOTION

On motion of Senator Deccio, Senator West was excused.

#### MOTION

On motion of Senator Franklin, Senator Haugen was excused.

#### SECOND READING

SENATE BILL NO. 5482, by Senators Thibaudeau, Deccio, Costa, Rasmussen and Winsley

Regulating disclosure of medical and health research records.

#### MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5482 was substituted for Senate Bill No. 5482 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5482 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5482.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5482 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 43.

Voting nay: Senators Benton, Roach, Stevens and Zarelli - 4.

Excused: Senators Haugen and West - 2.

SUBSTITUTE SENATE BILL NO. 5482, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5805, by Senators Thibaudeau, Prentice, Deccio, Kohl-Welles and Costa

Completing prescriptive authority for advanced registered nurse practitioners.

## MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5805 was substituted for Senate Bill No. 5805 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5805 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Roach: "Senator Thibaudeau, on page 6, line 14 of the bill, it says, 'The commission is directed to jointly adopt by consensus with the board of' and then it goes on. Does that mean that there is no actual vote on whether or not we adopt regulations? Is this just going to be a matter of if we feel like this should be done?"

Senator Thibaudeau: "No, this is not. This is a matter of those bodies agreeing, so that ARNP in setting standards--so that ARNP can proceed to do this. This is not a study; this is a clear direction for, as Senator Deccio, the Senator from the fourteenth district has described, to give this kind of prescriptive authority."

Senator Roach: "Thank you, Senator Thibaudeau."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5805.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5805 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 46.

Voting nay: Senator Roach - 1.

Excused: Senators Haugen and West - 2.

SUBSTITUTE SENATE BILL NO. 5805, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5115, by Senators Heavey, Prentice, Kline and Fairley

Changing judicial review of public employment relations commission proceedings.

## MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5115 was substituted for Senate Bill No. 5115 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5115.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5115 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Haugen and West - 2.

SUBSTITUTE SENATE BILL NO. 5115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5273, by Senators Jacobsen, Haugen, Rasmussen, Gardner, Prentice, Patterson, Winsley and Fraser

Creating a scenic byways designation program.

## MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5273 was substituted for Senate Bill No. 5273 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Goings, the rules were suspended, Substitute Senate Bill No. 5273 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Franklin, Senators Loveland and Snyder were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5273.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5273 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Loveland, Snyder and West - 3.

SUBSTITUTE SENATE BILL NO. 5273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5594, by Senators Rasmussen, T. Sheldon, Prentice, Fairley and Winsley (by request of Governor Locke)

Enhancing economic vitality.

#### MOTIONS

On motion of Senator Rasmussen, Second Substitute Senate Bill No. 5594 was substituted for Senate Bill No. 5594 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendments by Senators Hargrove, Morton, Rasmussen, Loveland, Tim Sheldon and Stevens were considered simultaneously and were adopted:

On page 5, line 24, after "telecommunications," insert "transportation."

On page 16, line 2, after "telecommunications" insert ", transportation, or commercial"

#### MOTIONS

On motion of Senator Tim Sheldon, the following amendment by Senators Tim Sheldon and Loveland was adopted:

On page 8, line 25, after "impact areas." strike all material down through line 29 and insert "((For purposes of this section, the term "distressed counties" includes any county, in which the average level of unemployment for the three years before the year in which an application for financial assistance is filed, exceeds the average state unemployment for those years by twenty percent.))"

On motion of Senator Rasmussen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5594 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5594.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5594 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 48.

Excused: Senator West - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5594, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5848, by Senators Hargrove, Hochstatter, Thibaudeau and Oke

Providing insurance coverage under the basic health plan.

#### MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5848 was substituted for Senate Bill No. 5848 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the following amendment was adopted:

On page 5, line 8, before "amount" strike "per capita" and insert "((per capita))"

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute Senate Bill No. 5848 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

#### MOTION

On motion of Senator McCaslin, Senator Long was excused. The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5848.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5848 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Long and West - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5848, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Goings, Senators Fairley, Franklin and Prentice were excused.

#### SECOND READING

SENATE BILL NO. 5588, by Senators Wojahn, Snyder, Thibaudeau, Fairley, Winsley, Costa, Hale, Prentice, McAuliffe, Kohl-Welles, Rasmussen, Franklin and Sellar.

Classifying false advertising of health carriers as unfair or deceptive acts.

#### MOTIONS

Senator Thibaudeau moved that Substitute Senate Bill No. 5588 be substituted for Senate Bill No. 5588 and that the substitute bill be placed on second reading and read the second time.

#### POINT OF ORDER

Senator Finkbeiner: "I rise to challenge the scope and object of the substitute bill. The original Senate Bill No. 5588, as we can see the title right here--classifying false advertising--deals specifically with false advertising by a health insurance carrier. As a matter of fact--in the public interest--for purposes of the Consumer Protection Act. The substitute bill, however, would expand that beyond both the scope and object of the title and of the original bill and would make any violation of Chapter 48.30 of our RCWs, a matter of affecting public interest--thus again expanding beyond the scope and object of both the original title and the original bill."

Debate ensued.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute Senate Bill No. 5588 was deferred.

## MOTION

On motion of Senator Heavey, Senator Bauer was excused.

## SECOND READING

SENATE BILL NO. 5513, by Senators Costa, Long, Franklin, Zarelli, Heavey, Hargrove, T. Sheldon, Rossi and Shin

Augmenting provisions for execution witnesses.

## MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 5513 was substituted for Senate Bill No. 5513 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the rules were suspended, Substitute Senate Bill No. 5513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5513.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5513 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Fairley, Franklin, Prentice and West - 5.

SUBSTITUTE SENATE BILL NO. 5513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5416, by Senators Thibaudeau, Eide, Patterson, Franklin, Rasmussen, Snyder, Wojahn, Bauer, Kohl-Welles and McAuliffe (by request of Governor Locke)

Creating the children's health insurance program.

## MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5416 was substituted for Senate Bill No. 5416 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5416 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5416.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5416 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 2; Excused, 2.

Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 38.

Voting nay: Senators Benton, Hochstatter, Honeyford, McCaslin, Roach, Stevens and Zarelli - 7.

Absent: Senators Hargrove and Sellar - 2.

Excused: Senators Bauer and West - 2.

SUBSTITUTE SENATE BILL NO. 5416, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Horn, Senator Rossi were excused.

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5649, by Senators Haugen, Sellar and Goings

Regulating security for long-term impounds.

#### MOTION

Senator Haugen moved that Senate Bill No. 5649 not be substituted.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Haugen to not substitute Senate Bill No. 5649.

The motion by Senator Haugen carried and Senate Bill No. 5649 was not substituted.

The bill was read the second time.

#### MOTION

Senator Haugen moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 18.11.070 and 1989 c 307 s 43 are each amended to read as follows:

(1) It is unlawful for any person to act as an auctioneer or for an auction company to engage in any business in this state without a license.

(2) This chapter does not apply to:

(a) An auction of goods conducted by an individual who personally owns those goods and who did not acquire those goods for resale;

(b) An auction conducted by or under the direction of a public authority;

(c) An auction held under judicial order in the settlement of a decedent's estate;

(d) An auction which is required by law to be at auction;

(e) An auction conducted by or on behalf of a political organization or a charitable corporation or association if the person conducting the sale receives no compensation;

(f) An auction of livestock or agricultural products which is conducted under chapter 16.65 or 20.01 RCW. Auctions not regulated under chapter 16.65 or 20.01 RCW shall be fully subject to the provisions of this chapter;

(g) An auction held under chapter 19.150 RCW; ~~((e))~~

(h) An auction of an abandoned vehicle under chapter 46.55 RCW; or

(i) An auction of fur pelts conducted by any cooperative association organized under chapter 23.86 RCW or its wholly owned subsidiary. In order to qualify for this exemption, the fur pelts must be from members of the association. However, the association, without loss of the exemption, may auction pelts that it purchased from nonmembers for the purpose of completing lots or orders, so long as the purchased pelts do not exceed fifteen percent of the total pelts auctioned.

**Sec. 2.** RCW 46.55.010 and 1998 c 203 s 8 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

- (1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for one hundred twenty consecutive hours.
- (2) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.
- (3) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds--public and private.
  - (a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.
  - (b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.
- (4) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:
  - (a) Is three years old or older;
  - (b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission;
  - (c) Is apparently inoperable;
  - (d) Has an approximate fair market value equal only to the approximate value of the scrap in it.
- (5) "Long-term impound" means an impound for up to thirty, sixty, or ninety days ordered under RCW 46.55.120 because the driver was in violation of RCW 46.20.342.
- ~~(6)~~ (6) "Master log" means the document or an electronic facsimile prescribed by the department and the Washington state patrol in which an operator records transactions involving impounded vehicles.
- ~~((6))~~ (7) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.
- ~~((7))~~ (8) "Residential property" means property that has no more than four living units located on it.
- ~~((8))~~ (9) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.
- ~~((9))~~ (10) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.
- ~~((10))~~ (11) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.
- ~~((14))~~ (12) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.
- ~~((12))~~ (13) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

- (a) Public locations:
  - (i) Constituting an accident or a traffic hazard as defined in RCW 46.55.113  
Immediately
  - (ii) On a highway and tagged as described in RCW 46.55.085  
24 hours
  - (iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070  
Immediately
- (b) Private locations:
  - (i) On residential property  
Immediately
  - (ii) On private, nonresidential property, properly posted under RCW 46.55.070  
Immediately

(iii) On private, nonresidential property,  
not posted

24 hours

**NEW SECTION. Sec. 3.** A new section is added to chapter 46.55 RCW to read as follows:

The Washington state patrol shall provide by rule for a uniform impound authorization and inventory form. All law enforcement agencies must use this form for all vehicle impounds after June 30, 2001.

**Sec. 4.** RCW 46.55.080 and 1989 c 111 s 8 are each amended to read as follows:

(1) If a vehicle is in violation of the time restrictions of RCW 46.55.010(~~((42))~~) (13), it may be impounded by a registered tow truck operator at the direction of a law enforcement officer or other public official with jurisdiction if the vehicle is on public property, or at the direction of the property owner or an agent if it is on private property. A law enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order.

(2) The person requesting a private impound or a law enforcement officer or public official requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound. A registered tow truck operator, employee, or his or her agent may not serve as an agent of a property owner for the purposes of signing an impound authorization or, independent of the property owner, identify a vehicle for impound.

(3) In the case of a private impound, the impound authorization shall include the following statement: "A person authorizing this impound, if the impound is found in violation of chapter 46.55 RCW, may be held liable for the costs incurred by the vehicle owner."

(4) A registered tow truck operator shall record and keep in the operator's files the date and time that a vehicle is put in the operator's custody and released. The operator shall make an entry into a master log regarding transactions relating to impounded vehicles. The operator shall make this master log available, upon request, to representatives of the department or the state patrol.

(5) A person who engages in or offers to engage in the activities of a registered tow truck operator may not be associated in any way with a person or business whose main activity is authorizing the impounding of vehicles.

**Sec. 5.** RCW 46.55.100 and 1998 c 203 s 9 are each amended to read as follows:

(1) At the time of impoundment the registered tow truck operator providing the towing service shall give immediate notification, by telephone or radio, to a law enforcement agency having jurisdiction who shall maintain a log of such reports. A law enforcement agency, or a private communication center acting on behalf of a law enforcement agency, shall within six to twelve hours of the impoundment, provide to a requesting operator the name and address of the legal and registered owners of the vehicle, and the registered owner of any personal property registered or titled with the department that is attached to or contained in or on the impounded vehicle, the vehicle identification number, and any other necessary, pertinent information. The initial notice of impoundment shall be followed by a written or electronic facsimile notice within twenty-four hours. In the case of a vehicle from another state, time requirements of this subsection do not apply until the requesting law enforcement agency in this state receives the information.

(2) The operator shall immediately send an abandoned vehicle report to the department for any vehicle, and for any items of personal property registered or titled with the department, that are in the operator's possession after the one hundred twenty hour abandonment period. Such report need not be sent when the impoundment is pursuant to a writ, court order, or police hold other than a long-term impound. The owner notification and abandonment process shall be initiated by the registered tow truck operator immediately following notification by a court or law enforcement officer that the writ, court order, or police hold other than a long-term impound is no longer in effect.

(3) Following the submittal of an abandoned vehicle report, the department shall provide the registered tow truck operator with owner information within seventy-two hours.

(4) Within fourteen days of the sale of an abandoned vehicle at public auction, the towing operator shall send a copy of the abandoned vehicle report showing the disposition of the abandoned vehicle and any other items of personal property registered or titled with the department to the crime information center of the Washington state patrol.

(5) If the operator sends an abandoned vehicle report to the department and the department finds no owner information, an operator may proceed with an inspection of the vehicle and any other items of personal property registered or titled with the department to determine whether owner identification is within the vehicle.

(6) If the operator finds no owner identification, the operator shall immediately notify the appropriate law enforcement agency, which shall search the vehicle and any other items of personal property registered or titled with the department for the vehicle identification number or other appropriate identification numbers and check the necessary records to determine the vehicle's or other property's owners.

**Sec. 6.** RCW 46.55.110 and 1998 c 203 s 3 are each amended to read as follows:

(1) When an unauthorized vehicle is impounded, the impounding towing operator shall notify the legal and registered owners of the impoundment of the unauthorized vehicle and the owners of any other items of personal property registered or titled with the department. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, and the owners of any other items of personal property registered or titled with the department, as provided by the law enforcement agency, and shall inform the owners of the identity of the person or agency authorizing the impound. The notification shall include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by whose authority the vehicle was impounded. The notice shall also include the written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120.

(2) In addition, if a long-term impound has been ordered, the notice must state the length of the impound, the requirement of the posting of a security deposit to ensure payment of the costs of removal, towing, and storage, notification that if the security deposit is not posted the vehicle will immediately be processed and sold at auction as an abandoned vehicle, and the requirements set out in RCW 46.55.120(1)(b) regarding the payment of the costs of removal, towing, and storage as well as providing proof of satisfaction of any penalties, fines, or forfeitures before redemption. The notice must also state that the registered owner is ineligible to purchase the vehicle at the abandoned vehicle auction, if held.

(3) In the case of an abandoned vehicle, or other item of personal property registered or titled with the department, within twenty-four hours after receiving information on the owners from the department through the abandoned vehicle report, the tow truck operator shall send by certified mail, with return receipt requested, a notice of custody and sale to the legal and registered owners.

~~((3))~~ (4) If the date on which a notice required by subsection ~~((2))~~ (3) of this section is to be mailed falls upon a Saturday, Sunday, or a postal holiday, the notice may be mailed on the next day that is neither a Saturday, Sunday, nor a postal holiday.

~~((4))~~ (5) No notices need be sent to the legal or registered owners of an impounded vehicle or other item of personal property registered or titled with the department, if the vehicle or personal property has been redeemed.

**Sec. 7.** RCW 46.55.120 and 1998 c 203 s 5 are each amended to read as follows:

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, or 46.55.113 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department, or one who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or items of personal property registered or titled with the department. In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342(1)(c) shall not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of ~~((b))~~ (e) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency. If the department's records show that the operator has been convicted of a violation of RCW 46.20.342 or a similar local ordinance within the past five years, the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the agency that ordered the vehicle impounded. An agency may issue a written order to release pursuant to a provision of an applicable state agency rule or local ordinance authorizing release on the basis of economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record.

If a vehicle is impounded because the operator is in violation of RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. However, if the department's records show that the operator has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a similar local ordinance within the past five years, the vehicle may be held at the written direction of the agency ordering the vehicle impounded for up to sixty days, and for up to ninety days if the operator has two or more such prior offenses. If a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342, the vehicle may not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of ~~((b))~~ (e) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

(b) If the vehicle is directed to be held for a long-term impound, a person who desires to redeem the vehicle at the end of the period of impound shall within five days of the impound at the request of the tow truck operator pay a security deposit to the tow truck operator of not more than one-half of the applicable impound storage rate for each day of the proposed long-term impound. The tow truck operator shall credit this amount against the final bill for removal, towing, and storage upon redemption. The tow truck operator may accept other sufficient security in lieu of the security deposit. If the person desiring to redeem the vehicle does not

pay the security deposit or provide other security acceptable to the tow truck operator, the tow truck operator may process and sell at auction the vehicle as an abandoned vehicle within the normal time limits set out in RCW 46.55.130(1). The security deposit required by this section may be paid and must be accepted at any time up to twenty-four hours before the beginning of the auction to sell the vehicle as abandoned. The registered owner is not eligible to purchase the vehicle at the auction, and the tow truck operator shall sell the vehicle to the highest bidder who is not the registered owner.

(c) Notwithstanding (b) of this subsection, a rental car business may immediately redeem a rental vehicle it owns by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a long-term impound.

(d) Notwithstanding (b) of this subsection, a motor vehicle dealer or lender with a perfected security interest in the vehicle may redeem or lawfully repossess a vehicle immediately by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a long-term impound. A motor vehicle dealer or lender with a perfected security interest in the vehicle may not knowingly and intentionally engage in collusion with a registered owner to repossess and then return or resell a vehicle to the registered owner in an attempt to avoid a long-term impound. However, this provision does not preclude a vehicle dealer or lender with a perfected security interest in the vehicle from repossessing the vehicle and then selling, leasing, or otherwise disposing of it in accordance with chapter 62A.9 RCW, including providing redemption rights to the debtor under RCW 62A.9-506.

(e) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle, with credit being given for the amount of any security deposit paid under (b) of this subsection. In addition, if a vehicle is impounded because the operator was arrested for a violation of RCW 46.20.342 or 46.20.420 and was being operated by the registered owner when it was impounded, it must not be released to any person until the registered owner establishes with the ~~((agency that ordered the vehicle impounded))~~ court having jurisdiction that any penalties, fines, or forfeitures owed by him or her as a result of the impound have been satisfied. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm can determine through the customer's bank or a check verification service that the presented check would not be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. The municipal court has jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section and more than five days before the date of the auction. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court. If the hearing request is not received by the court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for the amount of the filing fee required by law for the impound hearing petition as well as reasonable damages for loss of the use of the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. However, if an impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.420 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO: . . . . .

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the . . . . . Court located at . . . . . in the sum of \$. . . . ., in an action entitled . . . . ., Case No. . . . . YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW . . . if the judgment is not paid within 15 days of the date of this notice.

DATED this . . . . day of . . . . ., (year) . . .

Signature

Typed name and address  
of party mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110((2)) (3) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees.

**Sec. 8.** RCW 46.55.130 and 1998 c 203 s 6 are each amended to read as follows:

(1) If, after the expiration of fifteen days from the date of mailing of notice of custody and sale required in RCW 46.55.110((2)) (3) to the registered and legal owners, the vehicle remains unclaimed and has not been listed as a stolen vehicle, or for which a long-term impound has been directed but no security paid under RCW 46.55.120, then the registered tow truck operator having custody of the vehicle shall conduct a sale of the vehicle at public auction after having first published a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days and no more than ten days before the date of the auction. The notice shall contain a description of the vehicle including the make, model, year, and license number and a notification that a three-hour public viewing period will be available before the auction. The auction shall be held during daylight hours of a normal business day.

(2) The following procedures are required in any public auction of such abandoned vehicles:

(a) The auction shall be held in such a manner that all persons present are given an equal time and opportunity to bid;

(b) All bidders must be present at the time of auction unless they have submitted to the registered tow truck operator, who may or may not choose to use the preauction bid method, a written bid on a specific vehicle. Written bids may be submitted up to five days before the auction and shall clearly state which vehicle is being bid upon, the amount of the bid, and who is submitting the bid;

(c) The open bid process, including all written bids, shall be used so that everyone knows the dollar value that must be exceeded;

(d) The highest two bids received shall be recorded in written form and shall include the name, address, and telephone number of each such bidder;

(e) In case the high bidder defaults, the next bidder has the right to purchase the vehicle for the amount of his or her bid;

(f) The successful bidder shall apply for title within fifteen days;

(g) The registered tow truck operator shall post a copy of the auction procedure at the bidding site. If the bidding site is different from the licensed office location, the operator shall post a clearly visible sign at the office location that describes in detail where the auction will be held. At the bidding site a copy of the newspaper advertisement that lists the vehicles for sale shall be posted;

(h) All surplus moneys derived from the auction after satisfaction of the registered tow truck operator's lien shall be remitted within thirty days to the ~~((department for deposit in the state motor vehicle fund. A report identifying the vehicles resulting in any surplus shall accompany the remitted funds. If the director subsequently receives a valid claim from the))~~ registered vehicle owner of record as determined by the department ~~((within one year from the date of the auction, the surplus moneys shall be remitted to such owner))~~;

(i) If an operator receives no bid, or if the operator is the successful bidder at auction, the operator shall, within forty-five days sell the vehicle to a licensed vehicle wrecker, hulk hauler, or scrap processor by use of the abandoned vehicle report-affidavit of sale, or the operator shall apply for title to the vehicle.

(3) In no case may an operator hold a vehicle for longer than ninety days without holding an auction on the vehicle, except for vehicles that are under a police or judicial hold.

(4)(a) In no case may the accumulation of storage charges exceed fifteen days from the date of receipt of the information by the operator from the department as provided by RCW 46.55.110~~((2))~~ (3).

(b) The failure of the registered tow truck operator to comply with the time limits provided in this chapter limits the accumulation of storage charges to five days except where delay is unavoidable. Providing incorrect or incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available. However, storage charges begin to accrue again on the date the correct and complete information is provided to the department by the registered tow truck operator.

**Sec. 9.** RCW 46.61.625 and 1995 c 360 s 10 are each amended to read as follows:

(1) No person or persons shall occupy any trailer while it is being moved upon a public highway, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position.

(2) No person or persons may occupy a vehicle while it is being towed by a tow truck as defined in RCW 46.55.010~~((8))~~.

**Sec. 10.** RCW 46.70.180 and 1997 c 153 s 1 are each amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his or her authorized representative's future acceptance, and the dealer fails or refuses within three calendar days, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer, either (i) to deliver to the buyer the dealer's signed acceptance, or (ii) to void the order, offer, or contract document and tender the

return of any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer as part of the purchase price, for any reason except:

(i) Failure to disclose that the vehicle's certificate of ownership has been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.050 and 46.12.075; or

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(iii) Excessive additional miles or a discrepancy in the mileage. "Excessive additional miles" means the addition of five hundred miles or more, as reflected on the vehicle's odometer, between the time the vehicle was first valued by the dealer for purposes of determining its trade-in value and the time of actual delivery of the vehicle to the dealer. "A discrepancy in the mileage" means (A) a discrepancy between the mileage reflected on the vehicle's odometer and the stated mileage on the signed odometer statement; or (B) a discrepancy between the mileage stated on the signed odometer statement and the actual mileage on the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesperson to refuse to furnish, upon request of a prospective purchaser, for vehicles previously registered to a business or governmental entity, the name and address of the business or governmental entity.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle. However, a dealer may issue a second temporary permit on a vehicle if the following conditions are met:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period;

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday, after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied.

(9) For a dealer, salesman, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, salesman, or mobile home manufacturer instead of holding the "on deposit" funds as trustee in a separate trust account until the purchaser has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales agreement signed by the seller and buyer.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, purchase moneys or funds that have been deposited into or withdrawn out of any account controlled or used by any buyer's agent, gratuity, or reward in connection with the purchase or sale of a new motor vehicle.

(12) For a buyer's agent, acting directly or through a subsidiary, to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase or sale of a new motor vehicle. In addition, it is unlawful for any buyer's agent to engage in any of the following acts on behalf of or in the name of the consumer:

(a) Receiving or paying any purchase moneys or funds into or out of any account controlled or used by any buyer's agent;

(b) Signing any vehicle purchase orders, sales contract, odometer statements, or title documents, or having the name of the buyer's agent appear on the vehicle purchase order, sales contract, or title; or

(c) Signing any other documentation relating to the purchase, sale, or transfer of any new motor vehicle.

It is unlawful for a buyer's agent to use a power of attorney obtained from the consumer to accomplish or effect the purchase, sale, or transfer of ownership documents of any new motor vehicle by any means which would otherwise be prohibited under (a) through (c) of this subsection. However, the buyer's agent may use a power of attorney for physical delivery of motor vehicle license plates to the consumer.

Further, it is unlawful for a buyer's agent to engage in any false, deceptive, or misleading advertising, disseminated in any manner whatsoever, including but not limited to making any claim or statement that the buyer's agent offers, obtains, or guarantees the lowest price on any motor vehicle or words to similar effect.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW. In addition, it is unlawful for any buyer's agent to fail to have a written agreement with the customer that: (a) Sets forth the terms of the parties' agreement; (b) discloses to the customer the total amount of any fees or other compensation being paid by the customer to the buyer's agent for the agent's services; and (c) further discloses whether the fee or any portion of the fee is refundable. The department of licensing shall by December 31, 1996, in rule, adopt standard disclosure language for buyer's agent agreements under RCW 46.70.011, 46.70.070, and this section.

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith.

(c) Encourage, aid, abet, or teach a vehicle dealer to sell vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

(16) To knowingly and intentionally engage in collusion with a registered owner of a vehicle to repossess and return or resell the vehicle to the registered owner in an attempt to avoid a long-term impound under chapter 46.55 RCW. However, compliance with chapter 62A.9 RCW in repossessing, selling, leasing, or otherwise disposing of the vehicle, including providing redemption rights to the debtor, is not a violation of this section."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Haugen to Senate Bill No. 5649.

The motion by Senator Haugen carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "to" strike the remainder of the title, and insert "vehicle impound notices, security, and auctions; amending RCW 18.11.070, 46.55.010, 46.55.080, 46.55.100, 46.55.110, 46.55.120, 46.55.130, 46.61.625, and 46.70.180; and adding a new section to chapter 46.55 RCW."

On motion of Senator Haugen, the rules were suspended, Engrossed Senate Bill No. 5649 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Goings, Senator Patterson was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5649.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5649 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Bauer, Patterson and Rossi - 3.

ENGROSSED SENATE BILL NO. 5649, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5030, by Senators Long, Fraser, Winsley, Franklin, Bauer, Jacobsen, Roach, T. Sheldon, Johnson and Rasmussen (by request of Joint Committee on Pension Policy)

Adjusting the Washington state patrol surviving spouse retirement allowance.

#### MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5030 was substituted for Senate Bill No. 5030 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 5030 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5030.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5030 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 45.

Absent: Senator West - 1.

Excused: Senators Bauer, Patterson and Rossi - 3.

SUBSTITUTE SENATE BILL NO. 5030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5105, by Senators Eide, Morton, Jacobsen and Winsley (by request of Department of Health)

Changing the definition of public water system.

The bill was read the second time.

#### MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 5105 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5105.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5105 and the bill passed the Senate by the following vote:

Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 48.

Absent: Senator West - 1.

SENATE BILL NO. 5105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5109 was moved to the bottom of the second reading calendar.

#### SECOND READING

SENATE BILL NO. 5171, by Senators Goings, Prentice and Rasmussen

Regulating Washington state patrol employment agreements.

#### MOTIONS

On motion of Senator Goings, Second Substitute Senate Bill No. 5171 was substituted for Senate Bill No. 5171 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Goings, the rules were suspended, Second Substitute Senate Bill No. 5171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Franklin, Senator Loveland was excused.

#### MOTION

On motion of Senator Long, Senator West was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5171.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5171 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Loveland and West - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5248, by Senators Loveland, Patterson, Snyder, Bauer, McCaslin and Winsley (by request of State Treasurer Murphy)

Negotiating state-wide custody contracts.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5248 was substituted for Senate Bill No. 5248 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5248 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5248.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5248 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Loveland and West - 2.

SUBSTITUTE SENATE BILL NO. 5248, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

Vice President Pro Tempore Bauer assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5250, by Senators Wojahn, Sellar, Jacobsen, Thibaudeau, Deccio, Winsley, McDonald, Kohl-Welles, Rasmussen, Spanel, Fraser, Oke, Gardner, Hale and Costa

Permitting the secretary of health to implement programs regarding women's health.

The bill was read the second time.

#### MOTIONS

On motion of Senator Wojahn, the following Committee on Health and Long-Term Care amendment was adopted:

On page 1, line 6, after "may" insert "solicit and"

On motion of Senator Wojahn, the rules were suspended, Engrossed Senate Bill No. 5250 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5250.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5250 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 48.

Excused: Senator West - 1.

ENGROSSED SENATE BILL NO. 5250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5283, by Senators Goings, Gardner and Benton (by request of Transportation Improvement Board)

Updating references to the transportation improvement board bond retirement account.

#### MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5283 was substituted for Senate Bill No. 5283 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Goings, the rules were suspended, Substitute Senate Bill No. 5283 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5283.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5283 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn

and Zarelli - 47. Absent: Senator Roach - 1. Excused: Senator West - 1. SUBSTITUTE SENATE BILL NO. 5283, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5141 and Senate Bill No. 5290, which were on the consent calendar, were moved to the regular calendar.

MOTION

At 12:06 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:15 p.m.

The Senate was called to order at 1:15 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the third order of business.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

September 24, 1998

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Teri Murphy, appointed September 24, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

March 11, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John I. McGinnis, Jr., appointed June 11, 1998, for a term ending June 30, 2001, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Labor and Workforce Development.

MOTION

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

## SECOND READING

SENATE BILL NO. 5370, by Senators Patterson, Horn, B. Sheldon, Spanel and Haugen (by request of Department of General Administration)

Raising the limit on agency direct buy authority without competitive bids.

The bill was read the second time.

### MOTION

On motion of Senator Goings, the rules were suspended, Senate Bill No. 5370 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

### MOTION

On motion of Senator Snyder, Senator McAuliffe was excused.

### MOTION

On motion of Senator Honeyford, Senator Zarelli was excused.

### MOTION

On motion of Senator Deccio, Senator Winsley was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5370.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5370 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 3; Excused, 4.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Wojahn - 42.

Absent: Senators Brown, Haugen and Sellar - 3.

Excused: Senators McAuliffe, West, Winsley and Zarelli - 4.

SENATE BILL NO. 5370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5374, by Senators Heavey and Johnson (by request of Department of Licensing)

Making corrective amendments to certain drivers' licensing laws.

The bill was read the second time.

### MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 5374 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## PARLIAMENTARY INQUIRY

Senator Heavey: "Before I begin on what the bill is all about, I have a point of parliamentary inquiry. I believe that the rules require that each bill be read three times and if we advance the bill to third reading and we consider the second reading to be the third, did we really have a second reading?"

## REPLY BY THE PRESIDENT

President Owen: "Senator Heavey, you suspended the rules and by the suspension of the rules you have been able to take care of that little problem."

Senator Heavey: "Thank you for clarifying that, Mr. President."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5374.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5374 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Wojahn - 45.

Absent: Senator Haugen - 1.

Excused: Senators West, Winsley and Zarelli - 3.

SENATE BILL NO. 5374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5588 and the pending motion by Senator Thibaudeau to substitute the bill, deferred on second reading earlier today.

## RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Finkbeiner on the scope and object of Substitute Senate Bill No. 5588, the President must first state that the original bill is not a model of good legislative drafting, and that the President did have a difficult time discerning the scope and object of the original bill. After considerable deliberation, the President finds that the original bill would make all unfair practices under Chapter 48.30 RCW by health carriers subject to the Consumer Protection Act.

"The substitute measure would also make all unfair practices under Chapter 48.30 subject to the Consumer Protection Act.

"The President, therefore, finds that the substitute bill does not change the scope and object of the bill and the point of order is not well taken.

"Senator Finkbeiner referred to the title of the original bill in his argument. The President would like to remind the body of President Cherberg's words in this regard: 'It is important to note that the Constitution and the rule on scope and object are not concerned with the title of the bill.'"

Substitute Senate Bill No. 5588 was ruled in order.

## MOTION

On motion of Senator Betti Sheldon, further consideration of Senate Bill No. 5588 was deferred.

## MOTION

At 1:30 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:39 p.m. by President Owen.

## SECOND READING

SENATE BILL NO. 5376, by Senators Costa, McCaslin and Heavey

Making corrections to sentencing laws.

## MOTIONS

On motion of Senator Snyder, Substitute Senate Bill No. 5376 was substituted for Senate Bill No. 5376 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Snyder, the rules were suspended, Substitute Senate Bill No. 5376 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5376.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5376 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 48.

Excused: Senator West - 1.

SUBSTITUTE SENATE BILL NO. 5376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5399, by Senators Rossi, Kline, Costa and McCaslin

Changing provisions relating to traffic offenses.

## MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5399 was substituted for Senate Bill No. 5399 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5399 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5399.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5399 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 48.

Excused: Senator West - 1.

SUBSTITUTE SENATE BILL NO. 5399, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5445, by Senators Franklin, Winsley, Wojahn, Deccio, Thibaudeau, Kline, Rasmussen, Fairley, Patterson, Prentice, Kohl-Welles, Costa, Eide and Spanel

Allowing the chair of a legislative committee to request review by the department of health of a mandated benefit bill.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 5445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5445.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5445 and the bill passed the Senate by the following vote:

Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 47.

Absent: Senator McDonald - 1.

Excused: Senator West - 1.

SENATE BILL NO. 5445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Deccio, Senators McDonald and Sellar were excused.

#### SECOND READING

SENATE BILL NO. 5561, by Senators Thibaudeau, Wojahn, Deccio, Winsley and Kohl-Welles (by request of Department of Social and Health Services)

Protecting vulnerable adults.

#### MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5561 was substituted for Senate Bill No. 5561 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5561 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5561.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5561 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 46.

Excused: Senators McDonald, Sellar and West - 3.

SUBSTITUTE SENATE BILL NO. 5561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5634, by Senators Finkbeiner, Zarelli, Hale, Oke, Deccio, Johnson, Hochstatter, Rossi, McDonald, Horn, Swecker and West

Requiring school districts to adopt policies for the retention and promotion of students.

#### MOTIONS

On motion of Senator Finkbeiner, Substitute Senate Bill No. 5634 was substituted for Senate Bill No. 5634 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Finkbeiner, the rules were suspended, Substitute Senate Bill No. 5634 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5634.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5634 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 46.

Excused: Senators McDonald, Sellar and West - 3.

SUBSTITUTE SENATE BILL NO. 5634, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5643, by Senators Gardner, Horn, McDonald and Oke (by request of Secretary of State Munro)

Revising laws on the state voters' pamphlet.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5643 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5643.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5643 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 46.

Excused: Senators McDonald, Sellar and West - 3.

SENATE BILL NO. 5643, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5671, by Senators Kline, Fairley, Johnson and Thibaudeau

Repealing anarchy and sabotage statutes.

#### MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5671 was substituted for Senate Bill No. 5671 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5671 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5671.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5671 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 46.

Excused: Senators McDonald, Sellar and West - 3.

SUBSTITUTE SENATE BILL NO. 5671, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6003, by Senators Snyder, Winsley, Prentice, Wojahn, T. Sheldon and Rasmussen (by request of Governor Locke)

Reorganizing the liquor control board.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6003 was substituted for Senate Bill No. 6003 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6003 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6003.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6003 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau and Winsley - 33.

Voting nay: Senators Benton, Finkbeiner, Franklin, Heavey, Horn, Johnson, Long, McDonald, Morton, Roach, Rossi, Stevens, Wojahn and Zarelli - 14.

Excused: Senators Sellar and West - 2.

SUBSTITUTE SENATE BILL NO. 6003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1294, by House Committee on Transportation (originally sponsored by Representatives Fisher and K. Schmidt)

Technically editing chapter 46.20 RCW.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1294 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1294.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1294 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Sellar and West - 2.

SUBSTITUTE HOUSE BILL NO. 1294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senators Loveland and Snyder were excused.

## SECOND READING

SENATE BILL NO. 5415, by Senators Patterson, Horn and McAuliffe (by request of Governor Locke)

Eliminating and consolidating boards, commissions, and programs.

## MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5415 was substituted for Senate Bill No. 5415 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5415 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5415.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5415 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senators Johnson and McDonald - 2.

Excused: Senators Loveland, Sellar, Snyder and West - 4.

SUBSTITUTE SENATE BILL NO. 5415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5881, by Senators Thibaudeau, Oke, Costa and Winsley (by request of Governor Locke and Attorney General Gregoire)

Regulating youth access to tobacco products.

The bill was read the second time.

## MOTION

Senator Johnson moved that the following amendment by Senators Johnson and Thibaudeau be adopted:

Beginning on page 7, line 19, strike all of section 8 and insert the following:

**"Sec. 8.** RCW 70.155.130 and 1993 c 507 s 14 are each amended to read as follows:

This chapter preempts political subdivisions from adopting or enforcing requirements for the licensure and regulation of tobacco product promotions and sales within retail stores, except that political subdivisions that have adopted ordinances ~~((prohibiting sampling))~~ regulating tobacco by January 1, 1993, may continue to enforce these ordinances. No political subdivision may: (1) Impose fees or license requirements on retail businesses for possessing or selling cigarettes or tobacco products, other than general business taxes or license fees not primarily levied on tobacco products; or (2) regulate or prohibit activities covered by RCW 70.155.020 through 70.155.080. ~~((This chapter does not otherwise preempt political subdivisions from adopting ordinances regulating the sale, purchase, use, or promotion of tobacco products not inconsistent with chapter 507, Laws of 1993.))~~ Nothing in this chapter limits the powers of a political subdivision from adopting ordinances regulating the sale, purchase, use, or promotion of tobacco products, not inconsistent with this chapter, occurring outside a retail store. Tobacco advertising and promotions within a

retail store that are conspicuous to the view of the public from outside the retail store are considered to be occurring outside the retail store."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Johnson and Thibaudeau on page 7, line 19, to Senate Bill No. 5881.

The motion by Senator Johnson carried and the amendment was adopted.

## MOTIONS

On motion of Senator Thibaudeau, the following amendments were considered simultaneously and adopted:

On page 3, line 1, after "(2)" strike "Beginning" and insert "Except as provided in subsection (1) of this section, beginning"

On page 3, line 5, after "exclusively." insert "Further, this section does not apply to sales from within premises where minors are prohibited by statute."

Senator Deccio moved that the following amendment be adopted:

On page 8, after line 2, insert the following:

**"Sec. 9.** RCW 82.24.110 and 1997 c 420 s 4 are each amended to read as follows:

(1) Each of the following acts is a gross misdemeanor and punishable as such:

(a) To sell, except as a licensed wholesaler engaged in interstate commerce as to the article being taxed herein, without the stamp first being affixed;

(b) To sell in Washington as a wholesaler to a retailer who does not possess and is required to possess a current cigarette retailer's license;

(c) To use or have in possession knowingly or intentionally any forged or counterfeit stamps;

(d) For any person other than the department of revenue or its duly authorized agent to sell any stamps not affixed to any of the articles taxed herein whether such stamps are genuine or counterfeit;

(e) To violate any of the provisions of this chapter;

(f) To violate any lawful rule made and published by the department of revenue or the board;

(g) To use any stamps more than once;

(h) To refuse to allow the department of revenue or its duly authorized agent, on demand, to make full inspection of any place of business where any of the articles herein taxed are sold or otherwise hinder or prevent such inspection;

(i) Except as provided in this chapter, for any retailer to have in possession in any place of business any of the articles herein taxed, unless the same have the proper stamps attached;

(j) For any person to make, use, or present or exhibit to the department of revenue or its duly authorized agent, any invoice for any of the articles herein taxed which bears an untrue date or falsely states the nature or quantity of the goods therein invoiced;

(k) For any wholesaler or retailer or his or her agents or employees to fail to produce on demand of the department of revenue all invoices of all the articles herein taxed or stamps bought by him or her or received in his or her place of business within five years prior to such demand unless he or she can show by satisfactory proof that the nonproduction of the invoices was due to causes beyond his or her control;

(l) For any person to receive in this state any shipment of any of the articles taxed herein, when the same are not stamped, for the purpose of avoiding payment of tax. It is presumed that persons other than dealers who purchase or receive shipments of unstamped cigarettes do so to avoid payment of the tax imposed herein;

(m) For any person to possess or transport in this state a quantity of ~~((sixty))~~ thirty thousand cigarettes or less unless the proper stamps required by this chapter have been affixed or unless: (i) Notice of the possession or transportation has been given as required by RCW 82.24.250; (ii) the person transporting the cigarettes has in actual possession invoices or delivery tickets which show the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes so transported; and (iii) the cigarettes are consigned to or purchased by any person in this state who is authorized by this chapter to possess unstamped cigarettes in this state.

(2) It is unlawful for any person knowingly or intentionally to possess or to transport in this state a quantity in excess of ~~((sixty))~~ thirty thousand cigarettes unless the proper stamps required by this chapter are affixed thereto or unless: (a) Proper notice as required by RCW 82.24.250 has been given; (b) the person transporting the cigarettes actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes so transported; and (c) the cigarettes are consigned to or purchased by a person in this state who is authorized by this chapter to possess unstamped cigarettes in this state. Violation of this section shall be punished as a class C felony under Title 9A RCW.

(3) All agents, employees, and others who aid, abet, or otherwise participate in any way in the violation of the provisions of this chapter or in any of the offenses described in this chapter shall be guilty and punishable as principals, to the same extent as any wholesaler or retailer or any other person violating this chapter.

**Sec. 10.** RCW 82.24.130 and 1997 c 420 s 5 are each amended to read as follows:

(1) The following are subject to seizure and forfeiture:

(a) Subject to RCW 82.24.250, any articles taxed in this chapter that are found at any point within this state, which articles are held, owned, or possessed by any person, and that do not have the stamps affixed to the packages or containers.

(b) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in (a) of this subsection, except:

(i) A conveyance used by any person as a common or contract carrier having in actual possession invoices or delivery tickets showing the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes transported, unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(ii) A conveyance subject to forfeiture under this section by reason of any act or omission of which the owner thereof establishes to have been committed or omitted without his or her knowledge or consent;

(iii) A conveyance encumbered by a bona fide security interest if the secured party neither had knowledge of nor consented to the act or omission.

(c) Any vending machine used for the purpose of violating the provisions of this chapter.

(2) Property subject to forfeiture under this chapter may be seized by any agent of the department authorized to collect taxes, any enforcement officer of the board, or law enforcement officer of this state upon process issued by any superior court or district court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant; or

(b) The department, the board, or the law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter and exigent circumstances exist making procurement of a search warrant impracticable.

(3) Notwithstanding the foregoing provisions of this section, articles taxed in this chapter which are in the possession of a wholesaler or retailer, licensed under Washington state law, for a period of time necessary to affix the stamps after receipt of the articles, shall not be considered contraband.

(4) The director of the department of licensing may suspend for six months the driver's license of a person found to be operating a conveyance transporting property subject to forfeiture under this chapter."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Deccio on page 8, after line 2, to Senate Bill No. 5881.

The motion by Senator Deccio carried and the amendment was adopted.

## MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 3 of the title, after "70.155.110," strike "and 70.155.130" and insert "70.155.130, 82.24.110, and 82.24.130"

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Senate Bill No. 5881 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5881.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5881 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald,

Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senator Finkbeiner - 1.

Excused: Senators Loveland, Sellar, Snyder and West - 4.

ENGROSSED SENATE BILL NO. 5881, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5533, by Senators Fairley, Kline, Franklin, Oke and Kohl-Welles (by request of Governor Locke)

Creating a state work force investment board.

## MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5533 was substituted for Senate Bill No. 5533 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that Washington employers are having difficulty finding qualified applicants for jobs, particularly those requiring specialized skills. Many businesses are being forced to curtail expansion in Washington state.

The legislature finds that business surveys indicate that the availability of a skilled work force is the most important factor in business location decisions, particularly for high wage employers. Our state's rural development strategy requires a work force focus. Now more than ever, we need to have an explicit work force development strategy linked with our state economic development efforts.

The legislature also finds that the consequences for failing to upgrade the skills of our workers are enormous. Family incomes are increasingly linked with skills and training and those who cannot access training and education will continue to see declines in their income.

The legislature further finds that in order to succeed we must have a system of lifelong learning that allows workers to upgrade their skills while continuing to work. To achieve that goal we must have a work force development system that is linked directly to jobs, is easily accessible to working families, and can be accessed according to their own schedules. Perhaps more importantly, training and education must be skills-based and certified so that workers can attain certified skills that allow them to move up the job ladder over their lifetime.

The legislature recognizes that programs that prepare individuals for the work force, beginning with secondary vocational education in school and continuing through postsecondary education, apprenticeships, and programs for the disadvantaged, persons with disabilities, and for dislocated workers, must be a coordinated system that enables individuals to obtain skills demanded by employers, and enables individuals to smoothly move back and forth between work force development programs and employment.

To support that challenge a work force development system must focus on customer service and performance accountability. The following principles shall govern the work force development system:

(1) Provide consumers and policymakers ready access to information in order to make informed decisions related to training and employment;

(2) Create a work force development system based on a coherent economic development strategy;

(3) Hold the work force delivery system accountable for improved results in employment, earnings, skills gains, and customer satisfaction;

(4) Provide universal access to persons with disabilities, students, job seekers, and employers in order to hasten the time between job openings and jobs filled;

(5) Develop a strong leadership role for the private sector at the state and local levels;

(6) Establish and maintain state and local flexibility to ensure responsiveness to individuals and communities;

(7) Engage in a systematic effort to integrate the multiple programs and services that comprise the work force development system, including activities implemented through the state-wide one stop delivery system; and

(8) Strengthen the capacity of local communities to strategically guide work force development in their area and to shape local work force development policies.

**Sec. 2.** RCW 28C.18.010 and 1996 c 99 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

(1) "Board" means the work force (~~(training and education coordinating))~~ development board.

(2) "Director" means the director of the work force (~~(training and education coordinating))~~ development board.

(3) (~~("Training system" means programs and courses of secondary vocational education, technical college programs and courses, community college vocational programs and courses, private career school and college programs and courses, employer-sponsored training, adult basic education programs and courses, programs and courses funded by the job training partnership act, programs and courses funded by the federal vocational act, programs and courses funded under the federal adult education act, publicly funded programs and courses for adult literacy education, and apprenticeships, and programs and courses offered by private and public nonprofit organizations that are representative of communities or significant segments of communities and provide job training or adult literacy services.)~~) "Operating agencies" means those state agencies represented on the work force development board and any others responsible for the governance and management of state and federal work force development programs.

(4) "Work force development system" means public and private programs that use state or federal funds to prepare workers for employment, upgrade worker skills, retrain workers, or provide employment or retention services for workers or employers. "Work force development system" includes, but is not limited to, secondary vocational education, community and technical college vocational education, private career school and college vocational programs, employer-sponsored training, work-related adult basic education and literacy programs, training and work-related activities of the state temporary assistance for needy families program, or successor program, programs funded by Title 1B of the federal work force investment act, activities funded under the federal Wagner-Peyser act, programs funded by the federal vocational education act, work-related programs funded under the adult education and family literacy act, publicly funded programs for work-related adult literacy, education, and apprenticeships, the one-stop system, the state job skills program, timber retraining benefits, the work-related components of the state vocational rehabilitation program and the department of services for the blind, and programs offered by private and public nonprofit organizations that are representative of communities or significant segments of communities and provide job training or work-related adult literacy services.

(5) "Work force skills" means skills developed through applied learning that strengthen and reinforce an individual's academic knowledge, critical thinking, problem solving, and work ethic and, thereby, develop the employability, occupational skills, and management of home and work responsibilities necessary for economic independence.

~~((5))~~ (6) "Vocational education" means organized educational programs offering a sequence of courses which are directly related to the preparation or retraining of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. (~~(Such))~~ These vocational education programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. Such term also includes applied technology education.

~~((6))~~ (7) "Adult basic education" means (~~(instruction designed to achieve mastery of skills in reading, writing, oral communication, and computation at a level sufficient to allow the individual to function effectively as a parent, worker, and citizen in the United States, commensurate with that individual's actual ability level, and includes English as a second language and preparation and testing service for the general education development exam))~~) (a) adult education and literacy services, including work force literacy services; (b) family literacy services; and (c) English literacy services as defined in P.L. 105-220, Title II, that enable eligible adults to speak, read, and write in the English language, compute, solve problems, and relate effectively with others in order to exercise the rights and responsibilities of a family member, worker, and community member.

(8) "Local work force development councils" means the same as defined in P.L. 105-220, Sec. 117 and are responsible for performing the duties of that section as well as developing and ensuring the implementation of a local area unified plan for state purposes as defined in this chapter.

**Sec. 3.** RCW 28C.18.020 and 1991 c 238 s 3 are each amended to read as follows:

(1) There is hereby created the work force (~~(training and education coordinating))~~ development board as a state agency (~~(and as the successor agency to the state board for vocational education. Once the coordinating board has convened, all references to the state board for vocational education in the Revised Code of Washington shall be construed to mean the work force training and education coordinating board, except that reference to the state board for vocational education in RCW 49.04.030 shall mean the state board for community and technical colleges)).~~

(2)(a) The board shall consist of (~~(nine))~~ eighteen voting members appointed by the governor with the consent of the senate, as follows: (~~(Three))~~ Five representatives of business, (~~(three))~~ five representatives of labor, a representative of private

career schools, a representative of community-based organizations, a representative of local elected officials, and, serving as ex officio members, the superintendent of public instruction, the executive director of the state board for community and technical colleges, ~~((and)) the commissioner of the employment security department, the secretary of the department of social and health services, and the director of the department of community, trade, and economic development.~~ ~~((The chair of the board shall be a nonvoting member selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role that the state's training system has in meeting those needs.))~~ Each ~~((voting))~~ member of the board may appoint a designee to function in his or her place with the right to vote. Representatives of business and labor must constitute a majority of those casting votes on any given vote. In ~~((making appointments to))~~ recruiting members for the board, the governor shall seek to ensure geographic, ethnic, and gender diversity and balance. The governor shall also seek to ensure diversity and balance by ~~((the appointment of))~~ recruiting persons with disabilities.

(b) The business representatives shall be selected from among nominations provided by ~~((a))~~ state-wide business organizations representing a cross-section of industries and small businesses. One of the business representatives will serve as the chair of the board on a rotating basis with one of the labor representatives. However, the governor may request, and the organization shall provide, an additional list or lists from which the governor shall select the business representatives. ~~((The nominations and selections))~~ Recruitment shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities, and diversity in sizes of businesses.

(c) The labor representatives shall be selected from among nominations provided by state-wide labor organizations. One of the labor representatives will serve as the chair of the board on a rotating basis with one of the business representatives. However, the governor may request, and the organizations shall provide, an additional list or lists from which the governor shall select the labor representatives. ~~((The nominations and selections))~~ Recruitment shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities.

(d) Each business member may cast a proxy vote or votes for any business member who is not present and who authorizes in writing the present member to cast such vote.

(e) Each labor member may cast a proxy vote for any labor member who is not present and who authorizes in writing the present member to cast such vote.

~~((f))~~ ~~((The chair shall appoint to the board one nonvoting member to represent racial and ethnic minorities, women, and people with disabilities. The nonvoting member appointed by the chair shall serve for a term of four years with the term expiring on June 30th of the fourth year of the term.~~

~~((g))~~ The business members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

~~((h))~~ (g) The labor members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(h) The private career school representative shall be selected from among nominations provided by a state-wide organization representing a cross-section of private career schools. The private career school, community-based organization, and local elected officials representatives shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(i) Any vacancies among board members representing business ~~((or))~~, labor, or private career schools shall be filled by the governor with nominations provided by state-wide organizations representing business ~~((or))~~, labor, or private career schools, respectively.

(j) The board shall adopt bylaws and shall meet at least bimonthly and at such other times as determined by the chair who shall give reasonable prior notice to the members or at the request of a majority of the ~~((voting))~~ members.

(k) Members of the board shall be compensated in accordance with RCW 43.03.040 and shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060.

~~((l))~~ ~~((The board shall be formed and ready to assume its responsibilities under this chapter by October 1, 1991.~~

~~((m))~~ The director of the board shall be appointed by the governor ~~((from a list of three names submitted by a committee made up of the business and labor members of the board. However, the governor may request, and the committee shall provide, an additional list or lists from which the governor shall select the director. The lists compiled by the committee shall not be subject to public disclosure. The governor may dismiss the director only with the approval of a majority vote of the board. The board, by a majority vote, may dismiss the director with the approval))~~, shall serve at the pleasure of the governor, and shall be confirmed by the senate.

~~((3) The state board for vocational education is hereby abolished and its powers, duties, and functions are hereby transferred to the work force training and education coordinating board. All references to the director or the state board for vocational education in the Revised Code of Washington shall be construed to mean the director or the work force training and education coordinating board.))~~

**Sec. 4.** RCW 28C.18.030 and 1996 c 99 s 3 are each amended to read as follows:

The purpose of the board is to ~~((provide planning, coordination, evaluation, monitoring, and policy analysis for the state training system as a whole, and advice to the governor and legislature concerning the state training system, in cooperation with the state training system and the higher education coordinating board))~~ develop policies that create an integrated state work force development system that links people to jobs, allows them access to training and education, and provides an opportunity to move up the job ladder over their lifetime. The board shall plan, promote cooperation, measure performance, evaluate, and provide policy analysis for the state work force development system as a whole, and advise the governor and the legislature concerning the state's work force development system in cooperation with the operating agencies of the work force development system.

**Sec. 5.** RCW 28C.18.040 and 1994 c 154 s 307 are each amended to read as follows:

(1) The director shall serve as chief executive officer of the board who shall administer the provisions of this chapter, employ such personnel as may be necessary to implement the purposes of this chapter, and utilize staff of existing operating agencies to the fullest extent possible.

~~((2) (The director shall not be the chair of the board.~~

~~(3))~~ Subject to the approval of the board, the director shall appoint necessary deputy and assistant directors and other staff who shall be exempt from the provisions of chapter 41.06 RCW. The director's appointees shall serve at the director's pleasure on such terms and conditions as the director determines but subject to chapter 42.52 RCW.

~~((4))~~ (3) The director shall appoint and employ such other employees as may be required for the proper discharge of the functions of the board.

~~((5) The director shall, as permissible under P.L. 101-392, as amended, integrate the staff of the council on vocational education, and contract with the state board for community and technical colleges for assistance for adult basic skills and literacy policy development and planning as required by P.L. 100-297, as amended.))~~

**Sec. 6.** RCW 28C.18.050 and 1995 c 130 s 3 are each amended to read as follows:

(1) The board shall be designated as the state work force investment board described in P.L. 105-220, the work force investment act of 1998, and shall perform such functions as necessary to comply with federal directives pertaining to this law. In order to comply with the regulations of P.L. 105-220, the governor may designate the board membership structure of the work force training and education coordinating board as it existed as of December 31, 1997, as the work force investment board specifically to carry out the provisions of P.L. 105-220.

(2) The board shall be designated as the state board of vocational education as provided for in P.L. ~~((98-524))~~ 105-332, as amended, and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law. The board shall establish a subcommittee consisting of the superintendent of public instruction, the executive director of the state board for community and technical colleges, one business representative, and one labor representative to study and make recommendations to the board on the use of funds provided under P.L. 105-332.

~~((2))~~ (3) The board shall perform the functions of the human resource investment council as provided for in the federal job training partnership act, P.L. 97-300, as amended.

~~((3))~~ (4) The board shall provide policy advice for any federal act pertaining to work force development that is not required by state or federal law to be provided by another state body.

~~((4))~~ (5) Upon enactment of new federal initiatives relating to work force development, the board shall advise the governor and the legislature on mechanisms for integrating the federal initiatives into the state's work force development system and make recommendations on the legislative or administrative measures necessary to streamline and coordinate state efforts to meet federal guidelines.

~~((5))~~ (6) The board shall ~~((monitor))~~ review for consistency with the state ~~((comprehensive plan for work force training and education the policies and plans established by the state job training coordinating council))~~ unified plan, the policies and plans established by the advisory council on adult education, and the Washington state plan for adult literacy and basic ~~((education))~~ skills, and provide guidance for making such policies and plans consistent with the state ~~((comprehensive))~~ unified plan for work force ~~((training and education))~~ development system.

(7) The board shall perform the functions of the job training coordinating council until July 1, 2000.

(8) Recommend to the governor the performance accountability system required by P.L. 105-220 or successor legislation.

(9) For the purposes of P.L. 105-332, the superintendent of public instruction shall have operating responsibility for secondary education and the state board for community and technical colleges shall have operating responsibility for postsecondary vocational and technical education.

(10) The board shall include the director of the department of services for the blind to the extent required by P.L. 105-220.

**Sec. 7.** RCW 28C.18.060 and 1996 c 99 s 4 are each amended to read as follows:

The board, in cooperation with the operating agencies of the state training system and private career schools and colleges shall:

(1) ~~((Concentrate its major efforts on planning, coordination evaluation, policy analysis, and recommending improvements to the state's training system.~~

(2) ~~Advocate for the state training system and for meeting the needs of employers and the work force for work force education and training.~~

(3) ~~Establish and maintain an inventory of the programs of the state training system, and related state programs, and perform a biennial assessment of the vocational education, training, and adult basic education and literacy needs of the state; identify ongoing and strategic education needs; and assess the extent to which employment, training, vocational and basic education, rehabilitation services, and public assistance services represent a consistent, integrated approach to meet such needs.~~

(4) ~~Develop and maintain a state comprehensive plan for work force training and education, including but not limited to, goals, objectives, and priorities for the state training system, and review the state training system for consistency with the state comprehensive plan. In developing the state comprehensive plan for work force training and education, the board shall use, but shall not be limited to: Economic, labor market, and populations trends reports in office of financial management forecasts; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome, net-impact and cost-benefit evaluations; the needs of employers as evidenced in formal employer surveys and other employer input; and the needs of program participants and workers as evidenced in formal surveys and other input from program participants and the labor community.~~

(5) ~~In consultation with the higher education coordinating board, review and make recommendations to the office of financial management and the legislature on operating and capital facilities budget requests for operating agencies of the state training system for purposes of consistency with the state comprehensive plan for work force training and education.~~

(6) ~~Provide for coordination among the different operating agencies and components of the state training system at the state level and at the regional level.~~

(7) ~~Develop a consistent and reliable data base on vocational education enrollments, costs, program activities, and job placements from publicly funded vocational education programs in this state.~~

(8) ~~Establish standards for data collection and maintenance for the operating agencies of the state training system in a format that is accessible to use by the board. The board shall require a minimum of common core data to be collected by each operating agency of the state training system.~~

~~The board shall develop requirements for minimum common core data in consultation with the office of financial management and the operating agencies of the training system.~~

(9) ~~Establish minimum standards for program evaluation for the operating agencies of the state training system, including, but not limited to, the use of common survey instruments and procedures for measuring perceptions of program participants and employers of program participants, and monitor such program evaluation.~~

(10) ~~Every two years administer scientifically based outcome evaluations of the state training system, including, but not limited to, surveys of program participants, surveys of employers of program participants, and matches with employment security department payroll and wage files. Every five years administer scientifically based net-impact and cost-benefit evaluations of the state training system.~~

(11) ~~In cooperation with the employment security department, provide for the improvement and maintenance of quality and utility in occupational information and forecasts for use in training system planning and evaluation. Improvements shall include, but not be limited to, development of state-based occupational change factors involving input by employers and employees, and delineation of skill and training requirements by education level associated with current and forecasted occupations.~~

(12) ~~Provide for the development of common course description formats, common reporting requirements, and common definitions for operating agencies of the training system.~~

(13) ~~Provide for effectiveness and efficiency reviews of the state training system.~~

(14) ~~In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between institutions of the state training system, and encourage articulation agreements for programs encompassing two years of secondary work force education and two years of postsecondary work force education.~~

(15) ~~In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between private training institutions and institutions of the state training system.~~

(16) ~~Participate in the development of coordination criteria for activities under the job training partnership act with related programs and services provided by state and local education and training agencies.~~

~~(17) Make recommendations to the commission of student assessment, the state board of education, and the superintendent of public instruction, concerning basic skill competencies and essential core competencies for K-12 education. Basic skills for this purpose shall be reading, writing, computation, speaking, and critical thinking, essential core competencies for this purpose shall be English, math, science/technology, history, geography, and critical thinking. The board shall monitor the development of and provide advice concerning secondary curriculum which integrates vocational and academic education.~~

~~(18) Establish and administer programs for marketing and outreach to businesses and potential program participants.~~

~~(19) Facilitate the location of support services, including but not limited to, child care, financial aid, career counseling, and job placement services, for students and trainees at institutions in the state training system, and advocate for support services for trainees and students in the state training system.~~

~~(20) Facilitate private sector assistance for the state training system, including but not limited to: Financial assistance, rotation of private and public personnel, and vocational counseling.~~

~~(21) Facilitate programs for school-to-work transition that combine classroom education and on-the-job training in industries and occupations without a significant number of apprenticeship programs.~~

~~(22) Encourage and assess progress for the equitable representation of racial and ethnic minorities, women, and people with disabilities among the students, teachers, and administrators of the state training system. Equitable, for this purpose, shall mean substantially proportional to their percentage of the state population in the geographic area served. This function of the board shall in no way lessen more stringent state or federal requirements for representation of racial and ethnic minorities, women, and people with disabilities.~~

~~(23) Participate in the planning and policy development of governor set-aside grants under P.L. 97-300, as amended.~~

~~(24) Administer veterans' programs, licensure of private vocational schools, the job skills program, and the Washington award for vocational excellence.~~

~~(25) Allocate funding from the state job training trust fund.~~

~~(26) Work with the director of community, trade, and economic development to ensure coordination between work force training priorities and that department's economic development efforts.~~

~~(27) Adopt rules as necessary to implement this chapter.~~

~~The board may delegate to the director any of the functions of this section.)) Advocate for the state work force development system and for meeting the needs of employers and the work force for the work force development system.~~

(2) Establish and maintain an inventory of the programs of the state work force development system and ensure that information is provided to consumers and policymakers at the state and local level in order to enable them to make informed choices.

(3) Assess employer and worker needs for work force training and the gap between their needs and the public and private supply of work force training. The assessments of employer and worker needs shall include state-wide surveys of employers and workers. The survey sample must be statistically representative of the state's employer and employee population.

(4) Analyze the future employment needs of employers and develop strategies to ensure that Washington residents are prepared to meet those needs. The board shall work with industry, labor, and business associations, the operating agencies, and the department of community, trade, and economic development, and local work force investment councils, to develop demand driven and targeted industry strategies to build a world class work force.

(5) Develop and maintain a state unified plan for the work force development system. The unified plan shall include:

(a) Assessments of the state's employment opportunities and skill needs, the skills of the current and future work force, and the current work force development system;

(b) Goals, objectives, and strategies for improving the work force development system as a whole. This shall include goals, objectives, and strategies for providing system services to low-income individuals including recipients of temporary assistance for needy families. It shall also include wage progression goals for recipients of temporary assistance for needy families developed in conjunction with the department of social and health services as required by RCW 74.08A.410; and

(c) A description of the performance measurement system for work force development.

(6) Work in collaboration with local work force development councils to develop the state unified plan. Local work force development councils shall provide input to the board in the development of the state unified plan which articulate their local strategy and needs.

(7) Work in partnership with the work related components of the community service employment under Title V of the older Americans act; training activities carried out through contracts with the United States department of housing and urban development; and community services block grants authorized under the national community service act, to integrate these programs into the unified planning. The governor may approve inclusion of these programs into the work force development system.

(8) Review and make recommendations to the governor and the legislature concerning the program plans of the operating agencies of the state work force development system regarding consistency with the unified plan.

(9) Recommend to the governor and the legislature strategies to assure coordination and avoid duplication among the programs of the work force development system.

(10) Design and implement a performance measurement system for work force development in cooperation with the operating agencies, including:

(a) Minimum standards for performance measurement for the state work force development system including, but not limited to, the use of common survey instruments and common performance indicators;

(b) Standards for data collection and maintenance for the operating agencies of the state work force development system. The board shall require a minimum of common core data to be collected by each operating agency of the state work force development system;

(c) Evaluations of the state work force development system including, but not limited to, outcome, net impact, and cost benefit evaluations and surveys of program participants, surveys of employers of program participants, and matches with employment security department payroll and wage files;

(d) Standards for measuring the performance of local training providers to enable consumers to make informed choices and gain access to services they need;

(e) Recommendations to the governor and the legislature regarding expected performance levels and incentives and sanctions for performance outcomes for local work force development areas and state work force development programs. The board shall assist the governor in making decisions regarding the certification and decertification of local work force development councils;

(f) The establishment of an incentive fund for work force development, using federal funding for work force development programs, and allocating dollars from the incentive fund to reward local work force development councils and programs that produce exemplary results. The operating agencies shall:

(i) Reward exceptional programs;

(ii) Take corrective actions when programs fail to meet minimum performance standards established by the board under this section; and

(iii) Report to the board annually beginning December 31, 2001, on corrective action taken and rewards granted.

Beginning July 1, 2002, the board shall report to the governor and the legislature on operating agencies' actions to reward exceptional programs and to correct and improve programs that fail to meet performance standards established by the board;

(g) Information, provided to the governor and the legislature, on the outcomes of work force development programs. Such information shall include the following information on individuals who have participated in the programs: Participant competencies, employment, wages and earnings, receipt of public assistance, customer satisfaction, and the public cost per benefit received; and

(h) When designing and implementing the performance measurement system under this subsection, the unique circumstances of the K-12 system shall be taken into consideration.

(11) Review the plans of local work force development councils for consistency with the state unified plan and recommend to the governor whether local plans should be approved. The board shall provide technical assistance to local work force development councils as necessary. This shall include working with state operating agencies to identify resources which can be made available to assist in the development of the local unified plans.

(12) Work with local work force development councils and state operating agencies to implement a one stop delivery system that is seamless and consumer-based.

(13) For the purposes of enabling individuals to make smooth transitions into the work force and back and forth between work force development programs and employment, make recommendations regarding generic workplace skills that individuals need in order to meet employer expectations. The work force development board shall, in cooperation with the operating agencies, identify assessments of generic workplace skills and a certificate of workplace competency for individuals who have mastered such skills. Operating agencies, with programs that prepare people for entry-level employment, shall offer training leading to the receipt of the certificate. The certificate shall be recognized by operating agencies and among work force development programs to avoid redundancy in training.

(14) Administer veterans' programs, licensure of private vocational schools, and the Washington award for vocational excellence.

(15) Work with the director of community, trade, and economic development to ensure coordination between work force training priorities and that department's economic development efforts.

(16) Work in collaboration with local work force development councils, small business organizations, and economic development councils to create a coordinated and responsive system of outreach to small business.

(17) Consult with programs, and the customers of programs in the work force development system, in performing the board's duties.

(18) Complete the initial unified plan, program inventory, needs assessments, outcome evaluations, recommendations on strategies to assure coordination and avoid duplication, and the design of the performance measurement system by July 1, 2000. The board shall update the unified plan at least once every five years with more frequent updates as necessary to respond to changes in employer and worker needs, program performance, state and federal policy, and other changes affecting the work force development system.

(19) Adopt rules as necessary to implement this chapter.

The board may delegate to the director any of the functions of this section.

**Sec. 8.** RCW 74.08A.280 and 1997 c 58 s 315 are each amended to read as follows:

(1) The legislature finds that moving those eligible for assistance to self-sustaining employment is a goal of the WorkFirst program. It is the intent of WorkFirst to aid a participant's progress to self-sufficiency by allowing flexibility within the state-wide program to reflect community resources, the local characteristics of the labor market, and the composition of the caseload. Program success will be enhanced through effective coordination at regional and local levels, involving employers, labor representatives, educators, community leaders, local governments, and social service providers.

(2) The department, through its regional offices, shall collaborate with employers, recipients, frontline workers, educational institutions, labor, ~~((private industry councils))~~ local work force development councils, the work force ~~((training and education coordinating))~~ development board, community rehabilitation employment programs, employment and training agencies, local governments, the employment security department, and community action agencies to develop work programs that are effective and work in their communities. This collaboration by the department shall include placement of WorkFirst recipients in training and skill development programs leading to the portable certificate of workplace competency as identified by the work force development board. For planning purposes, the department shall collect and make accessible to regional offices successful work program models from around the United States, including the employment partnership program, apprenticeship programs, microcredit, microenterprise, self-employment, and W-2 Wisconsin works. Work programs shall incorporate local volunteer citizens in their planning and implementation phases to ensure community relevance and success.

(3) To reduce administrative costs and to ensure equal state-wide access to services, the department may develop contracts for state-wide welfare-to-work services. These state-wide contracts shall support regional flexibility and ensure that resources follow local labor market opportunities and recipients' needs.

(4) The secretary shall establish WorkFirst service areas for purposes of planning WorkFirst programs and for distributing WorkFirst resources. Service areas shall reflect department regions.

(5) By July 31st of each odd-numbered year, a plan for the WorkFirst program shall be developed for each region. The plan shall be prepared in consultation with local and regional sources, adapting the state-wide WorkFirst program to achieve maximum effect for the participants and the communities within which they reside. Local consultation shall include to the greatest extent possible input from local and regional planning bodies for social services and work force development. The regional and local administrator shall consult with employers of various sizes, labor representatives, training and education providers, program participants, economic development organizations, community organizations, tribes, and local governments in the preparation of the service area plan.

(6) The secretary has final authority in plan approval or modification. Regional program implementation may deviate from the state-wide program if specified in a service area plan, as approved by the secretary.

**Sec. 9.** RCW 74.08A.410 and 1997 c 58 s 702 are each amended to read as follows:

(1) The WorkFirst program shall develop outcome measures for use in evaluating the WorkFirst program authorized in chapter 58, Laws of 1997, which ~~((may))~~ shall include but are not limited to:

- (a) Caseload reduction;
- (b) Recidivism to caseload after two years;
- (c) Job retention;
- (d) Earnings;
- (e) Reduction in average grant through increased recipient earnings; ~~((and))~~
- (f) Placement of recipients into private sector, unsubsidized jobs; and
- (g) Wage progression history following former temporary assistance for needy families participants for at least two years.

(2) The department shall establish, in conjunction with the work force development board, measurable wage goals for participants transitioning from WorkFirst to unsubsidized employment.

(3) The department shall require that contractors for WorkFirst services collect outcome measure information and report outcome measures to the department regularly. The department shall develop benchmarks that compare outcome measure

information from all contractors to provide a clear indication of the most effective contractors. Benchmark information shall be published quarterly and provided to the legislature, the governor, and all contractors for WorkFirst services.

**NEW SECTION. Sec. 10.** A new section is added to chapter 28C.18 RCW to read as follows:

There are hereby created local work force development councils to serve functions including, but not limited to, those specified for local work force development councils under P.L. 105-220. The governor, in partnership with the state board, shall establish criteria for use by chief elected officials in the local areas for appointment of members of the local councils. Local work force development councils shall:

(1) In partnership with local elected officials, develop and maintain a local unified plan for the work force development system including but not limited to the local plan required by P.L. 105-220 Title I. The unified plan shall include assessments of local employment opportunities and skills needs, the current and future work force, and the current work force development system; and include goals, objectives, and strategies for the local work force development system. The unified plan shall also:

(a) Identify the work force development moneys available in the area, their allocations, and the results of the work force development programs in the area;

(b) Assess the gap between the supply of resources and the skill needs of the area; and

(c) Include the local work force development council's proposed spending plan for carrying out the local unified plan, and include the planned budget expenditures of work force development programs in the area. Local program administrators shall use the local unified plan to guide the development and implementation of their local program plan.

Local work force development councils shall submit their unified plans to the governor for approval and the plan should be consistent with the state unified plan.

(2) Conduct oversight over the local one stop system under P.L. 105-220 Title 1(b).

(3) Coordinate work force development activities at the local level and ensure a linkage with local economic development strategies.

(4) Provide for a coordinated and responsive system of outreach to employers to include the establishment of public and private partnerships of local brokers to connect small businesses to work force training programs and resources. Brokers may include, but not be limited to, industry and trade associations, chambers of commerce, central labor councils, other labor organizations, and other organizations with strong linkages to employers. Broker services may include communicating small business needs to training providers, pooling the specific training needs of several small employers to create cost-effective demand, and supporting the growth of apprenticeship programs.

(5) Identify eligible providers of training services.

(6) Assess the planning process to identify quality improvements.

(7) Execute a master partnership agreement with local elected officials that establishes the working relationships and specifies responsibilities of each body in the partnership.

**Sec. 11.** RCW 43.330.080 and 1997 c 60 s 1 are each amended to read as follows:

(1) The department shall contract with associate development organizations or other local organizations to increase the support for and coordination of community and economic development services in communities or regional areas. The organizations contracted with in each community or regional area shall be broadly representative of community and economic interests. The organization shall be capable of identifying key economic and community development problems, developing appropriate solutions, and mobilizing broad support for recommended initiatives. The contracting organization shall work with and include local governments, local chambers of commerce, ~~((private industry))~~ local work force development councils, port districts, labor groups, institutions of higher education, community action programs, and other appropriate private, public, or nonprofit community and economic development groups. The department shall be responsible for determining the scope of services delivered under these contracts.

(2) Associate development organizations or other local development organizations contracted with shall promote and coordinate, through local service agreements with local governments, small business development centers, port districts, community and technical colleges, private industry councils, and other development organizations, for the efficient delivery of community and economic development services in their areas.

(3) The department shall ~~((consult with associate development organizations, port districts, local governments, and other local development organizations in the establishment of))~~ establish local service delivery regions throughout the state that match the regions established for local work force development councils. The legislature encourages local associate development organizations to form partnerships with other associate development organizations in their region to combine resources for better access to available services, to encourage regional delivery of state services, and to build the local capacity of communities in the region more effectively.

(4) The department shall contract on a regional basis for surveys of key sectors of the regional economy and the coordination of technical assistance to businesses and employees within the key sectors. The department's selection of contracting

organizations or consortiums shall be based on the sufficiency of the organization's or consortium's proposal to examine key sectors of the local economy within its region adequately and its ability to coordinate the delivery of services required by businesses within the targeted sectors. Organizations contracting with the department shall work closely with the department to examine the local economy and to develop strategies to focus on developing key sectors that show potential for long-term sustainable growth. The contracting organization shall survey businesses and employees in targeted sectors on a periodic basis to gather information on the sector's business needs, expansion plans, relocation decisions, training needs, potential layoffs, financing needs, availability of financing, and other appropriate information about economic trends and specific employer and employee needs in the region.

(5) ~~((The contracting))~~ Any associate development organization or other local organization contracting with the department under this section shall participate with the work force ~~((training and education coordinating))~~ development board and local work force development councils, as created in chapter 28C.18 RCW, ~~((and any regional entities designated by that board,))~~ in providing for the coordination of job skills training within ~~((its region))~~ local areas. Such participation shall include assistance in the development of a coordinated and responsive system of outreach to employers and technical assistance to brokers as provided in section 10 of this act.

**Sec. 12.** RCW 50.38.050 and 1993 c 62 s 5 are each amended to read as follows:

The department shall have the following duties:

(1) Oversight and management of a state-wide comprehensive labor market and occupational supply and demand information system, including development of a five-year employment forecast for state and labor market areas;

(2) Produce local labor market information packages for the state's counties, including special studies and job impact analyses in support of state and local employment, training, education, and job creation programs, especially activities that prevent job loss, reduce unemployment, and create jobs;

(3) Coordinate with the office of financial management and the office of the forecast council to improve employment estimates by enhancing data on corporate officers, improving business establishment listings, expanding sample for employment estimates, and developing business entry/exit analysis relevant to the generation of occupational and economic forecasts; ~~((and))~~

(4) In cooperation with the office of financial management, produce long-term industry and occupational employment forecasts. These forecasts shall be consistent with the official economic and revenue forecast council biennial economic and revenue forecasts; and

(5) Provide labor market information needed for the state work force development board to fulfill its duties under RCW 28C.04.060.

**Sec. 13.** RCW 50.67.010 and 1991 c 238 s 14 are each amended to read as follows:

(1) ~~((There is hereby created the Washington state job training coordinating council for so long as a state council is required by federal law or regulation as a condition for receipt of federal funds. The council shall perform all duties of state job training coordinating council as specified in the federal job training partnership act, P.L. 97-300, as amended, including the preparation of a coordination and special services plan for a two-year period, consistent with the state comprehensive plan for work force training and education prepared by the work force training and education coordinating board as provided for in RCW 28C.18.060.~~

~~((2) The work force training and education coordinating board shall monitor the need for the council as described in subsection (1) of this section, and, if that need no longer exists, propose legislation to terminate the council.))~~ The duties of the job training coordinating council described in section 122 of P.L. 97-300 shall be performed by the work force development board until July 1, 2000.

(2) This section expires July 1, 2000.

**NEW SECTION. Sec. 14.** The department is responsible to prepare the following elements for the program plan required by the work force investment act of 1998 (P.L. 105-220) which include:

(1) Detailed plans required under section 8 of the Wagner-Peyser act (29 U.S.C. 49g);

(2) Assurances that the state will provide, in accordance with section 184 of the work force investment act, for fiscal control and fund accounting procedures that are necessary to ensure the proper disbursement of, and accounting for, funds paid to the state through the allotments made under sections 127 and 132 of the work force investment act;

(3)(a) A description of the methods and factors the state will use in distributing funds to local areas for youth activities and adult employment and training activities under sections 128(b)(3)(B) and 133(b)(3)(B) of the work force investment act, including:

(i) A description of how the individuals and entities represented on the work force development board were involved in determining such methods and factors of distribution; and

(ii) A description of how that state consulted with chief elected officials in local areas throughout the state in determining such distribution; and

(b) Assurances that the funds will be distributed equitably throughout the state, and that no local areas will suffer significant shifts in funding from year to year; and

(c) A description of the formula prescribed by the governor pursuant to section 133(b)(2)(B) of the work force investment act for the allocation of funds to local areas for dislocated worker employment and training activities;

(4) With respect to the one stop delivery systems described in section 134(c) of the work force investment act, a description of the operational strategy of the state for assisting local areas in development and implementation of fully operational one stop delivery systems in the state;

(5) A description of the competitive process to be used by the state to award grants and contracts in the state for activities carried out under the work force investment act;

(6) With respect to the employment and training activities authorized in section 134 of the work force investment act:

(a) The employment and training activities that will be carried out with the funds received by the state through the allotment made under section 132 of the work force investment act;

(b) How the state will provide rapid response activities to dislocated workers from funds reserved under section 133(a)(2) of the work force investment act for such purposes, including the designation of an identifiable state rapid response dislocated worker unit to carry out state-wide rapid response activities; and

(c) With other state operating agencies, how the state will serve the employment and training needs of dislocated workers, including displaced homemakers; low-income individuals, including recipients of public assistance; individuals training for nontraditional employment; and other individuals with multiple barriers to employment, including older individuals and individuals with disabilities;

(7) With respect to youth activities authorized in section 129 of the work force investment act, information:

(a) Describing the state strategy for providing comprehensive services to eligible youth, particularly those eligible youth who are recognized as having significant barriers to employment;

(b) Describing how that state will coordinate the youth activities carried out in the state under section 129 of the work force investment act with the services provided by job corps centers in the state, where such centers exist; and

(c) Describing how the state will coordinate youth activities described in subparagraph (C) of the work force investment act with activities carried out through the youth opportunity grants under section 169 of the work force investment act; and

(8) With respect to all program activities of the department, a description of how department resources are allocated to support the implementation of unified planning by the work force development board and the implementation of local unified plans.

**NEW SECTION. Sec. 15.** The department shall receive federal funds authorized under the work force investment act of 1998 (P.L. 105-220) Title 1B and recommend to the governor the allocation of the funds to support this chapter, chapter 28C.18 RCW, and the work force investment act.

**Sec. 16.** RCW 50.13.060 and 1997 c 409 s 605 and 1997 c 58 s 1004 are each reenacted and amended to read as follows:

(1) Governmental agencies, including law enforcement agencies, prosecuting agencies, and the executive branch, whether state, local, or federal shall have access to information or records deemed private and confidential under this chapter if the information or records are needed by the agency for official purposes and:

(a) The agency submits an application in writing to the employment security department for the records or information containing a statement of the official purposes for which the information or records are needed and specific identification of the records or information sought from the department; and

(b) The director, commissioner, chief executive, or other official of the agency has verified the need for the specific information in writing either on the application or on a separate document; and

(c) The agency requesting access has served a copy of the application for records or information on the individual or employing unit whose records or information are sought and has provided the department with proof of service. Service shall be made in a manner which conforms to the civil rules for superior court. The requesting agency shall include with the copy of the application a statement to the effect that the individual or employing unit may contact the public records officer of the employment security department to state any objections to the release of the records or information. The employment security department shall not act upon the application of the requesting agency until at least five days after service on the concerned individual or employing unit. The employment security department shall consider any objections raised by the concerned individual or employing unit in deciding whether the requesting agency needs the information or records for official purposes.

(2) The requirements of subsections (1) and (9) of this section shall not apply to the state legislative branch. The state legislature shall have access to information or records deemed private and confidential under this chapter, if the legislature or a legislative committee finds that the information or records are necessary and for official purposes. If the employment security department does not make information or records available as provided in this subsection, the legislature may exercise its authority granted by chapter 44.16 RCW.

(3) In cases of emergency the governmental agency requesting access shall not be required to formally comply with the provisions of subsection (1) of this section at the time of the request if the procedures required by subsection (1) of this section are

complied with by the requesting agency following the receipt of any records or information deemed private and confidential under this chapter. An emergency is defined as a situation in which irreparable harm or damage could occur if records or information are not released immediately.

(4) The requirements of subsection (1)(c) of this section shall not apply to governmental agencies where the procedures would frustrate the investigation of possible violations of criminal laws or to the release of employing unit names, addresses, number of employees, and aggregate employer wage data for the purpose of state governmental agencies preparing small business economic impact statements under chapter 19.85 RCW or preparing cost-benefit analyses under RCW 34.05.328(1)(c). Information provided by the department and held to be private and confidential under state or federal laws must not be misused or released to unauthorized parties. A person who misuses such information or releases such information to unauthorized parties is subject to the sanctions in RCW 50.13.080.

(5) Governmental agencies shall have access to certain records or information, limited to such items as names, addresses, social security numbers, and general information about benefit entitlement or employer information possessed by the department, for comparison purposes with records or information possessed by the requesting agency to detect improper or fraudulent claims, or to determine potential tax liability or employer compliance with registration and licensing requirements. In those cases the governmental agency shall not be required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section must be satisfied.

(6) Governmental agencies may have access to certain records and information, limited to employer information possessed by the department for purposes authorized in chapter 50.38 RCW. Access to these records and information is limited to only those individuals conducting authorized statistical analysis, research, and evaluation studies. Only in cases consistent with the purposes of chapter 50.38 RCW are government agencies not required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section must be satisfied. Information provided by the department and held to be private and confidential under state or federal laws shall not be misused or released to unauthorized parties subject to the sanctions in RCW 50.13.080.

(7) Disclosure to governmental agencies of information or records obtained by the employment security department from the federal government shall be governed by any applicable federal law or any agreement between the federal government and the employment security department where so required by federal law. When federal law does not apply to the records or information state law shall control.

(8) The department may provide information for purposes of statistical analysis and evaluation of the WorkFirst program or any successor state welfare program, the department of social and health services, the office of financial management, and other governmental entities with oversight or evaluation responsibilities for the program (~~((shall have access to employer wage information on clients in the program whose names and social security numbers are provided to the department))~~) in accordance with RCW 43.20A.080. The confidential information provided by the department shall remain the property of the department and may be used by the authorized requesting agencies only for statistical analysis, research, and evaluation purposes as provided in RCW 74.08A.410 and 74.08A.420. The department of social and health services (~~((is)), the office of financial management, or other governmental entities with oversight or evaluation responsibilities for the program are~~) are not required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section and applicable federal laws and regulations must be satisfied. The confidential information used for evaluation and analysis of welfare reform supplied to the authorized requesting entities with regard to the WorkFirst program or any successor state welfare program are exempt from public inspection and copying under RCW 42.17.310.

(9) The disclosure of any records or information by a governmental agency which has obtained the records or information under this section is prohibited unless the disclosure is directly connected to the official purpose for which the records or information were obtained.

(10) In conducting periodic salary or fringe benefit studies pursuant to law, the department of personnel shall have access to records of the employment security department as may be required for such studies. For such purposes, the requirements of subsection (1)(c) of this section need not apply.

(11) To promote the reemployment of job seekers, the commissioner may enter into data-sharing contracts with partners of the one-stop career development system. The contracts shall provide for the exchange of data only to the extent that the exchange is necessary for the efficient provisions of work force programs, including but not limited to public labor exchange, unemployment insurance, worker training and retraining, vocational rehabilitation, vocational education, adult education, transition from public assistance, and support services. The exchange of information under contracts with one-stop partners is exempt from subsections (1), (5), and (6) of this section.

(12) To facilitate improved operation and evaluation of state programs, the commissioner may enter into data-sharing contracts with other state agencies only to the extent that such exchange is necessary for the efficient operation or evaluation of

outcomes for those programs. The exchange of information by contract under this subsection is exempt from subsection (1)(c) of this section.

(13) The misuse or unauthorized release of records or information by any person or organization to which access is permitted by this chapter subjects the person or organization to a civil penalty of five thousand dollars and other applicable sanctions under state and federal law. Suit to enforce this section shall be brought by the attorney general and the amount of any penalties collected shall be paid into the employment security department administrative contingency fund. The attorney general may recover reasonable attorneys' fees for any action brought to enforce this section.

**Sec. 17.** RCW 42.17.310 and 1998 c 69 s 1 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to

other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(nn) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(oo) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(pp) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(qq) Individually identifiable information received by the work force development board for research or evaluation purposes.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

**Sec. 18.** RCW 43.20A.080 and 1997 c 58 s 1005 are each amended to read as follows:

(1) The department shall provide the employment security department quarterly with the names ~~((and))~~, social security numbers, and program information of all clients in the WorkFirst program and any successor state welfare program needed to assess and improve the quality of the employment outcomes.

(2) The information provided by the employment security department under RCW 50.13.060 for statistical analysis and welfare program evaluation purposes may be used only for statistical analysis, research, and evaluation purposes as provided in RCW 74.08A.410 and 74.08A.420. ~~((Through individual matches with accessed employment security department confidential employer wage files, only aggregate, statistical, group level data shall be reported. Data sharing by the employment security department may be extended to include the office of financial management and other such governmental entities with oversight responsibility for this program.))~~

(3) The department and other agencies of state government shall protect the privacy of confidential personal data supplied under RCW 50.13.060 consistent with federal law, chapter 50.13 RCW, and the terms and conditions of a formal data-sharing agreement between the employment security department and agencies of state government, however the misuse or unauthorized use of confidential data supplied by the employment security department is subject to the penalties in RCW 50.13.080.

**NEW SECTION. Sec. 19.** The following acts or parts of acts are each repealed:

(1) RCW 28C.18.070 (Intent--"Program" clarified) and 1995 c 130 s 1;

(2) RCW 28C.18.080 (Comprehensive plan--Contents--Updates--Agency operating plans--Reports to the legislature) and 1997 c 369 s 5 & 1995 c 130 s 2;

(3) RCW 28C.18.090 (Additional board duties--Program evaluation by operating agencies) and 1995 c 130 s 4;

(4) RCW 28C.18.100 (Assessments by board--Biennial report to legislature and governor) and 1995 c 130 s 5;

(5) RCW 28C.18.110 (Identification of policies and methods to promote efficiency and sharing of resources--Report to governor and legislature) and 1995 c 130 s 6;

(6) RCW 50.67.020 (Membership of council--Assistance to work force training and education coordinating board) and 1991 c 238 s 15; and

(7) RCW 50.67.030 (Washington youthbuild program--Council to advise) and 1994 sp.s. c 3 s 8.

**NEW SECTION. Sec. 20.** Sections 14 and 15 of this act constitute a new chapter in Title 50 RCW.

**NEW SECTION. Sec. 21.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

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

**NEW SECTION. Sec. 23.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

## MOTIONS

On motion of Senator Fairley, the following title amendment was adopted:

On page 1, line 1 of the title, after "learning;" strike the remainder of the title and insert "amending RCW 28C.18.010, 28C.18.020, 28C.18.030, 28C.18.040, 28C.18.050, 28C.18.060, 74.08A.280, 74.08A.410, 43.330.080, 50.38.050, 50.67.010, 42.17.310, and 43.20A.080; reenacting and amending RCW 50.13.060; adding a new section to chapter 28C.18 RCW; adding a new chapter to Title 50 RCW; creating new sections; repealing RCW 28C.18.070, 28C.18.080, 28C.18.090, 28C.18.100, 28C.18.110, 50.67.020, and 50.67.030; prescribing penalties; providing an expiration date; and declaring an emergency."

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 5533 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Benton: "Senator Fairley, you said that NFIB was for it, but I notice in the bill report, it is noted that they have concerns. Can you share with me, maybe, what some of those concerns were and whether or not they were addressed in the substitute bill?"

Senator Fairley: "Thank you for asking, Senator Benton. Yes, indeed, they did have concerns because they were not on the new board and they were not part of the surveys of businesses to ask what they needed. But, the substitute bill and the engrossed substitute bill we have now fully answers their needs and they are all completely for the bill. They are now a member of the board and they are included in all surveys of businesses as to their needs."

Senator Benton: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5533.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5533 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 38.

Voting nay: Senators Benton, Hochstatter, Johnson, McDonald, Morton, Stevens, Swecker and Zarelli - 8.

Excused: Senators Loveland, Sellar and West - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5533, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTIONS

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

On motion of Senator Snyder, the Committee on Judiciary was relieved of further consideration of Engrossed House Bill No. 1749.

MOTION

On motion of Senator Snyder, Engrossed House Bill No. 1749 was referred to the Committee on Human Services and Corrections.

MOTION FOR RECONSIDERATION

Having served prior notice on March 10, 1999, Senator McDonald moved that the Senate now reconsider the vote by which Senate Bill No. 5232 failed to pass the Senate.

The President declared the question before the Senate to be the motion by Senator McDonald that the Senate reconsider the vote by which Senate Bill No. 5232 failed to pass the Senate.

The motion by Senator McDonald carried and the Senate will reconsider the vote by which Senate Bill No. 5232 failed to pass the Senate.

MOTION

On motion of Senator Johnson, further consideration of Senate Bill No. 5232 was deferred and the bill was held on the third reading calendar.

MOTION

At 4:10 p.m., on motion of Senator Snyder, the Senate was declared to be at ease.

The Senate was called to order at 5:45 p.m. by President Pro Tempore Wojahn.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 5684, by Senators Thibaudeau, McDonald, Oke and Winsley (by request of Department of Revenue)

Simplifying tax reporting by revising the active nonreporting threshold so that it parallels the small business credit.

The bill was read the second time.

MOTION

On motion of Senator Goings, the rules were suspended, Senate Bill No. 5684 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator McCaslin, Senator Morton was excused.

MOTION

On motion of Senator Honeyford, Senators Finkbeiner, Horn, Long, McDonald, Rossi and Winsley were excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5684.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5684 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kohl-Welles, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Wojahn and Zarelli - 39.

Absent: Senator Kline - 1.

Excused: Senators Finkbeiner, Horn, Long, McDonald, Morton, Rossi, Sellar, West and Winsley - 9.

SENATE BILL NO. 5684, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5728, by Senators Winsley, Haugen, McCaslin and Hale

Determining the validity of a proposed bond issuance.

#### MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5728 was substituted for Senate Bill No. 5728 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5728 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Heavey: "Senator Winsley, does the bill state that the decision of the Superior Court is final and non-appealable?"

Senator Winsley: "Yes."

Senator Heavey: "Thank you."

#### MOTION

On motion of Senator Goings, Senators Fairley and Kline were excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5728.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5728 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 41.

Voting nay: Senator Heavey - 1.

Excused: Senators Fairley, Finkbeiner, Kline, McDonald, Morton, Rossi and West - 7.

SUBSTITUTE SENATE BILL NO. 5728, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5421, by Senators Hargrove, Long, Franklin, Costa, Patterson, Winsley and McAuliffe (by request of Governor Locke)

Enhancing supervision of offenders.

## MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Bill No. 5421 was substituted for Senate Bill No. 5421 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendment by Senators Hargrove, Long and Loveland was adopted:

On page 17, beginning on line 1, after "up to" strike "~~(two years)~~ one year" and insert "two years"

## MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5421 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5421.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5421 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Fairley, McDonald, Morton and West - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5421, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5670, by Senators Snyder and Rasmussen

Creating criteria for the issuance of water quality permits for the treatment of noxious weeds.

The bill was read the second time.

## MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Senate Bill No. 5670 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5670.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5670 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 46.

Excused: Senators McDonald, Morton and West - 3.

SENATE BILL NO. 5670, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

Vice President Pro Tempore Bauer assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5547, by Senators McAuliffe, Finkbeiner, Eide, Prentice, Winsley, Patterson, Thibaudeau, Oke, Kline and Rasmussen

Providing medical assistance in public schools.

#### MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5547 was substituted for Senate Bill No. 5547 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5547 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5547.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5547 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Franklin - 1.

Excused: Senators McDonald, Morton and West - 3.

SUBSTITUTE SENATE BILL NO. 5547, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5587, by Senators Wojahn, Snyder, Thibaudeau, Fairley, Costa, Winsley, Prentice, McAuliffe, Kohl-Welles, Brown, Shin, Rasmussen and Franklin

Adopting a patient bill of rights.

#### MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5587 was substituted for Senate Bill No. 5587 and the substitute bill was placed on second reading and read the second time.

Senator Winsley moved that the following amendment by Senators Winsley and Thibaudeau be adopted:

On page 2, line 1, after "PRIVACY." Strike all material through "organizations." on line 18, and insert "(1) Each health carrier must develop and implement policies and procedures governing the collection, use, and disclosure of health information. These policies and procedures must include methods for enrollees to access information and amend incorrect information, for enrollees to restrict the disclosure of sensitive information, and for enrollees to obtain information about the carrier's health information policies. In addition, these policies and procedures must include methods for carrier oversight and enforcement of information policies, for carrier storage and disposal of health information, and for carrier conformance to state and federal laws governing the collection, use, and disclosure of personally identifiable health information. Each carrier must provide a summary notice of its health information policies to enrollees, including the enrollee's right to restrict the collection, use, and disclosure of health information.

(2) Except as otherwise required by statute or rule, a health carrier is, and all persons acting at the direction of or on behalf of a carrier or in receipt of an enrollee's personally identifiable health information are, prohibited from collecting, using, or disclosing personally identifiable health information unless authorized in writing by the person who is the subject of the information. At a minimum, such authorization must be valid for a limited time and purpose; be specific as to purpose and types of information to be collected, used, or disclosed; and identify the persons who will be receiving the information.

(3) The commissioner shall adopt rules to implement this section and shall take into consideration health information privacy standards recommended by the national association of insurance commissioners and other related professional organizations.

(4) Nothing in this section shall be construed to prevent the creation, use, or release of anonymized data for which there is no reasonable basis to believe that the information could be used to identify an individual."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Winsley and Thibaudeau on page 2, line 1, to Substitute Senate Bill No. 5587.

The motion by Senator Winsley carried and the amendment was adopted.

#### MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Thibaudeau be adopted:

On page 6, line 24, after "(b)" insert the following:

"Establish and use a rotational registry system for the assignment of a certified independent review organization to each appeal;  
(c)"

Renumber the subsections consecutively and correct any internal references accordingly.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Thibaudeau on page 6, line 24, to Substitute Senate Bill No. 5587.

The motion by Senator Hargrove carried and the amendment was adopted.

#### MOTION

Senator Benton moved that the following amendment by Senators Benton and Roach be adopted:

On page 7, line 29, after "determinations" insert", including a requirement that the person making review determinations be licensed under the same chapter as the provider being reviewed"

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Benton and Roach on page 7, line 29, to Substitute Senate Bill No. 5587.

The motion by Senator Benton failed and the amendment was not adopted.

#### MOTIONS

On motion of Senator Thibaudeau, the following amendment was adopted:

On page 9, after line 14, insert the following:

"**NEW SECTION. Sec. 7.** This act shall apply to all health plans issued or renewed after December 31, 1999."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Benton moved that the following amendment by Senators Benton and Roach be adopted:

On page 9, after line 14, insert the following:

**"NEW SECTION. Sec. 7.** Each health plan offered by a carrier must provide a point-of-service option that allows an enrollee to choose to receive services from a nonparticipating health care provider or facility. Enrollees must pay the full additional cost for choosing this option. Nothing in this section shall prevent a health care carrier from utilizing other managed care or cost containment techniques and processes."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Benton and Roach on page 9, after line 14, to Substitute Senate Bill No. 5587.

The motion by Senator Benton failed and the amendment was not adopted.

#### MOTION

Senator Benton moved that the following amendments by Senators Benton and Roach be considered simultaneously and be adopted:

On page 9, after line 14, insert the following:

**"NEW SECTION. Sec. 7.** (1) For purposes of this section, chiropractic health care services includes all services included in the chiropractic scope of practice under chapter 18.25 RCW.

(2) Health care carriers shall ensure that enrolled patients have direct access to timely and appropriate covered chiropractic services from the participating chiropractor of their choice in accordance with subsection (3) of this section.

(3)(a) Health care carrier policies, plans, and programs written, amended, or renewed after January 1, 2000, shall provide enrolled patients with direct access to the participating chiropractor of their choice for covered chiropractic health care services without the necessity of prior referral from another type of health care practitioner.

(b) Nothing in this section shall prevent health care carriers from restricting patients to seeing only health care practitioners who have signed participating provider agreements with the health carrier or from utilizing other managed care and cost containment techniques and processes."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 9, line 19, after "through" strike "6" and insert "7"

#### POINT OF ORDER

Senator Thibaudeau: "A point of order, Mr. President. I submit that the amendments proposed by Senators Benton and Roach change the scope and object of Substitute Senate Bill No. 5587 and therefore violates Senate Rule 66. These amendments speak to a particular profession and the access by patients to their care. The amendments were considered in the Health Care Committee and did not pass out. The patient bill of rights speaks to four things: the disclosure of plans--the Health Care Plan; the independent review of those decisions from the health care carriers; the disclosure that is required by the health care plans; and the privacy required of health care plans and information. None of this relates to any particular profession and I urge you to find this beyond scope and object."

Further debate ensued.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute Senate Bill No. 5587 was deferred.

#### SECOND READING

SENATE BILL NO. 5812, by Senators Thibaudeau, Deccio, Wojahn, Winsley, Gardner, Prentice and Costa

Requiring prompt payment of health care claims.

#### MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5812 was substituted for Senate Bill No. 5812 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5812 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Deccio: "Senator Thibaudeau, I am really sorry to have to ask you this, but I just noticed this in the bill. I had an amendment, which would have clarified it for me, but it does not apply to Labor and Industries, the Health Care Authority, Public Employees' Benefit Board, the Medical Assistance Administration of the Department of Social and Health Services or any self-insured health plan. It seems to me that we are carving everyone out of the bill except those folks who are pretty much statewide and I'm sure the general public. I wish I would have had time to come and ask you this without having to do it on the floor, but I just must pose that question. Thank you."

Senator Thibaudeau: "Senator Deccio, was your question that you had added this amendment in committee or was it not added? I am not sure of your question."

Senator Deccio: "Well, according to the bill, the act does not cover L & I, the Health Care Authority, the Public Employees' Benefit Board, the Medical Assistance in DSHS and any self-insured plan, subject to the jurisdiction of the state of Washington. That is on page 1, beginning with line 17. "

Senator Thibaudeau: "So, your problem, Senator Deccio, is that it should cover all of these or none of these? Is that what you are suggesting?"

Senator Deccio: "No, I am saying that these are excluded from the bill. The bill is not coming under the same regulations for prompt pay as the other--I say those are excluded from this bill. My question is why should they not be included, why should not prompt payment include those other insurance companies--and L & I is an insurance company--and all the others that I have listed."

Senator Thibaudeau: "Well, the best I can do to answer your question, Senator, is that the problem seems to lie with not the public entities."

Senator Deccio: "I'm sorry I can't hear you very well."

Senator Thibaudeau: "I'm sorry. I said the problem seems to lie with the fact that the public entities were not the major problem here and that, therefore, this--and we could include those later--at a later time."

Senator Deccio: "Well, Senator Thibaudeau, would you mind moving the bill back to second reading, so that I could offer my amendment and make it a part of this bill?"

Senator Thibaudeau: "No, I don't think I would like to do that, but let me find out, because I am getting some conflicting information here."

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute Senate Bill No. 5812 was deferred.

#### SECOND READING

SENATE BILL NO. 5109, by Senators Patterson, McAuliffe, Prentice, Johnson, Hochstatter, Brown, Heavey, Kline, Finkbeiner, Benton, Winsley, Oke and Kohl-Welles

Creating limited immunity for school districts.

The bill was read the second time.

#### MOTION

Senator Patterson moved that the following amendment by Senators Finkbeiner and Patterson be adopted:

On page 2, line 26, after "programs" strike "that have the primary purpose of addressing one of the at-risk factors in chapter 70.190 RCW"

Debate ensued.

## POINT OF INQUIRY

Senator Roach: "Senator Patterson, I was wondering if organizations that currently use school district facilities after hours are required to, really essentially, have their own insurance. By passing this amendment, are we extending the circumstances of the bill that would-- would this, in any way, allow that they not have to and that the school take the burden? What is happening here?"

Senator Patterson: "No, Senator Roach, the purpose of the underlying bill is to make the school districts feel more comfortable about opening up their doors after hours, by removing their immunity. The bill requires that organizations that serve at-risk youth have their own insurance. So, if someone falls down and breaks their ankle while they are in the school building, the school district can't be sued. The amendment simply says that it is not just for at-risk youth groups, it is for any youth group that wants to use the building after hours."

Senator Roach: "Thank you."

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Finkbeiner and Patterson on page 2, line 26, to Senate Bill No. 5109.

The motion by Senator Patterson carried and the amendment was adopted.

## MOTION

On motion of Senator Goings, the rules were suspended, Engrossed Senate Bill No. 5109 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5109.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5109 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Deccio - 1.

Excused: Senators McDonald, Morton and West - 3.

ENGROSSED SENATE BILL NO. 5109, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5962, by Senators Brown, Horn and Finkbeiner (by request of Secretary of State Munro and Governor Locke)

Promoting electronic commerce through digital signatures.

## MOTION

Senator Brown moved that Senate Bill No. 5962 not be substituted.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Brown that Senate Bill No. 5962 not be substituted.

The motion by Senator Brown carried and Senate Bill No. 5962 was not substituted.

The bill was read the second time.

## MOTION

On motion of Senator Brown, the following striking amendment by Senators Brown and Horn was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 19.34.010 and 1996 c 250 s 102 are each amended to read as follows:

This chapter shall be construed consistently with what is commercially reasonable under the circumstances and to effectuate the following purposes:

(1) To facilitate commerce by means of reliable electronic messages;

(2) To ensure that electronic signatures are not denied legal recognition solely because they are in electronic form;

(3) To provide a voluntary licensing mechanism for digital signature certification authorities by which businesses, consumers, courts, government agencies, and other entities can reasonably be assured as to the integrity, authenticity, and nonrepudiation of a digitally signed electronic communication;

(4) To establish procedures governing the use of digital signatures for official public business to provide reasonable assurance of the integrity, authenticity, and nonrepudiation of an electronic communication;

(5) To minimize the incidence of forged digital signatures and fraud in electronic commerce;

~~((3)) (6) To implement legally the general import of relevant standards((, such as X.509 of the international telecommunication union, formerly known as the international telegraph and telephone consultative committee)); and~~

~~((4)) (7) To establish, in coordination with ((multiple)) states and other jurisdictions, uniform rules regarding the authentication and reliability of electronic messages.~~

**Sec. 2.** RCW 19.34.020 and 1997 c 27 s 30 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Accept a certificate" means ~~((either:~~

~~(a)) to manifest approval of a certificate, while knowing or having notice of its contents((; or~~

~~(b) To apply to a licensed certification authority for a certificate, without canceling or revoking the application by delivering notice of the cancellation or revocation to the certification authority and obtaining a signed, written receipt from the certification authority, if the certification authority subsequently issues a certificate based on the application)). Such approval may be manifested by the use of the certificate.~~

(2) "Accept a digital signature" means to verify a digital signature or take an action in reliance on a digital signature.

(3) "Asymmetric cryptosystem" means an algorithm or series of algorithms that provide a secure key pair.

(4) "Certificate" means a computer-based record that:

(a) Identifies the certification authority issuing it;

(b) Names or identifies its subscriber;

(c) Contains the subscriber's public key; and

(d) Is digitally signed by the certification authority issuing it.

(5) "Certification authority" means a person who issues a certificate.

(6) "Certification authority disclosure record" means an on-line, publicly accessible record that concerns a licensed certification authority and is kept by the secretary. ~~((A certification authority disclosure record has the contents specified by rule by the secretary under RCW 19.34.030.))~~

(7) "Certification practice statement" means a declaration of the practices that a certification authority employs in issuing certificates ~~((generally, or employed in issuing a material certificate)).~~

(8) "Certify" means to declare with reference to a certificate, with ample opportunity to reflect, and with a duty to apprise oneself of all material facts.

(9) "Confirm" means to ascertain through appropriate inquiry and investigation.

(10) "Correspond," with reference to keys, means to belong to the same key pair.

(11) "Digital signature" means an electronic signature that is a transformation of a message using an asymmetric cryptosystem such that a person having the initial message and the signer's public key can accurately determine:

(a) Whether the transformation was created using the private key that corresponds to the signer's public key; and

(b) Whether the initial message has been altered since the transformation was made.

(12) "Electronic" means electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

(13) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

(14) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record, including but not limited to a digital signature.

(15) "Financial institution" means a national or state-chartered commercial bank or trust company, savings bank, savings association, or credit union authorized to do business in the state of Washington and the deposits of which are federally insured.

~~((13))~~ (16) "Forge a digital signature" means either:

- (a) To create a digital signature without the authorization of the rightful holder of the private key; or
- (b) To create a digital signature verifiable by a certificate listing as subscriber a person who either:
  - (i) Does not exist; or
  - (ii) Does not hold the private key corresponding to the public key listed in the certificate.

~~((14))~~ (17) "Hold a private key" means to be authorized to utilize a private key.

~~((15))~~ (18) "Incorporate by reference" means to make one message a part of another message by identifying the message to be incorporated and expressing the intention that it be incorporated.

~~((16))~~ (19) "Issue a certificate" means the acts of a certification authority in creating a certificate and notifying the subscriber listed in the certificate of the contents of the certificate.

~~((17))~~ (20) "Key pair" means a private key and its corresponding public key in an asymmetric cryptosystem, keys which have the property that the public key can verify a digital signature that the private key creates.

~~((18))~~ (21) "Licensed certification authority" means a certification authority to whom a license has been issued by the secretary and whose license is in effect.

~~((19))~~ (22) "Message" means a digital representation of information.

~~((20))~~ (23) "Notify" means to communicate a fact to another person in a manner reasonably likely under the circumstances to impart knowledge of the information to the other person.

~~((21))~~ (24) "Official public business" means any legally authorized transaction or communication among state agencies, tribes, and local governments, or between a state agency, tribe, or local government and a private person or entity.

(25) "Operative personnel" means one or more natural persons acting as a certification authority or its agent, or in the employment of, or under contract with, a certification authority, and who have:

- ~~(a) ((Managerial or policymaking responsibilities for the certification authority; or~~
- ~~(b)) Duties directly involving the issuance of certificates, creation of private keys((, or administration of a certification authority's computing facilities));~~
- (b) Responsibility for the secure operation of the trustworthy system used by the certification authority or any recognized repository;
- (c) Direct responsibility, beyond general supervisory authority, for establishing or adopting policies regarding the operation and security of the certification authority; or
- (d) Such other responsibilities or duties as the secretary may establish by rule.

~~((22))~~ (26) "Person" means a human being or an organization capable of signing a document, either legally or as a matter of fact.

~~((23))~~ (27) "Private key" means the key of a key pair used to create a digital signature.

~~((24))~~ (28) "Public key" means the key of a key pair used to verify a digital signature.

~~((25))~~ (29) "Publish" means to ~~((record or file in a repository))~~ make information publicly available.

~~((26))~~ (30) "Qualified right to payment" means an award of damages against a licensed certification authority by a court having jurisdiction over the certification authority in a civil action for violation of this chapter.

~~((27))~~ (31) "Recipient" means a person who has received a certificate and a digital signature verifiable with reference to a public key listed in the certificate and is in a position to rely on it.

~~((28))~~ (32) "Recognized repository" means a repository recognized by the secretary under RCW 19.34.400.

~~((29))~~ (33) "Recommended reliance limit" means the monetary amount recommended for reliance on a certificate under RCW 19.34.280(1).

~~((30))~~ (34) "Repository" means a system for storing and retrieving certificates and other information relevant to digital signatures.

~~((31))~~ (35) "Revoke a certificate" means to make a certificate ineffective permanently from a specified time forward. Revocation is effected by notation or inclusion in a set of revoked certificates, and does not imply that a revoked certificate is destroyed or made illegible.

~~((32))~~ (36) "Rightfully hold a private key" means the authority to utilize a private key:

- (a) That the holder or the holder's agents have not disclosed to a person in violation of RCW 19.34.240(1); and
- (b) That the holder has not obtained through theft, deceit, eavesdropping, or other unlawful means.

~~((33))~~ (37) "Secretary" means the secretary of state.

~~((34))~~ (38) "Subscriber" means a person who:

- (a) Is the subject listed in a certificate;
- (b) Applies for or accepts the certificate; and
- (c) Holds a private key that corresponds to a public key listed in that certificate.

~~((35))~~ (39) "Suitable guaranty" means either a surety bond executed by a surety authorized by the insurance commissioner to do business in this state, or an irrevocable letter of credit issued by a financial institution authorized to do business in this state, which, in either event, satisfies all of the following requirements:

- (a) It is issued payable to the secretary for the benefit of persons holding qualified rights of payment against the licensed certification authority named as the principal of the bond or customer of the letter of credit;
- (b) It is in an amount specified by rule by the secretary under RCW 19.34.030;
- (c) It states that it is issued for filing under this chapter;
- (d) It specifies a term of effectiveness extending at least as long as the term of the license to be issued to the certification authority; and
- (e) It is in a form prescribed or approved by rule by the secretary.

A suitable guaranty may also provide that the total annual liability on the guaranty to all persons making claims based on it may not exceed the face amount of the guaranty.

~~((36))~~ (40) "Suspend a certificate" means to make a certificate ineffective temporarily for a specified time forward.

~~((37))~~ (41) "Time stamp" means either:

(a) To append or attach ~~((to a message, digital signature, or certificate))~~ a digitally signed notation indicating at least the date, time, and identity of the person appending or attaching the notation to a message, digital signature, or certificate; or

(b) The notation thus appended or attached.

~~((38))~~ (42) "Transactional certificate" means a valid certificate incorporating by reference one or more digital signatures.

~~((39))~~ (43) "Trustworthy system" means computer hardware and software that:

(a) Are reasonably secure from intrusion and misuse; and

(b) ~~((Provide a reasonable level of availability, reliability, and correct operation; and~~

~~(c) Are reasonably suited to performing their intended functions))~~ Conform with the requirements established by the secretary by rule.

~~((40))~~ (44) "Valid certificate" means a certificate that:

(a) A licensed certification authority has issued;

(b) The subscriber listed in it has accepted;

(c) Has not been revoked or suspended; and

(d) Has not expired.

However, a transactional certificate is a valid certificate only in relation to the digital signature incorporated in it by reference.

~~((44))~~ (45) "Verify a digital signature" means, in relation to a given digital signature, message, and public key, to determine accurately that:

(a) The digital signature was created by the private key corresponding to the public key; and

(b) The message has not been altered since its digital signature was created.

**NEW SECTION. Sec. 3.** A new section is added to chapter 19.34 RCW to read as follows:

The presumptions of validity and reasonableness of conduct, and the limitations on liability in this chapter do not apply to electronic records or electronic signatures except for digital signatures created in conformance with all of the requirements of this chapter and rules adopted under this chapter.

**Sec. 4.** RCW 19.34.030 and 1997 c 27 s 1 are each amended to read as follows:

(1) The secretary must ~~((maintain a publicly accessible data base containing))~~ publish a certification authority disclosure record for each licensed certification authority, and a list of all judgments filed with the secretary, within the previous five years, under RCW 19.34.290. ~~((The secretary must publish the contents of the data base in at least one recognized repository.))~~

(2) The secretary may adopt rules consistent with this chapter and in furtherance of its purposes:

(a) To ~~((govern licensed))~~ license certification authorities ~~((and))~~, ~~((recognized))~~ recognize repositories, ~~((their practice, and the termination of a licensed certification authority's or recognized repository's practice))~~ certify operative personnel, and govern the practices of each;

(b) To determine ~~((an))~~ the form and amount reasonably appropriate for a suitable guaranty, in light of the burden a suitable guaranty places upon licensed certification authorities and the assurance of quality and financial responsibility it provides to persons who rely on certificates issued by licensed certification authorities;

(c) To specify reasonable requirements for information to be contained in or the form of certificates, including transactional certificates, issued by licensed certification authorities, in accordance with generally accepted standards for digital signature certificates;

(d) To specify reasonable requirements for recordkeeping by licensed certification authorities;

(e) To specify reasonable requirements for the content, form, and sources of information in certification authority disclosure records, the updating and timeliness of the information, and other practices and policies relating to certification authority disclosure records;

(f) To specify the form of and information required in certification practice statements, as well as requirements regarding the publication of certification practice statements;

(g) To specify the procedure and manner in which a certificate may be suspended or revoked, as consistent with this chapter; ~~((and))~~

(h) To specify the procedure and manner by which the laws of other jurisdictions may be recognized, in order to further uniform rules regarding the authentication and reliability of electronic messages; and

(i) Otherwise to give effect to and implement this chapter.

(3) The secretary may act as a certification authority, and the certificates issued by the secretary shall be treated as having been issued by a licensed certification authority.

**Sec. 5.** RCW 19.34.100 and 1998 c 33 s 1 are each amended to read as follows:

(1) To obtain or retain a license, a certification authority must:

(a) ~~((Be the subscriber of a certificate published in a recognized repository, which may include any repository maintained by the secretary;~~

~~(b) Knowingly employ as operative personnel only persons who have not been convicted within the past seven years of a felony and have never been convicted of a crime involving fraud, false statement, or deception. The secretary may provide by rule for the manner in which criminal background information is provided as part of the licensing process. For purposes of this provision, a certification authority knowingly employs such a person if the certification authority knew of a conviction, or should have known based upon the background information required by rule of the secretary;~~

~~(c) Employ as operative personnel only persons who have demonstrated knowledge and proficiency in following the requirements of this chapter;~~

~~(d)) Provide proof of identity to the secretary;~~

~~(b) Employ only certified operative personnel in appropriate positions;~~

~~(c) File with the secretary ((a)) an appropriate, suitable guaranty, unless the certification authority is a city or county that is self-insured or the department of information services;~~

~~((e)) (d) Use a trustworthy system((, including a secure means for limiting access to its private key));~~

~~((f)) (e) Maintain an office in this state or have established a registered agent for service of process in this state; and~~

~~((g)) (f) Comply with all further licensing and practice requirements established by rule by the secretary.~~

(2) ~~((The secretary must issue a license to a certification authority that:~~

~~(a) Is qualified under subsection (1) of this section;~~

~~(b) Applies in writing to the secretary for a license; and~~

~~(c) Pays a filing fee adopted by rule by the secretary.~~

~~(3)) The secretary may by rule ((classify licenses)) create license classifications according to specified limitations, ((such as a maximum number of outstanding certificates, cumulative maximum of recommended reliance limits in certificates issued by the certification authority, or issuance only within a single firm or organization,)) and the secretary may issue licenses restricted according to the limits of each classification. ~~((The liability limits of RCW 19.34.280 do not apply to a certificate issued by a certification authority that exceeds the restrictions of the certification authority's license.))~~~~

(3) The secretary may impose license restrictions specific to the practices of an individual certification authority. The secretary shall set forth in writing and maintain as part of the certification authority's license application file the basis for such license restrictions.

(4) The secretary may revoke or suspend a certification authority's license, in accordance with the administrative procedure act, chapter 34.05 RCW, for failure to comply with this chapter or for failure to remain qualified under subsection (1) of this section. The secretary may order the summary suspension of a license pending proceedings for revocation or other action, which must be promptly instituted and determined, if the secretary includes within a written order a finding that the certification authority has either:

(a) Utilized its license in the commission of a violation of a state or federal criminal statute or of chapter 19.86 RCW; or

(b) Engaged in conduct giving rise to a serious risk of loss to public or private parties if the license is not immediately suspended.

(5) The secretary may recognize by rule the licensing or authorization of certification authorities by other governmental entities, in whole or in part, provided that those licensing or authorization requirements are substantially similar to those of this state. If licensing by another government is so recognized:

(a) RCW 19.34.300 through 19.34.350 apply to certificates issued by the certification authorities licensed or authorized by that government in the same manner as it applies to licensed certification authorities of this state; and

(b) The liability limits of RCW 19.34.280 apply to the certification authorities licensed or authorized by that government in the same manner as they apply to licensed certification authorities of this state.

~~(6) ((Unless the parties provide otherwise by contract between themselves, the licensing requirements in this section do not affect the effectiveness, enforceability, or validity of any digital signature, except that RCW 19.34.300 through 19.34.350 do not apply to a certificate, and associated digital signature, issued by an unlicensed certification authority.~~

~~(7))~~ A certification authority that has not obtained a license is not subject to the provisions of this chapter, except as specifically provided.

**Sec. 6.** RCW 19.34.110 and 1997 c 27 s 5 are each amended to read as follows:

(1) A licensed certification authority shall obtain a compliance audit ~~((, as may be more fully defined by rule of the secretary, at least once every year. The auditor shall issue an opinion evaluating the degree to which the certification authority conforms to the requirements of this chapter and the administrative rules adopted by))~~ at such times and in such manner as directed by rule of the secretary. If the certification authority is also a recognized repository, the audit must include the repository.

(2) The certification authority shall file a copy of the audit report with the secretary. The secretary may provide by rule for filing of the report in an electronic format ~~((The secretary shall))~~ and may publish the report in the certification authority disclosure record it maintains for the certification authority.

**Sec. 7.** RCW 19.34.111 and 1997 c 27 s 6 are each amended to read as follows:

~~(1)((a))~~ An auditor signing a report of opinion as to a compliance audit required by RCW 19.34.110 must:

~~((i))~~ (a) Be a certified public accountant, licensed under chapter 18.04 RCW or equivalent licensing statute of another jurisdiction; ~~((e))~~ and

~~((ii))~~ (b) Meet such other qualifications as the secretary may establish by rule.

~~((b) Auditors must either possess such computer security qualifications as are necessary to conduct the audit or employ, contract, or associate with firms or individuals who do. The secretary may adopt rules establishing qualifications as to expertise or experience in computer security.)~~

(2) The compliance audits of state agencies and local governments who are licensed certification authorities, and the secretary, must be performed under the authority of the state auditor. The state auditor may contract with private entities as needed to comply with this chapter.

**Sec. 8.** RCW 19.34.120 and 1997 c 27 s 7 are each amended to read as follows:

(1) The secretary may investigate the activities of a licensed certification authority material to its compliance with this chapter and issue orders to a certification authority to further its investigation and secure compliance with this chapter.

(2) The secretary may suspend or revoke the license of a certification authority for its failure to comply with an order of the secretary.

(3) The secretary may by order impose and collect a civil ~~((monetary))~~ penalty against a licensed certification authority for a violation of this chapter ~~((in an amount)).~~ The penalty shall not ((te)) exceed ten thousand dollars per incident, or ninety percent of the recommended reliance limit of a material certificate, whichever is less. In case of a violation continuing for more than one day, each day is considered a separate incident. The secretary may adopt rules setting forth the standards governing the exercise of the secretary's discretion as to penalty amounts. In the case of a state agency authorized by law to be a licensed certification authority, the sole penalty imposed under this subsection shall consist of specific findings of noncompliance and an order requiring compliance with this chapter and the rules of the secretary. Any penalty imposed under this chapter and chapter 34.05 RCW shall be enforceable in any court of competent jurisdiction.

(4) The secretary may order a certification authority, which it has found to be in violation of this chapter, to pay the costs incurred by the secretary in prosecuting and adjudicating proceedings relative to the order, and enforcing it.

(5) The secretary must exercise authority under this section in accordance with the administrative procedure act, chapter 34.05 RCW, and a licensed certification authority may obtain judicial review of the secretary's actions as prescribed by chapter 34.05 RCW. The secretary may also seek injunctive relief to compel compliance with an order.

**Sec. 9.** RCW 19.34.130 and 1996 c 250 s 204 are each amended to read as follows:

(1) No certification authority, whether licensed or not, may conduct its business in a manner that creates an unreasonable risk of loss to subscribers of the certification authority, to persons relying on certificates issued by the certification authority, or to a repository.

(2) The secretary may publish ~~((in the repository it provides, or elsewhere,))~~ brief statements advising subscribers, persons relying on digital signatures, or other repositories about activities of a certification authority, whether licensed or not, that create a risk prohibited by subsection (1) of this section. The certification authority named in a statement as creating or causing such a risk may protest the publication of the statement by filing a written defense of ten thousand bytes or less. Upon receipt of

such a protest, the secretary must publish the protest along with the secretary's statement, and must promptly give the protesting certification authority notice and an opportunity to be heard. Following the hearing, the secretary must rescind the advisory statement if its publication was unwarranted under this section, cancel it if its publication is no longer warranted, continue or amend it if it remains warranted, or take further legal action to eliminate or reduce a risk prohibited by subsection (1) of this section. The secretary must publish its decision in the repository it provides.

(3) In the manner provided by the administrative procedure act, chapter 34.05 RCW, the secretary may issue orders and obtain injunctions or other civil relief to prevent or restrain a certification authority from violating this section, regardless of whether the certification authority is licensed. This section does not create a right of action in a person other than the secretary.

**Sec. 10.** RCW 19.34.200 and 1997 c 27 s 8 are each amended to read as follows:

(1) A licensed certification authority (~~(or subscriber)~~) shall use only a trustworthy system(~~(:~~  
~~(a))~~) to issue, suspend, or revoke (~~(a certificate;~~  
~~(b))~~) certificates. A licensed certification authority shall use a recognized repository to publish or give notice of the issuance, suspension, or revocation of a certificate((~~;-or~~  
~~(c) To create a private key)~~).

(2) A licensed certification authority (~~(must disclose any material certification practice statement, and any fact material to either the reliability of a certificate that it has issued or its ability to perform its services. A certification authority may require a signed, written, and reasonably specific inquiry from an identified person, and payment of reasonable compensation, as conditions precedent to effecting a disclosure required in this subsection.)~~) shall publish a certification practice statement in accordance with the rules established by the secretary. The secretary shall publish the certification practice statements of licensed certification authorities submitted as part of the licensing process in a manner similar to the publication of the certification authority disclosure record.

(3) A licensed certification authority shall knowingly employ as operative personnel only persons who have not been convicted within the past seven years of a felony and have never been convicted of a crime involving fraud, false statement, or deception. For purposes of this subsection, a certification authority knowingly employs such a person if the certification authority knew of a conviction, or should have known based on information required by rule of the secretary. Operative personnel employed by a licensed certification authority must also be persons who have demonstrated knowledge and proficiency in following the requirements of this chapter. The secretary may provide by rule for the certification of operative personnel, and provide by rule for the manner in which criminal background information is provided as part of the certification process, as well as the manner in which knowledge and proficiency in following the requirements of this chapter may be demonstrated.

**Sec. 11.** RCW 19.34.210 and 1997 c 27 s 9 are each amended to read as follows:

(1) A licensed certification authority may issue a certificate to a subscriber only after all of the following conditions are satisfied:

- (a) The certification authority has received a request for issuance signed by the prospective subscriber; and
- (b) The certification authority has confirmed that:
  - (i) The prospective subscriber is the person to be listed in the certificate to be issued;
  - (ii) If the prospective subscriber is acting through one or more agents, the subscriber duly authorized the agent or agents to have custody of the subscriber's private key and to request issuance of a certificate listing the corresponding public key;
  - (iii) The information in the certificate to be issued is accurate;
  - (iv) The prospective subscriber rightfully holds the private key corresponding to the public key to be listed in the certificate;
  - (v) The prospective subscriber holds a private key capable of creating a digital signature;
  - (vi) The public key to be listed in the certificate can be used to verify a digital signature affixed by the private key held by the prospective subscriber; and
  - (vii) The certificate provides information sufficient to locate or identify one or more repositories in which notification of the revocation or suspension of the certificate will be listed if the certificate is suspended or revoked.

(c) The requirements of this subsection may not be waived or disclaimed by either the licensed certification authority, the subscriber, or both.

(2) (~~(If the subscriber accepts the issued certificate, the certification authority must publish a signed copy of the certificate in a recognized repository, as the certification authority and the subscriber named in the certificate may agree, unless a contract))~~ In confirming that the prospective subscriber is the person to be listed in the certificate to be issued, a licensed certification authority shall make a reasonable inquiry into the subscriber's identity in light of:

- (a) Any statements made by the certification authority regarding the reliability of the certificate;
- (b) The reliance limit of the certificate;
- (c) Any recommended uses or applications for the certificate; and
- (d) Whether the certificate is a transactional certificate or not.

(3) A certification authority shall be presumed to have confirmed that the prospective subscriber is the person to be listed in a certificate where:

(a) The subscriber appears before the certification authority and presents identification documents consisting of at least one of the following:

(i) A current identification document issued by or under the authority of the United States, or such similar identification document issued under the authority of another country;

(ii) A current driver's license issued by a state of the United States; or

(iii) A current personal identification card issued by a state of the United States; and

(b) Operative personnel certified according to law or a notary has reviewed and accepted the identification information of the subscriber.

(4) The certification authority may establish policies regarding the publication of certificates in its certification practice statement, which must be adhered to unless an agreement between the certification authority and the subscriber provides otherwise. If the ((subscriber does not accept the certificate, a licensed certification authority must not publish it, or must cancel its publication if the certificate has already been published)) certification authority does not establish such a policy, the certification authority must publish a signed copy of the certificate in a recognized repository.

~~((3))~~ (5) Nothing in this section precludes a licensed certification authority from conforming to standards, certification practice statements, security plans, or contractual requirements more rigorous than, but nevertheless consistent with, this chapter.

~~((4))~~ (6) After issuing a certificate, a licensed certification authority must revoke it immediately upon confirming that it was not issued as required by this section. A licensed certification authority may also suspend a certificate that it has issued for a ~~((reasonable))~~ period not exceeding ~~((ninety-six hours))~~ five business days as needed for an investigation to confirm grounds for revocation under this subsection. The certification authority must give notice to the subscriber as soon as practicable after a decision to revoke or suspend under this subsection.

~~((5))~~ (7) The secretary may order the licensed certification authority to suspend or revoke a certificate that the certification authority issued, if, after giving any required notice and opportunity for the certification authority and subscriber to be heard in accordance with the administrative procedure act, chapter 34.05 RCW, the secretary determines that:

(a) The certificate was issued without substantial compliance with this section; and

(b) The noncompliance poses a significant risk to persons ~~((reasonably))~~ relying on the certificate.

Upon determining that an emergency requires an immediate remedy, and in accordance with the administrative procedure act, chapter 34.05 RCW, the secretary may issue an order suspending a certificate for a period not to exceed ~~((ninety-six hours))~~ five business days.

**Sec. 12.** RCW 19.34.231 and 1997 c 27 s 10 are each amended to read as follows:

(1) If a signature of a unit of state or local government, including its appropriate officers or employees, ((may)) is required by statute, administrative rule, court rule, or requirement of the office of financial management, that unit of state or local government shall become a subscriber to a certificate issued by a licensed certification authority for purposes of conducting official public business~~((, but only if the certificate is issued by a licensed certification authority. A unit of state government, except the secretary and the department of information services, may not act as a certification authority))~~ with electronic records.

(2) A city or county may become a licensed certification authority under RCW 19.34.100 for purposes of providing services to local government, if authorized by ordinance adopted by the city or county legislative authority.

(3) ~~((The limitation to licensed certification authorities in subsection (1) of this section does not apply to uses of digital signatures or key pairs limited to internal agency procedures, as to which the signature is not required by statute, administrative rule, court rule, or requirement of the office of financial management.))~~ A unit of state government, except the secretary and the department of information services, may not act as a certification authority.

**Sec. 13.** RCW 19.34.250 and 1997 c 27 s 12 are each amended to read as follows:

(1) Unless the certification authority ~~((and the subscriber agree))~~ provides otherwise in the certificate or its certification practice statement, the licensed certification authority that issued a certificate that is not a transactional certificate must suspend the certificate for a period not to exceed ~~((ninety-six hours))~~ five business days:

(a) Upon request by a person whom the certification authority reasonably believes to be: (i) The subscriber named in the certificate; (ii) a person duly authorized to act for that subscriber; or (iii) a person acting on behalf of the unavailable subscriber; or

(b) By order of the secretary under RCW 19.34.210(5).

The certification authority need not confirm the identity or agency of the person requesting suspension. The certification authority may require the person requesting suspension to provide evidence, including a statement under oath or affirmation, regarding the requestor's identity, authorization, or the unavailability of the subscriber. Law enforcement agencies may investigate suspensions for possible wrongdoing by persons requesting suspension.

(2) Unless the ~~((certificate))~~ certification authority provides otherwise ~~((or))~~ in the certificate ~~((is a transactional certificate))~~ or its certification practice statement, the secretary may suspend a certificate issued by a licensed certification authority for a period not to exceed ~~((ninety-six hours))~~ five business days, if:

(a) A person identifying himself or herself as the subscriber named in the certificate, a person authorized to act for that subscriber, or a person acting on behalf of that unavailable subscriber [requests suspension]; and

(b) The requester represents that the certification authority that issued the certificate is unavailable.

The secretary may require the person requesting suspension to provide evidence, including a statement under oath or affirmation, regarding his or her identity, authorization, or the unavailability of the issuing certification authority, and may decline to suspend the certificate in its discretion. Law enforcement agencies may investigate suspensions by the secretary for possible wrongdoing by persons requesting suspension.

(3) Immediately upon suspension of a certificate by a licensed certification authority, the licensed certification authority must give notice of the suspension according to the specification in the certificate. If one or more repositories are specified, then the licensed certification authority must publish a signed notice of the suspension in all the repositories. If a repository no longer exists or refuses to accept publication, or if no repository is recognized under RCW 19.34.400, the licensed certification authority must also publish the notice in a recognized repository. If a certificate is suspended by the secretary, the secretary must give notice as required in this subsection for a licensed certification authority, provided that the person requesting suspension pays in advance any fee required by a repository for publication of the notice of suspension.

(4) A certification authority must terminate a suspension initiated by request only:

(a) If the subscriber named in the suspended certificate requests termination of the suspension, the certification authority has confirmed that the person requesting suspension is the subscriber or an agent of the subscriber authorized to terminate the suspension; or

(b) When the certification authority discovers and confirms that the request for the suspension was made without authorization by the subscriber. However, this subsection (4)(b) does not require the certification authority to confirm a request for suspension.

(5) The contract between a subscriber and a licensed certification authority may limit or preclude requested suspension by the certification authority, or may provide otherwise for termination of a requested suspension. However, if the contract limits or precludes suspension by the secretary when the issuing certification authority is unavailable, the limitation or preclusion is effective only if notice of it is published in the certificate.

(6) No person may knowingly or intentionally misrepresent to a certification authority his or her identity or authorization in requesting suspension of a certificate. Violation of this subsection is a gross misdemeanor.

(7) The secretary may authorize other state or local governmental agencies to perform any of the functions of the secretary under this section upon a regional basis. The authorization must be formalized by an agreement under chapter 39.34 RCW. The secretary may provide by rule the terms and conditions of the regional services.

(8) A suspension under this section must be completed within twenty-four hours of receipt of all information required in this section.

**Sec. 14.** RCW 19.34.280 and 1997 c 27 s 14 are each amended to read as follows:

(1) By clearly specifying a recommended reliance limit in a certificate and in the certification practice statement, the issuing certification authority recommends that persons rely on the certificate only to the extent that the total amount at risk does not exceed the recommended reliance limit.

(2) Subject to subsection (3) of this section, unless a licensed certification authority waives application of this subsection, a licensed certification authority is:

(a) Not liable for a loss caused by reliance on a false or forged digital signature of a subscriber, if, with respect to the false or forged digital signature, the certification authority complied with all material requirements of this chapter;

(b) Not liable in excess of the amount specified in the certificate as its recommended reliance limit for either:

(i) A loss caused by reliance on a misrepresentation in the certificate of a fact that the licensed certification authority is required to confirm; or

(ii) Failure to comply with RCW 19.34.210 in issuing the certificate;

(c) Not liable for:

(i) Punitive or exemplary damages. Nothing in this chapter may be interpreted to permit punitive or exemplary damages that would not otherwise be permitted by the law of this state; or

(ii) Damages for pain or suffering.

(3) Nothing in subsection (2)(a) of this section relieves a licensed certification authority of its liability for breach of any of the warranties or certifications it gives under RCW 19.34.220 or for its lack of good faith, which warranties and obligation of good faith may not be disclaimed. However, the standards by which the performance of a licensed certification authority's obligation of

good faith is to be measured may be determined by agreement or notification complying with subsection (4) of this section if the standards are not manifestly unreasonable. The liability of a licensed certification authority under this subsection is subject to the limitations in subsection (2)(b) and (c) of this section unless the limits are waived by the licensed certification authority.

(4) Consequential or incidental damages may be liquidated, or may otherwise be limited, altered, or excluded unless the limitation, alteration, or exclusion is unconscionable. A licensed certification authority may liquidate, limit, alter, or exclude consequential or incidental damages as provided in this subsection by agreement or by notifying any person who will rely on a certificate of the liquidation, limitation, alteration, or exclusion before the person relies on the certificate.

**Sec. 15.** RCW 19.34.330 and 1996 c 250 s 404 are each amended to read as follows:

A ~~((copy of a))~~ digitally signed message ~~((is as effective, valid, and enforceable as the original of the message, unless it is evident that the signer designated an instance of the digitally signed message to be a unique original, in which case only that instance constitutes the valid, effective, and enforceable))~~ shall be deemed to be an original of the message.

**Sec. 16.** RCW 19.34.340 and 1997 c 27 s 21 are each amended to read as follows:

~~((1))~~ Unless otherwise provided by law ~~((or contract, if so provided in the certificate issued by a licensed certification authority))~~ or agreement, a digital signature verified by reference to the public key listed in a valid certificate issued by a licensed certification authority satisfies the requirements for an acknowledgment under RCW 42.44.010(4) and for acknowledgment of deeds and other real property conveyances under RCW 64.04.020 ~~((if words of an express acknowledgment appear with the digital signature regardless of whether the signer personally appeared before either the certification authority or some other person authorized to take acknowledgments of deeds, mortgages, or other conveyance instruments under RCW 64.08.010 when the digital signature was created, if that digital signature is:~~

- ~~(a) Verifiable by that certificate; and~~
- ~~(b) Affixed when that certificate was valid.~~

~~(2) If the digital signature is used as an acknowledgment, then the certification authority is responsible to the same extent as a notary up to the recommended reliance limit for failure to satisfy the requirements for an acknowledgment. The certification authority may not disclaim or limit, other than as provided in RCW 19.34.280, the effect of this section).~~

**Sec. 17.** RCW 19.34.400 and 1997 c 27 s 23 are each amended to read as follows:

(1) The secretary must recognize one or more repositories, after finding that a repository to be recognized:

- (a) Is a licensed certification authority;
- (b) Includes, or will include, a data base containing:
  - (i) Certificates published in the repository;
  - (ii) Notices of suspended or revoked certificates published by licensed certification authorities or other persons suspending or revoking certificates; and
  - (iii) ~~((Certification authority disclosure records for licensed certification authorities;~~
  - (iv) ~~All orders or advisory statements published by the secretary in regulating certification authorities; and~~
  - ~~(v))~~ Other information adopted by rule by the secretary;

(c) Operates by means of a trustworthy system, that may, under administrative rule of the secretary, include additional or different attributes than those applicable to a certification authority that does not operate as a recognized repository;

(d) Contains no significant amount of information that is known or likely to be untrue, inaccurate, or not reasonably reliable;

~~(e) ((Contains certificates published by certification authorities that conform to legally binding requirements that the secretary finds to be substantially similar to, or more stringent toward the certification authorities, than those of this state;~~

~~(f))~~ Keeps ~~((an archive))~~ a record of certificates that have been suspended or revoked, or that have expired, ~~((within at least the past three years))~~ in accordance with requirements adopted by rule by the secretary; and

(g) Complies with other reasonable requirements adopted by rule by the secretary.

(2) A repository may apply to the secretary for recognition by filing a written request and providing evidence to the secretary sufficient for the secretary to find that the conditions for recognition are satisfied, in accordance with requirements adopted by rule by the secretary.

(3) A repository may discontinue its recognition by filing thirty days' written notice with the secretary, upon meeting any conditions for discontinuance adopted by rule by the secretary. In addition the secretary may discontinue recognition of a repository in accordance with the administrative procedure act, chapter 34.05 RCW, if the secretary concludes that the repository no longer satisfies the conditions for recognition listed in this section or in rules adopted by the secretary.

**Sec. 18.** RCW 19.34.410 and 1997 c 27 s 33 are each amended to read as follows:

(1) Notwithstanding a disclaimer by the repository or a contract to the contrary between the repository, a certification authority, or a subscriber, a repository is liable for a loss incurred by a person reasonably relying on a digital signature verified by the public key listed in a certificate that has been suspended or revoked by the licensed certification authority that issued the

certificate, if loss was incurred more than one business day after receipt by the repository of a request from the issuing licensed certification authority to publish notice of the suspension or revocation, and the repository had failed to publish the notice when the person relied on the digital signature.

(2) Unless waived, a recognized repository or the owner or operator of a recognized repository is:

(a) Not liable for failure to record publication of a suspension or revocation, unless the repository has received notice of publication and one business day has elapsed since the notice was received;

(b) Not liable under subsection (1) of this section in excess of the amount specified in the certificate as the recommended reliance limit;

(c) Not liable under subsection (1) of this section for:

(i) Punitive or exemplary damages; or

(ii) Damages for pain or suffering;

(d) Not liable for misrepresentation in a certificate published by a licensed certification authority;

(e) Not liable for accurately recording or reporting information that a licensed certification authority, or court clerk, or the secretary has published as required or permitted in this chapter, including information about suspension or revocation of a certificate;

(f) Not liable for reporting information about a certification authority, a certificate, or a subscriber, if the information is published as required or permitted in this chapter or a rule adopted by the secretary, or is published by order of the secretary in the performance of the licensing and regulatory duties of that office under this chapter.

(3) Consequential or incidental damages may be liquidated, or may otherwise be limited, altered, or excluded unless the limitation, alteration, or exclusion is unconscionable. A recognized repository may liquidate, limit, alter, or exclude damages as provided in this subsection by agreement, or by notifying any person who will rely on a digital signature verified by the public key listed in a suspended or revoked certificate of the liquidation, limitation, alteration, or exclusion before the person relies on the certificate.

**Sec. 19.** RCW 43.105.320 and 1997 c 27 s 29 are each amended to read as follows:

The department of information services may become a licensed certification authority, under chapter 19.34 RCW, for the purpose of providing services to ~~((state and local government))~~ agencies, local governments, and other entities and persons for purposes of official state business. The department is not subject to RCW 19.34.100(1)(a). The department shall only issue certificates, as defined in RCW 19.34.020, in which the subscriber is:

(1) The state of Washington or a department, office, or agency of the state;

(2) A city, county, district, or other municipal corporation, or a department, office, or agency of the city, county, district, or municipal corporation;

(3) An agent or employee of an entity described by subsection (1) or (2) of this section, for purposes of official public business; ~~((or))~~

(4) Any other person or entity engaged in matters of official public business, however, such certificates shall be limited only to matters of official public business; or

~~(5)~~ An applicant for a license as a certification authority for the purpose of compliance with RCW 19.34.100(1)(a).

**NEW SECTION. Sec. 20.** (1) The office of financial management shall convene a task force, which shall include both governmental and nongovernmental representatives, to review the practice of the state issuing certificates to nongovernmental entities or individuals for the purpose of conducting official public business. The task force shall prepare and submit its findings to the appropriate legislative committees by December 31, 2000.

(2) This section expires June 30, 2001.

**NEW SECTION. Sec. 21.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

## MOTIONS

On motion of Senator Brown, the following title amendment was adopted:

On page 1, line 2 of the title, after "signatures;" strike the remainder of the title and insert "amending RCW 19.34.010, 19.34.020, 19.34.030, 19.34.100, 19.34.110, 19.34.111, 19.34.120, 19.34.130, 19.34.200, 19.34.210, 19.34.231, 19.34.250, 19.34.280, 19.34.330, 19.34.340, 19.34.400, 19.34.410, and 43.105.320; adding a new section to chapter 19.34 RCW; creating a new section; providing an expiration date; and declaring an emergency."

On motion of Senator Brown, the rules were suspended, Engrossed Senate Bill No. 5962 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5962.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5962 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 38.

Voting nay: Senators Benton, Heavey, Hochstatter, Johnson, Roach, Rossi, Stevens and Zarelli - 8.

Excused: Senators McDonald, Morton and West - 3.

ENGROSSED SENATE BILL NO. 5962, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5154, by Senators Hargrove, McCaslin, Goings and Heavey

Limiting the liability of electric utilities.

#### MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5154 was substituted for Senate Bill No. 5154 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5154 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Franklin, Senator Prentice was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5154.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5154 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senators Fairley, Haugen, McAuliffe and Spanel - 4.

Excused: Senators McDonald, Morton and West - 3.

SUBSTITUTE SENATE BILL NO. 5154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5280, by Senators Franklin, Winsley, Wojahn, Kline, Goings, Thibaudeau, Stevens, Rasmussen, Benton, Prentice, Heavey, Gardner, Shin and Oke

Meeting financial responsibility requirements for automobiles.

## MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 5280 was substituted for Senate Bill No. 5280 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 5280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5280.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5280 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senator Sellar - 1.

Excused: Senators McDonald, Morton and West - 3.

SUBSTITUTE SENATE BILL NO. 5280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5710, by Senators Wojahn, Rasmussen, Winsley, Oke, Franklin, Goings, Eide and Swecker

Authorizing a sales and use tax for zoo and aquarium purposes.

## MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5710 was substituted for Senate Bill No. 5710 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5710 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5710.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5710 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senators Brown and Fairley - 2.

Excused: Senators McDonald, Morton and West - 3.

SUBSTITUTE SENATE BILL NO. 5710, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5641, by Senators Haugen, Benton, Wojahn, Sellar and Costa

Regarding special license plates.

#### MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5641 was substituted for Senate Bill No. 5641 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5641 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5641.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5641 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 46.

Excused: Senators McDonald, Morton and West - 3.

SUBSTITUTE SENATE BILL NO. 5641, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5587 and the pending amendments by Senators Benton and Roach on page 9, after line 14, and page 9, line 19, deferred earlier today.

#### RULING BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Bauer: "In ruling upon the point of order raised by Senator Thibaudeau to the scope and object of the amendments by Senators Benton and Roach on page 9, after line 14, and page 9, line 19, the President finds that Substitute Senate Bill No. 5587 is a measure which makes the following requirements of health carriers: (1) Disclosure of health care plan information; (2) A process for appealing denials of health care coverage; and (3) The protection of health care privacy. Each of these requirements is procedural in nature.

"The amendments would make a substantive coverage requirement of health carriers, namely the amendments would provide that health plans that cover chiropractic services must permit patients to see the chiropractor of their choice.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and the point of order is well taken."

The amendments by Senators Benton and Roach on page 9, after line 14, and page 9, line 19, to Substitute Senate Bill No. 5587 were ruled out of order.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute Bill No. 5587 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Benton: "Senator Wojahn, does this bill cover the Public Employees' Benefits Board, all of our state employees, the Basic Health Plan and all the other insurance offered by the public sector as well as the private sector?"

Senator Wojahn: "It only addresses the one code and that is the insurance code."

Senator Benton: "So, the answer is 'yes'--all of the public sector companies are covered under this plan?"

Senator Wojahn: "It only covers the insurance code and, therefore, it does not cover the items that Senator Deccio talked about. They are all public codes--it only covers one RCW."

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5587.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5587 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 29.

Voting nay: Senators Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, Oke, Roach, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker and Zarelli - 17.

Excused: Senators McDonald, Morton and West - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5587, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5598, by Senators McAuliffe, Finkbeiner, West, Jacobsen, Long, Kline, Costa, Snyder, Eide, Patterson, Hale and Winsley (by request of Governor Locke)

Creating the Washington's promise scholarship program.

#### MOTIONS

On motion of Senator Kohl-Welles, Second Substitute Senate Bill No. 5598 was substituted for Senate Bill No. 5598 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the following amendment by Senators McAuliffe, Kohl-Welles and Zarelli was adopted:

On page 1, line 14, after "insufficient." strike all material through "education." on line 17

#### MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

#### MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and McAuliffe be adopted:

On page 2, line 19, after "(3)" insert "By the 2000-2001 school year, the higher education coordinating board's plan under this section shall be complete. The plan shall outline criteria extending eligibility for the promise scholarship to graduates of approved private high schools as defined in RCW 28A.195 and participants in home-based instruction as defined in RCW 28A.200.

(4)"

Renumber the subsection consecutively and correct any internal references accordingly.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Zarelli and McAuliffe on page 2, line 19, to Second Substitute Senate Bill No. 5598.

The motion by Senator Zarelli carried and the amendment was adopted.

## MOTIONS

On motion of Senator McAuliffe, the following amendment by Senators McAuliffe, Kohl-Welles and Zarelli was adopted:

On page 2, line 26, after the word "annual", insert "resident" .

Renumber the sections consecutively and correct any internal references accordingly.

Senator Sheahan moved that the following amendment be adopted:

On page 2, line 27, following "28B.95 RCW." insert the following:

"(5) The scholarship will be awarded only in those academic years for which the higher education coordinating board verifies that the financial aid program in 28B.10.800 RCW through 28B.10.824 RCW has been funded to reach the goal of providing financial aid to all eligible students up to sixty-five percent of median family income."

Debate ensued.

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

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Sheahan on page 2, line 27, to Second Substitute Senate Bill No. 5598.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; Nays, 25; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Deccio, Finkbeiner, Franklin, Hale, Haugen, Hochstatter, Honeyford, Horn, Johnson, Long, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, Winsley and Zarelli - 20.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Fraser, Gardner, Goings, Hargrove, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 25.

Excused: Senators McCaslin, McDonald, Morton and West - 4.

## MOTIONS

On motion of Senator McAuliffe, the following amendment by Senators McAuliffe, Kohl-Welles and Zarelli was adopted:

On page 3, after line 2, strike all material down to and including, line 25.

Renumber the subsections consecutively and correct any internal references accordingly.

Senator Finkbeiner moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature intends to strengthen the link between postsecondary education and K-12 education by creating the Washington's promise scholarship program for academically successful high school graduates. The legislature finds that, increasingly, an individual's economic viability is contingent on postsecondary educational opportunities, yet the state's full financial obligation is eliminated after the twelfth grade. Students who work hard in kindergarten through twelfth grade and successfully complete high school with high academic marks may not have the financial ability to attend college because they cannot obtain financial aid or the financial aid is insufficient.

**NEW SECTION. Sec. 2.** (1) To qualify for a Washington's promise scholarship, a student must meet both the academic and financial requirements in this section.

(2)(a) Beginning with the graduating class of 1999 and ending with the graduating class of 2002, students in the top fifteen percent of each high school graduating class meet the academic requirement for the scholarship.

(b) Beginning with the tenth grade class taking the Washington assessment of student learning during the 2000-01 school year, students who pass all subjects on their first attempt meet the academic requirement for the scholarship.

(c) Beginning with the tenth grade class taking the preliminary scholastic assessment test during the 2000-01 school year, students who score in the top fifteen percent of those taking the preliminary scholastic assessment test meet the academic requirement for the scholarship.

(3) Students must graduate from high school or its equivalent.

(4) To meet the financial requirement of the scholarship, the student's family income must not exceed one hundred thirty-five percent of the state median family income.

**NEW SECTION. Sec. 3.** (1) The Washington's promise scholarship program shall be administered by the higher education coordinating board.

(2) The office of the superintendent of public instruction shall provide data on class ranking and Washington assessment of student learning scores to the higher education coordinating board to assist the higher education coordinating board in awarding scholarships. All student data should be considered confidential and used solely for the purposes of providing scholarships to eligible students.

(3)(a) For students eligible under section 2(2)(a) of this act, the office of the superintendent of public instruction shall provide the higher education coordinating board with the names, addresses, and unique numeric identifiers of students in the top fifteen percent of each respective high school graduating class in Washington state. This shall be done by the end of the summer following completion of the twelfth grade to enable students to use the Washington's promise scholarship upon completion of twelfth grade. The higher education coordinating board shall make awards to qualifying students in an amount equal to the cost of a full-time class load for one academic year at a public community college for each year of these students' eligibility.

(b) For students eligible under section 2(2)(b) of this act, the office of the superintendent of public instruction shall provide the higher education coordinating board with the names of tenth grade students who passed all subjects of the Washington assessment of student learning. This shall be done by the end of the summer following receipt of assessment scores to enable students to use the Washington's promise scholarship upon completion of twelfth grade. For each qualifying student, the higher education coordinating board shall establish an account and place in the account two years of tuition units at the community college rate, as provided for in chapter 28B.95 RCW.

(c) Students shall notify the higher education coordinating board of their preliminary scholastic aptitude test scores to determine eligibility under section 2(2)(c) of this act.

(4) The scholarship may only be used at accredited institutions of higher education in the state of Washington.

(5) Scholarships may not be transferred.

(6) Scholarships may not be refunded to students. Scholarships may only be returned to the higher education coordinating board.

(7) Scholarships awarded under this section may be used for college-related expenses, including but not limited to, tuition, room and board, books, materials, and transportation.

(8) The Washington's promise scholarship program is not intended to supplant any federal scholarship or tax program related to postsecondary education.

(9)(a) The Washington's promise scholarship account is created in the custody of the state treasurer. The account shall be a discrete nontreasury account retaining its interest earnings in accordance with RCW 43.79A.040.

(b) The higher education coordinating board shall deposit in the account all money received for the program. The account shall be self-sustaining and consist of funds appropriated by the legislature for the Washington's promise scholarship program, private contributions to the program, and receipts from refunds of tuition and fees.

(c) Expenditures from the account shall be used for scholarships to eligible students.

(d) With the exception of the operating costs associated with the management of the account by the treasurer's office as authorized in chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.

(e) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(f) Disbursements from the account shall be made only on the authorization of the higher education coordinating board.

(10) The higher education coordinating board may adopt rules to implement this section.

**Sec. 4.** RCW 43.79A.040 and 1998 c 268 s 1 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington's promise scholarship account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the Washington

international exchange scholarship endowment fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility grant account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 5.** Sections 1 through 3 of this act constitute a new chapter in Title 28B RCW."

Debate ensued.

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

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Finkbeiner to Second Substitute Senate Bill No. 5598.

#### ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote: Yeas, 17; Nays, 27; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Johnson, Long, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, Winsley and Zarelli - 17. Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27. Absent: Senator Horn - 1. Excused: Senators McCaslin, McDonald, Morton and West - 4.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5598 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5598.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5598 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 45. Excused: Senators McCaslin, McDonald, Morton and West - 4. ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5598, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5019, by Senators Patterson, Thibaudeau and McAuliffe

Changing provisions relating to opiate substitution treatment programs.

#### MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5019 was substituted for Senate Bill No. 5019 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendment by Senators Hargrove, Patterson and Long was adopted:

On page 5, line 9, after "business." insert "Physician-operated certified programs are not subject to the siting requirements of section 2 of this act if the physician operates the program within his or her existing medical practice and his or her existing medical practice serves patients with a variety of medical conditions. Opiate substitution services cannot be the physician's exclusive practice."

#### MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute Senate Bill No. 5019 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5019.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5019 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 45. Excused: Senators McCaslin, McDonald, Morton and West - 4. ENGROSSED SUBSTITUTE SENATE BILL NO. 5019, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5049, by Senators Rasmussen, Goings, Franklin, T. Sheldon, Swecker and Patterson

Enhancing penalties for manufacturing methamphetamines inside a conveyance.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5049 was substituted for Senate Bill No. 5049 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5049 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Franklin, Senator Loveland was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5049.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5049 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Loveland, McCaslin, McDonald, Morton and West - 5.

SUBSTITUTE SENATE BILL NO. 5049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Vice President Pro Tempore advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5812, deferred on third reading earlier today.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5812 was returned to second reading and read the second time.

#### MOTION

Senator Deccio moved that the following amendment by Senators Deccio and Tim Sheldon be adopted:

On page 1, beginning with line 17, strike everything through "state." on page 2, line 5, and insert: "the department of labor and industries, the health care authority, public employees benefit board, the medical assistance administration of the department of social and health services, and any self-insured health plan subject to the jurisdiction of the state of Washington."

#### POINT OF INQUIRY

Senator Tim Sheldon: "Senator Deccio, does the Health Care Authority include the Basic Health Plan?"

Senator Deccio: "Yes, it does. The intent of the amendment, as we are advised that the Health Care Authority does include the Basic Health Plan."

Senator Tim Sheldon: "Thank you, Senator Deccio."

Further debate ensued.

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

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Deccio and Tim Sheldon on page 1, beginning on line 17, to Substitute Senate Bill No. 5812.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 27; Nays, 18; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Deccio, Eide, Finkbeiner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Johnson, Long, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker and Zarelli - 27. Voting nay: Senators Bauer, Costa, Fairley, Franklin, Fraser, Gardner, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Prentice, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 18. Excused: Senators McCaslin, McDonald, Morton and West - 4.

#### MOTION

On motion of Senator Thibaudeau, Engrossed Substitute Senate Bill No. 5812, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5812, under suspension of the rules.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5812, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 12; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Fraser, Gardner, Goings, Hale, Hargrove, Hochstatter, Horn, Kline, Kohl-Welles, Long, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Winsley, Wojahn and Zarelli - 33. Voting nay: Senators Deccio, Finkbeiner, Franklin, Haugen, Heavey, Honeyford, Jacobsen, Johnson, Loveland, McAuliffe, Rossi and Thibaudeau - 12. Excused: Senators McCaslin, McDonald, Morton and West - 4. ENGROSSED SUBSTITUTE SENATE BILL NO. 5812, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Vice President Pro Tempore returned the Senate to the sixth order of business.

## MOTION

On motion of Senator Honeyford, Senator Johnson was excused.

## SECOND READING

SENATE BILL NO. 5746, by Senators Wojahn and Rasmussen

Modifying certain exemption language for new and rehabilitated multiple-unit dwellings in urban centers.

## MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5746 was substituted for Senate Bill No. 5746 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Goings, the rules were suspended, Substitute Senate Bill No. 5746 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5746.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5746 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44. Excused: Senators Johnson, McCaslin, McDonald, Morton and West - 5. SUBSTITUTE SENATE BILL NO. 5746, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5760, by Senators Goings, Haugen, McCaslin and Patterson

Allowing unincorporated territory adjacent to a fire protection district to be annexed.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5760 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5760.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5760 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 43. Absent: Senator Long - 1. Excused: Senators Johnson, McCaslin, McDonald, Morton and West - 5. SENATE BILL NO. 5760, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Long was excused.

#### SECOND READING

SENATE BILL NO. 5762, by Senators Haugen and Goings (by request of Department of Licensing)

Amending cosmetology laws.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5762 was substituted for Senate Bill No. 5762 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5762 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5762.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5762 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, Winsley, Wojahn and Zarelli - 42. Absent: Senator Swecker - 1. Excused: Senators Johnson, Long, McCaslin, McDonald, Morton and West - 6. SUBSTITUTE SENATE BILL NO. 5762, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Snyder served notice that he would move to reconsider the vote by which Engrossed Substitute Senate Bill No. 5812, under suspension of the rules, passed the Senate earlier today.

MOTION

At 8:59 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 8:30 a.m., Friday, March 12, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTIETH DAY, MARCH 11, 1999

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

**SIXTY-FIRST DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Friday, March 12, 1999

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Costa, Fairley, Patterson and Sellar. On motion of Senator Franklin, Senators Brown and Fairley were excused. On motion of Senator Honeyford, Senator Sellar was excused.

The Sergeant at Arms Color Guard consisting of Pages Emily Urlacher and Alexandra Sheldon, presented the Colors. Reverend Anna Grace, pastor of the Unity Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 10, 1999

MR. PRESIDENT:

The House has passed:  
ENGROSSED HOUSE BILL NO. 1067,  
ENGROSSED HOUSE BILL NO. 1202,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1210,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245,  
SUBSTITUTE HOUSE BILL NO. 1304,  
SUBSTITUTE HOUSE BILL NO. 1368,  
SUBSTITUTE HOUSE BILL NO. 1376,  
HOUSE BILL NO. 1377,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1407,  
SUBSTITUTE HOUSE BILL NO. 1525,

SUBSTITUTE HOUSE BILL NO. 1569,  
ENGROSSED HOUSE BILL NO. 1845, and the same are herewith transmitted

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

March 10, 1999

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1078,  
HOUSE BILL NO. 1095,  
SUBSTITUTE HOUSE BILL NO. 1178,  
SUBSTITUTE HOUSE BILL NO. 1189,  
SUBSTITUTE HOUSE BILL NO. 1224,  
HOUSE BILL NO. 1369,  
SUBSTITUTE HOUSE BILL NO. 1382,  
SUBSTITUTE HOUSE BILL NO. 1494,  
HOUSE BILL NO. 1495,  
HOUSE BILL NO. 1555,  
SUBSTITUTE HOUSE BILL NO. 1592,  
HOUSE BILL NO. 1699,  
SUBSTITUTE HOUSE BILL NO. 1701,  
HOUSE BILL NO. 1703,  
HOUSE BILL NO. 1869,  
SUBSTITUTE HOUSE BILL NO. 1951,  
SUBSTITUTE HOUSE BILL NO. 1990,  
SUBSTITUTE HOUSE BILL NO. 1992,  
SUBSTITUTE HOUSE BILL NO. 2099,  
HOUSE BILL NO. 2200,  
HOUSE BILL NO. 2205,  
HOUSE BILL NO. 2207,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4005,  
HOUSE JOINT MEMORIAL NO. 4011,  
HOUSE JOINT MEMORIAL NO. 4014, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1067 by Representatives O'Brien and Ballasiotes

Amending statutory double jeopardy provisions.

Referred to Committee on Judiciary.

SHB 1078 by House Committee on State Government (originally sponsored by Representatives Dunshee, Stensen, Hurst, Lovick and Fortunato)

Addressing military leave for public employees.

Referred to Committee on State and Local Government.

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

Limiting access to law enforcement personnel records and internal affairs files.

Referred to Committee on Judiciary.

SHB 1178 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives O'Brien, Koster, Lovick and Ballasiotes) (by request of Department of Corrections)

Prescribing requirements for sex offender examinations and treatment.

Referred to Committee on Human Services and Corrections.

SHB 1189 by House Committee on Local Government (originally sponsored by Representatives Van Luven, Scott, Radcliff, Kenney, Mitchell, Tokuda, D. Schmidt, Dickerson, McIntire, Esser, Lambert, Cairnes, Ballasiotes, Constantine, Cody, H. Sommers, Murray, Santos and Parlette)

Modifying provisions concerning metropolitan park districts.

Referred to Committee on State and Local Government.

EHB 1202 by Representatives Constantine, Sheahan and Carrell

Appointing judicial officers of the district and municipal courts.

Referred to Committee on Judiciary.

ESHB 1210 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Campbell, O'Brien, DeBolt, Bush, Sullivan, Kastama, Conway, Delvin, Lovick, Esser, Carrell and Hurst)

Enhancing penalties for manufacturing methamphetamines inside a conveyance.

Referred to Committee on Judiciary.

SHB 1224 by House Committee on Commerce and Labor (originally sponsored by Representatives Hurst, Conway, Campbell, Cairnes, Kessler, Clements, McIntire and Ogden)

Requiring a permanent anchor for worker fall protection.

Referred to Committee on State and Local Government.

ESHB 1245 by House Committee on State Government (originally sponsored by Representatives Morris, Dunn and Rockefeller) (by request of Department of Community, Trade, and Economic Development)

Exempting certain financial and proprietary information from public disclosure.

Referred to Committee on State and Local Government.

SHB 1304 by House Committee on Transportation (originally sponsored by Representatives Hankins, Fisher and K. Schmidt) (by request of Transportation Improvement Board)

Updating references to the transportation improvement board bond retirement account.

Referred to Committee on Transportation.

SHB 1368 by House Committee on Local Government (originally sponsored by Representatives Alexander, Wolfe, DeBolt and Romero)

Prescribing the use of revenues under the county conservation futures levy.

Referred to Committee on State and Local Government.

HB 1369 by Representatives Clements, Conway, Lisk, Grant, McMorris and Wood

Concerning the issuance of citations under the Washington industrial safety and health act.

Referred to Committee on Labor and Workforce Development.

SHB 1376 by House Committee on Transportation (originally sponsored by Representatives G. Chandler, Fisher, Mitchell, K. Schmidt, Romero, Mielke, Skinner, Scott, O'Brien, Wood and Mulliken)

Simplifying disabled parking certification for leg amputees.

Referred to Committee on Transportation.

HB 1377 by Representatives O'Brien and Ballasiotes (by request of Department of Social and Health Services)

Revising sanctions for violating conditions of the juvenile offender basic training camp program.

Referred to Committee on Human Services and Corrections.

SHB 1382 by House Committee on Judiciary (originally sponsored by Representatives Delvin, O'Brien, Cairnes, Hurst, Eickmeyer, Schindler, McDonald, Campbell, Edmonds, Lambert, Constantine, Linville, Pennington, Pflug, Miloscia, Esser, Sheahan, Carrell and Cooper)

Limiting liability for police officers who do not pursue a fleeing suspect.

Referred to Committee on Judiciary.

ESHB 1407 by House Committee on Judiciary (originally sponsored by Representatives Lambert, Benson, Dickerson, Sheahan, Tokuda, Hurst, G. Chandler, Mulliken, Boldt, Koster, Schindler, Ogden, Dunn and Kessler)

Changing adoption provisions.

Referred to Committee on Human Services and Corrections.

SHB 1494 by House Committee on State Government (originally sponsored by Representatives Miloscia, Kenney, Voloria, Romero, Barlean, Ogden and Wolfe) (by request of Department of General Administration)

Clarifying the duties of the director of general administration.

Referred to Committee on State and Local Government.

HB 1495 by Representative Fisher

Regarding refunding bonds.

Referred to Committee on Ways and Means.

SHB 1525 by House Committee on Judiciary (originally sponsored by Representatives Dickerson, Constantine and Lambert)

Authorizing mediation in guardianship proceedings.

Referred to Committee on Judiciary.

HB 1555 by Representatives McDonald, Murray, Delvin, Romero, Ballasiotes, Scott, Hatfield, Bush, Poulsen, Mastin, Constantine and Mitchell (by request of Washington State Patrol)

Improving criminal history record dispositions.

Referred to Committee on Judiciary.

SHB 1569 by House Committee on Appropriations (originally sponsored by Representatives Keiser, Talcott, Schual-Berke, Carlson, Quall and Regala)

Establishing an excellence in mathematics grant program.

Referred to Committee on Education.

SHB 1592 by House Committee on State Government (originally sponsored by Representatives D. Schmidt, Bush, Miloscia and Dunshee) (by request of Secretary of State Munro)

Updating write-in voting laws.

Referred to Committee on State and local Government.

HB 1699 by Representatives Parlette, Cody, Schoesler, Barlean, Esser, Edmonds and Van Luven

Establishing continuing education for dentists.

Referred to Committee on Health and Long-Term Care.

SHB 1701 by House Committee on Natural Resources (originally sponsored by Representatives Buck, Doumit, Radcliff, Kessler, Sump, Miloscia, Barlean, Regala, Schoesler, DeBolt, Hatfield, Tokuda, Eickmeyer, Mielke, Pennington, B. Chandler, Alexander, Clements and Mastin)

Allowing for the use of funds to dredge marine recreation land.

Referred to Committee on Natural Resources, Parks and Recreation.

HB 1703 by Representatives Cooper, Ericksen, Mitchell and Fisher

Revising law governing the disposition of surplus real property.

Referred to Committee on Transportation.

EHB 1845 by Representatives B. Chandler, Clements, McMorris, Lisk, Conway and Wood

Providing for vocational rehabilitation benefits under industrial insurance.

Referred to Committee on Labor and Workforce Development.

HB 1869 by Representatives Carrell and Constantine (by request of Environmental Hearings Office)

Providing procedures for discipline and termination of administrative appeals judges in the environmental hearings office.

Referred to Committee on Judiciary.

SHB 1951 by House Committee on Judiciary (originally sponsored by Representatives Lantz, DeBolt, Miloscia, McDonald, Stensen and Santos)

Protecting remains in abandoned cemeteries.

Referred to Committee on State and Local Government.

SHB 1990 by House Committee on Health Care (originally sponsored by Representatives Cody, Ballasiotes, Schual-Berke, Kenney, Keiser and Veloria) (by request of Department of Social and Health Services)

Concerning background checks for certain potential state employees.

Referred to Committee on Human Services and Corrections.

SHB 1992 by House Committee on Health Care (originally sponsored by Representatives Ballasiotes, Schual-Berke and Rockefeller)

Studying the need for emergency medical services personnel to be trained in the use of epinephrine.

Referred to Committee on Health and Long-Term Care.

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

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

Referred to Committee on Environmental Quality and Water Resources.

HB 2200 by Representatives Romero and McMorris (by request of Department of Licensing)

Changing the duties of the director of licensing.

Referred to Committee on Transportation.

HB 2205 by Representatives McDonald, Lovick, Carrell, Constantine and Haigh

Providing conditions for waiver of the requirement for a mandatory appearance following arrest for DUI.

Referred to Committee on Judiciary.

HB 2207 by Representatives Kessler and Lisk

Increasing legislative commission membership.

Referred to Committee on State and Local Government.

SHJM 4005 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Schoesler, Grant, G. Chandler, Sump, Mastin, Lisk, Linville, Tokuda, Doumit, Delvin, Radcliff, Dunn and Mulliken)

Urging elimination of unilateral trade sanctions.

Referred to Committee on Agriculture and Rural Economic Development.

HJM 4011 by Representatives Bush, Poulsen, Radcliff, Thomas, Scott, Huff, D. Schmidt, Lantz, Benson, Kessler, Wolfe, Schoesler, Santos, Grant, Quall, Boldt, Pennington, Mastin, Koster, Hankins, Esser, Regala, Cox, Schindler, McDonald, Clements, Wood, Cooper, Kenney, Reardon, Hurst, Talcott, Hatfield, Tokuda, Conway, Sump, Lovick, D. Sommers, Schual-Berke, Carlson, H. Sommers, McMorris, Fortunato, Murray, O'Brien, Anderson, Veloria and Haigh

Allowing schools and libraries to receive telecommunications at below-tariffed rates without losing universal service discounts.

Referred to Committee on Energy, Technology and Telecommunications.

HJM 4014 by Representatives Romero, Hankins, Grant, Ruderman and D. Schmidt

Requesting an increase in federal funding for stroke research.

Referred to Committee on Health and Long-Term Care.

## SECOND READING

SENATE BILL NO. 5770, by Senators Gardner, Sellar, Haugen, Goings, Prentice, Horn, Deccio, Oke, Fraser, Loveland, Eide, Costa, Swecker and Rasmussen

Enhancing coordination of special needs transportation.

## MOTIONS

On motion of Senator Gardner, Substitute Senate Bill No. 5770 was substituted for Senate Bill No. 5770 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gardner, the rules were suspended, Substitute Senate Bill No. 5770 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5770.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5770 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Bauer, Benton, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senators Costa and Patterson - 2.

Excused: Senators Brown, Fairley and Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5770, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5772, by Senators Gardner, T. Sheldon, Rasmussen, Swecker, Prentice, Costa, McCaslin, Wojahn, Spanel, Goings and Oke (by request of Secretary of State Munro)

Strengthening confidentiality for victims of domestic violence.

The bill was read the second time.

## MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 5772 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Franklin, Senators Costa and Patterson were excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5772.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5772 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 43.

Absent: Senator Zarelli - 1.

Excused: Senators Brown, Costa, Fairley, Patterson and Sellar - 5.

SENATE BILL NO. 5772, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5828, by Senators B. Sheldon, Snyder, Franklin, Bauer, Rasmussen, Patterson, Fairley, Kohl-Welles, McAuliffe, Fraser, Prentice, Thibaudeau, Jacobsen, T. Sheldon and Spanel

Presenting a gift of life award.

## MOTIONS

On motion of Senator Gardner, Substitute Senate Bill No. 5828 was substituted for Senate Bill No. 5828 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gardner, the rules were suspended, Substitute Senate Bill No. 5828 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5828.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5828 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Brown, Fairley and Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5828, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5837, by Senators Bauer, Long, Winsley, Jacobsen, Fraser, Roach, Rossi, Rasmussen and Oke

Allowing the chief administrative officer of a public utility district, port district, or county to join the retirement system.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 5837 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5837.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5837 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Brown, Fairley and Sellar - 3.

SENATE BILL NO. 5837, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5850, by Senators Haugen, McCaslin, Fraser, Loveland, Deccio, Winsley and Rasmussen

Adjusting retirement allowances.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5850 was substituted for Senate Bill No. 5850 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5850 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5850.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5850 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Brown, Fairley and Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5850, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5915, by Senators Patterson and McDonald (by request of Office of Financial Management)

Removing language requiring obsolete or unwanted reports.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5915 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5915.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5915 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Deccio - 1.

Excused: Senators Brown, Fairley and Sellar - 3.

SENATE BILL NO. 5915, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5987, by Senators Goings, Benton, Bauer, Hochstatter, Costa, Gardner and Rasmussen

Withdrawing accumulated contributions under the law enforcement officers' and fire fighters' retirement system.

The bill was read the second time.

#### MOTION

On motion of Senator Goings, the rules were suspended, Senate Bill No. 5987 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5987.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5987 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Brown, Fairley and Sellar - 3.

SENATE BILL NO. 5987, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6025, by Senators Bauer, Horn and Patterson (by request of State Board for Community and Technical Colleges)

Allowing purchases for resale by institutions of higher education without using the competitive bid process.

The bill was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6025 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6025.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6025 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Brown and Sellar - 2.

SENATE BILL NO. 6025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6030, by Senator Snyder

Expanding the designation of the Lewis and Clark Highway.

The bill was read the second time.

#### MOTION

On motion of Senator Snyder, the rules were suspended, Senate Bill No. 6030 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6030.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6030 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Brown - 1.

SENATE BILL NO. 6030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5010, by Senators Kohl-Welles, Hargrove, Long, Goings, Swecker, Winsley, Oke, Benton and Costa

Providing disciplinary sanctions for sexual misconduct by employees of custodial agencies.

#### MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 5010 was substituted for Senate Bill No. 5010 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the rules were suspended, Substitute Senate Bill No. 5010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5010.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5010 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Brown - 1.

SUBSTITUTE SENATE BILL NO. 5010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5012, by Senators Prentice, Winsley and Rasmussen (by request of Pollution Liability Insurance Agency)

Administering the pollution liability insurance program trust account.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5012 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5012.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5012 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Brown - 1.

SENATE BILL NO. 5012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5024, by Senators Loveland and Winsley

Responding to a supreme court ruling regarding property tax value averaging.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 5024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5024.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5024 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 47.

Absent: Senators Hargrove and Zarelli - 2.

SENATE BILL NO. 5024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5032, by Senators Fraser, Winsley, Long, Jacobsen, Bauer, Franklin, Roach, Kline and Rasmussen (by request of Joint Committee on Pension Policy)

Providing a retirement option for certain retirement system members.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5032 was substituted for Senate Bill No. 5032 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5032.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5032 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 47.

Absent: Senators Hargrove and Zarelli - 2.

SUBSTITUTE SENATE BILL NO. 5032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5033, by Senators Winsley, Fraser, Long, Jacobsen, Bauer, Franklin, Roach and Rasmussen (by request of Joint Committee on Pension Policy)

Separating from public employees' retirement system plan 1.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5033 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5033.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5033 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SENATE BILL NO. 5033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5040, by Senators Fairley and Horn (by request of Department of Labor and Industries)

Modifying standards and requirements for the operation and inspection of boilers and other pressure vessels.

The bill was read the second time.

## MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5040 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5040.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5040 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SENATE BILL NO. 5040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5066, by Senators Fairley, Hargrove, Benton and Kohl-Welles

Imposing a penalty for state agencies that fail to meet legislative reporting requirements.

## MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5066 was substituted for Senate Bill No. 5066 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 5066 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5066.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5066 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senators Rasmussen and Swecker - 2.

SUBSTITUTE SENATE BILL NO. 5066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5103, by Senators Haugen, Swecker, Jacobsen, Fraser, Spanel, Morton and Rasmussen

Changing provisions relating to the state's coastal zone program.

## MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5103 was substituted for Senate Bill No. 5103 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5103 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5103.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5103 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5127, by Senators Kohl-Welles, Hargrove, Long, Heavey, McCaslin, Stevens, Zarelli, Prentice, Kline, Winsley and Costa

Prohibiting law enforcement officers from conducting investigations of abuse or neglect concerning a child for which the officer is a parent, guardian, or foster parent.

The bill was read the second time.

## MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5127 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5127.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5127 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald,

Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senators Brown and Hargrove - 2.

SENATE BILL NO. 5127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5290, by Senators Fraser, Swecker, Winsley, Fairley, Franklin, Morton, Prentice, Spanel, Jacobsen, Honeyford, Oke and Rasmussen

Changing the freshwater aquatic weeds management program by clarifying funding and creating an advisory committee.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5290 was substituted for Senate Bill No. 5290 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the following amendment was adopted:

On page 2, line 1, after "than" strike "two-thirds" and insert "one-third"

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 5290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Franklin, Senator Hargrove was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5290.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5290 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Hargrove - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Eide, Senator Fairley was excused.

#### SECOND READING

SENATE BILL NO. 5829, by Senators Thibaudeau and Loveland

Allowing providers of occupational therapy and physical therapy to become shareholders in a professional services corporation.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 5829 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5829.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5829 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Fairley - 1.

SENATE BILL NO. 5829, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5141, by Senators Thibaudeau, Deccio, Prentice and Winsley (by request of Department of Health)

Allowing the department of health to charge a fee for newborn screening services.

The bill was read the second time.

#### MOTIONS

On motion of Senator Thibaudeau, the following Committee on Health and Long-Term Care amendment was adopted:

On page 1, line 18, after "screened" strike ", for supplying services under this section" and insert "to fund specialty clinics that provide treatment services for hemoglobin diseases, phenylketonuria, congenital adrenal hyperplasia, and congenital hypothyroidism"

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Senate Bill No. 5141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5141.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5141 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Absent: Senator Brown - 1.

ENGROSSED SENATE BILL NO. 5141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5011, by Senators Long, Hargrove, Franklin, Loveland, Winsley, Patterson, Deccio, McCaslin, Goings, Oke and Costa

Changing provisions relating to dangerous mentally ill offenders.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5011 was substituted for Senate Bill No. 5011 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5011.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5011 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5608, by Senators Snyder, McDonald, Loveland, West, Bauer, Hale, Rasmussen and Oke (by request of Department of Revenue)

Revising the machinery and equipment tax exemption for manufacturers and processors for hire.

#### MOTIONS

On motion of Senator Snyder, Substitute Senate Bill No. 5608 was substituted for Senate Bill No. 5608 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Snyder, the following striking amendment by Senators Snyder and Loveland was adopted:

On page 1, strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the application of the manufacturer's machinery and equipment sales and use tax exemption has, in some cases, been difficult and confusing for taxpayers. In this act, the legislature clarifies the original intent of the exemption and its application by explicitly and clearly defining those items of machinery and equipment that are exempt from tax. This act clarifies the definition of "manufacturing" by defining those logging, rock crushing, and testing activities that are exempt and clarifies the definition of "used directly" by clearly stating that, in order to qualify for the exemption, the machinery and equipment must be used so that the major benefit is for exempt purposes.

**Sec. 2.** RCW 82.04.120 and 1998 c 168 s 1 are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is

produced for sale or commercial or industrial use, and shall include: (1) The production or fabrication of special made or custom made articles; ~~((and))~~ (2) the production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician; (3) cutting, delimiting, and measuring of felled, cut, or taken trees; and (4) crushing and/or blending of rock, sand, stone, gravel, or ore.

"To manufacture" shall not include: Conditioning of seed for use in planting; cubing hay or alfalfa; ~~((or))~~ activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen, or canned outside this state; or the growing, harvesting, or producing of agricultural products.

**Sec. 3.** RCW 82.08.02565 and 1998 c 330 s 1 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales to a manufacturer or processor for hire of machinery and equipment used directly in a manufacturing operation or research and development operation, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the machinery and equipment, but only when the purchaser provides the seller with an exemption certificate in a form and manner prescribed by the department by rule. The seller shall retain a copy of the certificate for the seller's files.

(2) For purposes of this section and RCW 82.12.02565:

(a) "Machinery and equipment" means industrial fixtures, devices, and support facilities, and tangible personal property that becomes an ingredient or component thereof, including repair parts and replacement parts. "Machinery and equipment" includes pollution control equipment installed and used in a manufacturing operation or research and development operation to prevent air pollution, water pollution, or contamination that might otherwise result from the manufacturing operation or research and development operation.

(b) "Machinery and equipment" does not include:

(i) Hand-powered tools;

(ii) Property with a useful life of less than one year;

(iii) Buildings, other than machinery and equipment that is permanently affixed to or becomes a physical part of a building;

and

(iv) Building fixtures that are not integral to the manufacturing operation or research and development operation that are permanently affixed to and become a physical part of a building, such as utility systems for heating, ventilation, air conditioning, communications, plumbing, or electrical.

(c) Machinery and equipment is "used directly" in a manufacturing operation or research and development operation if for at least fifty percent of its use, as measured by time, value, volume, or other measurement for comparison, the machinery and equipment:

(i) Acts upon or interacts with an item of tangible personal property;

(ii) Conveys, transports, handles, or temporarily stores an item of tangible personal property at the manufacturing site;

(iii) Controls, guides, measures, verifies, aligns, regulates, or tests tangible personal property either at the site or away from the site, such as the road testing, air testing, or water testing of products, or other testing that cannot be done at the manufacturing site because of the nature of the testing involved;

(iv) Provides physical support for or access to tangible personal property;

(v) Produces power for, or lubricates machinery and equipment;

(vi) Produces another item of tangible personal property for use in the manufacturing operation or research and development operation;

(vii) Places tangible personal property in the container, package, or wrapping in which the tangible personal property is normally sold or transported; or

(viii) Is integral to research and development as defined in RCW 82.63.010.

(d) "Manufacturing operation" means the manufacturing of articles, substances, or commodities for sale as tangible personal property. ~~((The))~~ A manufacturing operation begins at the point where the raw materials enter the manufacturing site and ends at the point where the ~~((finished product))~~ processed material leaves the manufacturing site. The term also includes that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which

the cogeneration project is an integral part. The term does not include the production of electricity by a light and power business as defined in RCW 82.16.010 or the preparation of food products on the premises of a person selling food products at retail.

(e) "Cogeneration" means the simultaneous generation of electrical energy and low-grade heat from the same fuel.

(f) "Research and development operation" means engaging in research and development as defined in RCW 82.63.010 by a manufacturer or processor for hire.

**NEW SECTION. Sec. 4.** The legislature intends that sections 2 and 3 of this act be clarifying in nature and are retroactive in response to the administrative difficulties encountered in implementing the original legislation.

**Sec. 5.** RCW 82.08.02565 and 1999 c. . . s 3 (section 3 of this act) are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales to a manufacturer or processor for hire of machinery and equipment used directly in a manufacturing operation or research and development operation, to sales to a person engaged in testing for a manufacturer or processor for hire of machinery and equipment used directly in a testing operation, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the machinery and equipment, but only when the purchaser provides the seller with an exemption certificate in a form and manner prescribed by the department by rule. The seller shall retain a copy of the certificate for the seller's files.

(2) For purposes of this section and RCW 82.12.02565:

(a) "Machinery and equipment" means industrial fixtures, devices, and support facilities, and tangible personal property that becomes an ingredient or component thereof, including repair parts and replacement parts. "Machinery and equipment" includes pollution control equipment installed and used in a manufacturing operation, testing operation, or research and development operation to prevent air pollution, water pollution, or contamination that might otherwise result from the manufacturing operation, testing operation, or research and development operation.

(b) "Machinery and equipment" does not include:

(i) Hand-powered tools;

(ii) Property with a useful life of less than one year;

(iii) Buildings, other than machinery and equipment that is permanently affixed to or becomes a physical part of a building;

and

(iv) Building fixtures that are not integral to the manufacturing operation, testing operation, or research and development operation that are permanently affixed to and become a physical part of a building, such as utility systems for heating, ventilation, air conditioning, communications, plumbing, or electrical.

(c) Machinery and equipment is "used directly" in a manufacturing operation, testing operation, or research and development operation if for at least fifty percent of its use, as measured by time, value, volume, or other measurement for comparison, the machinery and equipment:

(i) Acts upon or interacts with an item of tangible personal property;

(ii) Conveys, transports, handles, or temporarily stores an item of tangible personal property at the manufacturing site or testing site;

(iii) Controls, guides, measures, verifies, aligns, regulates, or tests tangible personal property either at the site or away from the site, such as the road testing, air testing, or water testing of products, or other testing that cannot be done at the manufacturing site because of the nature of the testing involved;

(iv) Provides physical support for or access to tangible personal property;

(v) Produces power for, or lubricates machinery and equipment;

(vi) Produces another item of tangible personal property for use in the manufacturing operation, testing operation, or research and development operation;

(vii) Places tangible personal property in the container, package, or wrapping in which the tangible personal property is normally sold or transported; or

(viii) Is integral to research and development as defined in RCW 82.63.010.

(d) "Manufacturing operation" means the manufacturing of articles, substances, or commodities for sale as tangible personal property. A manufacturing operation begins at the point where the raw materials enter the manufacturing site and ends at the point where the processed material leaves the manufacturing site. The term also includes that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part. The term does not include the production of electricity by a light and power business as defined in RCW 82.16.010 or the preparation of food products on the premises of a person selling food products at retail.

(e) "Cogeneration" means the simultaneous generation of electrical energy and low-grade heat from the same fuel.

(f) "Research and development operation" means engaging in research and development as defined in RCW 82.63.010 by a manufacturer or processor for hire.

(g) "Testing" means activities performed to establish or determine the properties, qualities, and limitations of tangible personal property.

(h) "Testing operation" means the testing of tangible personal property for a manufacturer or processor for hire. A testing operation begins at the point where the tangible personal property enters the testing site and ends at the point where the tangible personal property leaves the testing site. The term also includes that portion of a cogeneration project that is used to generate power for consumption within the site of which the cogeneration project is an integral part. The term does not include the production

of electricity by a light and power business as defined in RCW 82.16.010 or the preparation of food products on the premises of a person selling food products at retail.

**Sec. 6.** RCW 82.12.02565 and 1998 c 330 s 2 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use by a manufacturer or processor for hire of machinery and equipment used directly in a manufacturing operation or research and development operation or to the use by a person engaged in testing for a manufacturer or processor for hire of machinery and equipment used directly in a testing operation.

**NEW SECTION. Sec. 7.** Sections 1 through 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

**NEW SECTION. Sec. 8.** Sections 5 and 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1999."

## MOTIONS

On motion of Senator Snyder, the following title amendment was adopted:

On page 1, line 2 of the title, after "eligibility;" strike the remainder of the title and insert "amending RCW 82.04.120, 82.08.02565, 82.08.02565, and 82.12.02565; creating new sections; providing an effective date; and declaring an emergency."

On motion of Senator Snyder, the rules were suspended, Engrossed Substitute Senate Bill No. 5608 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5608.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5608 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5608, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5668, by Senators West, T. Sheldon, Patterson, Heavey, Snyder, Oke, Costa and Rasmussen

Allowing school districts and organizations that provide volunteers to school districts to share criminal background information concerning volunteers.

## MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5668 was substituted for Senate Bill No. 5668 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the following amendments by Senators West and McAuliffe were considered simultaneously and were adopted:

On page 1, beginning after line 6, strike all material through "volunteer" on page 1, line 9, and insert "If a volunteer alerts a school district that the volunteer"

On page 1, beginning on line 12, after "school" strike all material through "check" on page 1, line 13

On page 1, line 13, strike "shall" and insert "may"

On page 2, line 1, after "information" strike "must" and insert "shall"

On page 2, line 2, after "school" strike "within ten calendar days"

On page 2, after line 6, strike all material through "children." on page 2, line 10

#### MOTION

On motion of Senator West, the rules were suspended, Engrossed Substitute Senate Bill No. 5668 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5668.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5668 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Absent: Senator Eide - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5668, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5573, by Senators Horn, Johnson, Costa, Patterson and Winsley (by request of Washington State Patrol)

Improving criminal history record dispositions.

#### MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5573 was substituted for Senate Bill No. 5573 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5573 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5573.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5573 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Absent: Senator Kline - 1.

SUBSTITUTE SENATE BILL NO. 5573, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5580, by Senators Wojahn, Roach, Thibaudeau, Fairley, Spanel, Prentice and Kohl-Welles

Paying industrial insurance benefits during appeal.

The bill was read the second time.

#### MOTIONS

On motion of Senator Fairley, the following Committee on Labor and Workforce Development amendment was adopted:

On page 7, after line 17, delete all of NEW SECTION. Sec. 8. on lines 18 through 21.

On motion of Senator Fairley, the following title amendment was adopted:

On page 1, line 4, after "RCW;" insert "and" and after "new section" delete "; and declaring an emergency"

#### MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Senate Bill No. 5580 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5580.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5580 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 28.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 21.

ENGROSSED SENATE BILL NO. 5580, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### SENATE RESOLUTION 1999-8649

By Senators Roach, Stevens, Franklin and Rasmussen

WHEREAS, It is the policy of the Washington State Legislature to recognize and honor the contributions of individuals who reflect standards of excellence; and

WHEREAS, Melanie Kosoff has demonstrated outstanding achievement as the highest ranked female weightlifter in the nation and the only American to set a world record since 1992; and

WHEREAS, Melanie Kosoff is a two-time Olympic-style weightlifting national champion, and the first United States woman to clean and jerk twice her body weight; and

WHEREAS, Melanie Kosoff, a remarkable athlete, has dedicated her time and effort to representing Washington State and the United States at the 2000 Olympic Games where women's weightlifting will make its debut; and

WHEREAS, As the founder of the nonprofit organization, the Big Mountain Association, Melanie has demonstrated her commitment to community service by promoting health education and supporting future Olympic hopefuls; and

WHEREAS, Melanie Kosoff will lead the women's national team in its first appearance at the Pan American Games in Winnipeg, Canada, in August of 1999;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the outstanding athletic achievement of Melanie Kosoff; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Melanie Kosoff.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Melanie Kosoff, who was seated in the gallery with her husband Dan Roach, her parents and grandparents, guests of Senator Pam Roach.

#### MOTION

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

#### SENATE RESOLUTION 1999-8637

By Senators Sellar and Rasmussen

WHEREAS, On the 13th day of March 1899, the Legislature of the state of Washington created Chelan County; and

WHEREAS, Through the initiative and diligence of its citizens, Chelan County has been an integral part of the vital and vibrant economy of the state of Washington; and

WHEREAS, Through its production of apples and other fruits, Chelan County has greatly contributed in making the state of Washington one of the leading agricultural states of the union; and

WHEREAS, Chelan County's unparalleled beauty and recreational opportunities have made it a magnet for tourism in the state of Washington; and

WHEREAS, The educational and training opportunities of Chelan County have provided a highly trained, motivated, and capable work force for industry in the state of Washington; and

WHEREAS, Chelan County, as the geographic center of the state of Washington, provides a crossroad for commerce, culture, and communication for all of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That Chelan County and its citizens be recognized for its many accomplishments and contributions to the state of Washington, and that all citizens of our great state are hereby urged to join in the celebration of the centennial of Chelan County; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Chelan County legislative authority.

#### MOTION

At 11:13 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:03 p.m. by President Owen.

#### MOTION

On motion of Senator Betti Sheldon, the Senate returned to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5149, by Senators Thibaudeau, Johnson and Winsley

Revising provisions relating to occupational therapy.

#### MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5149 was substituted for Senate Bill No. 5149 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5149 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Franklin, Senators Fairley, Fraser, Loveland and Snyder were excused.

#### MOTION

On motion of Senator Deccio, Senators Sellar, West and Winsley were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5149.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5149 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 4; Excused, 7.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Thibaudeau and Wojahn - 38.

Absent: Senators Benton, Kline, Spanel and Zarelli - 4.

Excused: Senators Fairley, Fraser, Loveland, Sellar, Snyder, West and Winsley - 7.

SUBSTITUTE SENATE BILL NO. 5149, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Gonzaga Basketball team and their mascot, who were seated in the gallery. The team was visiting the capitol between games in the NCAA West Regional Basketball Tournament in Seattle.

#### SECOND READING

SENATE BILL NO. 5186, by Senator Rasmussen (by request of Department of Agriculture)

Certifying planting stock.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5186 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Honeyford, Senators Benton and Zarelli were excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5186.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5186 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Wojahn - 42. Excused: Senators Benton, Fairley, Fraser, Loveland, Sellar, Winsley and Zarelli - 7. SENATE BILL NO. 5186, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5188, by Senators Rasmussen and Morton (by request of Department of Agriculture)

Regulating private applicator licenses.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5188.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5188 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Wojahn - 43.

Excused: Senators Benton, Fairley, Loveland, Sellar, Winsley and Zarelli - 6.

SENATE BILL NO. 5188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5194, by Senators Brown, Rossi, Fraser, Finkbeiner, Gardner and Winsley (by request of Department of Information Services)

Changing information technology management provisions.

The bill was read the second time.

#### MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 5194 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Deccio, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5194.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5194 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 47.

Excused: Senators Loveland and Zarelli - 2.

SENATE BILL NO. 5194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Senate Bill No. 5020 and the pending motion by Senator Roach to suspend the rules and return the bill to second reading, deferred on third reading March 5, 1999.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Roach to suspend the rules and return Senate Bill No. 5020 to second reading..

The motion by Senator Roach failed.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5020.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5020 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Kline, Kohl-Welles, McAuliffe, Morton, Patterson, Prentice, Rasmussen, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 35.

Voting nay: Senators Benton, Honeyford, Horn, Johnson, Long, McDonald, Oke, Roach, Rossi, Sheahan, West and Zarelli - 12.

Excused: Senators Loveland and McCaslin - 2.

SENATE BILL NO. 5020, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

## SECOND READING

SENATE BILL NO. 5325, by Senators Haugen, McCaslin, Rasmussen, Stevens, Goings, Winsley, Patterson, Spanel and Roach

Establishing unincorporated area councils.

## MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5325 was substituted for Senate Bill No. 5325 and the substitute bill was placed on second reading and read the second time.

Senator Spanel moved that the following amendment be adopted:

On page 1, line 18, after "36.70A RCW" insert "other than a county consisting entirely of islands with a population of less than fifty thousand"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Spanel on page 1, line 18, to Substitute Senate Bill No. 5325.

The motion by Senator Spanel failed and the amendment was not adopted on a rising vote.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5325 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5325.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5325 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl-Welles, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Thibaudeau, Winsley and Wojahn - 28.

Voting nay: Senators Benton, Deccio, Finkbeiner, Fraser, Hale, Honeyford, Johnson, Long, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Spanel, Sevens, Swecker, West and Zarelli - 20.

SUBSTITUTE SENATE BILL NO. 5325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5331, by Senators Brown, Goings, Patterson, Eide, Winsley and Rasmussen

Establishing public utility tax credits for weatherization and energy assistance programs.

#### MOTIONS

On motion of Senator Brown, Second Substitute Senate Bill No. 5331 was substituted for Senate Bill No. 5331 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Second Substitute Senate Bill No. 5331 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5331.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5331 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Horn - 1.

Excused: Senator Loveland - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6010, by Senators West, Jacobsen and Sheahan

Creating operating fees waivers not supported by state general fund appropriations.

The bill was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6010.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6010 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senators Deccio, Fraser, McDonald and Spanel - 4.

Excused: Senator Loveland - 1.

SENATE BILL NO. 6010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5113, by Senator T. Sheldon

Requiring a formal hearing on proposed water company rate increases when requested by affected customers.

#### MOTIONS

On motion of Senator Tim Sheldon, Substitute Senate Bill No. 5113 was substituted for Senate Bill No. 5113 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the rules were suspended, Substitute Senate Bill No. 5113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5113.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5113 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Loveland - 1.

SUBSTITUTE SENATE BILL NO. 5113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5909, by Senator Fairley

Modifying the job skills program.

### MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5909 was substituted for Senate Bill No. 5909 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the following amendments were considered simultaneously and were adopted:

On page 2, line 18, after "areas;" strike "and"

On page 2, line 22, after "employees" insert "; and"

(e) Provide for specialized vocational training at a private career school or college at the request of a recipient eligible under subsection (1)(b) of this section. Available tuition for the training is limited to the amount that would otherwise be payable per enrolled quarter to a public institution"

On page 3, line 25, after "postsecondary institution" strike "or an independent institution" and insert "~~((or))~~ an independent institution, or a private career school or college"

### MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 5909 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5909.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5909 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Loveland - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5909, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5819, by Senators Shin, Costa and Eide (by request of Governor Locke)

Modifying the benefits period for certain unemployed workers.

The bill was read the second time.

### MOTIONS

On motion of Senator Fairley, the following Committee on Labor and Workforce Development amendments were considered simultaneously and were adopted:

On page 1, line 11, after "defined" insert "in"

On page 2, line 7, after "fishers" insert ", but the additional benefits for these three categories of workers shall be discontinued as of June 30, 2001"

On page 3, line 36, after "to be a" strike "displaced" and insert "dislocated"

On page 6, line 16, after "(3)(a)" strike "Beginning July 1, 1985, a" and insert "((Beginning July 1, 1985, a) A"

On motion of Senator Fairley, the following amendment was adopted:

On page 7, after line 3, insert the following:

**"Sec. 3.** RCW 43.131.385 and 1997 c 367 s 18 are each amended to read as follows:

The rural natural resources impact area programs shall be terminated on June 30, 2000, as provided in RCW 43.131.386, except for the program under RCW 50.22.090, which shall be terminated June 30, 2001."

Renumber the sections consecutively and correct any internal references accordingly.

## MOTIONS

On motion of Senator Fairley, the following title amendment was adopted:

On page 1, line 2 of the title, after "50.22.090" strike "and 50.29.020" and insert ", 50.29.020, and 43.131.385"

On motion of Senator Fairley, the rules were suspended, Engrossed Senate Bill No. 5819 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5819.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5819 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 33.

Voting nay: Senators Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sellar, Sheahan, Stevens and West - 16.

ENGROSSED SENATE BILL NO. 5819, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Deccio, Senator West was excused.

## SECOND READING

SENATE BILL NO. 5470, by Senators Kline, Oke, Fairley, Prentice, Spanel, Wojahn, Franklin, McAuliffe, Winsley, Roach and Costa

Studying chemically related illnesses and injuries.

## MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5470 was substituted for Senate Bill No. 5470 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kline, the following amendments by Senators Kline and Oke were considered simultaneously and were adopted:

On page 1, line 5, after "growth in" insert "occupational disease and"

On page 1, line 13, after "must" strike "meet a minimum standard" and insert "receive medical evidence"

On page 1, line 15, after "study" insert ", subject to the confidentiality requirements under RCW 51.28.070,"

On page 2, line 23, after "in the" insert "medical"

On page 2, line 26, after "in the" insert "medical"

On page 2, line 28, after "determining the" insert "medical"

On page 2, line 29, after "condition" strike the ";" and all material down to and including "state" on page 2, line 33

## MOTION

Senator Hochstatter moved that the following striking amendment by Senators Hochstatter, Stevens and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that chemically related claims continue to present unique challenges to the state industrial insurance system. Many of these claims are difficult to diagnose and create real hardship for individuals who suffer from related health problems. At the same time, many of these claims are not work-related, but nonetheless result in extensive litigation which imposes great costs and hardship on employers.

The legislature further recognizes that the department of labor and industries, in order to accept a claim for a chemically related illness, or any other occupational disease, must meet a minimum standard of causality in the relationship between a putative exposure and a claimed illness.

**NEW SECTION. Sec. 2.** A study shall be conducted to determine:

(1) Which occupational diseases should be considered chemically related illnesses so that an accurate annual count of such illnesses may be reported;

(2) The best method of reporting such diseases annually, including the most accurate set of available or obtainable data elements;

(3) A review of relevant scientific literature regarding the criteria for determining causality or whether there is a relation to employment in occupational diseases. This review shall at least include:

(a) Methods generally accepted in the determination of whether an exposure or exposures are likely to be toxic and/or causative;

(b) Methods generally accepted in the determination of the presence or absence of a definable clinical condition;

(c) Methods generally accepted in determining the relationship between the exposure and the clinical condition;

(d) How the methods enumerated in 3(a), 3(b), and 3(c) of this section relate to the current statutory, regulatory, case law, policy and claims administration criteria for determining causality in occupational diseases in Washington state.

(4) A review of industries with the highest incident rates of chemically related illnesses and an examination of incident rates and outcomes in other states with similar industries;

(5) The most appropriate approach to better utilize SHARP and University of Washington programs funded by the department of labor and industries to expand medical research and cooperative efforts in areas where existing research is not adequate.

**NEW SECTION. Sec. 3.** The Workers' Compensation Advisory Committee shall advise and provide oversight to the study described in section 3 of this act. The committee shall report back to the legislature on an interim basis by December 31, 1999, and with a final report by June 30, 2000. The final report shall make only recommendation which represent a consensus of the committee.

**NEW SECTION. Sec. 4.** (1) The department of labor and industries may contract with one or more experts in occupational medicine, industrial hygiene, toxicology, epidemiology, or any other appropriate field to conduct this study.

(2) The sum of \$250,000 dollars shall be allocated from the Medical Aid Fund, with self-insured employers and the state fund each paying a proportionate share for the purposes of conducting the study."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hochstatter, Stevens and Swecker to Substitute Senate Bill No. 5470.

The motion by Senator Hochstatter failed and the striking amendment was not adopted.

## MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Bill No. 5470 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5470.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5470 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Heavey, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, Oke, Patterson, Prentice, Roach, Sheldon, B., Shin, Snyder, Spanel, Stevens, Thibaudeau, Winsley, Wojahn and Zarelli - 30.

Voting nay: Senators Deccio, Finkbeiner, Hale, Haugen, Hochstatter, Honeyford, Horn, Johnson, Loveland, McCaslin, McDonald, Morton, Rossi, Sellar, Sheahan, Sheldon, T. and Swecker - 17.

Absent: Senator Rasmussen - 1.

Excused: Senator West - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5470, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Eide, Senator Patterson was excused.

## STATEMENT FOR THE JOURNAL

Although I was excused from the Senate Floor during the March 12, 1999, vote on Substitute Senate Bill No. 5491, I wish to express my support for this legislation. I would have voted in favor of Substitute Senate Bill No. 5491.

SENATOR JULIA PATTERSON, 33rd District

## SECOND READING

SENATE BILL NO. 5491, by Senators Costa, Roach, Franklin, Thibaudeau, McAuliffe and Kline

Using apprentices on public works projects.

## MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 5491 was substituted for Senate Bill No. 5491 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the rules were suspended, Substitute Senate Bill No. 5491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5491.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5491 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 25.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 23.

Excused: Senator Patterson - 1.

SUBSTITUTE SENATE BILL NO. 5491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5291, by Senators Franklin, Winsley, Fairley, Prentice, Kohl-Welles, Patterson, Roach, Hargrove, Goings, Heavey and Gardner

Creating the crime of aggressive driving to combat road rage.

The bill was read the second time.

#### MOTION

On motion of Senator Franklin, the rules were suspended, Senate Bill No. 5291 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5291.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5291 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 32.

Voting nay: Senators Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Johnson, McCaslin, McDonald, Morton, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 17.

SENATE BILL NO. 5291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5944, by Senators Haugen and Snyder

Describing those lands eligible to be included in a city district aquatic lands management agreement.

The bill was read the second time.

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5944 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5944.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5944 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SENATE BILL NO. 5944, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5536, by Senators Spanel and Gardner

Requiring a review and report on the adequacy of department of natural resources management plans of forest lands within watersheds.

MOTIONS

On motion of Senator Jacobsen, Second Substitute Senate Bill No. 5536 was substituted for Senate Bill No. 5536 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Second Substitute Senate Bill No. 5536 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5536.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5536 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senators Bauer and McDonald - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5536, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Rasmussen, Senator Prentice was excused.

SECOND READING

SENATE BILL NO. 6004, by Senators Winsley, Prentice, Hale, Shin, Goings and Rasmussen

Certifying resident managers of mobile home parks.

MOTION

Senator Winsley moved that Senate Bill No. 6004 not be substituted.

The President declared the question before the Senate to be the motion by Senator Winsley that Senate Bill No. 6004 not be substituted.

The motion by Senator Winsley carried and Senate Bill No. 6004 was not substituted.

The bill was read the second time.

MOTION

Senator Winsley moved that the following striking amendment by Senators Winsley, Tim Sheldon, Benton, Hale and Prentice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The purpose of this chapter is to establish a certification program for managers of mobile home parks.

**NEW SECTION. Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advisory council" means the advisory council on mobile home park manager training and certification created in section 7 of this act.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

(4) "Mobile home park" has the same meaning as in RCW 59.20.030.

(5) "Mobile home park management" means those actions, functions, or duties related to the management of a mobile home park.

(6) "Mobile home park manager" means a person who performs mobile home park management duties and is required to be certified under this chapter to perform mobile home park management services and includes resident owners of mobile home parks who perform management duties.

**NEW SECTION. Sec. 3.** (1) A person shall not manage a mobile home park in this state for any mobile home park with more than fifteen mobile home lots until a certificate of registration certifying him or her as a mobile home park manager has been issued to him or her by the director in accordance with this chapter.

(2) A corporation, partnership, trust, association, sole proprietor, or other like organization may own or operate a mobile home park or engage in the business of mobile home park management without being certified if it employs, retains, or contracts with certified natural persons who are registered mobile home park managers subject to this act in the direct provision of the entities engaging in the business of mobile home park management.

**NEW SECTION. Sec. 4.** (1) The director shall not issue an initial certificate of registration to any person to act as a mobile home park manager until that person has:

(a) Executed a written application on a form prescribed by the director, subscribed and sworn to by the applicant;

(b) Attended and completed a department-approved training course for mobile home park managers;

(c) Passed an examination approved by the department which demonstrates that the applicant has a fundamental knowledge of the mobile home landlord-tenant act under chapter 59.20 RCW; and

(d) Paid to the director a fee as prescribed in section 8 of this act.

(2) Certificates of registration are effective on the date issued by the department and must be renewed annually.

(3) A certificate of registration may be renewed annually provided the applicant provides evidence of continuing education as approved by the department. This evidence must be submitted with an application to renew certification. A maximum of four hours of continuing education annually may be required by the department for renewal of certification.

(4) As of the effective date of this section, mobile home park managers may present a verification of having successfully completed a training course conducted by a state-wide trade association of mobile home parks, which will satisfy the initial training requirement for one year and entitle the park manager to certification for that year.

**NEW SECTION. Sec. 5.** The department shall contract with a state-wide trade association exclusively representing mobile home parks for the delivery of training courses required by this chapter. The trade association may charge a fee for delivery of the training courses. The department, in consultation with the advisory council created under section 7 of this act, shall approve the curriculum of the training program.

**NEW SECTION. Sec. 6.** (1) The department, in consultation with the advisory council created in section 7 of this act, shall administer, coordinate, and enforce this chapter, develop the examination of applicants, and be responsible for the granting of certificates to qualified persons.

(2) The department is authorized to adopt rules that are necessary to implement, enforce, and interpret this chapter.

**NEW SECTION. Sec. 7.** (1) There is created an advisory council on mobile home park manager training and certification. The council shall consist of four members as follows: Two members of the council shall be residents of mobile home parks and two members shall be owners of mobile home parks. The resident members of the council shall be selected from nominees submitted by the mobile home owners of America. The park owner members of the council shall be selected from nominees submitted by the manufactured housing communities of Washington. The director shall appoint the members for terms of two years. The advisory council shall select a chair from its members for a two-year term.

(2) Members of the council shall serve without compensation but are entitled to receive reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The functions of the advisory council are to:

(a) Review, evaluate, and advise the department concerning revisions and adoption of rules affecting certification of mobile home park managers and the fees to be charged under section 8 of this act; and

(b) Develop, review, revise, and approve, in consultation with the department, the program for certification of mobile home park managers.

(4) The advisory council shall meet at the call of its chair, at the request of a majority of its membership, at the request of the department, or at such times as are prescribed by rule.

(5) The department shall provide adequate staff support to the advisory council to assist it in fulfilling its duties.

NEW SECTION. Sec. 8. The department shall charge fees for the application, issuance, and renewal of certificates of registration. The department shall set fees by rule.

NEW SECTION. Sec. 9. A violation of this chapter is a class 1 civil infraction under chapter 7.80 RCW.

NEW SECTION. Sec. 10. Sections 3 and 4 of this act take effect July 1, 2000.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act constitute a new chapter in Title 18 RCW."

#### POINT OF INQUIRY

Senator McCaslin: "Senator Winsley, on the first page, line 34, it says, 'without being certified if it employs, retains, or contracts with certified natural persons.' Now, what is a 'certified natural person?'"

Senator Winsley: "Someone like you."

Senator McCaslin: "Someone like me or someone exactly like me?"

Senator Winsley: "Exactly like you."

Senator McCaslin: "Are there people other than natural persons on this earth?"

Senator Winsley: "Not that I know of."

Senator McCaslin: "I think this is a mistake--seriously."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Winsley, Tim Sheldon, Benton, Hale and Prentice to Senate Bill No. 6004.

The motion by Senator Winsley carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Winsley, the following title amendment was adopted:

On page 1, line 2 of the title, after "parks;" strike the remainder of the title and insert "adding a new chapter to Title 18 RCW; prescribing penalties; and providing an effective date."

On motion of Senator Winsley, the rules were suspended, Engrossed Senate Bill No. 6004 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6004.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6004 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, McDonald, Patterson, Rasmussen, Sheldon, B., Sheldon, T., Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 30.

Voting nay: Senators Deccio, Finkbeiner, Hochstatter, Honeyford, Johnson, Long, McCaslin, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Shin, Stevens, Swecker, West and Zarelli - 18.

Excused: Senator Prentice - 1.

ENGROSSED SENATE BILL NO. 6004, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5657, by Senators Kohl-Welles, Jacobsen and Fairley

Operating veterinary medical facilities.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5657 was substituted for Senate Bill No. 5657 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5657 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5657.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5657 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 40.

Voting nay: Senators Hochstatter, Honeyford, Johnson, Roach, Rossi, West and Zarelli - 7.

Absent: Senator Fraser - 1.

Excused: Senator Prentice - 1.

SUBSTITUTE SENATE BILL NO. 5657, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the third order of business.

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 15, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Linda Lanham, reappointed January 15, 1999, for a term ending January 4, 2005, as a member of the Personnel Resources Board.

Sincerely,  
GARY LOCKE, Governor

Referred to the Committee on Labor and Workforce Development.

March 12, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Don Miller, reappointed September 29, 1998, for a term ending October 1, 2000, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,  
GARY LOCKE, Governor

Referred to the Committee on Commerce, Trade, Housing and Financial Institutions.

#### MOTION

At 3:31 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 5:45 p.m. by President Owen.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5211, by Senators Costa, Roach, Fairley, Goings, West and Winsley

Clarifying the jurisdiction over drunk drivers.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 5211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Tim Sheldon, Senators Franklin and Fairley were excused.

#### MOTION

On motion of Senator Honeyford, Senators Sheahan and West were excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5211.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5211 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Winsley, Wojahn and Zarelli - 44.

Absent: Senator McAuliffe - 1.

Excused: Senators Franklin, Sheahan, Thibaudeau and West - 4.

SENATE BILL NO. 5211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5662, by Senators Finkbeiner, Brown and Winsley (by request of Secretary of State Munro)

Studying on-line voting.

The bill was read the second time.

#### MOTIONS

On motion of Senator Patterson, the following amendments by Senators Patterson and Finkbeiner were considered simultaneously and were adopted:

On page 2, after line 11, delete all of section 2.

On page 2, line 16, delete "Sections 1 and 2 of this act expire" and insert "Section 1 of this act expires"

Renumber the remaining section consecutively.

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 1 of the title, strike "creating new sections" and insert "creating a new section"

#### MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed Senate Bill No. 5662 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Snyder, Senator McAuliffe was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5662.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5662 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 16; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Fraser, Gardner, Hale, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheldon, B., Snyder, Spanel, Swecker, Winsley and Wojahn - 29.

Voting nay: Senators Benton, Deccio, Goings, Hargrove, Haugen, Hochstatter, Honeyford, Long, McCaslin, Morton, Rossi, Sheldon, T., Shin, Stevens, West and Zarelli - 16.

Excused: Senators Franklin, McAuliffe, Sheahan and Thibaudeau - 4.

ENGROSSED SENATE BILL NO. 5662, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5604, by Senators Deccio, Wojahn, Winsley, Costa, Franklin and Thibaudeau

Identifying health care facility workers.

#### MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5604 was substituted for Senate Bill No. 5604 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5604 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5604.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5604 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 47.

Voting nay: Senators Honeyford and West - 2.

SUBSTITUTE SENATE BILL NO. 5604, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5599, by Senators Prentice, Deccio, Rasmussen, Jacobsen, Hale and Winsley (by request of Governor Locke)

Regulating temporary worker housing.

## MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5599 was substituted for Senate Bill No. 5599 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 70.114A RCW to read as follows:

The department and the department of labor and industries shall adopt joint rules for the licensing, operation, and inspection of temporary worker housing, and the enforcement thereof. These rules shall establish standards that are at least as effective as the standards developed under the Washington industrial safety and health act, chapter 49.17 RCW.

**NEW SECTION. Sec. 2.** A new section is added to chapter 49.17 RCW to read as follows:

The department and the department of health shall adopt joint rules for the licensing, operation, and inspection of temporary worker housing, and the enforcement thereof. For the purposes of this section "temporary worker housing" has the same meaning as given in RCW 70.114A.020.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70.114A RCW to read as follows:

By December 1, 1999, the department and the department of labor and industries shall jointly establish a formal agreement that identifies the roles of each of the two agencies with respect to the enforcement of temporary worker housing operation standards.

The agreement shall, to the extent feasible, provide for inspection and enforcement actions by a single agency, and shall include measures to avoid multiple citations for the same violation.

**NEW SECTION. Sec. 4.** A new section is added to chapter 49.17 RCW to read as follows:

By December 1, 1999, the department and the department of health shall jointly establish a formal agreement that identifies the roles of each of the two agencies with respect to the enforcement of temporary worker housing operation standards.

The agreement shall, to the extent feasible, provide for inspection and enforcement actions by a single agency, and shall include measures to avoid multiple citations for the same violation.

For the purposes of this section, "temporary worker housing" has the same meaning as provided in RCW 70.114A.020.

**NEW SECTION. Sec. 5.** A new section is added to chapter 70.114A RCW to read as follows:

(1) The department and the department of labor and industries are directed to engage in joint rule making to establish standards for cherry harvest temporary labor camps. These standards may include some variation from standards that are necessary for longer occupancies, provided they are at least as effective as the standards adopted under the Washington industrial safety and health act, chapter 49.17 RCW. As used in this section "cherry harvest temporary labor camp" means a place where housing and related facilities are provided to agricultural employees by agricultural employers for no more than twenty-one days in any one calendar year. Temporary labor camps licensed under this section may be occupied for more than twenty-one days if the following conditions are met: (a) The secretary or an authorized representative and the local health jurisdiction determine that the health and safety interests of the worker occupants would be better served by extending the occupancy than closing the camp at the end of the initial twenty-one day period; and (b) the operator requests an extension at least three days prior to the expiration of the initial twenty-one day period. The extended occupancy shall not exceed seven days.

(2) Facilities licensed under rules adopted under this section may not be used to provide housing for agricultural employees who are nonimmigrant aliens admitted to the United States for agricultural labor or services of a temporary or seasonal nature under section 1101(a)(15)(H)(ii)(a) of the immigration and nationality act (8 U.S.C. Sec. 1101(a)(15)(H)(ii)(a)).

(3) This section has no application to temporary worker housing constructed in conformance with codes listed in RCW 19.27.031 or 70.114A.081.

**Sec. 6.** RCW 70.114A.020 and 1995 c 220 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Agricultural employee" means any person who renders personal services to, or under the direction of, an agricultural employer in connection with the employer's agricultural activity.

(2) "Agricultural employer" means any person engaged in agricultural activity, including the growing, producing, or harvesting of farm or nursery products, or engaged in the forestation or reforestation of lands, which includes but is not limited to the planting, transplanting, tubing, precommercial thinning, and thinning of trees and seedlings, the clearing, piling, and disposal of brush and slash, the harvest of Christmas trees, and other related activities.

(3) "Department" means the department of health.

~~((2))~~ (4) "Dwelling unit" means a shelter, building, or portion of a building, that may include cooking and eating facilities, that is:

(a) Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and

(b) Physically separated from other sleeping and common-use areas.

~~((3))~~ (5) "Enforcement" and "enforcement actions" include the authority to levy and collect fines.

(6) "Facility" means a sleeping place, drinking water, toilet, sewage disposal, food handling installation, or other installations required for compliance with this chapter.

~~((4))~~ (7) "Occupant" means a temporary worker or a person who resides with a temporary worker at the housing site.

~~((5))~~ (8) "Operator" means a person holding legal title to the land on which temporary worker housing is located.

However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the temporary worker housing under a lease or other arrangement.

~~((6))~~ (9) "Temporary worker" means ~~((a-person))~~ an agricultural employee employed intermittently and not residing year-round at the same site.

~~((7))~~ (10) "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an agricultural employer for his or her agricultural employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy~~((,-and includes "labor camps" under RCW 70.54.110)).~~

**Sec. 7.** RCW 70.114A.060 and 1995 c 220 s 6 are each amended to read as follows:

The secretary of the department or authorized representative may inspect housing covered by chapter 220, Laws of 1995, to enforce temporary worker housing rules adopted by the state board of health prior to the effective date of this act or the department, or when the secretary or representative has reasonable cause to believe that a violation of temporary worker housing rules adopted by the state board of health prior to the effective date of this act or the department is occurring or is being maintained. If the buildings or premises are occupied as a residence, a reasonable effort shall be made to obtain permission from the resident. If the premises or building is unoccupied, a reasonable effort shall be made to locate the owner or other person having charge or control of the building or premises and request entry. If consent for entry is not obtained, for whatever reason, the secretary or representative shall have recourse to every remedy provided by law to secure entry.

**Sec. 8.** RCW 70.114A.081 and 1998 c 37 s 2 are each amended to read as follows:

(1) The department shall adopt by rule a temporary worker building code in conformance with the temporary worker housing standards developed under the Washington industrial safety and health act, chapter 49.17 RCW, ~~((the rules adopted by the state board of health under RCW 70.54.110,))~~ and the following guidelines:

(a) The temporary worker building code shall provide construction standards for shelter and associated facilities that are safe, secure, and capable of withstanding the stresses and loads associated with their designated use, and to which they are likely to be subjected by the elements;

(b) The temporary worker building code shall permit and facilitate designs and formats that allow for maximum affordability, consistent with the provision of decent, safe, and sanitary housing;

(c) In developing the temporary worker building code the department of health shall consider:

(i) The need for dormitory type housing for groups of unrelated individuals; and

(ii) The need for housing to accommodate families;

(d) The temporary worker building code shall incorporate the opportunity for the use of construction alternatives and the use of new technologies that meet the performance standards required by law;

(e) The temporary worker building code shall include standards for heating and insulation appropriate to the type of structure and length and season of occupancy;

(f) The temporary worker building code shall include standards for temporary worker housing that are to be used only during periods when no auxiliary heat is required; and

(g) The temporary worker building code shall provide that persons operating temporary worker housing consisting of four or fewer dwelling units or combinations of dwelling units, dormitories, or spaces that house nine or fewer occupants may elect to comply with the provisions of the temporary worker building code, and that unless the election is made, such housing is subject to the codes adopted under RCW 19.27.031.

(2) In adopting the temporary worker building code, the department shall make exceptions to the codes listed in RCW 19.27.031 and chapter 19.27A RCW, in keeping with the guidelines set forth in this section. The initial temporary worker building code adopted by the department shall be substantially equivalent with the temporary worker building code developed by the state building code council as directed by section 8, chapter 220, Laws of 1995.

(3) The temporary worker building code authorized and required by this section shall be enforced by the department.

The department shall have the authority to allow minor variations from the temporary worker building code that do not compromise the health or safety of workers. Procedures for requesting variations and guidelines for granting such requests shall be included in the rules adopted under this section.

**NEW SECTION. Sec. 9.** A new section is added to chapter 43.70 RCW to read as follows:

For the purposes of RCW 43.70.335, 43.70.337, and 43.70.340, "temporary worker housing" has the same meaning as provided in RCW 70.114A.020.

**Sec. 10.** RCW 43.70.335 and 1998 c 37 s 5 are each amended to read as follows:

(1) Any person providing temporary worker housing consisting of five or more dwelling units, or any combination of dwelling units, dormitories, or spaces that house ten or more occupants, or any person providing temporary worker housing who makes the election to comply with the temporary worker building code under RCW 70.114A.081(1)(g), shall secure an annual operating license prior to occupancy and shall pay a fee according to RCW 43.70.340. The license shall be conspicuously displayed on site.

(2) Licenses issued under this chapter may be suspended or revoked upon the failure or refusal of the person providing temporary worker housing to comply with ~~((the provisions of RCW 70.54.110, or of any))~~ rules adopted under this section or chapter 70.114A RCW by the department. All such proceedings shall be governed by the provisions of chapter 34.05 RCW.

(3) The department may assess a civil fine in accordance with RCW 43.70.095 for failure or refusal to obtain a license prior to occupancy of temporary worker housing. The department may refund all or part of the civil fine collected once the operator obtains a valid operating license.

(4) Civil fines under this section shall not exceed twice the cost of the license plus the cost of the initial on-site inspection for the first violation of this section, and shall not exceed ten times the cost of the license plus the cost of the initial on-site inspection for second and subsequent violations within any five-year period. The department may adopt rules as necessary to assure compliance with this section.

**NEW SECTION. Sec. 11.** A new section is added to chapter 70.114A RCW to read as follows:

The department shall prepare a report to the legislature on utilization of the temporary worker building code authorized by RCW 70.114A.081. The report shall include the number of housing units, number of families or individuals housed, number of growers obtaining permits, the geographic distribution of the permits, and recommendations of changes in the temporary worker building code necessary to avoid health and safety problems for the occupants. The report shall be transmitted to the senate committee on commerce, trade, housing and financial institutions and the house of representatives committee on economic development, housing and trade by December 15, 2000, and an update shall be transmitted every two years thereafter.

**NEW SECTION. Sec. 12.** The following acts or parts of acts are each repealed:

(1) RCW 43.70.330 and 1998 c 245 s 74, 1995 c 399 s 75, & 1990 c 253 s 2; and

(2) RCW 70.54.110 and 1995 c 220 s 11, 1990 c 253 s 4, & 1969 ex.s. c 231 s 1.

**NEW SECTION. Sec. 13.** Rules adopted under RCW 70.54.110 prior to the effective date of this act shall remain in effect until modified."

## MOTIONS

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 2 of the title, after "duties;" strike the remainder of the title and insert "amending RCW 70.114A.020, 70.114A.060, 70.114A.081, and 43.70.335; adding new sections to chapter 70.114A RCW; adding new sections to chapter 49.17 RCW; adding a new section to chapter 43.70 RCW; creating a new section; and repealing RCW 43.70.330 and 70.54.110."

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 5599 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5599.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5599 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5599, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Deccio, Senator Sellar was excused.

#### SECOND READING

SENATE BILL NO. 5590, by Senators Thibaudeau, Deccio, Wojahn and Winsley (by request of Superintendent of Public Instruction Bergeson)

Expanding the health professionals who may request administration of oral medication at school.

#### MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5590 was substituted for Senate Bill No. 5590 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5590 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5590.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5590 and the bill passed the Senate by the following vote:

Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47. Absent: Senator Fairley - 1. Excused: Senator Sellar - 1. SUBSTITUTE SENATE BILL NO. 5590,

having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6065, by Senators Wojahn and Winsley

Providing an excise tax exemption for property owned, operated, or controlled by a public corporation.

The bill was read the second time.

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Senate Bill No. 6065 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6065.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6065 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

SENATE BILL NO. 6065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6058, by Senators Loveland, Honeyford, Sellar, Oke, Stevens and Rasmussen (by request of Department of Revenue)

Providing that growing or packing agricultural products is not a manufacturing activity for tax purposes.

#### MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 6058 was substituted for Senate Bill No. 6058 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 6058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6058.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6058 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Absent: Senator Kohl-Welles - 1.

SUBSTITUTE SENATE BILL NO. 6058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5800, by Senator Rasmussen (by request of Department of Agriculture)

Regulating commercial fertilizer.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5800 was substituted for Senate Bill No. 5800 and the substitute bill was placed on second reading and read the second time.

Senator Rasmussen moved that the following amendments by Senators Rasmussen and Stevens be considered simultaneously and be adopted:

On page 4, line 10, after "they" strike "can" and insert "may"

On page 4, line 11, after "which are" strike "injurious" and insert "harmful"

On page 5, line 8, after "custodian" insert ". Such costs shall not be the responsibility of a distributor, owner, or custodian who is either the final user of the commercial fertilizer or whose role is limited to that of a transporter of the commercial fertilizer, but instead shall be the responsibility of other distributors, owners, or custodians

On page 5, line 34, after "fertilizer" insert ". Disposal costs shall not be the responsibility of a distributor, owner, or custodian who is either the final user of the commercial fertilizer or whose role is limited to that of a transporter of the commercial fertilizer, but instead shall be the responsibility of other distributors, owners, or custodians"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Rasmussen and Stevens on page 4, lines 10 and 11, and page 5, lines 8 and 34, to Substitute Senate Bill No. 5800.

The motion by Senator Rasmussen carried and the amendments were adopted.

## MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 5800 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5800.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5800 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 3; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 42.

Voting nay: Senators Kohl-Welles, McAuliffe, Thibaudeau and Wojahn - 4.

Absent: Senators Finkbeiner, Hargrove and McDonald - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5800, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5208, by Senators Rasmussen, Stevens, T. Sheldon and Morton

Labeling of specialty fertilizers.

## MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5208 was substituted for Senate Bill No. 5208 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the following striking amendment by Senators Fraser, Rasmussen, Morton and Swecker was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 15.54.340 and 1998 c 36 s 6 are each amended to read as follows:

(1) Any commercial fertilizer distributed in this state shall have placed on or affixed to the package a label setting forth in clearly legible and conspicuous form the following information:

(a) The net weight;

(b) The product name, brand, and grade. The grade is not required if no primary nutrients are claimed;

(c) The guaranteed analysis;

(d) The name and address of the registrant or licensee. The name and address of the manufacturer, if different from the registrant or licensee, may also be stated;

(e) Any information required under WAC 296-62-054;

(f) ~~(i) For products labeled by July 1, 1999, at a minimum, the following labeling statement: ("This product has been registered with the Washington State Department of Agriculture. When applied as directed, this fertilizer meets the Washington standards for arsenic, cadmium, cobalt, mercury, molybdenum, lead, nickel, selenium, and zinc. You have the right to receive specific information about Washington standards from the distributor of this product.");~~

~~(g) After July 1, 1999, the label must also state:)~~ "Information received by the Washington State Department of Agriculture regarding the components in this product is available on the internet at <http://www.wa.gov/agr/>";

(ii) For products not labeled by July 1, 1999, and for all products after July 1, 2000, at a minimum, the following statement: "Information regarding the levels of metals in this product is available on the internet at <http://www.wa.gov/agr/>"; and

~~((h))~~ (g) Other information as required by the department by rule.

(2) If a commercial fertilizer is distributed in bulk, a written or printed statement of the information required by subsection (1) of this section shall accompany delivery and be supplied to the purchaser at the time of delivery.

(3) Each delivery of a customer-formula fertilizer shall be subject to containing those ingredients specified by the purchaser, which ingredients shall be shown on the statement or invoice with the amount contained therein, and a record of all invoices of customer-formula grade mixes shall be kept by the registrant or licensee for a period of twelve months and shall be available to the department upon request: PROVIDED, That each such delivery shall be accompanied by either a statement, invoice, a delivery slip, or a label if bagged, containing the following information: The net weight; the brand; the guaranteed analysis which may be stated to the nearest tenth of a percent or to the next lower whole number; the name and address of the registrant or licensee, or manufacturer, or both; and the name and address of the purchaser.

~~((4) Any person who distributes a commercial fertilizer in this state shall make available to the purchaser on request, a copy of standards for metals established in RCW 15.54.800.)~~

NEW SECTION. Sec. 2. By January 1, 2000, the department of agriculture shall establish guidelines recommending the size of the type for the label requirement in RCW 15.54.340(1)(f).

NEW SECTION. Sec. 3. A new section is added to chapter 15.54 RCW to read as follows:

Specialty fertilizers are exempt from the labeling requirements in RCW 15.54.340(1)(f) if there is a label setting forth in clearly legible and conspicuous form the registrant's or licensee's website placed on or affixed to the package. In order to qualify for this exemption, the website must also have a hypertext link to <http://www.wa.gov/agr> and contain a statement that information on the metal content of the product is available on that website.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

## MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "to" strike the remainder of the title and insert "fertilizer labeling language; amending RCW 15.54.340; adding a new section to chapter 15.54 RCW; creating a new section; providing an effective date; and declaring an emergency."

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 5208 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5208.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5208 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Deccio, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Winsley and Zarelli - 38.

Voting nay: Senators Brown, Costa, Eide, Fairley, Kline, Kohl-Welles, McAuliffe, Thibaudeau, West and Wojahn - 10.

Absent: Senator Finkbeiner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5380, by Senators Goings, Benton, Haugen and Costa (by request of Department of Transportation and Washington State Patrol)

Requiring stops at intersections with nonfunctioning signal lights.

The bill was read the second time.

#### MOTION

On motion of Senator Goings, the rules were suspended, Senate Bill No. 5380 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Deccio, Senator Finkbeiner was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5380.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5380 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senators Goings, Kohl-Welles, McCaslin and McDonald - 4.

Excused: Senator Finkbeiner - 1.

SENATE BILL NO. 5380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Bauer was excused.

## MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

## SECOND READING

SENATE BILL NO. 5615, by Senators Horn, Goings, Benton, Gardner, Sellar and Finkbeiner (by request of Legislative Transportation Committee)

Deleting reference to obsolete transportation accounts.

## MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5615 was substituted for Senate Bill No. 5615 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 5615 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5615.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5615 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 4; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senators Hale, Hargrove, McCaslin and McDonald - 4.

Excused: Senators Bauer, Finkbeiner and Rossi - 3.

SUBSTITUTE SENATE BILL NO. 5615, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5658, by Senators Spanel, Hargrove and Snyder

Changing shellfish provisions.

## MOTIONS

On motion of Senator Jacobsen, Second Substitute Senate Bill No. 5658 was substituted for Senate Bill No. 5658 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Spanel, the following amendments by Senators Spanel, Oke and Jacobsen were considered simultaneously and were adopted:

On page 3, beginning on line 36, strike all material through "persons." on page 4, line 8

On page 6, beginning on line 24, strike all material through "persons." on line 35

## MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5658 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5658.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5658 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Bauer, Finkbeiner and Rossi - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5658, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5522, by Senators Fairley and Kohl-Welles

Changing work activity provisions for recipients of temporary assistance for needy families.

#### MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5522 was substituted for Senate Bill No. 5522 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 5522 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5522.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5522 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 29.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Roach, Sellar, Sheahan, Stevens, Swecker, West and Zarelli - 18.

Excused: Senators Bauer and Rossi - 2.

SUBSTITUTE SENATE BILL NO. 5522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5933, by Senators Brown and Fraser

Providing for disclosure to consumers regarding the characteristics associated with their electric energy product.

#### MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5933 was substituted for Senate Bill No. 5933 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5933 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5933.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5933 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 28.

Voting nay: Senators Benton, Deccio, Hale, Hargrove, Hochstatter, Honeyford, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Sellar, Sheahan, Sheldon, T., Stevens, West and Zarelli - 19.

Excused: Senators Bauer and Rossi - 2.

SUBSTITUTE SENATE BILL NO. 5933, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5681, by Senator Brown

Levying a use tax for the privilege of consuming electricity in the state of Washington.

#### MOTIONS

On motion of Senator Brown, Second Substitute Senate Bill No. 5681 was substituted for Senate Bill No. 5681 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Second Substitute Senate Bill No. 5681 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5681.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5681 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senators Benton, Gardner, Honeyford, McCaslin and Morton - 5.

Excused: Senators Bauer and Rossi - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5681, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6035, by Senator Swecker

Creating the year 2000 citizens' protection act.

## MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 6035 was substituted for Senate Bill No. 6035 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the following striking amendment by Senators Swecker and Heavey was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) Society is heavily reliant upon computers, technology, and the rapid electronic transfer and exchange of accurate information and data.

(b) Society relies heavily upon computer technology for most aspects of daily living and business, including, but not limited to, financial transactions.

(c) The rapid growth of technology has often outpaced the capabilities of the electronic equipment, software, and hardware that our society utilizes for the exchange and transfer of data and other information.

(d) Recently developed computer technology is the operational basis for much of our current hardware and software, and this technology may not recognize the year 2000 date change.

(e) If computer technology fails to recognize the year 2000 date change, many computer-based systems may fail or cause incorrect data or other information to be processed. This potentially world-wide deficiency in computers is often referred to as the "Y2K bug" and may cause significant problems in the transfer and exchange of data and information in the year 2000 and beyond.

(2) The legislature determines that in order to protect the citizens of the state of Washington, it is appropriate to limit their liability against adverse financial ramifications resulting from year 2000 failures associated with electronic computing devices.

**NEW SECTION. Sec. 2.** A new section is added to chapter 4.24 RCW to read as follows:

The definitions in this section apply throughout sections 3 through 7 of this act unless the context clearly requires otherwise.

(1) "Electronic computing device" means any computer hardware or software, computer chip, embedded chip, process control equipment, or other information system that:

(a) Is used to capture, store, manipulate, or process data; or

(b) Controls, monitors, or assists in the operation of physical apparatus that is not primarily used as a computer but that relies on automation or digital technology to function, including, but not limited to, vehicles, vessels, buildings, structures, facilities, elevators, medical equipment, traffic signals, and factory machinery.

(2) "Person" means a natural person.

(3) "Year 2000 failure" means:

(a) With respect to an electronic computing device, a failure, including an electrical or telecommunications failure, that prevents such electronic computing device from accurately interpreting, producing, computing, generating, accounting for, processing, calculating, comparing, or sequencing date or time data from, into, or between the years 1999 and 2000, or with regard to leap year calculations; or

(b) An inability of a business to perform an intended or requested function because of the system failure of another party, including, but not limited to, the failure of a governmental body to provide data, transportation delays, energy failures, or communication failures.

(4) This section expires December 31, 2006.

**NEW SECTION. Sec. 3.** A new section is added to chapter 4.24 RCW to read as follows:

(1) A person has an affirmative defense to any claim or action, based on a contract, brought against the person if he or she establishes that:

(a) The default, failure to pay, breach, omission, or other violation that is the basis of the claim against him or her was caused, in whole or in part, by a year 2000 failure associated with an electronic computing device;

(b) The year 2000 failure being asserted was not proximately caused by a failure of the person to update an electronic computing device, that is under his or her dominion or control, to be year 2000 compliant; and

(c) If it were not for the year 2000 failure, the person would have been able to satisfy the contractual obligation that was the basis of the claim.

(2) If an affirmative defense as set forth in subsection (1) of this section is established, then the person or entity making the claim may not reassert the claim against which the affirmative defense was asserted for a period of thirty days from the date on which the court dismissed the case as a result of the affirmative defense. Any statute of limitations applicable to the claim shall be tolled for forty-five days upon the dismissal of the case under this section.

(3) The dismissal of an action as the result of the affirmative defense under this section does not impair, extinguish, discharge, satisfy, or otherwise affect the underlying obligation that is the basis of the claim against which the affirmative defense was asserted. However, the inability of a party to bring the claim based upon the obligation is delayed as set forth in subsection (2) of this section.

(4) A person who has established an affirmative defense as set forth in subsection (1) of this section may dispute directly with a credit reporting agency operating in this state any item of information in the person's consumer file relating to the subject of the affirmative defense. The dispute shall be filed in accordance with RCW 19.182.090(6). If requested by the person under this subsection (4), the credit reporting agency shall furnish a statement, made in accordance with RCW 19.182.090(7), to the person and include the statement in the person's consumer file. The credit reporting agency may not charge the person a fee for the inclusion of this statement in the person's consumer file.

(5) This section does not affect those transactions upon which a default has occurred before any disruption of financial or data transfer operations attributable to the year 2000 date change.

(6) This section does not apply to or affect any contract that specifically provides for the year 2000 failure.

(7) This section does not apply to causes of action that arise on or after December 31, 2003.

(8) This section expires December 31, 2006.

**NEW SECTION. Sec. 4.** A new section is added to chapter 48.18 RCW to read as follows:

(1) Any person who has an insurance policy with an insurer doing business in this state and subject to regulation by the commissioner and who has his or her insurance policy canceled, not renewed, or coverage modified in any way for failure to pay a premium on such policy shall have the policy reinstated with full coverage back to the date the policy was canceled, with no penalties or interest, if the person establishes that:

(a) The failure to pay was caused, in whole or in part, by a year 2000 failure associated with an electronic computing device;

(b) The year 2000 failure being asserted was not proximately caused by a failure of the person to update an electronic computing device, that is under his or her dominion or control, to be year 2000 compliant; and

(c) If it were not for the year 2000 failure, the person would have been able to satisfy the payment of premiums in a timely manner.

Payment of such premiums shall be made within thirty days after the year 2000 failure has been corrected.

(2) The definitions in section 2 of this act apply to this section unless the context clearly requires otherwise.

(3) This section does not affect those transactions upon which a default has occurred before any disruption of financial or data transfer operations attributable to the year 2000 date change.

(4) This section does not apply to causes of action that arise on or after December 31, 2003.

(5) This section expires December 31, 2006.

**NEW SECTION. Sec. 5.** A new section is added to chapter 51.04 RCW to read as follows:

(1) No interest or penalties shall be imposed on any employer because of the failure to pay any premium required by this title to be made to the state treasury for the accident fund, the medical aid fund, the supplemental pension fund, or any other fund created under this title if the employer establishes that:

(a) The failure to pay was caused, in whole or in part, by a year 2000 failure associated with an electronic computing device;

(b) The year 2000 failure being asserted was not proximately caused by a failure of the person to update an electronic computing device, that is under his or her dominion or control, to be year 2000 compliant; and

(c) If it were not for the year 2000 failure, the employer would have been able to satisfy the payment of premiums in a timely manner.

Payment of such premiums shall be made within thirty days after the year 2000 failure has been corrected.

(2) The definitions in section 2 of this act apply to this section unless the context clearly requires otherwise.

(3) This section does not affect those transactions upon which a default has occurred before any disruption of financial or data transfer operations attributable to the year 2000 date change.

(4) This section does not apply to causes of action that arise on or after December 31, 2003.

(5) This section expires December 31, 2006.

**NEW SECTION. Sec. 6.** A new section is added to chapter 82.32 RCW to read as follows:

(1) Notwithstanding any other provision in this chapter, no interest or penalties may be imposed on any person because of the failure to pay excise taxes on or before the date due for payment if the person establishes that:

(a) The failure to pay was caused, in whole or in part, by a year 2000 failure associated with an electronic computing device;

(b) The year 2000 failure being asserted was not proximately caused by a failure of the person to update an electronic computing device, that is under his or her dominion or control, to be year 2000 compliant; and

(c) If it were not for the year 2000 failure, the person would have been able to satisfy the payment of taxes in a timely manner.

Payment of such taxes shall be made within thirty days after the year 2000 failure has been corrected.

(2) The definitions in section 2 of this act apply to this section unless the context clearly requires otherwise.

(3) This section does not affect those transactions upon which a default has occurred before any disruption of financial or data transfer operations attributable to the year 2000 date change.

(4) This section does not apply to causes of action that arise on or after December 31, 2003.

(5) This section expires December 31, 2006.

**NEW SECTION. Sec. 7.** A new section is added to chapter 84.56 RCW to read as follows:

(1) Notwithstanding any other provision in this chapter, no interest or penalties may be imposed on any person because of the failure to pay real or personal property taxes on or before the date due for payment if the person establishes that:

(a) The failure to pay was caused, in whole or in part, by a year 2000 failure associated with an electronic computing device;

(b) The year 2000 failure being asserted was not proximately caused by a failure of the person to update an electronic computing device, that is under his or her dominion or control, to be year 2000 compliant; and

(c) If it were not for the year 2000 failure, the person would have been able to satisfy the payment of taxes in a timely manner.

Payment of such taxes shall be made within thirty days after the year 2000 failure has been corrected.

(2) The definitions in section 2 of this act apply to this section unless the context clearly requires otherwise.

(3) This section does not affect those transactions upon which a default has occurred before any disruption of financial or data transfer operations attributable to the year 2000 date change.

(4) This section does not apply to causes of action that arise on or after December 31, 2003.

(5) This section expires December 31, 2006.

**NEW SECTION. Sec. 8.** This act shall be known and cited as the year 2000 citizens' protection act.

**NEW SECTION. Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

## MOTIONS

On motion of Senator Swecker, the following title amendment was adopted:

On page 1, line 1 of the title, after "act;" strike the remainder of the title and insert "adding new sections to chapter 4.24 RCW; adding a new section to chapter 48.18 RCW; adding a new section to chapter 51.04 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 84.56 RCW; creating new sections; providing expiration dates; and declaring an emergency."

On motion of Senator Swecker, the rules were suspended, Engrossed Substitute Senate Bill No. 6035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6035.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6035 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Bauer and Rossi - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5652, by Senators Bauer and Sellar

Increasing statutory limits on appraiser fees in eminent domain proceedings.

The bill was read the second time.

## MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 5652 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5652.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5652 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Bauer and Rossi - 2.

SENATE BILL NO. 5652, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5492, by Senators Haugen, Long, Shin, Goings and Winsley

Extending protection of transit employees and customers.

## MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5492 was substituted for Senate Bill No. 5492 and the substitute bill was placed on second reading and read the second time.

Senator Bauer moved that the following amendment be adopted:

On page 2, line 1, after "district" insert "or a school employee"

## POINT OF ORDER

Senator Finkbeiner: "I reluctantly rise to challenge the scope and object of the amendment. While I think the amendment probably is a good one, it looks like it is a bit outside of the original scope and object of the bill, which relates specifically to assault on transit employees. This amendment would expand that quite some way to make it a third degree assault on any school employee. Since the underlying bill does not deal with school employees, I think that probably goes a little too far."

## MOTION

On motion of Senator Goings, further consideration of Substitute Senate Bill No. 5492 was deferred.

## SECOND READING

SENATE BILL NO. 5121, by Senator Hargrove

Establishing a carbon storage program.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5121 was substituted for Senate Bill No. 5121 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Tim Sheldon: "Senator Hargrove, I know carbon is quite heavy, but could you explain that process of how it sinks?"

Senator Hargrove: "I'll talk to you later about that."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5121.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5121 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Rossi - 1.

SUBSTITUTE SENATE BILL NO. 5121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

SECOND READING

SENATE BILL NO. 5102, by Senators Haugen, Snyder, Winsley, Goings, Gardner, T. Sheldon, Bauer, Rasmussen, Hale, McCaslin, Sellar, Swecker, Patterson, Morton, Prentice, Oke, Kohl-Welles and Costa

Increasing the level of training for fire fighters.

MOTIONS

On motion of Senator Haugen, Second Substitute Senate Bill No. 5102 was substituted for Senate Bill No. 5102 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Second Substitute Senate Bill No. 5102 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Morton: "Senator Haugen, is it voluntary for the volunteers? Does the voluntary fire department have to participate in this program or is it by choice?"

Senator Haugen: "It is by choice. If they want to receive any funding, they have to take part in the program. The program will be offered in many different ways, because our areas in the state are so diverse. Some of them will be getting it through community colleges, some from regional training centers and some by other volunteers going in and helping in training them. It is voluntary at this point."

Senator Morton: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5102.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5102 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Hargrove - 1.

Excused: Senators Deccio and Rossi - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5102, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5312, by Senators Costa, Deccio, Winsley, Wojahn, Thibaudeau and Kohl-Welles

Providing for the prevention of workplace violence in health care settings.

## MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5312 was substituted for Senate Bill No. 5312 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5312 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## MOTION

On motion of Senator Franklin, Senator Brown were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5312.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5312 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Bauer, Deccio and Rossi - 3.

SUBSTITUTE SENATE BILL NO. 5312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5492 and the pending amendment by Senator Bauer on page 2, line 1, deferred earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Finkbeiner to the scope and object of the amendment by Senator Bauer on page 2, line 1, the President finds that Substitute Senate Bill No. 5492 is a measure which makes it a Class C felony to assault certain transit company employees and school district employees involved in transit services. The bill is limited to transit workers.

"The amendment by Senator Bauer would make it a Class C felony to assault any school employee.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Bauer on page 2, line 1, to Substitute Senate Bill No. 5492 was ruled out of order.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5492 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5492.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5492 and the bill failed to pass the Senate by the following vote: Yeas, 24; Nays, 21; Absent, 1; Excused, 3.

Voting yea: Senators Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Snyder, Spanel, Thibaudeau and Wojahn - 24.

Voting nay: Senators Benton, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McDonald, Morton, Oke, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 21.

Absent: Senator McCaslin - 1.

Excused: Senators Bauer, Deccio and Rossi - 3.

SUBSTITUTE SENATE BILL NO. 5492, having failed to receive the constitutional majority, was declared lost.

#### MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

#### SECOND READING

SENATE BILL NO. 5679, by Senators Morton, T. Sheldon, McCaslin and Hochstatter

Changing grant and loan eligibility requirements for counties, cities, and towns planning under the growth management act.

#### MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5679 was substituted for Senate Bill No. 5679 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Goings, the rules were suspended, Substitute Senate Bill No. 5679 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5679.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5679 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Bauer, Deccio, McCaslin and Rossi - 4.

SUBSTITUTE SENATE BILL NO. 5679, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Winsley served notice that she would move to reconsider the vote by which Substitute Senate Bill No. 5492 failed to pass the Senate.

#### SECOND READING

SENATE BILL NO. 5108, by Senators Patterson, Johnson, Eide, Rossi, Prentice, T. Sheldon, Winsley, McAuliffe, Oke, Kohl-Welles and Costa (by request of Lieutenant Governor Owen)

Creating a task force on missing and exploited children.

#### MOTIONS

On motion of Senator Costa, Second Substitute Senate Bill No. 5108 was substituted for Senate Bill No. 5108 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the rules were suspended, Second Substitute Senate Bill No. 5108 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5108.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5108 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Bauer, Deccio, McCaslin and Rossi - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5108, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5514, by Senators Shin, Kohl-Welles, Patterson, Eide, Kline, Bauer, Franklin, B. Sheldon, Snyder, Spanel, Prentice, Hale, T. Sheldon, Goings, Jacobsen, Winsley, Rasmussen and Oke

Changing Washington award for vocational excellence provisions.

The bill was read the second time.

#### MOTION

On motion of Senator Costa, the rules were suspended, Senate Bill No. 5514 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5514.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5514 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Hochstatter - 1.

Excused: Senators Bauer, Deccio, McCaslin and Rossi - 4.

SENATE BILL NO. 5514, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Hochstatter was excused.

#### SECOND READING

SENATE BILL NO. 6037, by Senators Shin and Prentice

Rescinding a retirement allowance agreement.

The bill was read the second time.

#### MOTION

On motion of Senator Shin, the rules were suspended, Senate Bill No. 6037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6037.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6037 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke,

Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Deccio, Hochstatter, McCaslin and Rossi - 5.

SENATE BILL NO. 6037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### WITHDRAWAL OF NOTICE FOR RECONSIDERATION

Having served prior notice for reconsideration of the vote by which Engrossed Substitute Senate Bill No. 5812 passed the Senate on March 11, 1999, Senator Snyder withdrew the notice for reconsideration.

#### MOTION

At 8:57 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 8:30 a.m., Saturday, March 13, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

SIXTY-FIRST DAY, MARCH 12, 1999

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#### SIXTY-SECOND DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Saturday, March 13, 1999

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Costa, Finkbeiner, Heavey, Patterson, Roach, Sellar and Shin. On motion of Senator Goings, Senator Shin was excused. On motion of Senator Honeyford, Senator Roach was excused. On motion of Senator Franklin, Senators Brown, Costa, Heavey and Patterson were excused.

The Sergeant at Arms Color Guard consisting of Pages Ian Hanzeli and Taylor Evans-Race, presented the Colors. The Secretary of the Senate, Tony Cook, offered the prayer.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

March 11, 1999

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1006,  
SECOND SUBSTITUTE HOUSE BILL NO. 1037,

SECOND SUBSTITUTE HOUSE BILL NO. 1116,  
SECOND SUBSTITUTE HOUSE BILL NO. 1176,  
SUBSTITUTE HOUSE BILL NO. 1240,  
SUBSTITUTE HOUSE BILL NO. 1289,  
ENGROSSED HOUSE BILL NO. 1313,  
SUBSTITUTE HOUSE BILL NO. 1391,  
HOUSE BILL NO. 1455,  
SECOND SUBSTITUTE HOUSE BILL NO. 1462,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1798,  
ENGROSSED HOUSE BILL NO. 1968,  
SUBSTITUTE HOUSE BILL NO. 2086,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2107,  
HOUSE BILL NO. 2206,  
HOUSE BILL NO. 2226,  
HOUSE JOINT MEMORIAL NO. 4008, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk  
DEAN R. FOSTER, Co-Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 1999

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1593,  
SUBSTITUTE HOUSE BILL NO. 1647,  
HOUSE BILL NO. 1685,  
HOUSE BILL NO. 1711,  
SUBSTITUTE HOUSE BILL NO. 1744,  
SUBSTITUTE HOUSE BILL NO. 1774,  
SUBSTITUTE HOUSE BILL NO. 1789,  
HOUSE BILL NO. 1863,  
SUBSTITUTE HOUSE BILL NO. 1864,  
SUBSTITUTE HOUSE BILL NO. 1880,  
SUBSTITUTE HOUSE BILL NO. 1955,  
HOUSE BILL NO. 1996,  
HOUSE BILL NO. 2010, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk  
DEAN R. FOSTER, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6086 by Senators McCaslin, Heavey and Oke

AN ACT Relating to sentencing; and amending RCW 9.94A.390.  
Referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1006 by House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, O'Brien, Benson, Radcliff, Quall, Mitchell, Dickerson, Cairnes, Hurst, Alexander and Lambert)

Revising sentencing options for drug and alcohol offenders.  
Referred to Committee on Judiciary.

2SHB 1037 by House Committee on Appropriations (originally sponsored by Representatives Bush, Morris and Ruderman)

Creating a registry of Washington resident's electronic mail addresses to facilitate a program that allows private interactive computer service providers to limit unsolicited commercial electronic mail messages.

Referred to Committee on Energy, Technology and Telecommunications.

2SHB 1116 by House Committee on Appropriations (originally sponsored by Representative Clements)

Requiring the department of social and health services to disclose long-term care financial information and service options to clients.

Referred to Committee on Health and Long-Term Care.

2SHB 1176 by House Committee on Appropriations (originally sponsored by Representatives O'Brien, Koster, Kagi, Ballasiotes, Cairnes, Lovick, Hurst, Tokuda, Dickerson, Kenney, Campbell, Ogden, Dunn, Santos, Conway, Esser, Lantz, Rockefeller and McIntire) (by request of Department of Corrections)

Requiring the retention of records pertaining to sexually violent offenses.

Referred to Committee on Human Services and Corrections.

SHB 1240 by House Committee on Education (originally sponsored by Representatives McMorris, Quall, Sump, Haigh, Keiser and Kenney) (by request of Superintendent of Public Instruction Bergeson)

Increasing medicaid reimbursements to second class school districts.

Referred to Committee on Education.

SHB 1289 by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Clements, McIntire and Wood) (by request of Employment Security Department)

Limiting the use of moneys credited to the state's account in the unemployment trust fund.

Referred to Committee on Labor and Workforce Development.

EHB 1313 by Representatives Schoesler, DeBolt, Doumit, Hatfield, Kessler, Pennington, Grant and Eickmeyer

Revising rural development law.

Referred to Committee on Agriculture and Rural Economic Development.

SHB 1391 by House Committee on Judiciary (originally sponsored by Representatives Hurst, Mielke, Dunshee, Haigh, Kastama, Linville, Morris, Carrell, Grant, Cooper, Lovick, Miloscia, Wood, Hatfield, Gombosky, Conway, Anderson, Eickmeyer, Doumit, Stensen, Kessler, Reardon, Kenney, Campbell, Rockefeller, Wolfe, Thomas, Ogden, Fortunato, Esser and Koster)

Clarifying the recognition of concealed pistol permits from other states.

Referred to Committee on Judiciary.

HB 1455 by Representatives Ericksen, Lovick, Barlean and Thomas (by request of Department of Revenue)

Correcting errors related to property tax levies.

Referred to Committee on Ways and Means.

2SHB 1462 by House Committee on Appropriations (originally sponsored by Representatives Quall, Talcott, Haigh, Wensman, Stensen, Ogden, Santos, O'Brien, Rockefeller, Regala, Sullivan, Linville, Lantz, Lovick, Doumit, Reardon, Cooper, Scott, Dickerson, Kessler, Hatfield, Gombosky, Murray, Carlson, McIntire, Hurst, Edwards, Conway, Wood, Morris, Keiser, Fisher, Schual-Berke, Dunshee, D. Schmidt and Kenney)

Changing school accountability and assistance provisions.

Referred to Committee on Education.

SHB 1593 by House Committee on State Government (originally sponsored by Representatives Edmonds, Bush, Miloscia and Dunshee) (by request of Secretary of State Munro)

Regulating poll-site ballot counting devices.

Referred to Committee on State and Local Government.

SHB 1647 by House Committee on Local Government (originally sponsored by Representatives Mulliken, Dunshee and Scott)

Amending recording statutes.

Referred to Committee on State and Local Government.

HB 1685 by Representatives McMorris, Romero, Mulliken, Murray, Doumit, DeBolt, Sump, Linville, Crouse, Haigh, Boldt, Delvin, Mielke, Kessler, Clements, Schindler, Cox, Ericksen, Schoesler, Fortunato, B. Chandler, G. Chandler, Wolfe, Cooper, Radcliff, Lisk, Hankins, Skinner, Morris, Hatfield, Koster, Mastin and Parlette

Clarifying how loan and grant preferences are accorded among local governments planning under the growth management act.

Referred to Committee on State and Local Government.

HB 1711 by Representatives Campbell, Cody, Boldt and Parlette

Concerning the public disclosure of department of health information received through the hospital licensing process.

Referred to Committee on Health and Long-Term Care.

SHB 1744 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Schoesler and G. Chandler)

Changing lake outflow regulation.

Referred to Committee on Environmental Quality and Water Resources.

SHB 1774 by House Committee on Transportation (originally sponsored by Representatives Wolfe, Romero, Tokuda, Stensen, D. Schmidt, Ogden, Gombosky, Keiser, Dickerson and Santos)

Regulating occupational drivers' licenses.

Referred to Committee on Transportation.

SHB 1789 by House Committee on Transportation (originally sponsored by Representatives Ogden, K. Schmidt, Fisher, Radcliff and Skinner)

Decriminalizing license fraud and establishing a license fraud task force in the Washington state patrol.

Referred to Committee on Transportation.

ESHB 1798 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Fisher, Mitchell, Ogden, Mielke, Cooper, Pflug, Hankins, Skinner, Fortunato, Wood, Haigh, Radcliff, Rockefeller, Kessler and Regala)

Enhancing coordination of special needs transportation.

Referred to Committee on Transportation.

HB 1863 by Representatives Skinner, Cody, Lovick and Campbell

Providing for compensation to part-time health commissions.

Referred to Committee on Health and Long-Term Care.

SHB 1864 by House Committee on Health Care (originally sponsored by Representatives Cody, Boldt, Campbell, Wood and Koster)

Providing for the registration of surgical technologists.

Referred to Committee on Health and Long-Term Care.

SHB 1880 by House Committee on Health Care (originally sponsored by Representatives Cody, Schual-Berke, Kenney and Edmonds)

Providing for self-directed care for persons with disabilities.

Referred to Committee on Health and Long-Term Care.

SHB 1955 by House Committee on Commerce and Labor (originally sponsored by Representatives McIntire, Clements and Conway)

Providing support for collaborative efforts toward employment-related services and program evaluation.

Referred to Committee on Labor and Workforce Development.

EHB 1968 by Representatives Van Luven, Cody, Alexander and Parlette

Limiting the scope of mental health record audits.

Referred to Committee on Health and Long-Term Care.

HB 1996 by Representatives Parlette and Cooper (by request of Department of Labor and Industries)

Regulating charter boat safety.

Referred to Committee on Transportation.

HB 2010 by Representatives Ogden, McMorris and Romero (by request of Department of Community, Trade, and Economic Development)

Changing provisions relating to historic cemeteries.

Referred to Committee on State and Local Government.

SHB 2086 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Esser, Carrell, O'Brien, Constantine, Lovick, Schindler and Anderson)

Creating crimes of unlawful discharge of a laser.

Referred to Committee on Judiciary.

ESHB 2107 by House Committee on Natural Resources (originally sponsored by Representatives Anderson and Linville)

Limiting fishing of shrimp.

Referred to Committee on Natural Resources, Parks and Recreation.

HB 2206 by Representatives Mulliken, Scott, Carrell and Constantine

Allowing declaratory judgment actions when county elected officials have abandoned their responsibilities.

Referred to Committee on State and Local Government.

HB 2226 by Representative Tokuda

Eliminating eligibility standards retained from the aid to dependent children program under the temporary assistance for needy families program.

Referred to Committee on Labor and Workforce Development.

HJM 4008 by Representatives Regala, Sump, Linville, G. Chandler and Haigh

Requesting support for the full federal appropriation to fund state aquatic nuisance species management plans.

Referred to Committee on Natural Resources, Parks and Recreation.

## SECOND READING

SENATE BILL NO. 5233, by Senators Patterson, Horn, McCaslin, Kline, Gardner, Haugen and Winsley (by request of Department of Corrections)

Exempting specified positions within the department of corrections from civil service laws.

The bill was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5233 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5233.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5233 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Bauer, Benton, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Absent: Senators Finkbeiner and Sellar - 2.

Excused: Senators Brown, Costa, Heavey, Patterson, Roach and Shin - 6.

SENATE BILL NO. 5233, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5255, by Senators Jacobsen, Oke, Rasmussen and Finkbeiner (by request of Department of Fish and Wildlife)

Changing Washington conservation corps provisions.

The bill was read the second time.

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5255 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5255.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5255 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Fraser - 1.

Excused: Senators Brown, Costa, Heavey, Roach and Shin - 5.

SENATE BILL NO. 5255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5279, by Senators Kohl-Welles, Hargrove, Long, Fairley, Prentice and Winsley

Regulating the placement of children in mental health treatment by the department of social and health services.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5279 was substituted for Senate Bill No. 5279 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5279 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5279.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5279 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Finkbeiner - 1.

Excused: Senators Brown, Heavey, Roach and Shin - 4.

SUBSTITUTE SENATE BILL NO. 5279, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Deccio, Senator Finkbeiner was excused.

#### SECOND READING

SENATE BILL NO. 5284, by Senators Gardner, Goings and Benton (by request of Transportation Improvement Board)

Making housekeeping changes to multimodal transportation programs.

The bill was read the second time.

#### MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 5284 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5284.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5284 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Finkbeiner, Heavey, Roach and Shin - 4.

SENATE BILL NO. 5284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5301, by Senator Heavey

Modernizing traffic offense processing.

The bill was read the second time.

#### MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5301 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5301.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5301 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Haugen - 1.

Excused: Senators Finkbeiner, Heavey, Roach and Shin - 4.

SENATE BILL NO. 5301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5341, by Senators Haugen, Benton, Goings and Jacobsen (by request of Utilities and Transportation Commission)

Removing the exemptions for certain vehicles from the provisions of chapter 81.80 RCW.

The bill was read the second time.

#### MOTION

On motion of Senator Goings, the rules were suspended, Senate Bill No. 5341 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5341.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5341 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald,

Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Finkbeiner, Heavey, Roach and Shin - 4.

SENATE BILL NO. 5341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5364, by Senators Prentice, Winsley and Shin (by request of Liquor Control Board)

Administering and designating liquor licenses.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5364 was substituted for Senate Bill No. 5364 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5364 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5364.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5364 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Roach and Shin - 2.

SUBSTITUTE SENATE BILL NO. 5364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5365, by Senators Prentice and Winsley (by request of Liquor Control Board)

Regulating the preparation and sale of dietary supplements containing alcohol.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5365 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5365.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5365 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe,

McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Roach and Shin - 2.

SENATE BILL NO. 5365, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5383, by Senators Haugen, Benton, Jacobsen, Horn and Winsley (by request of Department of Transportation)

Planning for transportation safety and security.

#### MOTIONS

On motion of Senator Gardner, Substitute Senate Bill No. 5383 was substituted for Senate Bill No. 5383 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gardner, the rules were suspended, Substitute Senate Bill No. 5383 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5383.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5383 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Roach and Shin - 2.

SUBSTITUTE SENATE BILL NO. 5383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5410 and Senate Bill No. 5843 were moved to the bottom of the second reading calendar.

#### SECOND READING

SENATE BILL NO. 5400, by Senators Haugen, Loveland, Honeyford, Patterson, Horn and Costa

Clarifying distributions to the office of municipal research.

#### MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 5400 was substituted for Senate Bill No. 5400 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 5400 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5400.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5400 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Roach and Shin - 2.

SUBSTITUTE SENATE BILL NO. 5400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5401, by Senator Haugen

Repealing an obsolete provision pertaining to hydraulic project applications.

The bill was read the second time.

## MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5401.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5401 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Shin - 1.

SENATE BILL NO. 5401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5402, by Senator Haugen

Concerning the compensation of the forest practices appeals board.

The bill was read the second time.

## MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5402.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5402 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Shin - 1.

SENATE BILL NO. 5402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5442, by Senators Kline, Roach and Wojahn

Increasing the defined amount of "nominal deposit" affecting real estate brokers.

The bill was read the second time.

## MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5442 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5442.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5442 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator McCaslin - 1.

Excused: Senator Shin - 1.

SENATE BILL NO. 5442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5443, by Senators Kline, Rossi, Patterson, Johnson, Hargrove, Brown, Kohl-Welles, Fraser, Costa, Spanel, Winsley and Oke

Providing for waiver of administrative alcohol or drug-related hearing fees due to indigency.

The bill was read the second time.

## MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 5443 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5443.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5443 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Voting nay: Senators Honeyford and Roach - 2.

Excused: Senator Shin - 1.

SENATE BILL NO. 5443, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5464, by Senators Costa, McCaslin, Heavey, Kline and Patterson

Adopting the uniform child custody jurisdiction and enforcement act.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 5464 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5464.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5464 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 44.

Voting nay: Senators Benton, Johnson, Roach and Zarelli - 4.

Excused: Senator Shin - 1.

SENATE BILL NO. 5464, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5503, by Senators T. Sheldon, Haugen and Swecker

Changing provisions relating to sewer service.

The bill was read the second time.

#### MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Senate Bill No. 5503 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5503.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5503 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 47.

Absent: Senator Zarelli - 1.

Excused: Senator Shin - 1.

SENATE BILL NO. 5503, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Eide, Senator Tim Sheldon was excused.

#### MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

#### SECOND READING

SENATE BILL NO. 5528, by Senators Loveland, Horn and Winsley (by request of Department of Revenue)

Clarifying the phrase "services rendered in respect to constructing" for business and occupation tax purposes.

#### MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 5528 was substituted for Senate Bill No. 5528 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 5528 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5528.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5528 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Rossi, Sheldon, T. and Shin - 3.

SUBSTITUTE SENATE BILL NO. 5528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Eide, Senator Hargrove was excused.

#### SECOND READING

SENATE BILL NO. 5529, by Senators Loveland and Winsley (by request of Department of Revenue)

Clarifying the property tax exemption statutes.

The bill was read the second time.

#### MOTION

On motion of Senator Loveland, the rules were suspended, Senate Bill No. 5529 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5529.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5529 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator McDonald - 1.

Excused: Senators Hargrove, Rossi and Shin - 3.

SENATE BILL NO. 5529, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senators Bauer, Loveland and McAuliffe were excused.

#### SECOND READING

SENATE BILL NO. 5549, by Senators Kohl-Welles, Long and Hargrove (by request of Sentencing Guidelines Commission)

Authorizing the secretary of corrections to grant extraordinary medical releases to offenders when specified conditions are met.

#### MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 5549 was substituted for Senate Bill No. 5549 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the rules were suspended, Substitute Senate Bill No. 5549 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5549.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5549 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Bauer, Hargrove, Loveland, McAuliffe, Rossi and Shin - 6.

SUBSTITUTE SENATE BILL NO. 5549, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5531, by Senators Loveland and Winsley (by request of Department of Revenue)

Updating the tax code by making administrative clarifications, correcting oversights, and deleting obsolete references.

## MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5531 was substituted for Senate Bill No. 5531 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the following amendment by Senators Johnson and Loveland was adopted:

On page 17, beginning on line 20, strike all of section 19 and insert the following:

**"Sec. 19.** RCW 83.100.020 and 1998 c 292 s 401 are each amended to read as follows:

As used in this chapter:

- (1) "Decedent" means a deceased individual;
- (2) "Department" means the department of revenue, the director of that department, or any employee of the department exercising authority lawfully delegated to him by the director;
- (3) "Federal credit" means (a) for a transfer, the maximum amount of the credit for state taxes allowed by section 2011 of the Internal Revenue Code; and (b) for a generation-skipping transfer, the maximum amount of the credit for state taxes allowed by section 2604 of the Internal Revenue Code;
- (4) "Federal return" means any tax return required by chapter 11 or 13 of the Internal Revenue Code;
- (5) "Federal tax" means (a) for a transfer, a tax under chapter 11 of the Internal Revenue Code; and (b) for a generation-skipping transfer, the tax under chapter 13 of the Internal Revenue Code;
- (6) "Generation-skipping transfer" means a "generation-skipping transfer" as defined and used in section 2611 of the Internal Revenue Code;
- (7) "Gross estate" means "gross estate" as defined and used in section 2031 of the Internal Revenue Code;
- (8) "Nonresident" means a decedent who was domiciled outside Washington at his death;
- (9) "Person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity and, to the extent permitted by law, any federal, state, or other governmental unit or subdivision or agency, department, or instrumentality thereof;
- (10) "Person required to file the federal return" means any person required to file a return required by chapter 11 or 13 of the Internal Revenue Code, such as the personal representative of an estate; or a transferor, trustee, or beneficiary of a generation-skipping transfer; or a qualified heir with respect to qualified real property, as defined and used in section 2032A(c) of the Internal Revenue Code;
- (11) "Property" means (a) for a transfer, property included in the gross estate; and (b) for a generation-skipping transfer, all real and personal property subject to the federal tax;
- (12) "Resident" means a decedent who was domiciled in Washington at time of death;
- (13) "Transfer" means "transfer" as used in section 2001 of the Internal Revenue Code, or a disposition or cessation of qualified use as defined and used in section 2032A(c) of the Internal Revenue Code;
- (14) "Trust" means "trust" under Washington law and any arrangement described in section 2652 of the Internal Revenue Code; and
- (15) "Internal Revenue Code" means, for the purposes of this chapter and RCW 83.110.010, the United States Internal Revenue Code of 1986, as amended or renumbered on January 1, ~~((1998))~~ 1999.

**Sec. 20.** RCW 11.02.005 and 1998 c 292 s 117 are each amended to read as follows:

When used in this title, unless otherwise required from the context:

(1) "Personal representative" includes executor, administrator, special administrator, and guardian or limited guardian and special representative.

(2) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the deceased or the estate.

(3) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to the intestate, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the number of persons who survive the intestate who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the intestate but who left issue surviving the intestate; each share of a deceased person in the nearest degree shall be divided among those of the deceased person's issue who survive the intestate and have no ancestor then living who is in the line of relationship between them and the intestate, those more remote in degree taking together the share which their ancestor would have taken had he or she survived the intestate. Posthumous children are considered as living at the death of their parent.

(4) "Issue" includes all the lawful lineal descendants of the ancestor and all lawfully adopted children.

(5) "Degree of kinship" means the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.

(6) "Heirs" denotes those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on the decedent's death intestate.

(7) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person.

(8) "Will" means an instrument validly executed as required by RCW 11.12.020.

(9) "Codicil" means a will that modifies or partially revokes an existing earlier will. A codicil need not refer to or be attached to the earlier will.

(10) "Guardian" or "limited guardian" means a personal representative of the person or estate of an incompetent or disabled person as defined in RCW 11.88.010 and the term may be used in lieu of "personal representative" wherever required by context.

(11) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context.

(12) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever required by context.

(13) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context.

(14) "Trustee" means an original, added, or successor trustee and includes the state, or any agency thereof, when it is acting as the trustee of a trust to which chapter 11.98 RCW applies.

(15) "Nonprobate asset" means those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under a written instrument or arrangement other than the person's will. "Nonprobate asset" includes, but is not limited to, a right or interest passing under a joint tenancy with right of survivorship, joint bank account with right of survivorship, payable on death or trust bank account, transfer on death security or security account, deed or conveyance if possession has been postponed until the death of the person, trust of which the person is grantor and that becomes effective or irrevocable only upon the person's death, community property agreement, individual retirement account or bond, or note or other contract the payment or performance of which is affected by the death of the person. "Nonprobate asset" does not include: A payable-on-death provision of a life insurance policy, annuity, or other similar contract, or of an employee benefit plan; a right or interest passing by descent and distribution under chapter 11.04 RCW; a right or interest if, before death, the person has irrevocably transferred the right or interest, the person has waived the power to transfer it or, in the case of contractual arrangement, the person has waived the unilateral right to rescind or modify the arrangement; or a right or interest held by the person solely in a fiduciary capacity. For the definition of "nonprobate asset" relating to revocation of a provision for a former spouse upon dissolution of marriage or declaration of invalidity of marriage, RCW 11.07.010(5) applies. For the definition of "nonprobate asset" relating to revocation of a provision for a former spouse upon dissolution of marriage or declaration of invalidity of marriage, see RCW 11.07.010(5). For the definition of "nonprobate asset" relating to testamentary disposition of nonprobate assets, see RCW 11.11.010(7).

(16) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended or renumbered on January 1, (~~(1998)~~) 1999.

Words that import the singular number may also be applied to the plural of persons and things.

Words importing the masculine gender only may be extended to females also.

**NEW SECTION. Sec. 21.** The following acts or parts of acts are each repealed:

(1) RCW 84.36.353 (Property owned or used for sheltered workshops for handicapped--Shelter workshop defined) and 1998 c 311 s 22 & 1970 ex.s. c 81 s 2; and

(2) RCW 84.36.485 (Cogeneration facilities--Claims for exemption--Forms--Verification--Administrative rules) and 1979 ex.s. c 191 s 9."

Renumber the sections consecutively and correct any internal references accordingly.

#### MOTIONS

On motion of Senator Johnson, the following title amendment was adopted:

On page 1, line 5 of the title, after "84.36.350," strike "and" and on line 5, after "84.36.383" insert ", 83.100.020, and 11.02.005"

On motion of Senator Johnson, the rules were suspended, Engrossed Substitute Senate Bill No. 5531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5531.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5531 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senator Fairley - 1.

Excused: Senators Bauer, Hargrove, Loveland, McAuliffe, Rossi and Shin - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5553, by Senators Prentice and Winsley (by request of Department of Licensing)

Regulating professional athletics.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5553 was substituted for Senate Bill No. 5553 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5553 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5553.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5553 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke,

Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Hargrove, Loveland, Rossi and Shin - 5.

SUBSTITUTE SENATE BILL NO. 5553, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5570, by Senators Costa, Johnson, Kline, Honeyford, Kohl-Welles, Patterson, Gardner, Winsley and Oke (by request of Washington State Patrol)

Expanding the definition of vehicular assault.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 5570 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5570.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5570 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Hargrove, Loveland, Rossi and Shin - 5.

SENATE BILL NO. 5570, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5578, by Senators Patterson, Horn, Costa, Honeyford, Kohl-Welles and Kline (by request of Forensic Investigation Council)

Enabling the bureau of forensic laboratory services.

#### MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5578 was substituted for Senate Bill No. 5578 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Goings, the rules were suspended, Substitute Senate Bill No. 5578 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Rasmussen, Senator Prentice was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5578.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5578 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Bauer, Hargrove, Loveland, Prentice, Rossi and Shin - 6.

SUBSTITUTE SENATE BILL NO. 5578, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5579, by Senators Loveland, Honeyford and Hale

Allowing solid rubber tires on farm machinery.

The bill was read the second time.

## MOTION

On motion of Senator Goings, the rules were suspended, Senate Bill No. 5579 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5579.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5579 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Hargrove, Prentice, Rossi and Shin - 5.

SENATE BILL NO. 5579, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Franklin, Senator Betti Sheldon was excused.

## SECOND READING

SENATE BILL NO. 5624, by Senators Kohl-Welles, Hargrove and Long

Imposing an additional assessment for persons entering diversion agreements in regard to prostitution offenses.

The bill was read the second time.

## MOTION

On motion of Senator Costa, the rules were suspended, Senate Bill No. 5624 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5624.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5624 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Sellar, Sheahan, Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Bauer, Hargrove, Prentice, Rossi, Sheldon, B. and Shin - 6.

SENATE BILL NO. 5624, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5628, by Senators Gardner, Heavey, Shin, Prentice, Winsley and T. Sheldon

Modifying license duration and continuing education requirements for accountants.

The bill was read the second time.

#### MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 5628 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5628.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5628 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Sellar - 1.

Excused: Senators Bauer, Hargrove, Rossi, Sheldon, B. and Shin - 5.

SENATE BILL NO. 5628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5638, by Senators Hargrove, Oke, Morton and T. Sheldon (by request of Department of Fish and Wildlife)

Correcting fish and wildlife enforcement code provisions.

#### MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5638 was substituted for Senate Bill No. 5638 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5638 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5638.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5638 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Hargrove, Rossi, Sheldon, B. and Shin - 5.

SUBSTITUTE SENATE BILL NO. 5638, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5648, by Senator Haugen

Providing consistency in definitions regarding businesses furnishing lodging.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5648 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5648.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5648 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator McDonald - 1.

Excused: Senators Bauer, Hargrove, Rossi, Sheldon, B. and Shin - 5.

SENATE BILL NO. 5648, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5651, by Senators Winsley and Loveland

Requiring a purchaser of timber by contract to provide proof of payment of all taxes before release of a performance bond.

#### MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5651 was substituted for Senate Bill No. 5651 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5651 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5651.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5651 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Bauer, Hargrove, Rossi and Shin - 4.

SUBSTITUTE SENATE BILL NO. 5651, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

#### MOTION

On motion of Senator Franklin, Senator Loveland was excused.

#### SECOND READING

SENATE BILL NO. 5718, by Senators Gardner, Spanel, Patterson and Haugen

Changing plans of government for cities and towns.

#### MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5718 was substituted for Senate Bill No. 5718 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5718 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Hochstatter: "Senator Gardner, my understanding is--and I hate to have understanding yield to passion--but my understanding is that there are two elections. There is the election to decide to go to the strong mayor plan and in that decision to change, is that when the mayor is elected and then there is a two year wait--could you run through, maybe, an example to help me understand this?"

Senator Gardner: "Certainly, thank you. This came up, because this just happened in Ferndale in Whatcom County. In Ferndale, they decided they did not want a city manager, they wanted an elected mayor. In making that change, they also terminated all seven of their city council members, so that by electing to change their form of government, in effect, they put everybody out of office. The entire city government ceased to exist and they then had to run for office. They not only had to hold the general election, but they also had to hold the primary election. So, they held the primary election to change the form of government, then they held a primary election, then they held a general election.

"It was pretty expensive and not really the intent of just changing the government. It caught up the council members unintentionally. The two years has to do with the process by which you change governments. You have a

petition, it is brought in and certified, an election is held on whether or not to change the form of government. If that election fails, the proponents can go out again, get another petition, have it certified and six months later require another election. It just becomes expensive and onerous and we felt that a two year interval, as is in statute for other purposes, made more sense."

#### . MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute Senate Bill No. 5718 was deferred.

#### SECOND READING

SENATE BILL NO. 5733, by Senators Honeyford, Costa, Long, Sheahan, Hargrove and Hochstatter

Revising law governing the sealing of juvenile records.

#### MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 5733 was substituted for Senate Bill No. 5733 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the rules were suspended, Substitute Senate Bill No. 5733 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5733.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5733 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senator Roach - 1.

Absent: Senator Gardner - 1.

Excused: Senators Bauer, Hargrove, Loveland, Rossi and Shin - 5.

SUBSTITUTE SENATE BILL NO. 5733, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5739, by Senators Thibaudeau and Deccio

Preparing certificates of death or fetal death.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 5739 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5739.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5739 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44. Excused: Senators Bauer, Hargrove, Loveland, Rossi and Shin - 5. SUBSTITUTE SENATE BILL NO. 5739, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Kohl-Welles, the following resolution was adopted:

#### SENATE RESOLUTION 1999-8648

By Senators Kohl-Welles, Spanel, Gardner, Jacobsen, B. Sheldon, Fraser, Thibaudeau, McAuliffe, Rasmussen, Snyder, Honeyford, Roach and Benton

WHEREAS, The Washington State commercial fishing fleet leaves in March and the Blessing of the Fleet will occur at Fisherman's Terminal in Ballard, March 14, 1999; and

WHEREAS, The Washington State commercial fishing fleet leaves Blaine waters in May and the Blessing of the Fleet will occur at Saw Tooth Dock in Blaine Harbor, May 2, 1999; and

WHEREAS, The Washington State commercial fishing fleet is one of the world's largest distant water fleets; and

WHEREAS, The commercial fishing industry directly and indirectly employs thousands of people; and

WHEREAS, The harvest annually generates over a billion dollars in economic contributions to the Washington State economy; and

WHEREAS, The commercial fishing industry is the fourth largest industry in Washington State; and

WHEREAS, The life of a fisher is one fraught with danger and hardship that most of us will never face; and

WHEREAS, Strength and courage are basic requirements for anyone who chooses to work on the high seas, battling the elements in order to harvest the nature's bounty; and

WHEREAS, The men and women who work on boats, living between God and the sea, and never certain which will claim them first, deserve our admiration, our thanks, and, when tragedy strikes, our remembrance; and

WHEREAS, Too often fishers do lose their lives, and their deaths devastate not only the tightly knit fabric that is the community of fishing families in our region, but also our entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and remember Washington fishermen George Schumack and Dave Corey Williamson who lost their lives in Washington waters in 1998, and Dennis Smith of Blaine and Rod Kurtz Harvie of Bellingham who lost their lives in San Francisco Bay; and

BE IT FURTHER RESOLVED, That the Washington State Senate extend its condolences to the families and friends of all our fishermen and women who have lost their lives at sea, and wish the entire commercial fishing fleet a safe and prosperous season and that all fishing men and women will return home safely to their families, friends, and communities.

Senators Kohl-Welles and Gardner spoke to Senate Resolution 1999-8648.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5741, by Senators Morton, Goings, Honeyford, T. Sheldon, Swecker, Deccio, Hochstatter, Benton, Zarelli, Long, Hale, Sheahan and Eide

Permitting trucks under 16,001 pounds to bypass scales.

The bill was read the second time.

## MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5741 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5741.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5741 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Hargrove, Loveland, Rossi and Shin - 5.

SENATE BILL NO. 5741, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5744, by Senators Haugen, Costa, Sheahan and Deccio

Providing for representation of parties in child dependency and termination proceedings.

## MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 5744 was substituted for Senate Bill No. 5744 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the rules were suspended, Substitute Senate Bill No. 5744 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5744.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5744 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Fairley - 1.

Excused: Senators Bauer, Hargrove, Loveland, Rossi and Shin - 5.

SUBSTITUTE SENATE BILL NO. 5744, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5748, by Senator Stevens

Making technical corrections to RCW 13.34.130.

The bill was read the second time.

#### MOTION

On motion of Senator Stevens, the rules were suspended, Senate Bill No. 5748 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5748.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5748 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Hargrove, Loveland, Rossi and Shin - 5.

SENATE BILL NO. 5748, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5777, by Senators Prentice and Winsley

Addressing payment for denturist services.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5777 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5777.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5777 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Hargrove, Loveland, Rossi and Shin - 5.

SENATE BILL NO. 5777, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5792, by Senator McAuliffe (by request of Board of Education)

Adopting recommendations of the state board of education.

#### MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5792 was substituted for Senate Bill No. 5792 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5792 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5792.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5792 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Hargrove, Loveland, Rossi and Shin - 5.

SUBSTITUTE SENATE BILL NO. 5792, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5806, by Senators Haugen, Hochstatter, Horn and Rasmussen (by request of Military Department)

Requiring the adjutant general to adopt rules relating to automatic location identification.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5806 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5806.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5806 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Hargrove, Loveland, Rossi and Shin - 5.

SENATE BILL NO. 5806, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5838, by Senators McAuliffe, Eide and Rasmussen

Permitting personal holiday leave sharing for school district employees.

#### MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5838 was substituted for Senate Bill No. 5838 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5838 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5838.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5838 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Hargrove, Loveland, Rossi and Shin - 5.

SUBSTITUTE SENATE BILL NO. 5838, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5864, by Senators Fairley, Thibaudeau and Kohl-Welles

Allowing a health maintenance organization to return an individual to his or her nursing care facility.

#### MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5864 was substituted for Senate Bill No. 5864 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5864 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5864.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5864 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senators Brown and Spanel - 2.

Excused: Senators Bauer, Hargrove, Loveland, Rossi and Shin - 5.

SUBSTITUTE SENATE BILL NO. 5864, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5869, by Senators Prentice, Hale and Winsley (by request of Attorney General Gregoire)

Regulating service contracts.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5869 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Goings, Senator Brown was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5869.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5869 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Fairley - 1.

Excused: Senators Brown, Hargrove, Loveland, Rossi and Shin - 5.

SUBSTITUTE SENATE BILL NO. 5869, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5718, deferred on third reading earlier today.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5718.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5718 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 41. Voting nay: Senators Benton, Finkbeiner, Roach, Stevens and Zarelli - 5. Excused: Senators Hargrove, Loveland and Shin - 3. SUBSTITUTE SENATE BILL NO.

5718, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### SECOND READING

SENATE BILL NO. 5903, by Senators Prentice, Rasmussen and B. Sheldon

Authorizing tax, levy, and execution exemptions for properties of Indian housing authorities for low-income housing programs.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5903 was substituted for Senate Bill No. 5903 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5903 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5903.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5903 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44. Voting nay: Senators Benton and Hochstatter - 2. Excused: Senators Hargrove, Loveland and Shin - 3. SUBSTITUTE SENATE BILL NO. 5903, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5803, by Senators Rasmussen and Swecker

Changing dairy nutrient management provisions.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5803 was substituted for Senate Bill No. 5803 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the following amendments by Senators Rasmussen, Morton, Fraser and Stevens were considered simultaneously and adopted.

On page 2, line 19, after "appointed by" insert "agreement of"

On page 2, line 20, after "representatives" and before the period insert "and the president of the senate"

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 5803 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5803.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5803 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Hargrove, Loveland and Shin - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5803, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5921, by Senator Kohl-Welles

Requiring the disclosure of fire protection and building safety information.

## MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5921 was substituted for Senate Bill No. 5921 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5921 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5921.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5921 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Hargrove, Loveland and Shin - 3.

SUBSTITUTE SENATE BILL NO. 5921, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5928, by Senator Prentice

Extending to those who communicate a complaint or information to self-regulatory agencies.

## MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5928 was substituted for Senate Bill No. 5928 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5928 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5928.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5928 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Hargrove, Loveland and Shin - 3.

SUBSTITUTE SENATE BILL NO. 5928, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5954, by Senators Kline, Eide and Thibaudeau (by request of Department of Social and Health Services)

Claiming the proceeds recovered on behalf of recipients of state assistance.

The bill was read the second time.

## MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5954 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5954.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5954 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Finkbeiner - 1.

Excused: Senators Hargrove, Loveland and Shin - 3.

SENATE BILL NO. 5954, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Franklin, Senators McAuliffe and Prentice were excused.

## SECOND READING

SENATE BILL NO. 6012, by Senators Long and Fraser

Declaring monthly unit valuations for certain portfolios and funds managed by the state investment board.

## MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 6012 was substituted for Senate Bill No. 6012 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 6012 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6012.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6012 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Finkbeiner - 1.

Excused: Senators Hargrove, Loveland, McAuliffe, Prentice and Shin - 5.

SUBSTITUTE SENATE BILL NO. 6012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5764, by Senators Heavey, Johnson, McCaslin, T. Sheldon and Haugen

Eliminating a maximum amount threshold for pleadings in actions arising from public works contracts.

#### MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5764 was substituted for Senate Bill No. 5764 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5764 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Honeyford, Senator Finkbeiner was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5764.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5764 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Finkbeiner, Hargrove, Loveland, McAuliffe and Shin - 5.

SUBSTITUTE SENATE BILL NO. 5764, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6019, by Senator Rasmussen

Eliminating authority for crop credit associations.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 6019 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6019.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6019 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Finkbeiner, Hargrove, Loveland, McAuliffe and Shin - 5.

SENATE BILL NO. 6019, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6052, by Senators Jacobsen and Rasmussen

Assisting volunteers in hunter safety programs.

#### MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6052 was substituted for Senate Bill No. 6052 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### PARLIAMENTARY INQUIRY

Senator Jacobsen: "A point of parliamentary inquiry, Mr. President. Is it in order for me to move to suspend the rules and in three minutes I can make my prepared thirty minute speech?"

#### REPLY BY THE PRESIDENT

President Owen: "It is in order if you choose to--"

Senator Jacobsen: "I don't think I dare make the motion."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6052.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6052 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Finkbeiner, Hargrove, McAuliffe and Shin - 4.

SUBSTITUTE SENATE BILL NO. 6052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 12:26 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Monday, March 15, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-SECOND DAY, MARCH 13, 1999

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

**SIXTY-FOURTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Monday, March 15, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Costa, Finkbeiner, Hargrove, Horn and Oke. On motion of Senator Franklin, Senators Costa and Hargrove were excused. On motion of Senator Honeyford, Senators Finkbeiner, Horn and Oke were excused.

The Sergeant at Arms Color Guard consisting of Pages Katie Hartman and Meghan Hartman, presented the Colors. Reverend Mary McGonigal, pastor of the Lacey Presbyterian Church, offered the prayer.

**MOTION**

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

**MESSAGES FROM THE HOUSE**

March 12, 1999

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1653,  
HOUSE BILL NO. 1664,  
SUBSTITUTE HOUSE BILL NO. 1668,  
SECOND SUBSTITUTE HOUSE BILL NO. 1692,  
SECOND SUBSTITUTE HOUSE BILL NO. 1729,  
HOUSE BILL NO. 1741,  
SUBSTITUTE HOUSE BILL NO. 1755,  
HOUSE BILL NO. 1766,  
SUBSTITUTE HOUSE BILL NO. 1848,  
SECOND SUBSTITUTE HOUSE BILL NO. 1871,  
SECOND SUBSTITUTE HOUSE BILL NO. 1891,  
SUBSTITUTE HOUSE BILL NO. 1910,  
SUBSTITUTE HOUSE BILL NO. 1969,  
SUBSTITUTE HOUSE BILL NO. 1971,  
SUBSTITUTE HOUSE BILL NO. 2053,  
SECOND SUBSTITUTE HOUSE BILL NO. 2061,  
SECOND SUBSTITUTE HOUSE BILL NO. 2098,  
SUBSTITUTE HOUSE BILL NO. 2210,  
SUBSTITUTE HOUSE BILL NO. 2234,  
HOUSE BILL NO. 2261, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk  
DEAN R. FOSTER, Co-Chief Clerk

March 12, 1999

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1274,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362,  
ENGROSSED HOUSE BILL NO. 1613,

ENGROSSED HOUSE BILL NO. 1894,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2095,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2123,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2239, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk  
DEAN R. FOSTER, Co-Chief Clerk

March 12, 1999

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1540,  
HOUSE BILL NO. 1621,  
SUBSTITUTE HOUSE BILL NO. 1623,  
HOUSE BILL NO. 2181, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk  
TIMOTHY A. MARTIN, Co-Chief Clerk

March 12, 1999

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1484, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk  
DEAN R. FOSTER, Co-Chief Clerk

March 12, 1999

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1013,  
SUBSTITUTE HOUSE BILL NO. 1069,  
SECOND SUBSTITUTE HOUSE BILL NO. 1132,  
SUBSTITUTE HOUSE BILL NO. 1133,  
SUBSTITUTE HOUSE BILL NO. 1153,  
SECOND SUBSTITUTE HOUSE BILL NO. 1184,  
HOUSE BILL NO. 1221,  
HOUSE BILL NO. 1261,  
SUBSTITUTE HOUSE BILL NO. 1282,  
HOUSE BILL NO. 1288,  
SUBSTITUTE HOUSE BILL NO. 1291,  
SUBSTITUTE HOUSE BILL NO. 1324,  
SECOND SUBSTITUTE HOUSE BILL NO. 1546,  
SECOND SUBSTITUTE HOUSE BILL NO. 1574,  
HOUSE BILL NO. 1599,  
SUBSTITUTE HOUSE BILL NO. 1619,  
SECOND SUBSTITUTE HOUSE BILL NO. 1661,  
SUBSTITUTE HOUSE BILL NO. 1663,  
SUBSTITUTE HOUSE BILL NO. 1673,  
SECOND SUBSTITUTE HOUSE BILL NO. 1674, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1013 by House Committee on Higher Education (originally sponsored by Representatives Carlson, Radcliff, Dunn and Sheahan)

Changing the goals and priorities for grants under the Washington fund for innovation and quality education program.

Referred to Committee on Higher Education.

SHB 1069 by House Committee on Appropriations (originally sponsored by Representatives Scott, Mulliken and O'Brien)

Authorizing the forensic investigations council to make expenditures to assist in investigations of multiple deaths.

Referred to Committee on Ways and Means.

2SHB 1132 by House Committee on Appropriations (originally sponsored by Representatives Romero, Skinner, Lantz, Hankins, Ogden, Radcliff, Mitchell and Lambert)

Establishing the capitol furnishings preservation committee.

Referred to Committee on State and Local Government.

SHB 1133 by House Committee on State Government (originally sponsored by Representatives Bush, Ogden, Talcott, Buck, D. Schmidt, DeBolt, McDonald, Sump, Parlette, Lambert, Clements, Romero, Cairnes, Quall, G. Chandler, H. Sommers, Mielke, Koster, O'Brien, Sullivan, Thomas, Barlean, Campbell, Dunn, Mulliken, Alexander and Esser)

Maintaining voter registration lists.

Referred to Committee on State and Local Government.

SHB 1153 by House Committee on Education (originally sponsored by Representatives McDonald, Kastama, Sump, Delvin, Hurst, Rockefeller, Kessler, Stensen, O'Brien, Bush, Lovick, Dickerson, Carlson, Keiser, Ogden, Hatfield, Wood, Ruderman, Tokuda, Santos, McIntire, Conway and Lantz)

Changing school safety provisions.

Referred to Committee on Education.

2SHB 1184 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Carlson, Schoesler, Ogden, Edmonds and Esser)

Promoting cooperative real estate research.

Referred to Committee on Higher Education.

HB 1221 by Representatives Ogden, Carlson, Conway, Mielke, Lantz, Pennington, Doumit, Hatfield and Dunn

Regarding Lewis and Clark bicentennial advisory committee.

Referred to Committee on State and Local Government.

HB 1261 by Representatives Romero, Conway, Veloria, Cooper, O'Brien and Kenney

Modifying motor vehicles of injured workers.

Referred to Committee on Labor and Workforce Development.

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

Changing provisions relating to jails.

Referred to Committee on Judiciary.

SHB 1282 by House Committee on State Government (originally sponsored by Representatives Romero, Buck, Miloscia, Linville, Dickerson, Regala and Wolfe) (by request of Commissioner of Public Lands Belcher)

Authorizing state agencies to offer incentives to state employees to relocate from one part of the state to another.

Referred to Committee on Labor and Workforce Development.

HB 1288 by Representatives D. Schmidt, Romero, McMorris, Scott, Wensman, Benson, Sullivan, Santos, Doumit, D. Sommers, Dunn and Campbell

Determining candidate order on primary ballots.

Referred to Committee on State and Local Government.

SHB 1291 by House Committee on State Government (originally sponsored by Representatives D. Schmidt, McMorris, Romero, Scott, Wensman, Esser, Miloscia, Benson, D. Sommers and Dunn)

Making various changes in election laws.

Referred to Committee on State and Local Government.

SHB 1324 by House Committee on Transportation (originally sponsored by Representatives Fisher, K. Schmidt, Mitchell and Hankins) (by request of Department of Transportation)

Planning for transportation safety and security.

Referred to Committee on Transportation.

ESHB 1362 by House Committee on Judiciary (originally sponsored by Representatives Kastama, Sheahan, Lantz, Dickerson, Hurst, Edmonds, Constantine, Stensen, Lambert, Carrell, Kessler, Thomas and McIntire)

Creating the friendly parent presumption.

Referred to Committee on Judiciary.

ESHB 1471 by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Crouse, Wood, Poulsen, Kessler and Thomas)

Prohibiting deceptive telephone directory listings.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

E2SHB 1484 by House Committee on Appropriations (originally sponsored by Representatives Parlette, Cody, Alexander, Conway and Edwards)

Modifying property valuation methods for reimbursing nursing facilities.

Referred to Committee on Health and Long-Term Care.

HB 1540 by Representatives D. Schmidt and Romero

Requiring election procedures manuals.

Referred to Committee on State and Local Government.

2SHB 1546 by House Committee on Appropriations (originally sponsored by Representatives Cody, Parlette, Doumit, Ballasiotes, Conway, D. Schmidt, Dickerson, Campbell, Wolfe, Kenney, Ogden, Radcliff, Kessler, Veloria, Ruderman, Linville, Santos, Haigh, Cooper, Miloscia, Edmonds, Keiser, Lantz, Hurst, Schual-Berke, Quall, Van Luven, Rockefeller, O'Brien, Wood, Murray, Fortunato and McIntire)

Modifying provisions related to long-term care of adults.

Referred to Committee on Health and Long-Term Care.

2SHB 1574 by House Committee on Appropriations (originally sponsored by Representatives Alexander, Parlette, Cody, Radcliff, O'Brien, Schual-Berke, Reardon, Quall, Santos, Cooper, Linville, Ericksen and Hurst)

Administering atypical antipsychotic medications.

Referred to Committee on Human Services and Corrections.

HB 1599 by Representatives McMorris, Doumit, Clements, Constantine, Sheahan, Grant, G. Chandler, Linville, Rockefeller, D. Schmidt, Kessler and Schoesler

Creating an account to reimburse counties for extraordinary costs in the criminal justice system.

Referred to Committee on Ways and Means.

EHB 1613 by Representatives Barlean, Lovick, B. Chandler, Thomas and Rockefeller (by request of Department of Revenue)

Clarifying the property tax exemption statutes.

Referred to Committee on Ways and Means.

SHB 1619 by House Committee on Appropriations (originally sponsored by Representatives McDonald, Kagi, Boldt, Lovick, Tokuda, Wood, Clements, Carrell, D. Schmidt, Linville, Dickerson, O'Brien, Mielke, Kenney and Haigh)

Changing the liability insurance of foster parents.

Referred to Committee on Human Services and Corrections.

HB 1621 by Representatives Stensen, Cairnes, Reardon, Miloscia and Thomas (by request of Department of Revenue)

Authorizing the department of revenue to receive electronically filed taxpayer returns and remittances.

Referred to Committee on Energy, Technology and Telecommunications.

SHB 1623 by House Committee on Finance (originally sponsored by Representatives Haigh, Cairnes, Reardon and Thomas) (by request of Department of Revenue)

Updating the tax code by making administrative clarifications, correcting oversights, and deleting obsolete references.

Referred to Committee on Ways and Means.

SHB 1653 by House Committee on State Government (originally sponsored by Representatives Kenney, Miloscia, Romero, D. Schmidt, Clements and Wolfe) (by request of Department of General Administration)

Raising the limit on agency direct buy authority without competitive bids.

Referred to Committee on State and Local Government.

2SHB 1661 by House Committee on Appropriations (originally sponsored by Representatives Edmonds, Carlson, Kenney, Kagi, Esser, Wood, Lantz and Ogden)

Creating Washington scholars-alternates awards.

Referred to Committee on Higher Education.

SHB 1663 by House Committee on Appropriations (originally sponsored by Representatives Lambert, Constantine, McDonald, Kagi, Carrell, Edwards, Kastama and Santos)

Creating a unified family court.

Referred to Committee on Judiciary.

HB 1664 by Representatives Dickerson, Thomas and Dunshee (by request of Department of Revenue)

Preventing the use of step transactions to avoid real estate excise tax.

Referred to Committee on Ways and Means.

SHB 1668 by House Committee on Appropriations (originally sponsored by Representatives McDonald, Kagi, Boldt, Tokuda, Dickerson and Santos)

Providing foster parents with first aid/CPR and HIV/AIDS training.

Referred to Committee on Human Services and Corrections.

SHB 1673 by House Committee on State Government (originally sponsored by Representatives Lambert, O'Brien, Thomas and Sullivan)

Penalizing false political advertising.

Referred to Committee on State and Local Government.

2SHB 1674 by House Committee on Appropriations (originally sponsored by Representatives Talcott, Veloria, Carlson, DeBolt, Wensman, Rockefeller, Bush, Thomas, Clements and Romero)

Providing educational accountability for students and schools.

Referred to Committee on Education.

2SHB 1692 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Tokuda, Boldt, Edmonds, Dickerson, Talcott, Kastama, Lovick, Wood, Kenney, Schual-Berke, Eickmeyer, Ogden, Santos, Mitchell, Bush and Stensen)

Providing special training for those who interview child witnesses and victims.

Referred to Committee on Judiciary.

2SHB 1729 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Carlson, Lantz, Quall, Skinner, Reardon, Gombosky, Edwards, Anderson, Veloria, Edmonds, Dunn, Stensen, McIntire, Kagi, Conway, Regala, Lovick, D. Schmidt, Ogden, Keiser, Dickerson and Santos)

Creating the Washington teacher training pilot program.

Referred to Committee on Higher Education.

HB 1741 by Representatives Fortunato, Lovick and Thomas (by request of Department of Revenue)

Simplifying tax reporting by revising the active nonreporting threshold so that it parallels the small business credit.

Referred to Committee on Ways and Means.

SHB 1755 by House Committee on Natural Resources (originally sponsored by Representatives Buck, Regala, Clements, Doumit and Haigh) (by request of Department of Fish and Wildlife)

Creating the fish and wildlife equipment fund.

Referred to Committee on Natural Resources, Parks and Recreation.

HB 1766 by Representatives Romero, McMorris, D. Schmidt, Dunshee, Miloscia, Conway, Campbell, Lambert and Haigh

Requiring identification of subcontractors in bids on public works.

Referred to Committee on State and Local Government.

SHB 1848 by House Committee on Local Government (originally sponsored by Representatives Grant, Mastin and Dunn)

Clarifying the authority of port districts.

Referred to Committee on State and Local Government.

2SHB 1871 by House Committee on Appropriations (originally sponsored by Representatives Linville, Ericksen, Regala, Reardon, Buck, Cooper, Clements and G. Chandler)

Creating the salmon stamp programs.

Referred to Committee on Natural Resources, Parks and Recreation.

2SHB 1891 by House Committee on Appropriations (originally sponsored by Representatives Quall, Talcott and Rockefeller) (by request of Commission on Student Learning and Superintendent of Public Instruction Bergeson)

Changing student assessments.

Referred to Committee on Education.

EHB 1894 by Representative Conway

Correcting industrial insurance benefit errors.

Referred to Committee on Labor and Workforce Development.

SHB 1910 by House Committee on Agriculture and Ecology (originally sponsored by Representatives G. Chandler and Anderson)

Establishing logos for substances approved for use in the production, processing, and handling of organic food.

Referred to Committee on Agriculture and Rural Economic Development.

SHB 1969 by House Committee on Finance (originally sponsored by Representatives McIntire, Benson, Dunshee, Tokuda, Schual-Berke, Eickmeyer, Scott, Kenney, Dunn, Rockefeller, Conway, Poulsen, Veloria, D. Schmidt, Cody, Ruderman, O'Brien, Edmonds, Lantz, Regala, Murray, Lovick, Santos, Kagi, Haigh and Kessler)

Exempting real property that will be developed by nonprofit organizations to provide homes for the aging.

Referred to Committee on Health and Long-Term Care.

SHB 1971 by House Committee on Transportation (originally sponsored by Representatives D. Sommers, Wood, Benson, Schindler and Gombosky)

Enhancing traffic safety.

Referred to Committee on Transportation.

SHB 2053 by House Committee on Transportation (originally sponsored by Representatives Hatfield, Hankins, Scott, Skinner, Edwards, Cooper, K. Schmidt, Haigh, Mielke, Schindler, G. Chandler, McDonald, Hurst, Fortunato, Fisher, Ogden, Ruderman and Miloscia)

Allowing credit card payment of vehicle registration fees.

Referred to Committee on Transportation.

2SHB 2061 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Dunn, Lantz, Veloria and Carlson)

Changing community college provisions.

Referred to Committee on Higher Education.

ESHB 2095 by House Committee on Agriculture and Ecology (originally sponsored by Representatives G. Chandler, Linville, Koster, Grant, B. Chandler, Anderson and Sump)

Regulating commercial fertilizer.

Referred to Committee on Agriculture and Rural Economic Development.

2SHB 2098 by House Committee on Appropriations (originally sponsored by Representatives G. Chandler and Linville)

Regulating designers of on-site wastewater treatment systems.

Referred to Committee on Environmental Quality and Water Resources.

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

Consolidating procedures for expedited rule making.

Referred to Committee on State and Local Government.

HB 2181 by Representatives Clements and G. Chandler

Storing fruits or vegetables in controlled atmosphere storage.

Referred to Committee on Agriculture and Rural Economic Development.

SHB 2210 by House Committee on Appropriations (originally sponsored by Representatives Huff, H. Sommers, Carlson and Edwards)

Declaring monthly unit valuations for certain portfolios and funds managed by the state investment board.

Referred to Committee on Ways and Means.

SHB 2234 by House Committee on Appropriations (originally sponsored by Representatives Huff, H. Sommers and Carlson)

Changing K-20 telecommunications governance.

Referred to Committee on Higher Education.

ESHB 2239 by House Committee on Transportation (originally sponsored by Representatives Buck and Wood)

Enhancing storm water control grant programs.

Referred to Committee on Transportation.

HB 2261 by Representatives Reardon, Cairnes and Santos (by request of Department of Revenue)

Clarifying the phrase "services rendered in respect to constructing" for business and occupation tax purposes.

Referred to Committee on Ways and Means.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9091, David Boerner, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF DAVID BOERNER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Brown, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senator Benton - 1.

Excused: Senators Costa, Finkbeiner, Hargrove, Horn and Oke - 5.

MOTION

On motion of Senator Betti Sheldon, Gubernatorial Appointment No. 9064, Russell D. Hauge, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF RUSSELL D. HAUGE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Costa and Hargrove - 2.

MOTION

At 10:18 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:47 a.m. by President Owen.

SECOND READING

SENATE BILL NO. 5811, by Senators Brown, Prentice and Kohl-Welles

Creating a program to advance universal telecommunications service.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5811 was substituted for Senate Bill No. 5811 and the substitute bill was placed on second reading and read the second time.

Senator Rossi moved that the following amendment be adopted:

On page 1, after line 10, insert the following:

**"NEW SECTION. Sec. 2.** Sections 3 through 13 of this act expire five years after the date on which the first contribution is made to the universal service fund."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rossi on page 1, after line 10, to Substitute Senate Bill No. 5811.

The motion by Senator Rossi failed and the amendment was not adopted.

MOTION

:

Senator Brown moved that the following amendment be adopted:

On page 1, after line 10, insert the following:

**"NEW SECTION. Sec. 2.** Universal telephone service, which is the wide availability of basic telephone service at reasonably affordable rates, has long been the policy of the state of Washington and is essential to the economic well-being of the state. In order to comply with the 1996 federal telecommunications act, the state must modify its universal service program so as to meet the twin goals, under the federal act, of competition and reasonable rates for basic phone service. In making the transition to a more competitive telecommunications market, the legislature intends to minimize the shifting of costs among classes of customers, so that no class of customers bears a disproportionately adverse change in its share of universal service costs."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brown on page 1, after line 10, to Substitute Senate Bill No. 5811.

The motion by Senator Brown carried and the amendment was adopted.

MOTION

Senator Brown moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 26, after "fund." strike "Every" and insert "Not earlier than July 1, 2000, every"

On page 4, line 19, after "(1)" strike "The" and insert "Not earlier than July 1, 2000, the"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Brown on page 3, line 26, and page 4, line 19, to Substitute Senate Bill No. 5811.

The motion by Senator Brown carried and the amendments were adopted.

MOTION

Senator Finkbeiner moved that the following amendment be adopted:

On page 3, line 27, after "basis" insert ", except radio communications service companies not designated as eligible to receive support from the fund"

Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to the roll call on the adoption of the amendment by Senator Finkbeiner on page 3, line 27, to Substitute Senate Bill No. 5811.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 21.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 28.

#### MOTION

Senator Rossi moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 32, after "revenue" insert "and the fund shall not exceed one hundred ten million dollars"

On page 3, line 33, after "carriers" insert "or one hundred ten million dollars"

Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Rossi on page 3, lines 32 and 33, to Substitute Senate Bill No. 5811.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 22.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

#### MOTION

Senator Eide moved that the following amendment be adopted:

On page 3, after line 36, insert the following:

"(4) Any carrier that discloses on its customers' bills the effect of its contribution to the fund shall also disclose the effect, whether direct or indirect, on customers' bills of reductions in rates by eligible telecommunications carriers to offset the additional universal service support."

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Eide on page 3, after line 36, to Substitute Senate Bill No. 5811.

The motion by Senator Eide carried and the amendment was adopted on a rising vote.

#### MOTION

Senator Rossi moved that the following amendment be adopted:

On page 4, after line 18, insert the following:

"**NEW SECTION. Sec. 7.** A telecommunications carrier may not recover from any customer, group of customers or customer class more than the universal service contribution costs attributable to that customer, group of customers or customer class."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Rossi on page 4, after line 18, to Substitute Senate Bill No. 5811.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 22.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

#### MOTION

Senator Rossi moved that the following amendment be adopted:

On page 4, line 18, after "made." insert "The commission shall require eligible carriers subject to rate regulation to reduce their intrastate rates by an amount equal to any new explicit universal service support received by that carrier. To the extent possible, the commission shall require each eligible carrier subject to rate regulation to reduce rates in the same amount and manner as it recovers universal service contribution costs from its customers."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rossi on page 4, line 18, to Substitute Senate Bill No. 5811.

The motion by Senator Rossi failed and the amendment was not adopted.

#### MOTION

Senator McDonald moved that the following amendment be adopted:

On page 5, after line 14, strike everything through "act." on line 27.

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator McDonald on page 5, after line 14, to Substitute Senate Bill No. 5811.

The motion by Senator McDonald failed and the amendment was not adopted.

#### MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Substitute Senate Bill No. 5811 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF ORDER

Senator West: "Mr. President, I rise to a point of order. I submit that Engrossed Substitute Senate Bill No. 5811 requires a two-thirds vote under Initiative 601 and I would ask that the President rule accordingly. Regardless of what it may be called in the bill, in artful drafting, the term 'contribution'--the President must first decide whether it is a fee or whether it is a tax requiring a two-thirds vote. It obviously raises state revenues. The President, in the past, has ruled that there are two kinds of fees. Fees that are regulatory or fees that are license fees that cover the cost of administrating a regulatory program or user fees that are imposed on users--only those users of a public service or a public facility. Any other general government revenue would be a tax and I would ask the President there.

"Secondly, in arguing that 601 applies, I submit that because Engrossed Substitute Senate Bill No. 5811 is intended to benefit every person in the state of Washington--the general citizenry who use telephone service. It is anticipated that under this bill that would be everybody. It is a case of first impression that this is clearly, clearly a good budgeting practice that would be covered if the funding were available in the general fund, rather than in this dedicated mechanism.

"Given that it is a tax, in my opinion, it is a tax for the general welfare. Mr. President, I ask you to rule that it is subject to 601. To rule otherwise, will start this Senate and this Legislature down the road of manipulating the budget process to avoid Initiative 601 and subvert the will of the voters. Should this matter be taken to the courts, I would mention, Sir, that the Supreme Court has ruled 'In case of doubt, taxing statutes are construed most strongly against the government and in favor of the tax payer.' I can give you the cite for that case.

"It would seem that just as tax statutes are construed against the interest of those who wish to raise revenues--and in favor of taxpayers--Initiative 601 which was intended to protect taxpayers should be construed in every case of ambiguity in favor of taxpayers interest. So, for those forgoing reasons, Mr. President, I would ask that you would find that Engrossed Substitute Senate Bill No. 5811 does require a two-thirds vote on final passage."

Further debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Hargrove: "I have a point of parliamentary inquiry. It is my understanding that 601 is an Initiative of the People and not a constitutional amendment. Therefore, it can be changed by a fifty percent vote in this Legislature. If we pass a bill that changes 601 by a fifty percent vote, is that not appropriate no matter--I am not speaking to the underlying issue, whether this is a tax or not--since we are past two years?"

#### REPLY BY THE PRESIDENT

President Owen: "Senator Hargrove, in responding to your inquiry, your inquiry is not pertinent to this bill at this time, so the President would be hesitant in responding without further review of that question, because it is not relevant to the action on this bill at this time and to the point of order by Senator West."

#### REMARKS BY SENATOR SNYDER

Senator Snyder: "Thank you, Mr. President. I think the Senator from the Third District made excellent remarks on why this is not a tax, but also in considering your ruling, I know you don't rule on constitutional matters, but I think just recently--just about a year ago--the State Supreme Court ruled that term limits was unconstitutional, because you cannot--they said that you cannot amend the Constitution with an Initiative. So 601, in my opinion, cannot amend the Constitution, because that was an Initiative--Initiative 601--amended the Constitution to require a two-thirds vote. One of these days, when we get it over to the court--we tried to earlier--and they wouldn't rule on it at the time, because they said that nobody had been hurt. One of these days, when a ruling is being made that it requires two-thirds vote because it is a tax measure, I believe the court has no choice better than to throw it out."

#### REPLY BY THE PRESIDENT

President Owen: "The President is allowing significant discretion here in allowing people to debate the two sides of this, but I do think it is appropriate that we allow one more on Senator West's side. Senator McDonald, did you wish to contribute to that?"

#### REMARKS BY SENATOR McDONALD

Senator McDonald: "Yes, I do, Mr. President. I think your ruling about this not being a debate on Initiative 601 was very relevant, but I don't want to talk about that. I wanted to bring your attention, Mr. President, to the fact that the Senator from the Third District said that this was a uniform cost of doing business. That is almost exactly--"

that is exactly what a tax is--uniformly applied in the cost of doing business. This is a tax and this is not a contribution. I would ask that you rule that way."

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Engrossed Substitute Senate Bill No. 5811 was deferred.

#### MOTION

At 12:43 p.m., Senator Betti Sheldon moved that the Senate recess until 1:45 p.m.

#### POINT OF ORDER

Senator West: "A point of order, Mr. President. I understand that the Senate Rules require a ninety minute lunch break and the good Senator from the Twenty-third District has only offered us a sixty minute break and I would request that that motion be out of order, Sir, without changing the rules, so I would request that we get our ninety minute break as provided in the rules."

#### RULING BY THE PRESIDENT

President Owen: "Senator West is correct. Without suspending the rules, the motion would not be appropriate."

#### MOTION

Senator Snyder moved that Rule 15 be suspended for the remainder of the day.

EDITOR'S NOTE: Senate Rule 15 states, 'The Senate shall recess ninety minutes for lunch each working day.'

#### MOTION

Senator Johnson moved that the motion by Senator Snyder to suspend Rule 15 be tabled.

The President declared the question before the Senate to be the motion by Senator Johnson to table the motion by Senator Snyder to suspend Rule 15.

The motion by Senator Johnson failed and Rule 15 is suspended for the remainder of the day.

At 12:45 p.m., the Senate recessed until 1:45 p.m.

The Senate was called to order at 1:46 p.m. by President Owen.

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

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9049, Judy Yu, as a member of the Board of Trustees for Central Washington University, was confirmed.

#### APPOINTMENT OF JUDY YU

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 6; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Wojahn - 41.

Absent: Senators Finkbeiner, McAuliffe, McDonald, Sellar, West and Winsley - 6.

Excused: Senators McCaslin and Zarelli - 2.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Dave Irwin, who was seated on the rostrum. Mr Irwin is the past president of the Washington Friends of Higher Education and the 1999 recipient of the Henry Paley Memorial Award which recognizes individuals who embody unflinching service toward the students and faculty of independent higher education. The President thanked Mr. Irwin for giving independent higher education more than thirty years of distinguished service and inspired leadership before retiring in 1998.

Senators Thibaudeau, Heavey, Wojahn and Kohl-Welles congratulated Dave Irwin on his outstanding award.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5811, deferred on third reading earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling on the point of order raised by Senator West regarding the number of votes needed to pass Engrossed Substitute Senate Bill No. 5811, Senator West is correct in that the President's previous rulings have taken a two step approach in analyzing whether a measure constitutes an action by the Legislature that 'raises state revenues or requires revenue neutral tax shifts' under Initiative 601.

"First, the President asks whether the measure is a fee, which is not subject to a two-thirds vote, or a tax, which may be subject to a two-thirds vote. The President has defined two kinds of fees: 'regulatory' or 'license' fees that cover the cost of administering a regulatory program; and 'user' fees that are imposed only on users of a public service or facility. The stated purpose of the charge upon telecommunications carriers under Engrossed Substitute Senate Bill No. 5811 is as follows: '[to] benefit all telecommunications ratepayers in the state by ensuring that there exists a modern telecommunications network to which all citizens and business have reasonable access.' The charge upon telecommunications carriers under Engrossed Substitute Senate Bill No. 5811 is neither a license fee or a user fee, and is properly characterized as a tax.

"Second, the President asks whether the fund is a dedicated fund. Initiative 601 concerns the raising of 'state revenues.' Article VIII, section 1(c)(4) of the State Constitution defines 'general state revenues' to exclude 'moneys to be paid into and received from trust funds including but not limited to monies received from tax levied for specific purposes.....' The President also notes that under RCW 43.135.025(4) and RCW 43.135.035(4) the state expenditure limit does not include accounts outside of the state general fund.

"The President finds that the tax collected under Engrossed Substitute Senate Bill No. 5811 would be placed into a dedicated account for the sole and specific purpose of funding universal telephone service. The account is expressly not part of the state treasury nor is the account subject to appropriation.

"The President, therefore, rules that the tax is outside of the definition of 'state revenues' under RCW 43.35.035. For the foregoing reasons, the President rules that the final passage of Engrossed Substitute Senate Bill No. 5811 requires a simple majority vote.

"The President would like to comment on Senator West's remarks that this ruling may subject the budget process--in Senator West's words--to 'manipulation.' The President is bound to interpret the language of Initiative 601 to the extent that the drafters of Initiative 601 left a perceived loophole. It is for the Legislature to mend if it so desires, not the President."

Engrossed Substitute Senate Bill No. 5811 will take a simple majority vote on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5811.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5811.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5811 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Honeyford, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Morton, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Winsley and Wojahn - 32.

Voting nay: Senators Benton, Finkbeiner, Hale, Hochstatter, Horn, Johnson, McCaslin, McDonald, Oke, Roach, Rossi, Sellar, Stevens and West - 14.

Excused: Senators Deccio, Thibaudeau and Zarelli - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5811, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### STATEMENT FOR THE JOURNAL

I desire to explain my vote on final passage of Engrossed Substitute Senate Bill No. 5811 for inclusion in the Senate Journal. I meant to vote in favor of the measure today and inadvertently voted against it. I stood to be recognized in order to change my vote. The President acknowledged his failure to see me standing. Consequently, he announced the vote on the measure before I had an opportunity to change my vote.

SENATOR PAT HALE, 8th District

#### SECOND READING

SENATE BILL NO. 5268, by Senators Kohl-Welles, Long, Jacobsen, Hale, Gardner, Rossi, Thibaudeau, Prentice, Kline, Deccio, Costa, Patterson and B. Sheldon

Modifying provisions concerning metropolitan park districts.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5268 was substituted for Senate Bill No. 5268 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl-Welles, the following striking amendment by Senators Kohl-Welles, Franklin, Kline, Patterson and Hale was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 35.61 RCW to read as follows:

The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "City" means both cities and towns, including code cities.

(2) "Ex officio board of park commissioners" means the board of park commissioners of a metropolitan park district, only including a city with a population of five hundred thousand or more within its boundaries, that is composed of only the members of a

city legislative authority (including the elected mayor, if any, acting in the mayor's ordinary legislative capacity) acting ex officio and independently as provided under RCW 35.61.050(2).

(3) "Separately elected board of park commissioners" means a board of park commissioners of a metropolitan park district that is composed of five separately elected commissioners as provided under RCW 35.61.050(1) and 35.61.120(1).

(4) "Land or lands" refers to land, water, or air, or any of the rights therein or improvements thereon.

**Sec. 2.** RCW 35.61.020 and 1965 c 7 s 35.61.020 are each amended to read as follows:

(1) A ballot proposition authorizing the creation of a metropolitan park district shall be submitted by ordinance to the voters of a city with a population of at least five thousand at any general election, or at any special election which may be called for that purpose, ((or at any city election held in the city in all of the various voting precincts thereof, the city council or commission may,)) if the legislative authority of the city enacts such an ordinance after adopting a resolution proposing creation of a metropolitan park district or ((or)) if a petition ((of)) proposing creation of a metropolitan park district is submitted to the county auditor that has been signed by at least fifteen percent of the ((qualified electors of the)) registered voters residing in the city ((based upon the registration for the last preceding general city election, shall by ordinance, submit to the voters of the city the proposition of creating a metropolitan park district, the limits of which shall be)).

(2) If city voters approve the ballot proposition by a simple majority vote, a metropolitan park district shall be created that is coextensive with the limits of the city as now or hereafter established, inclusive of territory annexed to and forming a part of the city.

(3) Territory by virtue of its annexation to any city having heretofore created a park district shall be deemed to be ((within the limits of)) annexed to the metropolitan park district.

((The city council or commission shall submit the proposition at a special election to be called therefor when the petition so requests.))

**Sec. 3.** RCW 35.61.030 and 1985 c 469 s 32 are each amended to read as follows:

(1) In submitting the question to the voters for their approval or rejection, the city council or commission shall pass an ordinance declaring its intention to submit the proposition of creating a metropolitan park district to the qualified voters of the city. The ordinance shall be published once a week for two consecutive weeks in the official newspaper of the city((, and the city council or commission shall cause to be placed upon the ballot for the election, at the proper place, the)). The proposition shall appear on the ballot of the next general municipal election unless the city legislative authority by ordinance submits it at an earlier special election.

(2) The legislative authority of a city placing on the ballot a proposition ((which)) authorizing the creation of a metropolitan park district shall ((be expressed in)), in the ordinance submitting the question to the voters, choose and describe the composition of the initial metropolitan park district commission that is proposed under RCW 35.61.050. The proposition shall include the following terms:

- "For the formation of a metropolitan park district."
- "Against the formation of a metropolitan park district."

**Sec. 4.** RCW 35.61.050 and 1994 c 223 s 23 are each amended to read as follows:

(1) Except as provided under subsection (2) of this section, five park commissioners shall be elected at large as the metropolitan members of the board of park commissioners for the metropolitan park district at the same election at which the ballot proposition is submitted to the voters as to whether a metropolitan park district is to be formed((, five park commissioners shall be elected)). The election of metropolitan park commissioners shall be null and void if the metropolitan park district is not created. Candidates shall run for specific commission positions. ((No)) A primary shall not be held to nominate candidates. The person receiving the greatest number of votes for each position shall be elected as a metropolitan park commissioner. The staggering of the terms of office shall occur as follows: (((4))) (a) The two persons who are elected receiving the two greatest numbers of votes shall be elected to six-year terms of office if the election is held in an odd-numbered year or five-year terms of office if the election is held in an even-numbered year; (((2))) (b) the two persons who are elected receiving the next two greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year or three-year terms of office if the election is held in an even-numbered year; and (((3))) (c) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year.

The initial metropolitan park commissioners shall take office immediately when they are elected and qualified, and for purposes of computing their terms of office the terms shall be assumed to commence on the first day of January in the year after they are elected. Thereafter, all commissioners shall be elected to six-year terms of office at general elections held in odd-numbered years.

All commissioners shall serve until their respective successors are elected and qualified and assume office in accordance with RCW 29.04.170. Vacancies shall occur and shall be filled as provided in chapter 42.12 RCW.

(2) The ballot proposition creating a new metropolitan park district that only consists of a city with a population of five hundred thousand or more may provide for the city's legislative authority (including the elected mayor, if any, acting in the mayor's ordinary legislative capacity) to act in an ex officio and independent capacity as the board of commissioners for the metropolitan park district. An election shall not be held to elect the initial metropolitan park district commissioners if such an option is taken.

**Sec. 5.** RCW 35.61.120 and 1965 c 7 s 35.61.120 are each amended to read as follows:

(1) The officers of a metropolitan park district shall be a board of park commissioners consisting of five members unless the board is composed as permitted under RCW 35.61.050(2). The board shall annually elect one of their number as president and another of their number as clerk of the board. The composition of a board under this subsection that was created before January 1, 1999, may not be altered once the metropolitan park district has been created.

(2) The composition of a board of metropolitan park district commissioners established as permitted under RCW 35.61.050(2) may be altered to a separately elected board of park commissioners once the metropolitan park district has been created only by a majority vote of the voters in the district, and then only if the potential for such an alteration was stated in the resolution or petition to create the district.

**Sec. 6.** RCW 35.61.130 and 1969 c 54 s 1 are each amended to read as follows:

(1) A metropolitan park district has the right of eminent domain, and may purchase, acquire and condemn lands lying within or without the boundaries of ~~((said))~~ the park district, for public parks, parkways, boulevards, aviation landings and playgrounds, and may condemn such lands for any of the following purposes: (a) To widen, alter, and extend streets, avenues, boulevards, parkways, aviation landings and playgrounds~~((;))~~; (b) to alter, enlarge, and extend existing parks~~((;))~~; and (c) to acquire lands for the establishment of new parks, boulevards, parkways, aviation landings and playgrounds.

(2) The right of eminent domain shall be exercised and instituted pursuant to resolution of the board of metropolitan park commissioners and conducted in the same manner and under the same procedure as is or may be provided by law for the exercise of the power of eminent domain by ~~((incorporated))~~ cities ~~((and towns))~~ of the state of Washington in the acquisition of property rights~~((; PROVIDED;))~~. However, funds to pay for condemnation allowed by this section shall be raised only as specified in this chapter.

(3) The board of metropolitan park commissioners ~~((shall have power to))~~ may employ counsel~~((;))~~ and ~~((to))~~ regulate, manage, and control the parks, parkways, boulevards, streets, avenues, aviation landings and playgrounds under its control~~((; and to))~~.

(4) The board of metropolitan park commissioners may provide ~~((for park policemen;))~~ for a secretary of the board of metropolitan park commissioners, and for all necessary employees, ~~((to))~~ and fix their salaries and duties. In a metropolitan park district governed under RCW 35.61.050(2), the city's mayor shall serve ex officio as the chief executive officer of the metropolitan park district unless otherwise provided by the board of metropolitan park district commissioners.

(5) The board of metropolitan park commissioners ~~((shall have power to))~~ may improve, acquire, extend and maintain, open, and lay out~~((;))~~ parks, parkways, boulevards, avenues, aviation landings and playgrounds, within or without the metropolitan park district~~((; and to))~~.

(6) The board of metropolitan park commissioners may authorize, conduct, and manage the letting of boats, or other amusement apparatus, the operation of bath houses, the purchase and sale of foodstuffs or other merchandise, the giving of vocal or instrumental concerts or other entertainments, the establishment and maintenance of aviation landings and playgrounds, and the provision, establishment, operation, maintenance, and improvement of recreational facilities all on property owned by itself or others.

(7) The board of metropolitan park commissioners may provide generally for the management and conduct of such forms of recreation or business as it shall judge desirable or beneficial for the public, or for the production of revenue for expenditure for parks and recreation purposes~~((; and))~~.

(8) The board of metropolitan park commissioners may pay out moneys for: (a) The maintenance and improvement of any such parks, parkways, boulevards, avenues, aviation landings and playgrounds as now exist, or the right to which may hereafter be acquired, within or without the limits of ~~((said city and for))~~ the metropolitan park district; (b) the purchase of lands within or without the limits of ~~((said city))~~ the metropolitan park district, whenever it deems the purchase to be for the benefit of the public and for the interest of the metropolitan park district, and for the maintenance and improvement thereof; and ~~((for))~~ (c) all expenses incidental to its duties~~((; PROVIDED, That))~~. However, all parks, boulevards, parkways, aviation landings and playgrounds shall be subject to the police regulations of the city or county within whose limits they lie.

(9) The board of metropolitan park commissioners may, if and to the extent provided by section 13 of this act, contract with any entity, public or private, including the city whose voters created the district, for all or any part of its staffing, operations, and services.

**Sec. 7.** RCW 35.61.132 and 1989 c 319 s 4 are each amended to read as follows:

(1) An ex officio board of metropolitan park district commissioners is authorized, by unanimous board decision and with the approval of the legislative authority of the city within which it is located, to convey any or all of its real or personal property to that city.

(2) Except as set forth in subsection (3) of this section, every metropolitan park district may, by unanimous decision of its board of park commissioners, sell, exchange, or otherwise dispose of any real or personal property acquired for park or recreational purposes when such property is declared surplus for park or other recreational purposes: PROVIDED, That where the property is acquired by donation or dedication for park or recreational purposes, the consent of the donor or dedicator, his or her heirs, successors, or assigns is first obtained if the consent of the donor is required in the instrument conveying the property to the metropolitan park district. In the event the donor or dedicator, his or her heirs, successors, or assigns cannot be located after a reasonable search, the metropolitan park district may petition the superior court in the county where the property is located for approval of the sale. If sold, all sales shall be by public bids and sale made only to the highest and best bidder.

(3) In addition to the conditions contained in subsection (2) of this section, a metropolitan park district with an ex officio board of park commissioners shall not declare surplus its real property acquired for park or recreational purposes without first having offered to donate that property to the city within which it is located.

**Sec. 8.** RCW 35.61.150 and 1998 c 121 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, metropolitan park commissioners shall perform their duties and may provide, by resolution passed by the commissioners, for the payment of compensation to each of its commissioners at a rate of up to seventy dollars for each day or portion of a day devoted to the business of the district. However, the compensation for each commissioner must not exceed six thousand seven hundred twenty dollars per year. Any commissioner may waive all or any portion of his or her compensation payable under this subsection as to any month or months during his or her term of office, by a written waiver filed with the clerk of the board. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(2) Metropolitan park commissioners who serve in an ex officio capacity shall perform their duties as park commissioners without additional compensation. However, the city treasurer may not charge a greater amount for treasury services than permitted the county treasurer for similar services under RCW 36.29.020.

**Sec. 9.** RCW 35.61.180 and 1987 c 203 s 1 are each amended to read as follows:

~~((The county treasurer of the county within which all, or the major portion, of the district lies shall be the ex officio treasurer of a metropolitan park district, but shall receive no compensation other than his or her regular salary for receiving and disbursing the funds of a metropolitan park district.))~~ (1) The treasurer of a metropolitan park district shall be the city treasurer of the most populated city included in the district's boundaries. The city treasurer, when acting as the treasurer of a metropolitan park district, shall receive no compensation other than his or her regular salary for acting as the treasurer of the metropolitan park district.

(2) Notwithstanding the provisions of subsection (1) of this section, a metropolitan park district may designate someone other than the ((county)) city treasurer who has experience in financial or fiscal affairs to act as the district treasurer if the board has received the approval of the ((county)) city treasurer to designate this person. If the board designates someone other than the ((county)) city treasurer to act as the district treasurer, the board shall purchase a bond from a surety company operating in the state that is sufficient to protect the district from loss. A district treasurer so designated shall possess all powers relating to the metropolitan park district that are possessed by the city treasurer, other than the authority to collect property taxes.

(3) Notwithstanding RCW 35.61.210, general taxes of the metropolitan park district shall be distributed to the treasurer of the metropolitan park district by the county treasurer as is done for cities.

**Sec. 10.** RCW 35.61.200 and 1983 c 167 s 56 are each amended to read as follows:

Any coupons for the payment of interest on metropolitan park district bonds shall be considered for all purposes as warrants drawn upon the metropolitan park district fund against which the bonds were issued, and when presented after maturity to the treasurer of the ~~((county having custody of the fund))~~ metropolitan park district. If there are no funds in the treasury to pay the coupons, the ~~((county))~~ metropolitan park district treasurer shall endorse ~~((said))~~ the coupons as presented for payment, in the same manner as county warrants are endorsed, and thereafter the coupon shall bear interest at the same rate as the bond to which it was attached. If there are no funds in the treasury to make payment on a bond not having coupons, the interest payment shall continue bearing interest at the bond rate until it is paid, unless otherwise provided in the proceedings authorizing the sale of the bonds.

**Sec. 11.** RCW 35.61.250 and 1985 c 416 s 4 are each amended to read as follows:

(1) The territory adjoining a metropolitan park district with a separately elected board of park commissioners may be annexed to and become a part ~~((thereof upon))~~ of the metropolitan park district under a petition and ~~((an))~~ election ~~((held pursuant thereto))~~ method of annexation. The petition shall define the territory proposed to be annexed and must be signed by twenty-five registered voters, resident within the territory proposed to be annexed, unless the territory is within the limits of another city when it must be signed by twenty percent of the registered voters residing within the territory proposed to be annexed. The petition must be

addressed to the board of park commissioners requesting that the question be submitted to the legal voters of the territory proposed to be annexed, whether they will be annexed and become a part of the metropolitan park district.

(2) A metropolitan park district with an ex officio board of park commissioners as provided under RCW 35.61.050(2) may not annex territory under the provisions of RCW 35.61.250 through 35.61.280 and shall maintain boundaries identical with those of the city in which it is located, including any territory annexed by the city.

**Sec. 12.** RCW 35.61.290 and 1985 c 416 s 5 are each amended to read as follows:

(1)(a) Except as set forth in (b) of this subsection, any city within or comprising any metropolitan park district may turn over to the park district any lands, facilities, equipment, or interests in any lands, facilities, or equipment which it may own, or any street, avenue, or public place within the city for playground, park or parkway purposes, and thereafter its control and management shall vest in the board of metropolitan park commissioners(~~(: PROVIDED, That)~~). However, the police regulations of ((such)) the city, or the county should the premises be outside the city limits, shall apply to all such premises.

(b) A metropolitan park district created with an ex officio board of park commissioners shall never become the owner of a park that, at the time of creation of the district, was owned by the city in which the metropolitan park district was created. Additionally, the legislative authority of a city in which a metropolitan park district with an ex officio board of park commissioners is created may contract with that district for overall management and operation of any city parks and recreation facilities or lease any city parks and recreation facilities to that district only after the city legislative authority holds a public hearing on the proposed lease or proposed management and operation by the metropolitan park district. At least ten days prior to the hearing, there shall be published a public notice setting forth the date, time, and place of the hearing, at least once in a local newspaper of general circulation. Notice of the hearing shall also be mailed or otherwise delivered to all who would be entitled to notice of a special meeting of the city legislative authority under RCW 42.30.080. The notice shall identify the parks and recreation facilities involved. The terms and conditions under which the city proposes to lease to the metropolitan park district or contract with the metropolitan park district for management and operation shall be available upon request from and after the date of publication of the hearing notice and at the hearing, but after the public hearing the city legislative authority may amend the proposed terms and conditions at open public meetings.

(2) At any time that any such metropolitan park district is unable, through lack of sufficient funds, to provide for the continuous operation, maintenance, and improvement of the parks and playgrounds and other properties or facilities owned by it or under its control, and the legislative body of any city within or comprising such metropolitan park district shall determine that an emergency exists requiring the financial aid of such city to be extended in order to provide for such continuous operation, maintenance, and/or improvement of parks, playgrounds facilities, other properties, and programs of such park district within its limits, ((such)) the city may grant or loan to ((such)) the metropolitan park district such of its available funds, or such funds which it may lawfully procure and make available, as it shall find necessary to provide for such continuous operation and maintenance and, pursuant thereto, any ((such)) city and the board of park commissioners of ((such)) the metropolitan park district are authorized and empowered to enter into an agreement embodying such terms and conditions of any such grant or loan as may be mutually agreed upon.

(3) The board of metropolitan park commissioners may accept public streets of the city and grounds for public purposes when donated for park, playground, boulevard and park purposes.

~~((2))~~ (4) Counties may turn over to ((the)) a metropolitan park district any park and recreation lands and parks and recreation facilities and equipment or interests in any lands, facilities, or equipment that they own, and the board of metropolitan park commissioners may accept such lands and equipment or interests in any lands, facilities, or equipment.

**NEW SECTION. Sec. 13.** A new section is added to chapter 35.61 RCW to read as follows:

(1) A metropolitan park district governed under RCW 35.61.050(2) may contract with a nonprofit corporation or other public or private organization, including the city whose voters created the district, to manage or carry out any of its operations, except that no for-profit entity may have a contract for the overall management and operation of any parks and recreation facilities. No such contract for the overall management and operation of any park and recreation facility shall have an initial term or any renewal term longer than thirty years but may be renewed by the ex officio board of park commissioners upon the expiration of an initial or any renewal term. A metropolitan park district governed under RCW 35.61.050(2) may, however, grant and may authorize the managing and operating entity to grant to any nonprofit corporation or other public or private organization franchises or concessions that further the public use and enjoyment of parks and recreation facilities.

(2) Before approving each initial and any renewal contract with a nonprofit corporation for the overall management and operation of any parks and recreation facilities, the ex officio board of metropolitan park commissioners shall hold a public hearing on the proposed management and operation by such a nonprofit corporation. At least ten days prior to the hearing, there shall be published a public notice setting forth the date, time, and place of the hearing, at least once in a local newspaper of general circulation. Notice of the hearing shall also be mailed or otherwise delivered to all who would be entitled to notice of a special meeting of the board under RCW 42.30.080. The notice shall identify the parks and recreation facilities involved and the nonprofit

corporation proposed for management and operation under contract with the metropolitan park district. The terms and conditions under which the metropolitan park district proposes to contract with the nonprofit corporation for management and operation shall be available upon request from and after the date of publication of the hearing notice and at the hearing, but after the public hearing the board of metropolitan park commissioners may amend the proposed terms and conditions at open public meetings.

(3) A metropolitan park district governed under RCW 35.61.050(2) shall contract with the city whose voters created the district to carry out all of the metropolitan park district's management and operations except for the management and operation of parks and recreation facilities for which the metropolitan park district has a contract with another public agency or a nonprofit corporation under subsection (1) or (2) of this section. The contract with the city may provide for its termination if the metropolitan park district commissioners approve a contract with another entity under subsection (1) or (2) of this section.

(4) The nonprofit corporation or other public organization with responsibility for overall management or operation of any parks and recreation facilities may in carrying out that responsibility manage and supervise employees of the metropolitan park district governed under RCW 35.61.050(2) and may hire, fire, and otherwise discipline those employees. A civil service established under RCW 35.61.140 may include such management and supervision by persons not employed by the metropolitan park district.

**NEW SECTION. Sec. 14.** A new section is added to chapter 35.61 RCW to read as follows:

(1) Notwithstanding any provisions to the contrary contained in a city charter, and to the extent provided by the city under an appropriate legislative enactment, some or all employees of a metropolitan park district with an ex officio board of park commissioners may be included in the retirement plan of a city that shares territory with the metropolitan park district if they were previously employed by the city and were members of its retirement plan. The city and metropolitan park district are each authorized to pay the parts of the expense of operating and maintaining the retirement system and to contribute to the retirement fund on behalf of employees those sums as may be agreed upon between the legislative authorities of the city and the metropolitan park district, but a proportionate share of system expenses must be borne by or on behalf of the metropolitan park district employees.

(2) In a metropolitan park district with an ex officio board of park commissioners, neither the chief executive officer nor officers chiefly responsible for operating a facility or program, as designated by the board of metropolitan park commissioners, shall be members of the civil service that may be established under RCW 35.61.140.

**Sec. 15.** RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows: (a) The portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; (b) if the combined rate of regular property tax levies subject to the one percent limitation in a county containing a metropolitan park district governed under RCW 35.61.050(2) still exceeds one percent of the true and fair value of any property, then the remaining levy for that metropolitan park district shall be reduced until the combined rate no longer exceeds one percent or shall be eliminated; (c) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and ~~((e))~~ (d) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under RCW 84.55.012.

**NEW SECTION. Sec. 16.** A new section is added to chapter 35.61 RCW to read as follows:

Notwithstanding any other provision of this chapter, but without eliminating or overriding the requirements for unanimous board action and consent under RCW 35.61.132, the voters of a metropolitan park district governed under RCW 35.61.050(2) have the power to initiate and refer to themselves legislation to prevent or authorize the disposition of specified real property of the district. The powers of initiative and referendum within this subject area shall be exercised in the same manner and with the same effect as permitted for the voters of the city with which the metropolitan park district shares its boundaries.

**NEW SECTION. Sec. 17.** A new section is added to chapter 35.61 RCW to read as follows:

Notwithstanding any other provision of this chapter, but without eliminating or overriding the requirements for unanimous board action and consent contained in RCW 35.61.132 for the disposition of property, the voters of a metropolitan park district governed under RCW 35.61.050(2) shall have the power, within the scope of the functions of such a metropolitan park district, to initiate and refer to themselves legislation to the same extent and on the same matters as do the voters of the city with which the metropolitan park district shares its boundaries. These powers of initiative and referendum shall be exercised in the same manner and with the same effect as permitted for the voters of that city."

## MOTIONS

On motion of Senator Kohl-Welles, the following title amendment was adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 35.61.020, 35.61.030, 35.61.050, 35.61.120, 35.61.130, 35.61.132, 35.61.150, 35.61.180, 35.61.200, 35.61.250, 35.61.290, and 84.52.010; and adding new sections to chapter 35.61 RCW."

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 5268 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5268.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5268 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Costa, Deccio, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 32.

Voting nay: Senators Benton, Brown, Fairley, Hargrove, Heavey, Hochstatter, Honeyford, Horn, McAuliffe, McCaslin, Roach, Sellar, Sheahan, Sheldon, T., Stevens and Zarelli - 16.

Absent: Senator Eide - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5268, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Deccio, Senator Hale was excused.

#### SECOND READING

SENATE BILL NO. 5957, by Senators Johnson, B. Sheldon, McDonald, Hale, Deccio, Costa, Wojahn and Roach

Requiring country of origin labeling for bulk fruits and vegetables for retail sale.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5957 was substituted for Senate Bill No. 5957 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the following amendments by Senators Rasmussen, Johnson and Stevens were considered simultaneously and were adopted:

On page 2, line 2, delete "thirteen" and insert "fourteen"

On page 2, line 31, after "senate;" insert:

"(k) A representative of food manufacturers, appointed by agreement of the co-speakers of the house of representatives and the president of the senate;"

Renumber the subsections consecutively and correct any internal references accordingly.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 5957 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5957.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5957 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Hale - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5957, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Deccio, Senator McCaslin was excused.

## SECOND READING

SENATE BILL NO. 5631, by Senators Wojahn, Winsley, Fairley and Costa

Increasing the amount of allowable vocational rehabilitation benefits.

The bill was read the second time.

## MOTIONS

On motion of Senator Fairley, the following Committee on Labor and Workforce Development amendments were considered simultaneously and were adopted:

On page 2, line 26, after "equipment," strike all material through "care,)" and insert "((transportation,)) child or dependent care,"

On page 2, beginning on line 29, after "transportation" strike all material through "care, on line 30"

On motion of Senator Fairley, the rules were suspended, Engrossed Senate Bill No. 5631 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5631.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5631 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Hale and McCaslin - 2.

ENGROSSED SENATE BILL NO. 5631, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5703, by Senator Hargrove

Allowing for the use of funds to dredge marine recreation land.

The bill was read the second time.

## MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5703 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5703.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5703 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senator Fraser - 1.

Absent: Senator Brown - 1.

Excused: Senators Hale and McCaslin - 2.

SENATE BILL NO. 5703, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5613, by Senators Jacobsen and Fraser

Identifying a state-wide salmon recovery strategy.

The bill was read the second time.

## MOTION

Senator Morton moved that the following amendment by Senators Morton, Swecker and Honeyford be adopted:

On page 3, line 25, after "which" strike "build upon a foundation of clear, enforceable standards" and insert "rely on the existing statutory enforcement structure"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Morton, Swecker and Honeyford on page 3, line 25, to Senate Bill No. 5613.

The motion by Senator Morton carried and the amendment was adopted.

## MOTION

Senator Morton moved that the following amendment by Senators Morton, Swecker and Honeyford be adopted:

On page 3, line 37, after "working," strike "require" and insert "recommend"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Morton, Swecker and Honeyford on page 3, line 37, to Senate Bill No. 5613.

The motion by Senator Morton carried and the amendment was adopted.

## MOTION

Senator Morton moved that the following amendment by Senators Morton, Swecker and Honeyford be adopted:

On page 4, line 1, after "management, and" strike "establish" and insert "recommend to the legislature"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Morton, Swecker and Honeyford on page 4, line 1, to Senate Bill No. 5613.

The motion by Senator Morton carried and the amendment was adopted.

## MOTION

Senator Honeyford moved that the following amendment by Senators Honeyford and Jacobsen be adopted:

On page 4, after line 18, insert the following:

**"Sec. 4.** RCW 75.46.080 and 1998 c 246 s 9 are each amended to read as follows:

(1) Representatives from the conservation commission, the department of transportation, and the department of fish and wildlife shall establish an interagency review team. Except as provided in subsection (6) of this section, habitat restoration project lists shall be submitted to the interagency review team by January 1st and July 1st of each year beginning in 1999.

(2) If no lead entity has been formed under RCW 75.46.060, the interagency review team shall rank, prioritize, and dispense funds for habitat restoration projects by giving preference to the projects that:

- (a) Provide a greater benefit to salmon recovery;
- (b) Will be implemented in a more critical area;
- (c) Are the most cost-effective;
- (d) Have the greatest matched, or in-kind funding; and
- (e) Will be implemented by a sponsor with a successful record of project implementation.

(3) If a lead entity established under RCW 75.46.060 has been formed, the interagency review team shall evaluate project lists and may remove, but not add, projects from a habitat project list.

(4) The interagency review team shall provide a summary of funding for habitat restoration project lists to the governor and to the legislature by December 1st of each year.

(5) The interagency review team may annually establish a maximum amount of funding available for any individual project, subject to available funding. The interagency review team shall attempt to assure a geographical balance in assigning priorities to projects.

(6) For fiscal year 1998, the department of fish and wildlife, the conservation commission, and the department of transportation may authorize, subject to appropriations, expenditures for projects that have been developed to restore salmon habitat before completion of the project lists required in RCW 75.46.060(2).

(7) Where a lead entity has been established pursuant to RCW 75.46.060, the interagency review team may provide block grants to the lead entity, subject to available funding.

(8) Prior to finalizing funding decisions under the provisions of this section, the interagency review team shall consult with interests representing irrigated and non-irrigated agriculture, sport and commercial fishing interests, large and small scale timber interests, conservation districts, and county and city governmental interests."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Honeyford and Jacobsen on page 4, line 18, to Senate Bill No. 5613.

The motion by Senator Honeyford carried and the amendment was adopted.

## MOTION

Senator Swecker moved that the following amendment by Senators Swecker and Jacobsen be adopted:

On page 4, after line 18, insert the following:

**"Sec. 4.** RCW 75.46.060 and 1998 c 246 s 7 are each amended to read as follows:

(1)(a) Counties, cities, and tribal governments must jointly designate, by official resolution, the area for which a habitat restoration project list is to be developed and the lead entity that is to be responsible for submitting the habitat restoration project list. No project included on a habitat restoration project list shall be considered mandatory in nature and no private landowner may be forced or coerced into participation in any respect. The lead entity may be a county, city, conservation district, special district, tribal government, or other entity.

(b) The lead entity shall establish a committee that consists of representative interests of counties, cities, conservation districts, tribes, environmental groups, business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other restoration interests. The purpose of the committee is to provide a citizen-based evaluation of the projects proposed to promote salmon habitat restoration. The interagency review team may provide the lead entity with organizational models that may be used in establishing the committees.

(c) The committee shall compile a list of habitat restoration projects, establish priorities for individual projects, define the sequence for project implementation, and submit these activities as the habitat restoration project list. The committee shall also identify potential federal, state, local, and private funding sources.

(d) Projects that include use of side channels, off-stream rearing enhancement, improvement in over-wintering habitat, or use of acclimation ponds shall receive consideration for funding.

(2) The area covered by the habitat project list must be based, at a minimum, on a WRIA, combination of WRIs, an evolutionarily significant unit, or any other area as agreed to by the counties, cities, and tribes meeting the requirements of this subsection. Preference will be given to projects in an area that contain a salmon species that is listed or proposed for listing under the federal endangered species act.

**Sec. 5.** RCW 75.46.080 and 1998 c 246 s 9 are each amended to read as follows:

(1) Representatives from the conservation commission, the department of transportation, and the department of fish and wildlife shall establish an interagency review team. Except as provided in subsection ~~((6))~~ (7) of this section, habitat restoration project lists shall be submitted to the interagency review team by January 1st and July 1st of each year beginning in 1999.

(2) If no lead entity has been formed under RCW 75.46.060, the interagency review team shall rank, prioritize, and dispense funds for habitat restoration projects by giving preference to the projects that:

- (a) Provide a greater benefit to salmon recovery;
- (b) Will be implemented in a more critical area;
- (c) Are the most cost-effective;
- (d) Have the greatest matched, or in-kind funding; and
- (e) Will be implemented by a sponsor with a successful record of project implementation.

(3) Projects that include use of side channels, off-stream rearing enhancement, improvement in over-wintering habitat, or use of acclimation ponds shall receive consideration for funding under the provisions of this section.

(4) If a lead entity established under RCW 75.46.060 has been formed, the interagency review team shall evaluate project lists and may remove, but not add, projects from a habitat project list.

~~((4))~~ (5) The interagency review team shall provide a summary of funding for habitat restoration project lists to the governor and to the legislature by December 1st of each year.

~~((5))~~ (6) The interagency review team may annually establish a maximum amount of funding available for any individual project, subject to available funding. The interagency review team shall attempt to assure a geographical balance in assigning priorities to projects.

~~((6))~~ (7) For fiscal year 1998, the department of fish and wildlife, the conservation commission, and the department of transportation may authorize, subject to appropriations, expenditures for projects that have been developed to restore salmon habitat before completion of the project lists required in RCW 75.46.060(2).

~~((7))~~ (8) Where a lead entity has been established pursuant to RCW 75.46.060, the interagency review team may provide block grants to the lead entity, subject to available funding."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Swecker and Jacobsen on page 4, line 18, to Senate Bill No. 5613.

The motion by Senator Swecker carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, on line 2 of the title, after "75.46.005", strike "and 75.46.040" and insert "75.46.040, 75.46.060, and 75.46.080"

On motion of Senator Jacobsen, the rules were suspended, Engrossed Senate Bill No. 5613 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5613.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5613 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

ENGROSSED SENATE BILL NO. 5613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5595, by Senators Jacobsen and Fraser

Establishing the salmon recovery funding board.

MOTIONS

On motion of Senator Jacobsen, Second Substitute Senate Bill No. 5595 was substituted for Senate Bill No. 5595 and the second substitute bill was placed on second reading and read the second time.

Senator Tim Sheldon moved that the following amendment by Senators Tim Sheldon and Jacobsen be adopted:

On page 5, line 13, delete "a greater portion to protection of habitat than to" and insert "funding to both protection and"  
Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Tim Sheldon and Jacobsen on page 5, line 13, to Second Substitute Senate Bill No. 5595.

The motion by Senator Tim Sheldon carried and the amendment was adopted.

MOTION

Senator Honeyford moved that the following amendment by Senators Honeyford and Jacobsen be adopted:

On page 5, line 27, after "information." insert "Prior to finalizing funding decisions under the provisions of this chapter, the board shall consult with interests representing irrigated and non-irrigated agriculture, sport and commercial fishing interests, large and small scale timber interests, conservation districts, and county and city governmental interests."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Honeyford and Jacobsen on page 5, line 27, to Second Substitute Senate Bill No. 5595.

The motion by Senator Honeyford carried and the amendment was adopted.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5595 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Winsley: "Senator Swecker, speaking of all those envelopes, is it true you keep them under the mattress?"

Senator Swecker: "Well, you have Y2K you know. You have to be careful."

Further debate ensued.

CALL FOR PREVIOUS QUESTION

Senators Snyder, Betti Sheldon and Goings called for the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The motion carried and the call for the previous question carried.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5595.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5595 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 35.

Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Johnson, McCaslin, McDonald, Morton, Roach, Sellar, Sheahan, Stevens, Swecker and Zarelli - 14.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5595, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PARLIAMENTARY INQUIRY

Senator McCaslin: "A parliamentary inquiry, Mr. President. Since the Senator from the Sixth District, who shall remain nameless, brought up a rule that we couldn't address each other by our names, but rather by our district, I am looking at Rule 39 and it states 'Yeas and

Nays' although we answer 'Aye and 'No,' and I wonder if we are actually following the rules of the Senate. Now, it is a serious question, Mr. President, because the Senator from the Sixth District was raising the points that we cannot address our fellow Senators by name, but only by district, while on the reader board, it names names and not districts, so it is confusing to someone who has been here a short time--as myself. Although you don't have to rule at the present time, Mr. President, I would appreciate a ruling at some later date."

#### REPLY BY THE PRESIDENT

President Owen: "The President will take it under advisement."

Senator McCaslin: "And I thank you."

#### SECOND READING

SENATE BILL NO. 5683, by Senators Jacobsen, Swecker, T. Sheldon, Oke, Fraser, Eide, Rossi and Winsley

Creating the Puget Sound foundation to facilitate salmon recovery funding.

#### MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5683 was substituted for Senate Bill No. 5683 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5683 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5683.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5683 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Voting nay: Senator Loveland - 1.

SUBSTITUTE SENATE BILL NO. 5683, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5000, by Senators Rossi, Hochstatter and Patterson

Authorizing salmon species enrichment license plates.

MOTIONS

On motion of Senator Rossi, Substitute Senate Bill No. 5000 was substituted for Senate Bill No. 5000 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the following amendments by Senators Haugen and Rossi were considered simultaneously and were adopted:

On page 2, line 7, after "perpetuation," insert "education,"

On page 2, line 13, after "perpetuation," insert "education,"

On page 2, line 27, after "perpetuation," insert "education,"

MOTION

On motion of Senator Rossi, the rules were suspended, Engrossed Substitute Senate Bill No. 5000 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Tim Sheldon: "Senator Rossi, it is a very interesting bill--endangered species--the salmon and the manatee. Is there anything, any provision for other endangered species, mainly the male members of the Senate Democratic Caucus?"

Senator Rossi: "At this time, Senator Sheldon, no, but I do agree the male species of the Democratic Caucus are endangered and I'll work with you in the future on legislation to raise money."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5000.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5000 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senators Kline and Snyder - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5000, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5611, by Senators Thibaudeau, Kline, Prentice, Winsley and Costa (by request of Insurance Commissioner Senn)

Regulating medicare supplement insurance.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5611 was substituted for Senate Bill No. 5611 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5611 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5611.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5611 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senators Hochstatter and Kline - 2.

SUBSTITUTE SENATE BILL NO. 5611, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5557, by Senators Hargrove, Long, Costa, Patterson, Kohl-Welles, Prentice, Thibaudeau, Franklin, Snyder, Bauer, Jacobsen, Winsley, Brown, Kline and Rasmussen

Providing residential placement and transitional living services to street youth.

#### MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Bill No. 5557 was substituted for Senate Bill No. 5557 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendment by Senators Hargrove, Long and Loveland was adopted:

On page 21, beginning on line 3, strike all material down to and including line 29 on page 22 and insert the following:

**NEW SECTION. Sec. 11.** A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax under this chapter, a credit is authorized for each person equal to fifty percent of approved amounts donated to a HOPE educational financial assistance program under section 13 of this act during the calendar year. The amount of the credit shall not exceed five thousand dollars for any person for any calendar year.

(2) No credit may be taken under this section unless the credit is first approved by the department. Application for the credit shall be made in the form and manner prescribed by rules adopted by the department. Total credits approved by the department for any calendar year under this section and section 12 of this act shall not exceed two hundred fifty thousand dollars.

(3) The credit shall be taken against taxes due for the same calendar year in which the amounts for which credit is claimed were paid. A credit must be claimed by the due date of the last tax return for the calendar year in which the payment is made. No credit may be carried back or forward to a different calendar year.

(4) No credit may be taken under this section for amounts for which a credit is taken under section 12 of this act.

**NEW SECTION. Sec. 12.** A new section is added to chapter 82.16 RCW to read as follows:

(1) In computing tax under this chapter, a credit is authorized for each person equal to fifty percent of approved amounts donated to a HOPE educational financial assistance program under section 13 of this act during the calendar year. The amount of the credit shall not exceed five thousand dollars for any person for any calendar year.

(2) No credit may be taken under this section unless the credit is first approved by the department. Application for the credit shall be made in the form and manner prescribed by rules adopted by the department. Total credits approved by the department for any calendar year under this section and section 11 of this act shall not exceed two hundred fifty thousand dollars.

(3) The credit shall be taken against taxes due for the same calendar year in which the amounts for which credit is claimed were paid. A credit must be claimed by the due date of the last tax return for the calendar year in which the payment is made. No credit may be carried back or forward to a different calendar year.

(4) No credit may be taken under this section for amounts for which a credit is taken under section 11 of this act.

**NEW SECTION. Sec. 13.** A new section is added to chapter 28B.80 RCW to read as follows:

(1) HOPE educational financial assistance programs may be established by private nonprofit organizations and may qualify for the purposes of receiving contributions under sections 11 and 12 of this act upon approval of the board. Educational financial assistance from these programs may be used only for assistance for former street youth who qualify under subsection (2) of this section.

(2) Only former street youth who have been residents of a HOPE center as defined in RCW 74.15.020 and who have received transitional living services as defined in RCW 74.15.020 may apply for and receive educational financial assistance under this section. The educational financial assistance may be used for expenses

incurred in conjunction with enrollment in any institution of higher education in the state. Yearly educational financial assistance under this section is limited to an amount equal to the highest yearly undergraduate resident tuition charged by a public institution of higher education within the state, and may only be provided to an individual twice in any four-year period. The assistance shall take into account family and other financial resources available to the individual."

Renumber the sections consecutively and correct any internal references accordingly.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5557 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5557.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5557 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5557, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

#### MOTION

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

#### SENATE RESOLUTION 1999-8650

By Senators Hale, Loveland, Sheahan and Rasmussen

WHEREAS, Cancer kills more than one-half million Americans each year; and  
WHEREAS, Conventional treatments for cancer are costly, time-consuming, and can have harmful side effects; and

WHEREAS, Clinical trials are currently underway to develop alternative cancer treatments using radioisotopes to effectively destroy cancer cells while leaving most healthy cells intact; and

WHEREAS, Success of these new treatment techniques have indicated the need for a dependable supply of radioisotopes; and WHEREAS, The United States has not produced enough radioisotopes to meet the demand; and

WHEREAS, Patients in Seattle were refused prostate cancer treatment due to lack of medical isotopes; and

WHEREAS, Promising research was stopped due to the lack of supply of medical isotopes; and  
WHEREAS, Numerous independent studies have suggested that the Fast Flux Test Facility (FFTF) at Hanford could be used to produce cancer-curing medical isotopes; and

WHEREAS, The FFTF is presently being maintained in a stand-by mode; and

WHEREAS, The U.S. Department of Energy has announced their decision to further evaluate the FFTF for civilian means which include medical isotope production, advanced material research and other research and development programs;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and applaud the federal plans to fully evaluate the FFTF for use in meeting critical national research needs.

Senators Hale and Loveland spoke to Senate Resolution 1999-8650.

#### MOTION

At 4:13 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 6:00 p.m.

The Senate was called to order at 6:10 p.m. by President Owen.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5810, by Senators Fraser, T. Sheldon and Swecker

Allowing for the regulation of flowing wells within city limits.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5810 was substituted for Senate Bill No. 5810 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5810 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Honeyford, Senator Sellar was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5810.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5810 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 34.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hochstatter, Honeyford, Horn, McCaslin, Morton, Roach, Rossi, Sheahan, Stevens, West and Zarelli - 14.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5810, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

SENATE BILL NO. 6032, by Senators Spanel, Honeyford and Gardner

Granting the department of revenue the authority to issue direct payment permits.

#### MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 6032 was substituted for Senate Bill No. 6032 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 6032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6032.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6032 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator McAuliffe - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5519, by Senators Horn, Haugen, McCaslin, Heavey and Winsley

Calculating the time limits for local project review under the growth management act.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5519 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Franklin, Senators Bauer and Loveland were excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5519.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5519 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 33.

Voting nay: Senators Benton, Finkbeiner, Goings, Hale, Hargrove, Heavey, Hochstatter, Roach, Rossi, Sheahan, Sheldon, T., Stevens and Zarelli - 13.

Excused: Senators Bauer, Loveland and Sellar - 3.

SENATE BILL NO. 5519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5682, by Senator Brown

Authorizing local governments to require that septic systems be removed in areas designated as having a critical recharging effect for an aquifer that is the primary drinking water source for a city of over 150,000 population.

The bill was read the second time.

## MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 5682 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5682.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5682 and the bill failed to passed the Senate by the following vote: Yeas, 20; Nays, 26; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Costa, Eide, Fairley, Fraser, Gardner, Goings, Haugen, Jacobsen, Kline, Kohl-Welles, McAuliffe, Patterson, Rasmussen, Sheahan, Sheldon, B., Snyder, Spanel, Thibaudeau and Wojahn - 20.

Voting nay: Senators Benton, Deccio, Finkbeiner, Franklin, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Prentice, Roach, Rossi, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 26.

Excused: Senators Bauer, Loveland and Sellar - 3.

SENATE BILL NO. 5682, having failed to receive the constitutional majority, was declared lost.

President Owen assumed the Chair.

## SECOND READING

SENATE BILL NO. 5866, by Senators Fraser, Prentice, Kline and Kohl-Welles (by request of Department of Agriculture)

Eliminating component registration of fertilizer products.

## MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5866 was substituted for Senate Bill No. 5866 and the substitute bill was placed on second reading and read the second time.

Senator Fraser moved that the following striking amendment by Senators Fraser, Morton and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 15.54.325 and 1998 c 36 s 4 are each amended to read as follows:

(1) No person may distribute in this state a commercial fertilizer until it has been registered with the department by the producer, importer, or packager of that product. A bulk fertilizer does not require registration if all commercial fertilizer products contained in the final product are registered.

(2) An application for registration shall be made on a form furnished by the department and shall be accompanied by a fee of twenty-five dollars for each product. Labels for each product shall accompany the application. All companies planning to mix customer-formula fertilizers shall include the statement "customer-formula grade mixes" under the column headed "product name" on the product registration application form. All customer-formula fertilizers sold under one brand name shall be considered one product.

(3) An application for registration shall include the following:

(a) The product name;

(b) The brand and grade;

(c) The guaranteed analysis;

(d) Name, address, and phone number of the registrant;

(e) Labels for each product being registered;

(f) Identification of those products that are (i) waste-derived fertilizers, (ii) micronutrient fertilizers, or (iii) fertilizer materials containing phosphate;

~~(g) ((Identification of the fertilizer components in the commercial fertilizer product and verification that all the components are registered. If any of the components are not registered, then the application must include))~~ The concentration of each metal, for which standards are established under RCW 15.54.800, in each ((fertilizer component, for which standards are established under RCW 15.54.800)) product being registered;

(h) Waste-derived fertilizers and micronutrient fertilizers shall include at a minimum, information to ensure the product complies with chapter 70.105 RCW and the resource conservation and recovery act, 42 U.S.C. Sec. 6901 et seq.; and

(i) Any other information required by the department by rule.

(4) If an application for renewal of the product registration provided for in this section is not filed prior to July 1st of any one year, a penalty of ten dollars per product shall be assessed and added to the original fee and shall be paid by the applicant before the renewal registration shall be issued. The assessment of this late collection fee shall not prevent the department from taking any other action as provided for in this chapter. The penalty shall not apply if the applicant furnishes an affidavit that he or she has not distributed this commercial fertilizer subsequent to the expiration of his or her prior registration.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fraser, Morton and Swecker to Substitute Senate Bill No. 5866.

The motion by Senator Fraser carried and the striking amendment was adopted.

## MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 15.54.325; providing an effective date; and declaring an emergency."

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 5866 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5866.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5866 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senators Kohl-Welles and Thibaudeau - 2.

Excused: Senators Bauer, Loveland and Sellar - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5866, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5821, by Senators Eide, Morton, Patterson, Swecker, McAuliffe and Fraser

Establishing a state-wide licensing program for persons who design on-site wastewater treatment systems.

## MOTIONS

On motion of Senator Fraser, Second Substitute Senate Bill No. 5821 was substituted for Senate Bill No. 5821 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Second Substitute Senate Bill No. 5821 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5821.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5821 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 32.

Voting nay: Senators Benton, Deccio, Hochstatter, Honeyford, Johnson, McCaslin, McDonald, Morton, Roach, Rossi, Sheahan, Stevens, West and Zarelli - 14.

Excused: Senators Bauer, Loveland and Sellar - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5821, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE JOINT MEMORIAL NO. 8010, by Senators Jacobsen and Oke

Requesting support for the full appropriation to fund state aquatic nuisance species management plans.

The joint memorial was read the second time.

## MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Joint Memorial No. 8010 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8010.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8010 and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Bauer, Loveland and Sellar - 3.

SENATE JOINT MEMORIAL NO. 8010, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE BILL NO. 5307, by Senators Jacobsen, Swecker, Fraser and Kline (by request of Commissioner of Public Lands Belcher)

Concerning reclamation of underground mine tailings.

The bill was read the second time.

## MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5307 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5307.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5307 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Bauer, Loveland and Sellar - 3.

SENATE BILL NO. 5307, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5340, by Senators Haugen, Benton, Jacobsen, Oke and Gardner (by request of Utilities and Transportation Commission)

Granting the utilities and transportation commission authority to inspect businesses that ship hazardous material by rail.

## MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5340 was substituted for Senate Bill No. 5340 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5340.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5340 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Bauer, Loveland and Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5099, by Senators Haugen, Sellar, Rasmussen, Benton, Oke, Gardner, Swecker, Goings, Horn, Eide, Patterson, Morton, Prentice and Costa

Enhancing responsibility and training of commercial vehicle enforcement officers.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5099 was substituted for Senate Bill No. 5099 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5099 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5099.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5099 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 2; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senator Honeyford - 1.

Absent: Senators Franklin and Kohl-Welles - 2.

Excused: Senators Bauer, Loveland and Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5099, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6009, by Senators Oke and Haugen (by request of Department of Licensing)

Authorizing nonphoto identification cards for disabled parking.

#### MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 6009 was substituted for Senate Bill No. 6009 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 6009 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6009.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6009 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Deccio - 1.

Excused: Senators Bauer, Loveland and Sellar - 3.

SUBSTITUTE SENATE BILL NO. 6009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5766, by Senators Wojahn, Long, Franklin, Winsley, Rasmussen and Costa

Modifying the duties of a long-term care ombudsman.

#### MOTIONS

On motion of Senator Goings, Second Substitute Senate Bill No. 5766 was substituted for Senate Bill No. 5766 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Second Substitute Senate Bill No. 5766 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5766.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5766 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Bauer, Loveland and Sellar - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5766, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Fairley was excused.

#### SECOND READING

SENATE BILL NO. 6031, by Senators Haugen, Horn, Gardner, Patterson and Goings

Facilitating regional transportation corridors.

#### MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 6031 was substituted for Senate Bill No. 6031 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Goings, the rules were suspended, Substitute Senate Bill No. 6031 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6031.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6031 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator McDonald - 1.

Excused: Senators Bauer, Fairley, Loveland and Sellar - 4.

SUBSTITUTE SENATE BILL NO. 6031, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5044, by Senator Brown

Changing the membership of air pollution control authority boards of directors.

The bill was read the second time.

#### MOTION

On motion of Senator Honeyford, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.94.100 and 1991 c 199 s 704 are each amended to read as follows:

(1) The governing body of each authority shall be known as the board of directors.

(2) In the case of an authority comprised of one county the board shall be comprised of two appointees of the city selection committee, at least one of whom shall represent the city having the most population in the county, and two representatives to be designated by the board of county commissioners. In the case of an authority comprised of two, three, four, or five counties, the board shall be comprised of one appointee from each county, who shall represent the city having the most population in such county, to be designated by the mayor and city council of such city, and one representative from each county to be designated by the board of county commissioners of each county making up the authority. In the case of an authority comprised of six or more counties, the board shall be comprised of one representative from each county to be designated by the board of county commissioners of each county making up the authority, and three appointees, one each from the three largest cities within the local authority's jurisdiction to be appointed by the mayor and city council of such city.

(3) In the case of an authority comprised of one county, that has a population over three hundred fifty thousand and that is located east of the crest of the Cascades, the board shall be comprised of one appointee of the city selection committee, one appointee who shall be appointed by the legislative authority of and represent the city having the most population in the county, and two representatives to be designated by the county legislative authority.

(4) If the board of an authority otherwise would consist of an even number, the members selected as above provided shall agree upon and elect an additional member who shall be either a member of the ~~((governing body))~~ legislative authority of one of the towns, cities, or counties comprising the authority, or a private citizen residing in the authority.

~~((4))~~ (5) The terms of office of board members shall be four years.

~~((5))~~ (6) Wherever a member of a board has a potential conflict of interest in an action before the board, the member shall declare to the board the nature of the potential conflict prior to participating in the action review. The board shall, if the potential conflict of interest, in the judgment of a majority of the board, may prevent the member from a fair and objective review of the case, remove the member from participation in the action."

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Senate Bill No. 5044 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5044.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5044 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 9; Absent, 1; Excused, 4.

Voting yea: Senators Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 35.

Voting nay: Senators Benton, McCaslin, Morton, Roach, Rossi, Sheahan, Stevens, Swecker and Zarelli - 9.

Absent: Senator McDonald - 1.

Excused: Senators Bauer, Fairley, Loveland and Sellar - 4.

ENGROSSED SENATE BILL NO. 5044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5502, by Senator Haugen (by request of Marine Employees' Commission)

Reporting the salary survey of ferry employees.

The bill was read the second time.

#### MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 5502 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator McCaslin, Senator McDonald was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5502.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5502 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke,

Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Fairley, Loveland, McDonald and Sellar - 5.

SENATE BILL NO. 5502, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5822, by Senators Haugen, Deccio, Gardner, Patterson, Eide, McCaslin, Costa and Long

Requiring agreements between public transportation benefit areas and auto transportation companies operating therein.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5822 was substituted for Senate Bill No. 5822 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5822 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5822.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5822 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 12; Absent, 0; Excused, 5.

Voting yea: Senators Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 32.

Voting nay: Senators Benton, Heavey, Honeyford, Johnson, McCaslin, Morton, Oke, Roach, Rossi, Stevens, West and Zarelli - 12.

Excused: Senators Bauer, Fairley, Loveland, McDonald and Sellar - 5.

SUBSTITUTE SENATE BILL NO. 5822, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5955, by Senators Snyder, Haugen, McDonald, Benton and Prentice

Adjusting composition and administration of the legislative transportation committee.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5955 was substituted for Senate Bill No. 5955 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the following amendments were considered simultaneously and were adopted:

On page 2, line 14, beginning with "The" strike everything through "held," on line 18, and insert "On the effective date of this act, the president of the senate shall appoint an additional senate member as provided by the 1999 amendment of this section. With the appointment of the additional member, the terms of officers elected before the effective date of this act are terminated, and the committee shall hold a new election of officers. The 1999 amendment of this section does not affect the 1997-1999 committee members, but applies only to members appointed at the close of the 1999 session."

On page 3, line 6, after "immediately" strike everything through "session" on line 8

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5955 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5955.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5955 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Bauer, Loveland, McDonald and Sellar - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5955, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5781, by Senators Eide, Swecker, Fraser and Costa (by request of Department of Ecology)

Extending the commute trip tax reduction credit.

#### MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5781 was substituted for Senate Bill No. 5781 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5781 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5781.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5781 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 43.

Voting nay: Senators Honeyford, Stevens and Zarelli - 3.

Excused: Senators Bauer, Loveland and Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5781, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5013, by Senators Prentice, Winsley, Rossi and Oke (by request of Gambling Commission)

Authorizing dissemination of criminal history record information to the gambling commission.

The bill was read the second time.

## MOTIONS

On motion of Senator Prentice, the following amendment by Senator Goings was adopted:

On page 2, line 7, after "9.46 RCW." insert "The Washington state gambling commission shall only disseminate nonconviction data obtained under this subsection to criminal justice agencies."  
subsection to criminal justice agencies.

On motion of Senator Prentice, the rules were suspended, Engrossed Senate Bill No. 5013 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5013.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5013 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Honeyford, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 32.

Voting nay: Senators Benton, Finkbeiner, Hargrove, Hochstatter, Horn, Jacobsen, Johnson, Kline, Roach, Rossi, Sheahan, Stevens, Swecker and Zarelli - 14.

Excused: Senators Bauer, Loveland and Sellar - 3.

ENGROSSED SENATE BILL NO. 5013, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Senate Bill No. 5564, on reconsideration, deferred on third reading March 11, 1999.

## MOTIONS

On motion of Senator Snyder, the rules were suspended, Senate Bill No. 5564 was returned to second reading and read the second time.

On motion of Senator Swecker, the following amendments by Senators Swecker and Gardner were considered simultaneously and were adopted:

On page 1, line 11, after "4.04.622" strike "or a travel trailer as defined in RCW 46.04.623"

On page 2, line 1, after "park trailer" strike "or travel trailer"

On page 2, at the beginning of line 3, strike "or travel trailer"

## POINT OF ORDER

Senator Benton: "A point of order, Mr. President. Do the amendments we just adopted change the intent of the underlying bill, so that it no longer requires a two-thirds vote and is no longer considered a tax increase?"

## REPLY BY THE PRESIDENT

President Owen: "Senator Benton, the President is not prepared to rule on that at this time and he would prefer that the bill be deferred or allow time to make a ruling on this point of inquiry."

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Senate Bill No. 5564, on reconsideration, was deferred.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5232, on reconsideration, deferred on third reading March 11, 1999.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5232, on reconsideration.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5232, on reconsideration, and the bill failed to pass the Senate by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, Prentice, Sheldon, B., Snyder, Spanel, Thibaudeau and Wojahn - 23.

Voting nay: Senators Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Hochstatter, Honeyford, Johnson, Long, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 25.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5232, on reconsideration, having failed to receive the constitutional majority was declared lost.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Shin served notice that he would move to reconsider the vote by which Senate Bill No. 5682 failed to pass the Senate earlier today.

#### SECOND READING

SENATE BILL NO. 5495, by Senators Snyder and Zarelli

Repealing a restriction on regular property tax levies.

#### MOTIONS

On motion of Senator Snyder, Substitute Senate Bill No. 5495 was substituted for Senate Bill No. 5495 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Snyder, the rules were suspended, Substitute Senate Bill No. 5495 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5495.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5495 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senators Deccio and McDonald - 2.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5510, by Senators Oke, Swecker, Long, Sellar, Zarelli, Hochstatter, Rossi, Johnson, Morton, Hale, Stevens and West

Using collection agencies to collect unpaid taxes.

#### MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5510 was substituted for Senate Bill No. 5510 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5510 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5510.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5510 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Voting nay: Senator Hargrove - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5452, by Senators Bauer, Deccio, Benton, Goings, Winsley, Rasmussen, Franklin, Eide, Zarelli, Wojahn and Hale

Creating a public facilities district.

#### MOTIONS

On motion of Senator Bauer, Second Substitute Senate Bill No. 5452 was substituted for Senate Bill No. 5452 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Second Substitute Senate Bill No. 5452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Benton: "Senator Bauer, the original bill allowed for tax increases by the local facilities district or by the local government. It is my understanding that this was amended in committee to take those tax increase options out and/or require them to go to a vote of the people. Is that correct?"

Senator Bauer: "Really, the only thing left in this bill is the authorization of the .033 as I understand it."

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5452.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5452 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senators Honeyford, McDonald, Roach, Sheldon, T. and Stevens - 5.

Absent: Senator Deccio - 1.

Excused: Senator Sellar - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5424, by Senators Winsley, Fraser, Honeyford, Hochstatter, Hale, McCaslin, West and Haugen

Allowing the use of certain commercially approved herbicides for aquatic plant management.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5424 was substituted for Senate Bill No. 5424 and the substitute bill was placed on second reading and read the second time.

Senator Morton moved that the following amendment by Senators Morton and Fraser be adopted:

On page 2, after line 8, insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 90.48 RCW to read as follows:

(1) Subject to restrictions in this section, a government entity seeking to control a limited infestation of Eurasian water milfoil may use the pesticide 2,4-D to treat the milfoil infestation, without obtaining a permit under RCW 90.48.445, if the milfoil infestation is either recently documented or remaining after the application of other control measures, and is limited to twenty percent or less of the littoral zone of the lake. Any pesticide application made under this section must be made according to all label requirements for the product and must meet the public notice requirements of subsection (2) of this section.

(2) Before applying 2,4-D, the government entity shall: (a) Provide at least twenty-one days' notice to the department of ecology, the department of fish and wildlife, the department of agriculture, the department of health, and all lake residents; (b) post notices of the intent to apply 2,4-D at all public access points; and (c) place informational buoys around the treatment area.

(3) The department of fish and wildlife may impose timing restrictions on the use of 2,4-D to protect salmon and other fish and wildlife.

(4) The department may prohibit the use of 2,4-D if the department finds the product contains dioxin.

(5) Government entities using this section to apply 2,4-D may apply for funds from the freshwater aquatic weeds account consistent with the freshwater aquatic weeds management program as provided in RCW 43.21A.660.

(6) Government entities using this section shall consider development of long-term control strategies for eradication and control of the Eurasian water milfoil.

(7) For the purpose of this section, "government entities" includes cities, counties, state agencies, tribes, special purpose districts, and county weed boards."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Morton and Fraser on page 2, after line 8, to Substitute Senate Bill No. 5424.

The motion by Senator Morton carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "adding" strike "a new section" and insert "new sections"

On motion of Senator Winsley, the rules were suspended, Engrossed Substitute Senate Bill No. 5424 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5424.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5424 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5424, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### MOTION FOR RECONSIDERATION

Having served prior notice on March 12, 1999, Senator Winsley moved to reconsider the vote by which Substitute Senate Bill No. 5492 failed to pass the Senate.

The President declared the question before the Senate to be the motion by Senator Winsley to reconsider the vote by which Substitute Senate Bill No. 5492 failed to pass the Senate.

The motion by Senator Winsley carried and the Senate will reconsider the vote by which Substitute Senate Bill No. 5492 failed to pass the Senate.

#### MOTION

At 9:10 p.m., on motion of Senator Snyder, the Senate adjourned until 8:30 a.m., Tuesday, March 16, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

SIXTY-FOURTH DAY, MARCH 15, 1999

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

**SIXTY-FIFTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Tuesday, March 16, 1999

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Gardner, Heavey, Horn, Long, Rasmussen and Sellar. On motion of Senator Honeyford, Senators Horn, Long and Sellar were excused. On motion of Senator Franklin, Senator Heavey was excused.

The Sergeant at Arms Color Guard consisting of Pages Lindsay Moller and Brittany Yunker, presented the Colors. Reverend Mary McGonigal, pastor of the Lacey Presbyterian Church, offered the prayer.

**MOTION**

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

**MESSAGE FROM THE HOUSE**

March 15, 1999

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1761,  
SECOND SUBSTITUTE HOUSE BILL NO. 1818,  
HOUSE BILL NO. 1827,  
HOUSE BILL NO. 1831,  
HOUSE BILL NO. 1872,  
SUBSTITUTE HOUSE BILL NO. 2005,  
HOUSE BILL NO. 2116,  
HOUSE BILL NO. 2201,  
HOUSE BILL NO. 2246,  
HOUSE BILL NO. 2259, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk  
DEAN R. FOSTER, Co-Chief Clerk

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

HB 1761 by Representatives Talcott, Carrell, Rockefeller, Wensman, Stensen, Thomas, Fortunato, Mulliken, Haigh, Schoesler, Bush and Esser

Increasing the number of hours retired teachers and administrators can serve as substitute teachers or administrators without a reduction in benefits.

Referred to Committee on Education.

2SHB 1818 by House Committee on Appropriations (originally sponsored by Representatives Clements, Quall, Talcott, Carlson, Keiser and Carrell)

Changing truancy provisions.

Referred to Committee on Education.

HB 1827 by Representatives D. Schmidt, Romero and McMorris

Concerning printing contracts entered into by state agencies.

Referred to Committee on State and Local Government.

HB 1831 by Representatives Ogden, Thomas, Lantz, Carlson, H. Sommers, Keiser, Dunshee, Lambert, Quall, O'Brien, Cody, Kenney, Dunn, Santos, Schual-Berke, Lovick, Edmonds, Wood, Haigh, Rockefeller, Conway, Stensen, Dickerson, Kessler, Hurst and Esser

Requiring adoption of rules for certain construction management techniques.

Referred to Committee on Ways and Means.

HB 1872 by Representatives Hurst, Lambert, Lovick, O'Brien and Carrell

Granting state-wide warrant jurisdiction to courts of limited jurisdiction.

Referred to Committee on Judiciary.

SHB 2005 by House Committee on State Government (originally sponsored by Representatives Wolfe, D. Sommers, D. Schmidt, Romero, Carlson, Delvin, Santos, O'Brien, Miloscia, Lovick, Dickerson, Kenney, Ogden, Fisher, Cody, Parlette, Campbell, Lambert, Pennington, Dunshee, Koster, Hankins, Clements, Cairnes, Keiser, Conway and Veloria) (by request of State Auditor Sonntag)

Managing the state employee whistleblower program.

Referred to Committee on State and Local Government.

HB 2116 by Representatives Scott, Mielke, Mulliken, Edwards, Fortunato, Cooper and Reardon

Allowing a public utility district to dispose of equipment or materials.

Referred to Committee on State and Local Government.

HB 2201 by Representatives Fisher, Hankins, Ogden, K. Schmidt, Ericksen, Skinner, Radcliff and Mielke

Imposing a surcharge on trip permit fees.

Referred to Committee on Transportation.

HB 2246 by Representatives Thomas and Dunshee

Defining membership requirements and procedures for lodging tax advisory committees.

Referred to Committee on State and Local Government.

HB 2259 by Representatives Murray, Hankins, Ogden, K. Schmidt, Fisher, Radcliff, Hatfield and Hurst

Extending the term of drivers' licenses.

Referred to Committee on Transportation.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9067, Dennis Karras, as Director of the Department of Personnel, was confirmed.

## APPOINTMENT OF DENNIS KARRAS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senators Gardner and Rasmussen - 2.

Excused: Senators Brown, Heavey, Horn, Long and Sellar - 5.

## SECOND READING

SENATE BILL NO. 5050, by Senators Prentice, Kline and Deccio

Describing the treatment of intractable pain with controlled substances.

## MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5050 was substituted for Senate Bill No. 5050 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5050 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## MOTION

On motion of Senator Franklin, Senators Gardner and Hargrove were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5050.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5050 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senators Hochstatter, Morton and West - 3.

Excused: Senators Brown, Gardner, Hargrove and Sellar - 4.

SUBSTITUTE SENATE BILL NO. 5050, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5430, by Senators Wojahn, Winsley, Jacobsen, Hale, Kohl-Welles, Thibaudeau, Benton, Rasmussen, Long, Fraser, Prentice, Shin, Gardner, Heavey, McAuliffe, Patterson, Franklin, Costa, Eide, B. Sheldon and Spanel

Creating the office of women's health within the department of health.

#### MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5430 was substituted for Senate Bill No. 5430 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5430.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5430 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senators Hochstatter, Morton and Stevens - 3.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration on Senate Bill No. 5564, as amended on reconsideration, deferred on second reading March 15, 1999.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Benton concerning the number of votes necessary to pass Senate Bill No. 5564, as amended on reconsideration, the President previously ruled that the measure added a new class of property to which the property tax applied; namely travel trailers.

"The amendments by Senators Swecker and Gardner on page 1, line 11; page 2, line 1; and page 2, at the beginning of line 3; deletes all references to travel trailers in the bill. The President believes that the measure, as amended, now simply clarifies what was already the state of the law concerning taxation of park trailers.

"The President, therefore, believes that the measure, as amended, requires only a simple majority on final passage."

#### MOTION

On motion of Senator Gardner, the rules were suspended, Engrossed Senate Bill No. 5564, on reconsideration, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Goings, Senator Brown was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5564, on reconsideration.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5564, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senators Benton, Roach and Stevens - 3.

Excused: Senators Brown and Sellar - 2.

ENGROSSED SENATE BILL NO. 5564, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5349, by Senators Costa, Spanel, Long, Fairley, Kohl-Welles, Snyder, Kline, Franklin, Thibaudeau, Wojahn, Rasmussen, Patterson, Deccio and Prentice

Providing insurance coverage for cranial hair.

## MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5349 was substituted for Senate Bill No. 5349 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5349 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5349.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5349 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 35.

Voting nay: Senators Benton, Finkbeiner, Hale, Hochstatter, Johnson, McDonald, Morton, Sheahan, Sheldon, T., Stevens and Zarelli - 11.

Absent: Senator Deccio - 1.

Excused: Senators Brown and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5349, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Rasmussen, Senator Prentice was excused.

## SECOND READING

SENATE BILL NO. 5446, by Senators Franklin, Patterson, Fraser, McAuliffe, Snyder, B. Sheldon, Thibaudeau, Bauer, Kline, Gardner, Kohl-Welles and Spanel

Allowing public funding of local office campaigns.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5446 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5446.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5446 and the bill failed to pass the Senate by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Fairley, Franklin, Fraser, Gardner, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 22.

Voting nay: Senators Benton, Deccio, Eide, Finkbeiner, Goings, Hale, Hargrove, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

Excused: Senators Prentice and Sellar - 2.

SENATE BILL NO. 5446, having failed to receive the constitutional majority, was declared lost.

#### SECOND READING

SENATE BILL NO. 5900, by Senators Patterson, Haugen, Bauer, Franklin, B. Sheldon, Snyder, Rasmussen, Kohl-Welles, McAuliffe, Thibaudeau, Fairley, Fraser, Prentice, Spanel and Eide

Regulating political advertising and independent expenditures.

#### MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5900 was substituted for Senate Bill No. 5900 and the substitute bill was placed on second reading and read the second time.

Senator Horn moved that the following amendment be adopted:

On page 13, beginning on line 38, strike all of subsection (6)

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

Further debate ensued.

#### CALL FOR THE PREVIOUS QUESTION

Senators Snyder, Franklin, Spanel called for the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The motion carried and the call for the previous question carried.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Horn on page 13, beginning on line 38, to Substitute Senate Bill No. 5900.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 16; Nays, 32; Absent, 0; Excused, 1.

Voting yea: Senators Deccio, Hale, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker and West - 16. Voting nay: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley, Wojahn and Zarelli - 32. Excused: Senator Sellar - 1.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5900 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5900.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5900 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 31. Voting nay: Senators Benton, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 17. Excused: Senator Sellar - 1. SUBSTITUTE SENATE BILL NO. 5900, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5899, by Senators Patterson, Bauer, Franklin, Rasmussen, B. Sheldon, Haugen, Kohl-Welles, McAuliffe, Fraser, Prentice, Thibaudeau and Spanel

Adjusting penalties under the public disclosure act.

#### MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5899 was substituted for Senate Bill No. 5899 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the following amendment by Senators Horn and Patterson was adopted:

On page 3, after line 30, delete the rest of the section and insert the following:

"(6) Beginning on the first day of an election cycle, a candidate who has not complied with an order issued under RCW 42.17.390 or this section during the previous election cycle, and the remedies imposed thereunder, shall not solicit or accept contributions or make expenditures until the candidate has complied with the order and the remedies so imposed.

(7)(a) Beginning on the first day of an election cycle, a political committee that has not complied with an order issued under RCW 42.17.390 or this section during the previous election cycle, and the remedies imposed thereunder, shall not solicit or accept contributions or make expenditures until it has complied with the order and the remedies so imposed. This restriction applies to the political committee against whom the order and remedies were issued as well as a political committee that has a majority of the same officers as the committee that is subject to the order.

(b) Beginning on the first day of an election cycle, a political committee that has an officer who has not complied with an order issued under RCW 42.17.390 or this section during the previous election cycle, and the remedies imposed thereunder, shall not solicit or accept contributions or make expenditures until the officer has complied with the order and the remedies so imposed. This restriction applies to the committee of which the individual subject to the order was an officer at the time of the violation as well as any other political committee of which the individual is an officer.

(8) Beginning on January 1 of each year, a person who has not complied with an order issued under RCW 42.17.390 or this section during the previous year, and the remedies imposed thereunder, shall not register as a lobbyist, receive compensation as a lobbyist, or make expenditures for lobbying expenses until the person has complied with the order and the remedies so imposed. If the person is presently registered as a lobbyist or a lobbyist employer, the commission may suspend or revoke the person's registration.

(9) Beginning on January 1 of each year, a sponsor of a grass roots lobbying campaign that has not complied with an order issued under RCW 42.17.390 or this section during the previous year, and the remedies imposed thereunder, may not receive contributions or make expenditures for grass roots lobbying purposes until the sponsor has complied with the order and the remedies so imposed."

#### MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute Senate Bill No. 5899 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5899.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5899 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 45. Voting nay: Senators Roach, West and Zarelli - 3. Excused: Senator Sellar - 1. ENGROSSED SUBSTITUTE SENATE BILL NO. 5899, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5931, by Senators Patterson, Horn, Gardner, McCaslin, Haugen, Kline, Brown, Costa, Hale, Kohl-Welles, B. Sheldon and Bauer

Requiring electronic filing and publication of campaign finance and lobbyist reports.

#### MOTIONS

On motion of Senator Patterson, Second Substitute Senate Bill No. 5931 was substituted for Senate Bill No. 5931 and the second substitute bill was placed on second reading and read the second time.

Senator Patterson moved that the following amendment by Senators Patterson and Horn be adopted:

On page 1, line 1, delete all of section 1 and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 42.17 RCW to read as follows:

(1) It is the intent of the legislature to ensure that the commission provide the general public timely access to all contribution and expenditure reports submitted by candidates, continuing political committees, bona fide political parties, lobbyists, and lobbyists' employers. The legislature finds that failure to comply with this chapter's requirements for full and timely disclosure threatens to undermine our electoral process.

(2) Beginning January 1, 2001, the commission shall establish goals that all reports, copies of reports, or copies of the data or information included in reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180, that are:

(a) Submitted electronically via modem, satellite, or the Internet, shall be accessible in the commission's office and via the commission's web site within two business days of the commission's receipt of the report; and

(b) Submitted in any format or via any method other than those listed in (a) of this subsection, shall be accessible in the commission's office and via the commission's web site within four business days of the commission's receipt of the report."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Patterson and Horn on page 1, line 1, to Second Substitute Senate Bill No. 5931.

The motion by Senator Patterson carried and the amendment was adopted.

#### MOTION

Senator Horn moved that the following amendment by Senators Horn and Patterson be adopted:

On page 9, after line 4, insert the following:

**"Sec. 11.** RCW 42.17.420 and 1995 c 397 s 18 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, when any application, report, statement, notice, or payment required to be made under the provisions of this chapter has been deposited postpaid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the envelope is the date of mailing. The provisions of this section do not apply to reports required to be delivered under RCW 42.17.105 and 42.17.175.

(2) When a report is filed electronically with the commission, it is deemed to have been received on the file transfer date. The commission shall notify the filer of receipt of the electronically filed report. Such notification may be sent by mail, facsimile, or electronic mail. If the notification of receipt of the electronically filed report is not received by the filer, the filer may offer his or her own proof of sending the report, and such proof shall be treated as if it were a receipt sent by the commission. Electronic filing may be used for purposes of filing the special reports required to be delivered under RCW 42.17.105 and 42.17.175."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Horn and Patterson on page 9, after line 4, to Second Substitute Senate Bill No. 5931.

The motion by Senator Horn carried and the amendment was adopted.

#### MOTION

Senator Hargrove moved that the following amendment be adopted:

On page 9, line 19, delete all of section 12 and insert the following:

"NEW SECTION. Sec. 12. A new section is added to chapter 42.17 RCW to read as follows:

Beginning January 1, 2000, each continuing political committee shall file all contribution reports and expenditure reports required by this chapter electronically by diskette or via modem, satellite, or the Internet. Failure by a continuing political committee to comply with this section is a violation of this chapter."

#### POINT OF INQUIRY

Senator West: "Senator Patterson, I don't find anywhere in the underlying bill the definition of continuing political committee. I know that some folks roll over their prior campaign into their next campaign and I thought that was called a continuing political committee. Could you provide us with an understanding of what a continuing political committee is?"

Senator Patterson: "Thank you, Senator West, for that question. It just took me a moment to find that in there. It refers to political action committees, not candidates. That is what the language means. In other words, PACS would still be required to file electronically; candidates would not. They would have to be registered political action committees."

Senator West: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 9, line 19, to Second Substitute Senate Bill No. 5931.

The motion by Senator Hargrove carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 2 of the title, after "42.17.365," strike "and" and after "42.17.367" insert ", and 42.17.420"

On motion of Senator Patterson, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5931 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Deccio, Senator West was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5931.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5931 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 47. Excused: Senators Sellar and West - 2. ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5931, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and greeted Laura Hoots, the mother of Senator Val Stevens, who was seated on the rostrum.

#### SECOND READING

SENATE BILL NO. 5071, by Senators Patterson, Prentice, Shin, Thibaudeau, Hale, Gardner, Fraser, Spanel, Haugen, Snyder, Morton, Loveland, B. Sheldon, Winsley, Wojahn, Costa and McAuliffe

Providing protection for candidates for public office against false statements in political advertising made with malice.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5071 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. I move that the Senator from the Fifteenth District be excused."

#### REPLY BY THE PRESIDENT

President Owen: "You will have to help me out on that one at little bit."

Senator McCaslin: "Well, that is Senator Honeyford. I am trying to point out that we can't carry these rules too far. We have everybody looking up districts and talking about districts instead of saying, 'Senator Patterson or Senator Kline or Senator Hale.' It is so much easier to say, 'Senator Snyder or Senator Haugen.' I think the leaders should get together and say, 'We can modify these rules and we can refer to names as long as we are being nice and kind and complimentary to each other. I like to say, 'Senator Johnson or Senator Finkbeiner' instead of saying whatever his district is and looking around to see what it is. So, hopefully, Sid and McDonald will get together, so we can ease up on that."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5071.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5071 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 36. Voting nay: Senators Finkbeiner, Heavey, Hochstatter, Johnson, McDonald, Morton, Roach, Rossi, Stevens, Swecker, West and Zarelli - 12. Excused: Senator Sellar - 1. SENATE BILL NO. 5071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5929, by Senators Haugen, Long, Gardner, Costa, Swecker, Hargrove, Winsley, Patterson, Eide, Snyder and Bauer

Reallocating local motor vehicle excise tax for public transportation.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5929 was substituted for Senate Bill No. 5929 and the substitute bill was placed on second reading and read the second time.

Senator Benton moved that the following amendment be adopted:

On page 1, line 8, strike ".815" and insert ".725"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 1, line 8, to Substitute Senate Bill No. 5929.

The motion by Senator Benton failed and the amendment was not adopted.

#### MOTION

Senator Benton moved that the following amendment by Senators Benton and McCaslin be adopted:

On page 8, after line 7, strike all of Section 5

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and McCaslin on page 8, after line 7, to Substitute Senate Bill No. 5929.

The motion by Senator Benton failed and the amendment was not adopted on a rising vote.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5929 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF ORDER

Senator West: "Mr. President I rise to a point of order. Under Article II, Section 1 of the Constitution, it says that Initiatives passed by the people are subject to a two-thirds vote of the Legislature to amend or repeal within a two year period after the vote. I would contend that this bill clearly amends

Referendum 49 which was passed in the last general election and I would ask the President to rule on the amount of votes required to pass this bill."

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute Senate Bill No. 5929 was deferred.

#### SECOND READING

SENATE BILL NO. 5750, by Senators Benton, Haugen, Roach, Prentice, Hochstatter, Horn, McDonald, T. Sheldon, Swecker, Stevens, Goings, Zarelli, Johnson, Patterson, Hale, Costa, Honeyford, Morton, Rasmussen, Rossi, Oke, Long, Finkbeiner, Deccio and Sheahan

Clarifying transportation planning.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5750 was substituted for Senate Bill No. 5750 and the substitute bill was placed on second reading and read the second time.

Senator Benton moved that the following amendment by Senator Sellar be adopted:

On page 1, line 11, after "corridors" insert ", to include public-private transportation initiatives"

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute Senate Bill No. 5750 was deferred.

#### SECOND READING

SENATE BILL NO. 6001, by Senators Hargrove, Long, Winsley and Rasmussen

Providing for the disclosure of information to the office of the family and children's ombudsman.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6001 was substituted for Senate Bill No. 6001 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6001.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6001 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Excused: Senator Sellar - 1. SUBSTITUTE SENATE BILL NO. 6001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

SENATE RESOLUTION 1999-8651

By Senators Wojahn, Snyder, Franklin, Swecker, Oke, Winsley, Hargrove, T. Sheldon, Rasmussen, Fraser, Goings, Roach, Haugen and Kohl-Welles

WHEREAS, Camp Fire Boys and Girls, the national organization, will sponsor Absolutely Incredible Kid Day on March 18, 1999; and

WHEREAS, Camp Fire Boys and Girls has issued a call to action, asking every adult in American to write a letter to a child or children on March 18, 1999; and

WHEREAS, Camp Fire Boys and Girls has established the goal that every child receive a letter on March 18, 1999; and

WHEREAS, Orca Council of Camp Fire in Tacoma, Washington, teaches boys and girls self-reliance, good citizenship and leadership; and

WHEREAS, Through contemporary programs and by speaking out on issues affecting youth and their families, Camp Fire Boys and Girls help youth cope with their changing world; and

WHEREAS, In Camp Fire, the choices and opportunities are inclusive for boys and girls; and

WHEREAS, Camp Fire Boys and Girls is commended for the valuable programs offered to young people in the state of Washington and throughout the nation, and for the many services these young people perform for their communities through Camp Fire;

NOW, THEREFORE, BE IT RESOLVED That the Washington State Senate honor the Camp Fire Boys and Girls and acknowledge the contributions their valuable programs have made to the children of Washington State and urge all citizens of the state of Washington to celebrate Absolutely Incredible Kid Day on March 18, 1999.

Senators Wojahn, Betti Sheldon, Swecker, Heavey and Haugen spoke to Senate Resolution 1999-8651.

MOTION

At 11:16 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Owen.

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

MOTION

On motion of Senator Honeyford, Senators Horn, Johnson, McDonald, West and Winsley were excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9002, Charlie Brydon, as a member of the Liquor Control Board, was confirmed.

APPOINTMENT OF CHARLIE BRYDON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 35; Nays, 7; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker,

Thibaudeau and Wojahn - 35. Voting nay: Senators Benton, Honeyford, Morton, Oke, Rossi, Stevens and Zarelli - 7. Absent: Senator Haugen - 1. Excused: Senators Horn, Johnson, McDonald, Sellar, West and Winsley - 6.

PERSONAL PRIVILEGE

Senator Heavey: "A point of personal privilege, Mr. President. I am just distressed at the seven 'no' votes on that appointment. A lot of people say there is no discrimination anymore. I think the people that voted 'no' on that appointment indicate that discrimination is alive and well in the state of Washington. Thank you."

PERSONAL PRIVILEGE

Senator Deccio: "I rise to a point of personal privilege, Mr. President. I voted for this appointment. I voted it out of committee and voted for it just now. I think the previous speaker is out of line. I think we all have a right to vote the way we want to and the reasons why we vote that way is really no body's business but our own. I think to impugn anybody on this floor is forbidden and I think it just happened. I don't like to see that happen. Thank you."

REPLY BY THE PRESIDENT

President Owen: "Senator Deccio, the President thinks your point is well taken."

SECOND READING

SENATE BILL NO. 5813, by Senators Thibaudeau, Deccio, Costa and Winsley

Requiring third-party payors to designate a licensed medical director for its coverage decisions.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5813 was substituted for Senate Bill No. 5813 and the substitute bill was placed on second reading and read the second time.

Senator Thibaudeau moved that the following striking amendment by Senators Thibaudeau and Deccio be adopted:

On page 1, strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

Any carrier that offers a health plan and any self-insured health plan subject to the jurisdiction of Washington state shall designate a medical director who is licensed under chapter 18.57 or 18.71 RCW.

**Sec. 2.** RCW 51.04.020 and 1994 c 164 s 24 are each amended to read as follows:

The director shall:

- (1) Establish and adopt rules governing the administration of this title;
- (2) Ascertain and establish the amounts to be paid into and out of the accident fund;
- (3) Regulate the proof of accident and extent thereof, the proof of death and the proof of relationship and the extent of dependency;
- (4) Supervise the medical, surgical, and hospital treatment to the intent that it may be in all cases efficient and up to the recognized standard of modern surgery;
- (5) Issue proper receipts for moneys received and certificates for benefits accrued or accruing;
- (6) Investigate the cause of all serious injuries and report to the governor from time to time any violations or laxity in performance of protective statutes or regulations coming under the observation of the department;
- (7) Compile statistics which will afford reliable information upon which to base operations of all divisions under the department;
- (8) Make an annual report to the governor of the workings of the department;
- (9) Be empowered to enter into agreements with the appropriate agencies of other states relating to conflicts of jurisdiction where the contract of employment is in one state and injuries are received in the other state, and insofar as permitted by the Constitution and laws of the United States, to enter into similar agreements with the provinces of Canada; and

**(10) Designate a medical director who is licensed under chapter 18.57 or 18.71 RCW.**

**Sec. 3.** RCW 51.14.030 and 1977 ex.s. c 323 s 10 are each amended to read as follows:

The director may issue a certification that an employer is qualified as a self-insurer when such employer meets the following requirements:

- (1) He or she has fulfilled the requirements of RCW 51.14.020.
- (2) He or she has submitted to the department a payroll report for the preceding consecutive twelve month period.
- (3) He or she has submitted to the department a sworn itemized statement accompanied by an independent audit of the employer's books demonstrating to the director's satisfaction that the employer has sufficient liquid assets to meet his or her estimated liabilities as a self-insurer.
- (4) He or she has demonstrated to the department the existence of the safety organization maintained by him or her within his or her establishment that indicates a record of accident prevention.
- (5) He or she has submitted to the department a description of the administrative organization to be maintained by him or her to manage industrial insurance matters including:
  - (a) The reporting of injuries;
  - (b) The authorization of medical care;
  - (c) The payment of compensation;
  - (d) The handling of claims for compensation;
  - (e) The name and location of each business location of the employer; ~~(and)~~
  - (f) The qualifications of the personnel of the employer to perform this service; and
  - (g) The designation of a medical director who is licensed under chapter 18.57 or 18.71 RCW.

Such certification shall remain in effect until withdrawn by the director or surrendered by the employer with the approval of the director. An employer's qualification as a self-insurer shall become effective on the date of certification or any date specified in the certificate after the date of certification.

**Sec. 4.** RCW 74.09.050 and 1979 c 141 s 335 are each amended to read as follows:

The secretary shall appoint such professional personnel and other assistants and employees, including professional medical screeners, as may be reasonably necessary to carry out the provisions of this chapter. The medical screeners shall be supervised by one or more physicians who shall be appointed by the secretary or his designee. The secretary shall appoint a medical director who is licensed under chapter 18.57 or 18.71 RCW.

**NEW SECTION. Sec. 5.** A new section is added to chapter 41.05 RCW to read as follows:

The administrator shall designate a medical director who is licensed under chapter 18.57 or 18.71 RCW."

#### POINT OF INQUIRY

Senator Deccio: "Senator Thibaudeau, is it the intent of this amendment to establish new risks of civil liability for medical directors of health plans?"

Senator Thibaudeau: "No, this amendment merely establishes an objective standard to show the skill, training and expertise required for a medical director. The amendment does not mean that a medical director is subject to new liabilities for professional negligence."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Thibaudeau and Deccio to Substitute Senate Bill No. 5813.

The motion by Senator Thibaudeau carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, on line 2 of the title, after "accountability;", strike all material through "RCW" on line 3, and insert "amending RCW 51.04.020, 51.14.030 and 74.09.050; adding a new section to chapter 48.43 RCW; and adding a new section to chapter 41.05 RCW"

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute Senate Bill No. 5813 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5813.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5813 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Absent: Senator Bauer - 1. Excused: Senators Johnson and Sellar - 2. ENGROSSED SUBSTITUTE SENATE BILL NO. 5813, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5929, deferred on third reading earlier today.

#### RULING BY THE PRESIDENT

President Owen: "For purposes of ruling on the point of order by Senator West concerning the number of votes necessary to pass Substitute Senate Bill No. 5929, the President finds that Referendum 49 did two things primarily: First, lowered the motor vehicle excise tax payable by motor vehicle owners; and, Second, shifted motor vehicle excise tax revenues from the general fund to the motor vehicle fund for transportation purposes.

"Substitute Senate Bill No. 5929 does not increase the amount of motor vehicle excise tax payable by motor vehicle owners. Section one of the measure authorizes municipalities to collect a higher percentage of motor vehicle excise tax, but this amount would be offset by a reduction in the amount collected by the state.

"Substitute Senate Bill No. 5929 does not shift motor vehicle excise tax revenues away from the motor vehicle fund or away from transportation purposes. The measure simply redistributes a share of local motor vehicle tax revenues among local transit agencies, the public transportation capital account and the transportation fund.

"The President, therefore, finds under Article II, Section 1(c) of the State Constitution, that Substitute Senate Bill No. 5929 does not amend Referendum 49 and requires only a simple majority vote on final passage."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5929.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5929 and the bill passed the Senate by the following vote:

Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 31. Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, West and Zarelli - 16. Excused: Senators Johnson and Sellar - 2. SUBSTITUTE SENATE BILL NO. 5929, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### SECOND READING

SENATE BILL NO. 5989, by Senators Haugen, Morton and Rasmussen

Adjusting aircraft registration fees and tax distribution.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5989 was substituted for Senate Bill No. 5989 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5989 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5989.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5989 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 42. Voting nay: Senators Benton, Roach, Rossi, West and Zarelli - 5. Excused: Senators Johnson and Sellar - 2. SUBSTITUTE SENATE BILL NO. 5989, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5059, by Senators Brown and Morton

Allowing counties to assess impact fees to cover the costs associated with the transport of radioactive waste over their roadways.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5059 was substituted for Senate Bill No. 5059 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5059 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5059.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5059 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45. Voting nay: Senators Benton and Zarelli - 2. Excused: Senators Johnson and Sellar - 2. SUBSTITUTE SENATE BILL NO. 5059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5911, by Senators Eide, Hochstatter and McAuliffe

Changing school director eligibility provisions.

The bill was read the second time.

#### MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 5911 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5911.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5911 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Absent: Senator McCaslin - 1. Excused: Senators Johnson and Sellar - 2. SENATE BILL NO. 5911, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PARLIAMENTARY INQUIRY

Senator West: "A parliamentary inquiry, Mr. President. On your ruling on Substitute Senate Bill No. 5929, which I do not challenge, Sir, I wonder if you might further enlighten the body and elucidate on that opinion. Within the language of the bill, it clearly states, 'RCW 35.58.273 and 1998 Chapter 321, Section 25, Referendum Bill No. 49 are each amended to read as follows,' and it is based on that language that I brought the inquiry asking the determination to be made. Mr. President, if you would further enlighten us as to how that particular language could be ignored in your ruling, I would appreciate it."

#### FURTHER RULING BY THE PRESIDENT ON SUBSTITUTE SENATE BILL NO. 5929

President Owen: "In responding to Senator West's point of parliamentary inquiry, the President notes that although Substitute Senate Bill No. 5929 does address sections that were part of Referendum 49, the substantive law made in Referendum 49 was not itself amended. The President would like the members to know that he will look to substance rather than form in ruling on whether a measure amends an initiative or referendum, just as the President looks to the substance of a bill rather than its title in ruling on scope and object."

#### MOTION

On motion of Senator Franklin, Senator Bauer was excused.

#### SECOND READING

SENATE BILL NO. 5593, by Senators McAuliffe, Eide, Loveland, Rasmussen, B. Sheldon and Winsley (by request of Governor Locke)

Creating the Washington professional educator standards board.

#### MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5593 was substituted for Senate Bill No. 5593 and the substitute bill was

placed on second reading and read the second time.

Senator Finkbeiner moved that the following amendments by Senators Finkbeiner and McAuliffe be considered simultaneously and be adopted:

On page 6, after line 30, insert the following:

**"NEW SECTION. Sec. 5.** In the 2000 supplemental budget for the 1999-2001 biennium, the budget for the state board of education shall be adjusted by an appropriate amount that reflects the reduction in its duties as a result of sections 3 and 4 of this act."

On page 8, line 6, strike "after August 31, 1992," and insert ~~((after August 31, 1992,))~~

On page 8, line 21, strike "after August 31, 1992" and insert ~~((after August 31, 1992))~~

On page 12, after line 20, insert the following:

**"NEW SECTION. Sec. 14.** Sections 1, 2 and 13 of this act take effect July 1, 1999. Sections 3 through 12 of this act take effect January 1, 2000."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Finkbeiner and McAuliffe on page 6, after line 30; page 8, lines 6 and 21, and page 12, after line 20; to Substitute Senate Bill No. 5593.

The motion by Senator Finkbeiner carried and the amendments were adopted.

#### MOTIONS

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 4 of the title, after "RCW;" strike the remaining material and insert "creating new sections; and providing effective dates."

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5593 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5593.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5593 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 1; Excused, 3.

Voting yea: Senators Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Thibaudeau, Winsley and Wojahn - 32. Voting nay: Senators Benton, Deccio, Haugen, Hochstatter, Honeyford, Horn, Roach, Sheahan, Spanel, Stevens, Swecker, West and Zarelli - 13. Absent: Senator McCaslin - 1. Excused: Senators Bauer, Johnson and Sellar - 3. ENGROSSED SUBSTITUTE SENATE BILL NO. 5593, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5720, by Senators Shin, Sheahan, Kohl-Welles, Finkbeiner, Prentice, Horn, T. Sheldon, Kline, Jacobsen, West and Oke

Promoting cooperative real estate research.

The bill was read the second time.

#### MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Shin be adopted:

On page 2, after line 14, insert the following:

"(a) Conduct studies and research on affordable housing and strategies to meet the affordable housing needs of the state;"

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Shin on page 2, after line 14, to Senate Bill No. 5720.

The motion by Senator Kohl-Welles carried and the amendment was adopted.

#### MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Shin be adopted:

On page 2, line 38, after the word "section" insert the following:

and that has a broad-based advisory board with representatives from the real estate industry, building and construction industry, financial institutions, local governments, and nonprofit organizations that are directly involved in the provision of affordable housing. No single interest group may constitute more than thirty percent of the membership of the advisory board."

Renumber the sections consecutively and correct any internal references accordingly.

#### POINT OF ORDER

Senator Sheahan: "Thank you, Mr. President, I rise to a point of order. I submit that the amendment proposed by Senators Kohl-Welles and Shin changes the scope and object of Senate Bill No. 5720 and, therefore, violates Senate Rule 66. The underlying bill sets up an account where monies can be deposited that are collected from the real estate industry. The proposed amendment deals with setting up an advisory board. It seems to me that it has nothing to do with the underlying bill and, therefore, is not under the scope of the bill."

Further debate ensued.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Senate Bill No. 5720 was deferred.

#### SECOND READING

SENATE BILL NO. 5210, by Senators Stevens, Hargrove, Long, Zarelli, Patterson and Franklin

Altering shelter care laws.

#### MOTIONS

On motion of Senator Costa, Second Substitute Senate Bill No. 5210 was substituted for Senate Bill No. 5210 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the rules were suspended, Second Substitute Senate Bill No. 5210 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Franklin, Senators Eide and Thibaudeau were excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5210.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5210 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 43. Absent: Senator Kline - 1. Excused: Senators Bauer, Eide, Johnson, Sellar and Thibaudeau - 5. SECOND SUBSTITUTE SENATE BILL NO. 5210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5270, by Senators Prentice, Roach, Heavey, Costa and Winsley

Clarifying the requirement to publish minimum wage rates in contract documents.

The bill was read the second time.

#### MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5270 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5270.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5270 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kohl-Welles, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 29. Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Long, McCaslin, McDonald, Morton, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 17. Absent: Senator Kline - 1. Excused: Senators Johnson and Sellar - 2.

SENATE BILL NO. 5270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Kline was excused.

#### SECOND READING

SENATE BILL NO. 5378, by Senators Wojahn, Fairley and Oke (by request of Department of Social and Health Services)

Changing service of process provisions for divisions of child support documents.

#### MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5378 was substituted for Senate Bill No. 5378 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 5378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5378.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5378 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44. Absent: Senator Loveland - 1. Excused: Senators Bauer, Johnson, Kline and Sellar - 4. SUBSTITUTE SENATE BILL NO. 5378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Brown, Senator Fairley was excused.

#### CONGRATULATIONS TO SENATOR JOHNSON

The President congratulated Senator Johnson, who just returned from visiting his new granddaughter Kelsey Lynn Johnson.

#### SECOND READING

SENATE BILL NO. 5074, by Senators Roach, Honeyford, T. Sheldon, Johnson and Rasmussen

Establishing the crime of mail theft or receipt of stolen mail.

#### MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5074 was substituted for Senate Bill No. 5074 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5074 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5074.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5074 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Excused: Senators Bauer, Fairley and Sellar - 3. SUBSTITUTE SENATE BILL NO. 5074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5893, by Senators Haugen, Sellar, Spanel, McCaslin, Prentice, Loveland, Winsley and Oke

Requiring the disclosure of the physical address of a business advertising in a telephone directory.

#### MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5893 was substituted for Senate Bill No. 5893 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5893 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5893.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5893 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Excused: Senators Bauer, Fairley and Sellar - 3. SUBSTITUTE SENATE BILL NO. 5893, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5480, by Senators Patterson, Hargrove, Long, Eide, Franklin, Shin, McCaslin, Haugen, Goings, Gardner, Prentice, Kline, T. Sheldon, Wojahn, Benton, Spanel, B. Sheldon, Bauer, McAuliffe, Jacobsen, Rossi, Horn, Johnson, West, Winsley, Oke and Rasmussen

Requiring identification of drug-affected infants and providing treatment services to their mothers.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5480 was substituted for Senate Bill No. 5480 and the substitute bill was placed on second reading and read the second time.

Senator Patterson moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.030 and 1998 c 130 s 1 are each amended to read as follows:

For purposes of this chapter:

(1) "Chemical dependency treatment" means a service certified by the department as qualified in helping individuals successfully recover from the nonprescription use of controlled substances.

(2) "Child" and "juvenile" means any individual under the age of eighteen years.

~~((2))~~ (3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until the child returns home, an adoption decree, a permanent custody order, or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. If the most recent date of removal occurred prior to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode.

~~((3))~~ (4) "Department" means the department of social and health services.

(5) "Dependency finding" means a determination by the court that a child is a dependent child.

(6) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency.

~~((4))~~ (7) "Dependency petition" means a petition filed under this chapter.

(8) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has expressed either by statement or conduct, an intent to forego, for an extended period, parental rights or parental responsibilities despite an ability to do so. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

~~((5))~~ (9) "Drug-affected infant" has the definition created by the department of health in conjunction with the department of social and health services under RCW 13.34.801 and the infant requires treatment for withdrawal from controlled substances the infant was exposed to from the mother's use of nonprescription controlled substances or the infant requires treatment and services related to conditions that extend beyond the point of withdrawal.

(10) "Family planning" means the process of limiting or spacing the birth of children, education, counseling, information, and services. "Family planning" does not include pregnancy termination.

(11) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

~~((6))~~ (12) "Guardian ad litem" means a person, appointed by the court to represent the best interest of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

~~((7))~~ (13) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

~~((8))~~ (14) "Newborn infant" means an infant within seven days after birth.

(15) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

~~((9))~~ (16) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services capable of preventing the need for out-of-home placement while protecting the child.

(17) "Test" means use of a medically accepted standard of care for determining whether a newborn infant is a drug-affected infant.

**NEW SECTION. Sec. 2.** A new section is added to chapter 13.34 RCW to read as follows:

In an effort to reduce the harmful effects of drug-affected infants:

(1)(a) A woman's primary health care provider shall:

(i) Screen pregnant and lactating women for nonprescription use of controlled substances while pregnant. Screening criteria may include, but is not limited to, the criteria developed by the department of health pursuant to chapter 70.83E RCW;

(ii) Convey to the infant's primary health care provider screening findings that would suggest the need for testing of the infant, or conduct the testing; and

(iii) Inform each woman identified by screening for testing of her infant that if her infant is born drug-affected she can have a tubal ligation at no cost to her within six months following the birth if she is eligible for support under RCW 74.09.310, and how to access appropriate chemical dependency treatment.

(b) The provider shall not be liable for a decision regarding testing or reporting unless the decision amounts to gross negligence or intentional misconduct.

(2)(a) The health care provider of a newborn infant shall:

(i) Test any infant the provider reasonably believes is drug-affected; and

(ii) Notify the department of the name and address of the parent or parents of a drug-affected infant.

(b) The provider shall not be liable for a decision regarding testing or reporting unless the decision amounts to gross negligence or intentional misconduct.

(3) The department shall investigate all reports received under this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 13.34 RCW to read as follows:

When an infant is determined to be a first drug-affected infant, the department shall file a dependency petition in appropriate cases. The drug-affected status of an infant is not by itself sufficient to establish a finding that the drug-affected infant is dependent.

(1) The department and the mother may enter an agreement in which the mother agrees to chemical dependency treatment on an inpatient or outpatient basis. The mother must be offered education regarding family planning and medically appropriate pharmaceutical pregnancy prevention during the course of chemical dependency treatment with a preference for those methods administered not less than once every thirty days. In addition, the agreement shall:

(a) Specify completion dates for each of the conditions of treatment;

(b) Expire within twelve months of the date of execution; and

(c) Not be renegotiated or extended beyond twelve months of the date of execution unless the conditions, which were negotiated, cannot be fulfilled in twelve months and the reason the conditions cannot be fulfilled are completely beyond the control of the mother.

(2) If the department has filed a dependency petition and the department and the mother enter an agreement under subsection (1) of this section, the department shall request the court defer entry of a dependency finding for as long as the mother abides by the terms of the agreement subject to the department's monitoring compliance.

(3) As a condition of deferral of the dependency finding, the parties shall stipulate to facts sufficient to constitute a dependency. In the event a party unreasonably refuses to stipulate to facts sufficient to constitute a dependency, the court may proceed with hearings on the petition.

(4) If the court orders deferral of the dependency finding, the court shall order performance of the agreement and shall prohibit nonprescription use of controlled substances.

(5) The department or any party to the petition may request the court dismiss a deferred finding at any time if the mother demonstrates by clear and convincing evidence that she has not used controlled substances for at least twelve consecutive months unless the court finds compelling reasons to shorten the time after consulting with the substance abuse provider, but under no circumstances less than six months, and she can safely provide for the child's welfare without continuing supervision by the department or court.

(6) In the event the department does not file a petition or enter an agreement, the department shall refer the mother to available chemical dependency treatment.

**NEW SECTION. Sec. 4.** A new section is added to chapter 13.34 RCW to read as follows:

When an infant is determined to be a second drug-affected infant, the department shall file a dependency petition for the second drug-affected infant unless compelling reasons exist to the contrary. The department may proceed immediately with a dependency petition on the first drug-affected infant. The drug-affected status of an infant is not by itself sufficient to establish a finding that the drug-affected infant is dependent.

(1) The department and the mother may enter an agreement in which the mother agrees to inpatient chemical dependency treatment unless the department determines outpatient treatment is in the best interest of the child and participation in a model project developed under RCW 13.34.800 for aftercare services if the model project is available. The mother must be offered education regarding family planning and medically appropriate pharmaceutical pregnancy prevention during the course of chemical dependency treatment with a preference for those methods administered not less than once every thirty days. In addition, the agreement shall:

(a) Specify completion dates for each of the conditions of treatment;

(b) Expire within twelve months of the date of execution; and

(c) Not be renegotiated or extended beyond twelve months of the date of execution unless the conditions, which were negotiated, cannot be fulfilled in twelve months and the reason the conditions cannot be fulfilled are completely outside the control of the mother.

(2) If the department has filed a dependency petition and the department and the mother enter an agreement under subsection (1) of this section, the department shall request the court defer entry of a dependency finding for as long as the mother abides by the terms of the agreement subject to the department's monitoring compliance.

(3) As a condition of deferral of the dependency finding, the parties shall stipulate to facts sufficient to constitute a dependency. In the event a party unreasonably refuses to stipulate to facts sufficient to constitute a dependency, the court may proceed with hearings on the petition.

(4) If the court orders deferral of the dependency finding, the court shall order performance of the agreement and shall prohibit nonprescription use of controlled substances.

(5) The department or the mother may request the court dismiss a deferred finding at any time if the mother demonstrates by clear and convincing evidence that she has not used controlled substances for at least twelve consecutive months unless the court finds compelling reasons to shorten the time after consulting with the substance abuse provider, but under no circumstances less than six months, and she can safely provide for the child's welfare without continuing supervision by the department or court.

(6) In the event the department does not file a petition or enter an agreement, the department shall refer the mother to available chemical dependency treatment programs.

**NEW SECTION. Sec. 5.** A new section is added to chapter 13.34 RCW to read as follows:

Unless compelling reasons exist to the contrary, the department shall file a dependency petition when an infant is determined to be a third or subsequent drug-affected infant. Unless compelling reasons exist to the contrary, the department shall proceed with dependency petitions on all drug-affected children born before the third or subsequent birth. The drug-affected status of an infant is not by itself sufficient to establish a finding that the drug-affected infant is dependent.

(1) The court shall order evaluation by a designated chemical dependency specialist, as defined in RCW 70.96A.020, who shall undertake the processes described in RCW 70.96A.140. If the mother enters chemical dependency treatment, the mother must be offered education regarding family planning and medically appropriate pharmaceutical pregnancy prevention during the course of chemical dependency treatment with a preference for those methods administered not less than once every thirty days.

(2) If the court has ordered removal of a child or children, the out-of-home placement order shall remain in effect until the petition is dismissed or the mother has successfully completed inpatient chemical dependency treatment and an aftercare chemical dependency treatment program unless compelling reasons exist to the contrary. The mother must establish to the court that she can safely provide for the welfare of her child or children.

**NEW SECTION. Sec. 6.** A new section is added to chapter 13.34 RCW to read as follows:

Nothing in sections 2 through 5 of this act may be interpreted to prohibit or compel action in the best interests of the child by the department independent from the drug-affected status of an infant.

**NEW SECTION. Sec. 7.** A new section is added to chapter 13.34 RCW to read as follows:

Notwithstanding sections 2 through 5 of this act, no provider of chemical dependency treatment services may be required by law or contract in any circumstance to participate in the provision of family planning services if the provider objects to so doing for reasons of conscience or religion. Each provider of chemical dependency treatment that invokes the exemption provided under this section shall promptly provide written notice to persons admitted to treatment listing the family planning services the provider refuses to provide for the reason of conscience or religion and how a person admitted to treatment may access family planning in an expeditious manner. When negotiating contracts for chemical dependency treatment services, the department shall prioritize contracted services under sections 3 through 5 of this act for the purpose of maximizing the number of providers who can show effective measurable outcomes in reducing chemical dependency and the birth of drug-affected infants through effective treatment regardless of whether or not they provide family planning services.

**Sec. 8.** RCW 13.34.070 and 1993 c 358 s 1 are each amended to read as follows:

(1) Upon the filing of the petition, the clerk of the court shall issue a summons, one directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. If the child is developmentally disabled and not living at home, the notice shall be given to the child's custodian as well as to the child's parent. The developmentally disabled child shall not be required to appear unless requested by the court. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons. The fact-finding hearing on the petition shall be held no later than seventy-five days after the filing of the petition, unless exceptional reasons for a continuance are found. In cases of a drug-affected infant, exceptional reasons for a continuance exist if the mother and the department have executed an agreement that will take more than seventy-five days to fulfill. The party requesting the continuance shall have the burden of proving by a preponderance of the evidence that exceptional circumstances do exist. To ensure that the hearing on the petition occurs within the seventy-five day time limit, the court shall schedule and hear the matter on an expedited basis.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel. The summons shall also inform the child's parent, guardian, or legal custodian of his or ~~(her)~~ her right to appointed counsel, if indigent, and of the procedure to use to secure appointed counsel.

(4) The summons shall advise the parents that they may be held responsible for the support of the child if the child is placed in out-of-home care.

(5) The judge may endorse upon the summons an order directing any parent, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

(6) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to RCW 13.34.050, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take him to the place of shelter designated by the court.

(7) If the person summoned as provided in this section is subject to an order of the court pursuant to subsection (5) or (6) of this section, and if the person fails to abide by the order, he may be proceeded against as for contempt of court. The order endorsed upon the summons shall conspicuously display the following legend:

NOTICE:  
VIOLATION OF THIS ORDER  
IS SUBJECT TO PROCEEDING  
FOR CONTEMPT OF COURT  
PURSUANT TO RCW 13.34.070.

(8) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally as soon as possible following the filing of the petition, but in no case later than fifteen court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail as soon as possible following the filing of the petition, but in no case later than fifteen court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

(9) Service of summons may be made under the direction of the court by any person eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department of social and health services social worker.

(10) In any proceeding brought under this chapter where the court knows or has reason to know that the child involved is a member of an Indian tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's tribe. If the identity or location of the tribe cannot be determined, such notice shall be transmitted to the secretary of the interior of the United States.

**Sec. 9.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is related to the child as defined in RCW 74.15.020((4)) (2)(a) and with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(i) There is no parent or guardian available to care for such child;  
(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;  
(iii) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds: (a) Termination is recommended by the supervising agency; (b) termination is in the best interests of the child; and (c) that because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interest of the child. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(i) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(ii) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(iii) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(iv) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(v) Conviction of the parent of attempting, soliciting, or conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of this subsection;

(vi) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(vii) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. (~~Sec.~~) Sec. 1903), the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;

(viii) An infant under three years of age has been abandoned as defined in RCW 13.34.030(~~(4)~~) (8)(a);

(ix) The mother has given birth to three or more drug-affected infants, resulting in the department filing a petition under (~~section 23 of this act~~) section 5 of this act.

(3) If reasonable efforts are not ordered under subsection (2) of this section a permanency (~~plan~~ planning) planning hearing shall be held within thirty days. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

(4) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; and independent living, if appropriate and if the child is age sixteen or older. Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(5) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(7) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

**Sec. 10.** RCW 74.09.310 and 1998 c 314 s 34 are each amended to read as follows:

The department may make available, or cause to be made available, pharmaceutical birth control services, information, and counseling to any person who enters chemical dependency treatment under ~~((section 20 or 21 of this act))~~ sections 3 through 5 of this act. Within available funds, the department may pay for any tubal ligations requested under ~~((section 19 of this act))~~ section 2 of this act if the mother's income is less than two hundred percent of the federal poverty level. The department shall report by December 1st of each year to the governor and legislature: (1) The number of tubal ligations performed as a result of ~~((chapter 314, Laws of 1998))~~ this act; (2) the number of women who decline to undergo the surgery; (3) the number of women who obtain pharmaceutical birth control, by type of birth control; and (4) the number of women who are reported to the department.

**Sec. 11.** RCW 18.71.950 and 1998 c 314 s 36 are each amended to read as follows:

~~(((4)))~~ Nothing in ~~((section 19 of this act))~~ sections 2 through 5 of this act imposes any additional duties or responsibilities on, or removes any duties or responsibilities from, a physician licensed under this chapter, except as specifically included in chapter 13.34 RCW ~~((and RCW 70.96A.330))~~ and RCW 74.09.310.

~~(((2) This section expires June 30, 2002.))~~

**Sec. 12.** RCW 18.57.920 and 1998 c 314 s 37 are each amended to read as follows:

~~(((4)))~~ Nothing in ~~((section 19 of this act))~~ sections 2 through 5 of this act imposes any additional duties or responsibilities on, or removes any duties or responsibilities from, an osteopath licensed under this chapter, except as specifically included in chapter 13.34 RCW ~~((and RCW 70.96A.330))~~ and RCW 74.09.310.

~~(((2) This section expires June 30, 2002.))~~

**Sec. 13.** RCW 18.79.903 and 1998 c 314 s 38 are each amended to read as follows:

~~(((4)))~~ Nothing in ~~((section 19 of this act))~~ sections 2 through 5 of this act imposes any additional duties or responsibilities on, or removes any duties or responsibilities from, an advanced registered nurse practitioner licensed under this chapter, except as specifically included in chapter 13.34 RCW ~~((and RCW 70.96A.330))~~ and RCW 74.09.310.

~~(((2) This section expires June 30, 2002.))~~

NEW SECTION. **Sec. 14.** The following acts or parts of acts are each repealed:

- (1) RCW 18.57.930 (Application--1998 c 314) and 1998 c 314 s 43;
- (2) RCW 18.71.960 (Application--1998 c 314) and 1998 c 314 s 42;
- (3) RCW 18.79.904 (Application--1998 c 314) and 1998 c 314 s 44;
- (4) RCW 70.96A.330 (Treatment programs and model projects--Provision of family planning) and 1998 c 314 s 33; and
- (5) RCW 70.96A.340 (Treatment programs and model projects--Provision of family planning) and 1998 c 314 s 41.

NEW SECTION. **Sec. 15.** This act applies only to drug-affected infants born on or after the effective date of this act.

NEW SECTION. **Sec. 16.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 17.** The Washington institute for public policy shall evaluate the outcomes of this act and report its findings to the legislature and governor not later than December 1, 2001. The evaluation shall include:

- (1) The number of women who use nonprescription controlled substances during pregnancy and give birth to drug-affected infants;
- (2) The number of women who use nonprescription controlled substances during pregnancy and give birth to subsequent drug-affected infants;
- (3) The number of women who accept pharmaceutical pregnancy prevention while in chemical dependency treatment;
- (4) The number of women who continue to engage in pharmaceutical pregnancy prevention or other reliable pregnancy prevention methods after concluding chemical dependency treatment;
- (5) The number of women who accept the offer of free tubal ligation;
- (6) The rate of successful completion of chemical dependency treatment among women who enter treatment under this act;
- (7) The number of dependencies filed and deferred under this act and outcomes of the deferrals; and
- (8) A description of the mother's chemical dependency including identification of the drugs and/or alcohol abused."

MOTION

Senator Benton moved that the following amendment to the striking amendment by Senator Patterson be adopted:

On page 1, on line 12, after "nonprescription" insert "or prescription"  
Debate ensued.

#### MOTION TO WITHDRAW AMENDMENT TO AMENDMENT

There being no objection, on motion of Senator Benton, the amendment on page 1, line 12, to the striking amendment to Substitute Senate Bill No. 5480 was withdrawn.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Patterson to Substitute Senate Bill No. 5480.

The motion by Senator Patterson carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 1 of the title, after "infants;" strike the remainder of the title and insert "amending RCW 13.34.030, 13.34.070, 74.09.310, 18.71.950, 18.57.920, and 18.79.903; reenacting and amending RCW 13.34.130; adding new sections to chapter 13.34 RCW; creating new sections; and repealing RCW 18.57.930, 18.71.960, 18.79.904, 70.96A.330, and 70.96A.340."

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5480 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5480.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5480 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Excused: Senators Bauer, Fairley and Sellar - 3. ENGROSSED SUBSTITUTE SENATE BILL NO. 5480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5720, deferred on second reading earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Sheahan to the scope and object of the amendment by Senators Kohl-Welles and Shin on page 2, line 38, the President finds that Senate Bill No. 5720 is a measure which concerns the creation, operation, whereabouts, funding, and purpose of a real estate research center.

"The amendment by Senators Kohl-Welles and Shin would provide for an advisory board for the center. The President finds that the amendment is related to the creation and operation of the center.

"The President, therefore, finds that the amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senators Kohl-Welles and Shin on page 2, line 38, to Senate Bill No. 5720 was ruled in order.

#### MOTION TO WITHDRAW AMENDMENT

There being no objection, on motion of Senator Kohl-Welles, the amendment on page 2, line 38, by Senators Kohl-Welles and Shin to Senate Bill No. 5720 was withdrawn.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 5720 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5720.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5720 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 40. Voting nay: Senators Benton, Brown, Kline, McCaslin, Prentice, Wojahn and Zarelli - 7. Excused: Senators Bauer and Sellar - 2. ENGROSSED SENATE BILL NO. 5720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5843, by Senators Prentice and Winsley

Concerning the housing finance commission.

The bill was read the second time.

#### MOTIONS

On motion of Senator Prentice, the following amendment by Senators Prentice and Winsley was adopted:

On page 3, after line 2, insert the following:

**"Sec. 2.** RCW 43.180.160 and 1996 c 310 s 2 are each amended to read as follows:

The total amount of outstanding indebtedness of the commission may not exceed ~~((two))~~ three billion dollars at any time. The calculation of outstanding indebtedness shall include the initial principal amount of an issue and shall not include interest that is either currently payable or that accrues as a part of the face amount of an issue payable at maturity or earlier redemption. Outstanding indebtedness shall not include notes or bonds as to which the obligation of the commission has been satisfied and discharged by refunding or for which payment has been provided by reserves or otherwise."

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 2 of the title, after "43.180.070" insert "and 43.180.160"

#### MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Senate Bill No. 5843 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5843.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5843 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long,

Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Absent: Senator Brown - 1. Excused: Senators Bauer and Sellar - 2. ENGROSSED SENATE BILL NO. 5843, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Benton: "I rise to a point of personal privilege, Mr. President. Last night, just shortly before we adjourned, there was an announcement concerning March 15 and the concern of some construction dates and some road projects which were in the supplemental budget. I know many of you, since that announcement, have come up to me during the day today and asked me about your projects that were in your districts and you were very concerned about them. I can understand that. I just received information that I have had distributed to each of the Senators, on their desks, that points out one of the eleven projects was deleted because it wasn't ready for the spring advertising date and four of them have been moved back.

"This was done by the Department of Transportation, because they weren't ready to go to bid. They thought they would be, but they weren't. So, they were not ready to go to bid and so the dates have slipped on these projects due to the department itself. We were also informed that the remaining projects will go ahead and go to bid based on information received from John Conrad, the assistant Secretary of Field Operations--because these projects are typically handled when we don't normally do a supplemental budget--is what happens. We normally handle these projects in the regular transportation budget and give advance authority and so the department has said that these projects will go on to bid as planned. I just wanted to clarify that and give you this documentation for that".

#### POINT OF ORDER

Senator Jacobsen: "A point of order. Was that a point of personal privilege or was that a speech?"

#### REPLY BY THE PRESIDENT

President Owen: "Well, it is walking pretty close to the line from being a speech, I have to admit."

#### MOTION

At 3:58 p.m, on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 4:59 p.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5029, by Senators Franklin, Winsley, Roach, Jacobsen, Long, Fraser, Bauer and Rasmussen (by request of Joint Committee on Pension Policy)

Establishing membership in the public employees' retirement system.

#### MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 5029 was substituted for Senate Bill No. 5029 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 5029 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5029.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5029 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47. Absent: Senator Hochstatter - 1. Excused: Senator Sellar - 1. SUBSTITUTE SENATE BILL NO. 5029, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5313, by Senators Wojahn, Zarelli, Thibaudeau, Deccio and Winsley

Limiting the scope of mental health record audits.

## MOTIONS

On motion of Senator Snyder, Substitute Senate Bill No. 5313 was substituted for Senate Bill No. 5313 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5313 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5313.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5313 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Excused: Senator Sellar - 1. SUBSTITUTE SENATE BILL NO. 5313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5201, by Senators Thibaudeau and Deccio (by request of Department of Health)

Increasing fees for the production of certain records.

## MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5201 was substituted for Senate Bill No. 5201 and the substitute bill was placed on second reading and read the second time.

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

On page 2, after line 22, strike all material through "date." on page 3, line 13.

## MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, on line 1 of the title, after "statistics;" strike all material through "date" on line 3 and insert "and amending RCW 70.58.107"

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute Senate Bill No. 5201 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF ORDER

Senator Honeyford: "A point of order, Mr. President. Is this a tax or fee increase that would require a two-third vote?"

Debate ensued.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Engrossed Substitute Senate Bill No. 5201 was deferred.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5492, deferred on March 15, 1999, after the motion for reconsideration carried.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5492, on reconsideration.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5492, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 28. Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 20. Excused: Senator Sellar - 1. SUBSTITUTE SENATE BILL NO. 5492, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### MOTION

On motion of Senator Spanel, Senator Snyder was excused.

#### SECOND READING

SENATE BILL NO. 5560, by Senators Franklin, Deccio, Winsley and Kohl-Welles (by request of Department of Social and Health Services)

Revising provisions relating to supported employment for persons with severe disabilities.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 5560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5560.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5560 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47. Excused: Senators Sellar and Snyder - 2. SENATE BILL NO. 5560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5619, by Senator Jacobsen (by request of Office of Financial Management)

Increasing the assessment for forest fire protection.

#### MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5619 was substituted for Senate Bill No. 5619 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5619 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5619.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5619 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Absent: Senator Patterson - 1. Excused: Senators Sellar and Snyder - 2. SUBSTITUTE SENATE BILL NO. 5619, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5518, by Senators Jacobsen, Eide, Goings and Winsley

Establishing a community outdoor athletic fields board and account to provide assistance with the repair, maintenance, or construction of community athletic fields.

#### MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5518 was substituted for Senate Bill No. 5518 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5518 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Benton: "Senator Jacobsen, I notice that there were some soccer organizations that testified against the bill. Why would the soccer organizations be opposed to the bill and also can you tell me where the money for the athletic fund comes from? There is a dedicated

fund for athletic fields. Is that a general fund allocation or is that--where does the money come from that goes into--that these loan and grants are given from?"

Senator Jacobsen: "I'm surprised. If you look at the con in the testimony, it was not any soccer organization, it was Jean Ameluxen from CTED and Laura Johnson from IAC. The athletic organizations are supportive of it. The fund comes from--when we did the Sea Hawk bill several years ago, there were provisos in there that; One, if there was any surplus revenue after the bonds were serviced, that it go for youth athletic facilities and then at the same time, there was another proviso that when Mr. Allen signs the contract to take over--to make the arrangements--that he would write a ten million dollar check to the IAC, which he did. That is the first ten million and that won't be impacted by this, but in the future when the revenue comes in higher than the bonds, that additional money then would be in there for grants or loans. I see some possibilities in there using it like the Public Works Fund, where you give grants where you need it and sometimes you can get loans. Thank you."

Senator Benton: "So, no general fund money?"

Senator Jacobsen: "No."

Senator Benton: "Okay, thank you very much."

#### POINT OF INQUIRY

Senator Roach: "Senator Jacobsen, this is not an antagonistic question. I am looking at the bill for the first time. Is there any provision here that there be made available for soccer fields any of the land that we have set aside for farm land preservation?"

Senator Jacobsen: "No, that was another bill. That bill is still in rules."

Senator Roach: "Okay, so this will do nothing to act upon what the voters decided to do in King County, to preserve that land as Ag land? Thank you."

Senator Jacobsen: "I also think that was a little bit of a red herring in the fact that once you did those purchases, that land couldn't be converted for any other purpose."

Senator Roach: "Well, I think we have a King County Executive who would like to have some of that land and those of us out there want to make sure that that doesn't happen."

#### POINT OF INQUIRY

Senator McCaslin: "Senator Jacobsen, you are getting lots of exercise there. I am supporting the bill. I am just curious about--it also added a requirement on cities to replace twice any lost athletic fields. Would that be difficult to attain? Once you lose a field, you have to have two fields or twice the area?"

Senator Jacobsen: "That was the idea of the amendment offered in committee and was adopted by the committee."

Senator McCaslin: "Oh, if it will work, it is a great idea--if it will work."

Senator Jacobsen: "We'll see what happens in the House."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5518.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5518 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Excused: Senator Sellar - 1. SUBSTITUTE SENATE BILL NO. 5518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE JOINT RESOLUTION NO. 8205, by Senator Hargrove

Requiring initiative signatures from all congressional districts.

## MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Joint Resolution No. 8205 was substituted for Senate Joint Resolution No. 8205 and the second substitute resolution was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Second Substitute Senate Joint Resolution No. 8205 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Joint Resolution No. 8205.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Joint Resolution No. 8205 and the joint resolution passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, West, Winsley and Zarelli - 36. Voting nay: Senators Fairley, Finkbeiner, Franklin, Fraser, Heavey, Kohl-Welles, Prentice, Roach, Rossi, Spanel, Thibaudeau and Wojahn - 12. Excused: Senator Sellar - 1. SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8205, having received the constitutional two-thirds majority, was declared passed.

## SECOND READING

SENATE BILL NO. 5538, by Senators Costa, McCaslin, Heavey, Goings and Rasmussen

Clarifying sentencing requirements for certain crimes.

The bill was read the second time.

## MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 5538 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5538.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5538 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Excused: Senator Sellar - 1. SENATE BILL NO. 5538, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5675, by Senators Thibaudeau, Patterson, Fraser, Franklin, Eide, Fairley, Kohl-Welles, Kline, Bauer, Snyder and Jacobsen

Prioritizing highway noise mitigation.

The bill was read the second time.

#### MOTIONS

On motion of Senator Haugen, the following Committee on Transportation amendment was adopted:

On page 3, line 1, strike all of section 6

On motion of Senator Haugen, the following title amendment was adopted:

On line 2 of the title, after "RCW;" insert "and" and after "section" strike everything through "emergency" on line 3

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Senate Bill No. 5675 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Jacobsen, Senator Heavey was excused.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5675.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5675 and the bill passed the Senate by the following

Yeas, 39; Nays, 7; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 39.

Voting nay: Senators Benton, Deccio, Hochstatter, Honeyford, Oke, Sheldon, T. and Zarelli - 7. Absent: Senator Stevens - 1. Excused: Senators Heavey and Sellar - 2. ENGROSSED SENATE BILL NO. 5675, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Snyder, Senate Rule 15 was suspended for the evening.

EDITOR'S NOTE: Senate Rule 15 states, 'When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening.'

#### MOTION

On motion of Senator Franklin, Senator Prentice was excused.

#### SECOND READING

SENATE BILL NO. 5299, by Senators Fairley, Kohl-Welles, Kline and Wojahn

Eliminating the residency requirement for TANF eligibility.

#### MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5299 was substituted for Senate Bill No. 5299 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 5299 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5299.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5299 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 27. Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 20. Excused: Senators Prentice and Sellar - 2. SUBSTITUTE SENATE BILL NO. 5299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5201, deferred on third reading earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Honeyford concerning the number of votes necessary to pass Engrossed Substitute Senate Bill No. 5201, the President finds that the measure permits the Department of Health and local registrars to raise fees for the stated purposes of copying vital statistics and record searches. It is not clearly apparent that the raised fees are 'user fees,' because a portion of the fees are

turned over to the State Treasurer and could possibly be used for general governmental purposes. As such, it is necessary to look behind the measure.

"In looking behind the statute, the President finds that although a portion of the fees raised under the statute are turned over to the State Treasurer, the fees are held by the treasurer in the general fund *local* account, not the general fund state account. The President also finds that currently the amount of fees collected for vital records and statistics services is not adequate to fund those services. The Vital Records and Statistics Program within the Department of Health is subsidized by the general fund.

"For these reasons, the President finds that the fees raised in Engrossed Substitute Senate Bill No. 5201 are, in fact, necessary to fund the governmental services for which the fees are paid. These fees are 'user fees' as defined by the President in previous rulings, and are not 'taxes' as defined by Initiative 601.

"The President, therefore, finds that Engrossed Substitute Senate Bill No. 5201 requires only a simple majority vote on final passage."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5201.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5201 and the bill failed to pass the Senate by the following vote: Yeas, 19; Nays, 26; Absent, 2; Excused, 2.

Voting yea: Senators Bauer, Costa, Deccio, Fairley, Franklin, Fraser, Hargrove, Heavey, Jacobsen, Kline, Kohl-Welles, McAuliffe, Patterson, Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 19. Voting nay: Senators Benton, Eide, Finkbeiner, Goings, Hale, Haugen, Hochstatter, Honeyford, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Oke, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Stevens, Swecker, West and Zarelli - 26. Absent: Senators Brown and Gardner - 2. Excused: Senators Prentice and Sellar - 2. ENGROSSED SUBSTITUTE SENATE BILL NO. 5201, having failed to receive the constitutional majority, was declared lost.

#### MOTION

On motion of Senator Goings, Senator Fairly was excused.

#### SECOND READING

SENATE BILL NO. 5285, by Senators Hargrove, McCaslin, Johnson and Haugen

Permitting certain actions based on air emission or water or solid waste discharge.

#### MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5285 was substituted for Senate Bill No. 5285 and the substitute bill was placed on second reading and read the second time.

Senator Fraser moved that the following amendment by Senators Fraser, Spanel and Kline be adopted:

On page 1, after "**Sec. 1.**" insert the following:

(1) The office of the attorney general and the standing committees on the judiciary and environmental quality in the house of representatives and the senate shall jointly review the availability of nuisance and other actions for the recovery of property damages from air emissions, water discharge, and solid waste discharge or release, and court decisions and public policy considerations regarding restricting the availability of such actions when the discharge or release occurs in compliance with a term or condition of:

- (a) a statute or regulation;
- (b) a license, permit, or order that is issued after the opportunity for public comment by a local, state, or federal agency and subject to continuing compliance assurance procedures, review by the issuing authority, and amendment or renewal; or
- (c) a court order or judgment.

(2) Stakeholder organizations such as business and environmental organizations, property owner organizations, and the practicing legal profession should be consulted in conducting the review.

(3) The attorney general and standing committee shall submit its report and proposed recommendations for statutory changes to the availability of property damage recovery actions to the legislature by December 31, 1999."

Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Fraser, Spanel and Kline on page 1, after Sec. 1, to Substitute Senate Bill No. 5285.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Franklin, Fraser, Gardner, Heavey, Jacobsen, Kline, Kohl-Welles, McAuliffe, Prentice, Rasmussen, Sheldon, B., Spanel, Thibaudeau and Wojahn - 18. Voting nay: Senators Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, West, Winsley and Zarelli - 29. Excused: Senators Fairley and Sellar - 2.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5285 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5285.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5285 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, West, Winsley and Zarelli - 30. Voting nay: Senators Brown, Costa, Eide, Franklin, Fraser, Gardner, Heavey, Jacobsen, Kline, Kohl-Welles, McAuliffe, Prentice, Rasmussen, Sheldon, B., Spanel, Thibaudeau and Wojahn - 17. Excused: Senators Fairley and Sellar - 2. SUBSTITUTE SENATE BILL NO. 5285, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

On motion of Senator Deccio, Senators Hargrove and Long were excused.

On motion of Senator Honeyford, Senator McCaslin was excused.

#### SECOND READING

SENATE BILL NO. 5330, by Senators Brown, Goings, Franklin, Patterson, Eide, B. Sheldon, Winsley, Costa, Oke, Bauer and Rasmussen

Treating active military personnel as residents for purposes of higher education tuition.

The bill was read the second time.

#### MOTIONS

Senator McDonald moved that the following amendments by Senators McDonald and Brown be considered simultaneously and be adopted:

On page 1, beginning on line 4, strike all material through "require." on page 3, line 24

On page 4, after line 12, insert the following:

**"NEW SECTION. Sec. 2.** A new section is added to chapter 28B.15 RCW to read as follows:

For nonresident active duty military personnel stationed in the state of Washington, the state board for community and technical colleges and the governing boards of the state universities, the regional universities, the community colleges, and The Evergreen State College shall waive the lesser of the nonresident tuition fee differential and that portion of nonresident tuition fees which exceed federal educational assistance."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators McDonald and Brown on page 1, beginning on line 4, and page 4, after line 12, to Senate Bill No. 5330.

The motion by Senator McDonald carried and the amendments were adopted.

#### MOTIONS

On motion of Senator Brown, the following title amendment was adopted:

On page 1, line 2 of the title, after "personnel;" strike all material through "28B.15.014" and insert "amending RCW 28B.15.014; and adding a new section to chapter 28B.15 RCW"

On motion of Senator Brown, the rules were suspended, Engrossed Senate Bill No. 5330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5330.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5330 and the bill passed the Senate by the following

Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43. Absent: Senator Kline - 1.

Excused: Senators Fairley, Hargrove, Long, McCaslin and Sellar - 5. ENGROSSED SENATE BILL NO. 5330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Oke was excused.

#### SECOND READING

SENATE BILL NO. 5902, by Senators Kohl-Welles, Sheahan and Shin

Changing higher education financial aid provisions.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5902 was substituted for Senate Bill No. 5902 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5902 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5902.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5902 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 3; Excused, 6.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Loveland, McAuliffe, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 40. Absent: Senators Bauer, Kline and Wojahn - 3. Excused: Senators Fairley, Hargrove, Long, McCaslin, Oke and Sellar - 6. SUBSTITUTE SENATE BILL NO. 5902, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senators Deccio, Morton and Winsley were excused.

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5563, by Senators Costa, Patterson and Roach

Authorizing a filing fee surcharge for funding county law libraries.

The bill was read the second time.

#### MOTION

Senator Honeyford moved that the following amendment be adopted:

On page 1, line 12, after "PROVIDED," strike "That upon a showing of need the twelve dollar contribution may be increased up to fifteen dollars upon the request of the law library board of trustees and with the approval of the county legislative body or bodies: AND PROVIDED FURTHER," insert the following: (~~That upon a showing of need the twelve dollar contribution may be increased up to fifteen dollars upon the request of the law library board of trustees and with the approval of the county legislative body or bodies~~)

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 12, to Senate Bill No. 5563.

The motion by Senator Honeyford failed and the amendment was not adopted.

#### MOTION

Senator Stevens moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 18, after "exceed" strike "the maximum amount established in this section" insert "three dollars"

On page 2, line 1, after "exceed" strike "the maximum amount established in this section" and insert "three dollars"

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Stevens on page 1, line 18, and page 2, line 1, to Senate Bill No. 5563.

The motion by Senator Stevens failed and the amendments were not adopted.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 5563 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5563.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5563 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 17; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 26. Voting nay: Senators Benton, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Oke, Roach, Rossi, Sheldon, T., Stevens, Swecker, West and Zarelli - 17.

Excused: Senators Deccio, Hargrove, Long, Morton, Sellar and Winsley - 6. SENATE BILL NO. 5563, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5743, by Senators Kohl-Welles, Sheahan, Oke and Hale (by request of State Board for Community and Technical Colleges)

Improving community and technical colleges' contributions to economic development.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5743 was substituted for Senate Bill No. 5743 and the substitute bill was placed on second reading and read the second time.

Senator Sheahan moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 12 after "of" insert "an equal number of representatives from"

On page 3, line 12 strike "Representatives from"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the two amendments by Senator Sheahan on page 3, line 12, to Substitute Senate Bill No. 5743.

The motion by Senator Sheahan carried and the amendments were adopted.

#### MOTION

Senator Sheahan moved that the following amendment by Senators Sheahan and Kohl-Welles be adopted:

On page 3, line 13, after "colleges" insert "The employment security department,"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Sheahan and Kohl-Welles on page 3, line 13, to Substitute Senate Bill No. 5743.

The motion by Senator Sheahan carried and the amendment was adopted.

## MOTIONS

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 5743 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5743.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5743 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Wojahn and Zarelli - 44. Excused: Senators Deccio, Long, Morton, Sellar and Winsley - 5. ENGROSSED SUBSTITUTE SENATE BILL NO. 5743, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5465, by Senators Costa, Wojahn, Winsley, Patterson and Thibaudeau (by request of Department of Social and Health Services)

Authorizing implementation of a waiver for the department of social and health services to provide family planning services to eligible persons.

## MOTIONS

On motion of Senator Snyder, Substitute Senate Bill No. 5465 was substituted for Senate Bill No. 5465 and the substitute bill was placed on second reading and read the second time.

Senator Swecker moved that the following amendment be adopted:

On page 1, line 17, after "pregnancy." insert: "Family planning services are not maternity care benefits, services, or information under the provisions and requirements of RCW 9.02.160."

Debate ensued.

## MOTION TO WITHDRAW AMENDMENT

With the clarification and reassurance of the sponsor of the bill that the amendment is not needed, Senator Swecker withdrew the amendment on page 1, line 17, to Substitute Senate Bill No. 5465.

## MOTION

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5465 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5465.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5465 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 31. Voting nay: Senators Benton, Deccio, Finkbeiner, Hochstatter, Honeyford, Johnson, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, West and Zarelli - 16. Excused: Senators Long and Sellar - 2. SUBSTITUTE SENATE BILL NO. 5465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

## SECOND READING

SENATE BILL NO. 5704, by Senators Kohl-Welles and Thibaudeau

Authorizing adoption of rules to implement medical marijuana law.

The bill was read the second time.

### MOTION

Senator Benton moved that the following amendment be adopted:

On page 1, line 6, after "health" insert ", in consultation with the Washington State Medical Association,"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 1, line 6, to Senate Bill No. 5704.

The motion by Senator Benton carried and the amendment was adopted.

### MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 1, line 7, after "chapter." insert "However, the department's authority to adopt new rules or amend previously adopted rules expires two years after the effective date of this act."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hochstatter on page 1, line 7, to Senate Bill No. 5704.

The motion by Senator Hochstatter carried and the amendment was adopted.

### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Senate Bill No. 5704 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## POINT OF ORDER

Senator West: "I rise to a point of order. This matter was subject to an Initiative last year. This bill would appear to qualify that Initiative or amend that Initiative. I don't believe there was anything in the Initiative that allowed the Legislature to write rules or implement rules and so my query is does this require a two-thirds vote as an amendment to the Initiative?"

## RULING BY THE PRESIDENT

President Owen: "The President believes that it would take a two-thirds vote, Senator West."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5704.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5704 and the bill failed to receive the constitutional two-thirds majority by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 31. Voting nay: Senators Benton, Deccio, Goings, Hale, Honeyford, Johnson, Long, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 17. Excused: Senator Sellar - 1. ENGROSSED SENATE BILL NO. 5704, having failed to receive the constitutional two-thirds majority, was declared lost.

#### SECOND READING

SENATE BILL NO. 5597, by Senators Fraser, Swecker, Jacobsen, Morton, Fairley, Rasmussen and Winsley

Requiring occupational health standards to protect workers from airborne and waterborne pathogens.

#### MOTION

Senator Fraser moved that Senate Bill No. 5597 not be substituted.

The President declared the question before the Senate to be the motion by Senator Fraser to not substitute Senate Bill No. 5597.

The motion by Senator Fraser carried and Senate Bill No. 5597 was not substituted.

The bill was read the second time.

#### MOTION

Senator Prentice moved that the following striking amendment by Senators Prentice, Costa, Franklin, Deccio, Fraser, McAuliffe, Benton, Heavey, Thibaudeau, Johnson and Wojahn be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that workers engaged in the handling, transportation, treatment, and disposal of biomedical waste may be exposed to elevated risks of contracting diseases from pathogens conveyed by air or water. These risks may be reduced by application of occupational health standards for airborne pathogens and waterborne pathogens that are comparable to those developed to protect workers from bloodborne pathogens. The legislature further finds that opportunities to improve bloodborne pathogen standards arise when product engineering improvements result in safer medical devices.

**NEW SECTION. Sec. 2.** (1) The department of labor and industries shall review available data, studies, hazard analyses, and other information regarding the potential for employee exposure to airborne or waterborne biological hazards in the handling, transport, treatment, and disposal of biomedical waste. Based on this review, the department shall make recommendations for appropriate action under the department's existing authority to protect workers and develop a plan for implementing the recommendations. The department shall report to the legislature its findings, recommendations, and implementation plan and recommendations for action by the legislature no later than December 1, 1999.

(2) This section expires December 31, 1999.

**NEW SECTION. Sec. 3.** A new section is added to chapter 49.17 RCW to read as follows:

(1) The department shall, by July 1, 1999, adopt rules revising the bloodborne pathogen standard governing occupational exposure to blood and other potentially infectious materials in accordance with subsection (3) of this section.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus, hepatitis C virus, and human immunodeficiency virus.

(b) "Employer" means each employer having an employee with occupational exposure to human blood or other material potentially containing bloodborne pathogens.

(c) "Engineering controls" means controls including, but not limited to, needleless systems and sharps with engineered sharps injury protection that isolate or remove the bloodborne pathogens hazard from the workplace.

(d) "Engineered sharps injury protection" means either:

(i) A physical attribute built into a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, that effectively reduces the risk of an exposure incident by a mechanism such as barrier creation, blunting, encapsulation, withdrawal, retraction, destruction, or other effective mechanisms; or

(ii) A physical attribute built into any other type of needle device, or into a nonneedle sharp, which effectively reduces the risk of an exposure incident.

(e) "Front-line health care worker" means a nonmanagerial employee responsible for direct patient care with potential occupational exposure to sharps-related injuries.

(f) "Needleless system" means a device that does not use needles for:

(i) The withdrawal of body fluids after initial venous or arterial access is established;

(ii) The administration of medication or fluids; and

(iii) Any other procedure involving the potential for an exposure incident.

(g) "Sharp" means any object used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken capillary tubes, exposed ends of dental wires and dental knives, drills, and burs.

(h) "Sharps injury" means any injury caused by a sharp, including, but not limited to, cuts, abrasions, or needle sticks.

(i) "Sharps injury log" means a written or electronic record satisfying the requirements of subsection (3)(d) of this section.

(j) "Small business" means an employer subject to this section with less than eleven employees at any time during the calendar year immediately preceding the current calendar year.

(3) The department shall adopt a standard, as described in subsection (1) of this section. The standard shall include, but not be limited to, the following:

(a) A requirement that needleless systems and sharps with engineered sharps injury protection be included as engineering and work practice controls. However, the engineering control is not required if:

(i) It is not available in the marketplace;

(ii) An evaluation committee, established by the employer, at least half the members of which are front-line health care workers from a variety of occupational classifications and departments, including but not limited to nurses, nurses aides, technicians, phlybotomists, and physicians, determines by means of objective product evaluation criteria that use of such devices will jeopardize patient or employee safety with regard to a specific medical procedure; or

(iii) The employer can demonstrate by means of objective product evaluation criteria that the engineering control is not more effective in preventing exposure incidents than the alternative used by the employer. In making this determination, the employer must certify:

(A) That the employees using the engineering controls were adequately trained and demonstrated proficiency in utilizing the device before implementation in patient care settings; and

(B) That the device has been used for a period of time sufficient to allow for the normal adjustment period after implementation of new devices.

(b) A requirement that written exposure control plans include an effective procedure for identifying and selecting existing needleless systems and sharps with engineered sharps injury protection. Any procedure adopted should provide that the evaluation committee described in (a) of this subsection has responsibility for identifying and selecting such devices;

(c) A requirement that written exposure control plans be updated when necessary to reflect progress in implementing needleless systems and sharps with engineered sharps injury protection as determined by the evaluation committee described in (a) of this subsection, but in no event should updating occur less than once every year;

(d) A requirement that information concerning exposure incidents be recorded in a sharps injury log, including, but not limited to:

(i) Date and time of the exposure incident;

(ii) Type and brand of sharp involved in the exposure incident; and

(iii) Description of the exposure incident that shall include:

- (A) Job classification of the exposed employee;
  - (B) Department or work area where the exposure incident occurred;
  - (C) The procedure that the exposed employee was performing at the time of the incident;
  - (D) How the incident occurred;
  - (E) The body part involved in the exposure incident;
  - (F) If the sharp had engineered sharps injury protection, whether the protective mechanism was activated, and whether the injury occurred before the protective mechanism was activated, during activation of the mechanism or after activation of the mechanism;
  - (G) If the sharp had no engineered sharps injury protection, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury, as well as the basis for the opinion; and
  - (H) The employee's opinion about whether any other engineering, administrative, or work practice control could have prevented the injury, as well as the basis for the opinion.
- (4) In complying with this section, a small business may:
- (a) Evaluate new technology through its own evaluation committee, a joint evaluation committee, established by multiple small business employers, at least half the members of which are front-line health care workers, or an evaluation committee established under the auspices of the department, at least half the members of which are front-line health care workers;
  - (b) Use a joint evaluation committee to develop and update the written procedure for identifying and selecting devices as required by subsection (3)(b) and (c) of this section; and
  - (c) Comply with provisions of subsection (3)(d) of this section by recording the required sharps injury data in its OSHA 200 log.
- (5) The department shall: Promulgate additional amendments to the bloodborne pathogen standard necessary to implement this section; and, to the extent that funds are available, evaluate the impact of this section on the reduction of needle stick and sharps injuries and costs of employer operations.
- (6) The department of health shall compile and maintain a list of existing needleless systems and sharps with engineered sharps injury protection, that is available to assist employers in complying with the requirements of the bloodborne pathogen standard adopted under this section. The list may be developed from existing sources of information including, but not limited to, the federal food and drug administration, the federal centers for disease control, the national institute of occupational safety and health, and the United States department of veterans affairs."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Prentice, Costa, Franklin, Deccio, Fraser, McAuliffe, Benton, Heavey, Thibaudeau, Johnson and Wojahn to Senate Bill No. 5597.

The motion by Senator Prentice carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "pathogens" insert ", bloodborne pathogens,"

On motion of Senator Fraser, the rules were suspended, Engrossed Senate Bill No. 5597 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Honeyford, Senator Hochstatter was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5597.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5597 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi,

Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47. Excused: Senators Hochstatter and Sellar - 2. ENGROSSED SENATE BILL NO. 5597, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5886, by Senators Fraser, Fairley, Kline, Thibaudeau and Franklin

Changing vehicle emission inspection program provisions.

The bill was read the second time.

## MOTION

Senator Fraser moved that the following striking amendment by Senators Fraser, Morton, Jacobsen, Eide, Honeyford, McAuliffe and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.16.015 and 1998 c 342 s 6 are each amended to read as follows:

(1) Neither the department of licensing nor its agents may issue or renew a motor vehicle license for any vehicle or change the registered owner of a licensed vehicle, for any vehicle that is required to be inspected under chapter 70.120 RCW, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance or a valid certificate of acceptance issued pursuant to chapter 70.120 RCW; or (b) exempted from this requirement pursuant to subsection (2) of this section. The certificates must have a date of validation which is within ~~((six))~~ fourteen months of the date of application for the vehicle license or license renewal. ~~((Certificates for fleet or owner tested diesel vehicles may have a date of validation which is within twelve months of the assigned license renewal date.))~~

(2) Subsection (1) of this section does not apply to the following vehicles:

(a) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale;

(b) Motor vehicles with a model year of 1967 or earlier;

(c) Motor vehicles that use propulsion units powered exclusively by electricity;

(d) Motor vehicles fueled by propane, compressed natural gas, or liquid petroleum gas, unless it is determined that federal sanctions will be imposed as a result of this exemption;

(e) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles as defined in RCW 46.04.332;

(f) Farm vehicles as defined in RCW 46.04.181;

(g) Used vehicles ~~((which are offered for sale))~~ sold by a motor vehicle dealer licensed under chapter 46.70 RCW;

(h) Classes of motor vehicles exempted by the director of the department of ecology;

(i) Collector cars as identified by the department of licensing under RCW 46.16.305(1); ~~((or))~~

(j) Beginning January 1, ~~((2000))~~ 2002, vehicles that are less than ~~((five))~~ three years old or more than twenty-five years old; or

(k) Beginning January 1, 2005, vehicles that are less than five years old or more than twenty-five years old.

The provisions of (a) of this subsection may not be construed as exempting from the provisions of subsection (1) of this section applications for the renewal of licenses for motor vehicles that are or have been leased.

(3) The department of ecology shall provide information to motor vehicle owners regarding the boundaries of emission contributing areas and restrictions established under this section that apply to vehicles registered in such areas. In addition the department of ecology shall provide information to motor vehicle owners on the relationship between motor vehicles and air pollution and steps motor vehicle owners should take to reduce motor vehicle related air pollution. The department of licensing shall send to all registered motor vehicle owners affected by the emission testing program notice that they must have an emission test to renew their registration."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fraser, Morton, Jacobsen, Eide, Honeyford, McAuliffe and Swecker to Senate Bill No. 5886.

The motion by Senator Fraser carried and the striking amendment was adopted.

## MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 2 of the title, after "vehicles;" strike the remainder of the title and insert "and amending RCW 46.16.015."

On motion of Senator Fraser, the rules were suspended, Engrossed Senate Bill No. 5886 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5886.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5886 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Honeyford, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau and Wojahn - 32. Voting nay: Senators Benton, Finkbeiner, Hale, Horn, Johnson, Long, McCaslin, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Winsley and Zarelli - 14. Absent: Senator West - 1. Excused: Senators Hochstatter and Sellar - 2. ENGROSSED SENATE BILL NO. 5886, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5793, by Senators Thibaudeau, Deccio and Kohl-Welles

Protecting information related to sexually transmitted diseases and HIV.

## MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5793 was substituted for Senate Bill No. 5793 and the substitute bill was placed on second reading and read the second time.

Senator Benton moved that the following amendment be adopted:

On page 2, line 10, after "chapter," strike "one" and insert "((one)) two"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 10, to Substitute Senate Bill No. 5793.

The motion by Senator Benton failed and the amendment was not adopted.

## MOTION

Senator Zarelli moved that the following amendment be adopted:

On page 5, after line 2, insert the following:

**"Sec. 5.** RCW 70.24.340 and 1997 c 345 s 3 are each amended to read as follows:

(1) Local health departments authorized under this chapter shall conduct or cause to be conducted pretest counseling, HIV testing, and posttest counseling of all persons:

(a) Convicted of a sexual offense under chapter 9A.44 RCW;

(b) Convicted of prostitution or offenses relating to prostitution under chapter 9A.88 RCW; ~~((or))~~

(c) Convicted of drug offenses under chapter 69.50 RCW if the court determines at the time of conviction that the related drug offense is one associated with the use of hypodermic needles; or

(d) Who are offenders or arrested or detained persons and who have subjected a law enforcement officer, fire fighter, health care provider, health care facility staff person, department of corrections staff person, jail staff person, or other category of employee, as determined by the board, to substantial exposure to their bodily fluids upon their consent or pursuant to subsection (5) of this section. Persons tested under this subsection (1)(d) shall also be tested for hepatitis B and hepatitis C.

(2) ~~((Such))~~ Testing of persons convicted under subsection (1)(a) through (c) of this section shall be conducted as soon as possible after sentencing and shall be so ordered by the sentencing judge. Testing of persons causing a substantial exposure under subsection (1)(d) of this section shall be conducted as soon as possible, but not later than forty-eight hours, excluding Saturdays, Sundays, and holidays, after the exposure.

(3) ~~((This section))~~ Subsection (1)(a) through (c) of this section applies only to offenses committed after March 23, 1988, and subsection (1)(d) of this section applies only to exposures occurring on or after the effective date of this act.

(4)(a) A law enforcement officer, fire fighter, health care provider, health care facility staff person, department of corrections' staff person, jail staff person, or other categories of employment determined by the board in rule to be at risk of substantial exposure to HIV, who has experienced a substantial exposure to ~~((another person's))~~ the bodily fluids of a person not covered under subsection (1)(d) of this section in the course of his or her employment, may request a state or local public health officer to order pretest counseling, HIV testing, and posttest counseling for the person whose bodily fluids he or she has been exposed to. If the state or local public health officer refuses to order counseling and testing under this subsection or subsection (1)(d) of this section, the person who ~~((made the request))~~ experienced the substantial exposure may petition the superior court for a hearing to determine whether an order shall be issued. The hearing on the petition shall be held within seventy-two hours of filing the petition, exclusive of Saturdays, Sundays, and holidays. The standard of review to determine whether the public health officer shall be required to issue the order is whether substantial exposure occurred and whether that exposure presents a possible risk of transmission of the HIV virus as defined by the board by rule. Upon conclusion of the hearing, the court shall issue the appropriate order.

(b) If the person who is subject to the state or local public health officer's order to receive counseling and testing is not being tested under subsection (1) of this section, the person shall be given written notice of the order promptly, personally, and confidentially, stating the grounds and provisions of the order, including the factual basis therefor. If the person who is subject to the order is not being tested under subsection (1) of this section and refuses to comply, the state or local public health officer may petition the superior court for a hearing. The hearing on the petition shall be held within seventy-two hours of filing the petition, exclusive of Saturdays, Sundays, and holidays. The standard of review for the order is whether substantial exposure occurred and whether that exposure presents a possible risk of transmission of the HIV virus as defined by the board by rule. Upon conclusion of the hearing, the court shall issue the appropriate order.

(c) The state or local public health officer shall perform counseling and testing under this subsection if he or she finds that the exposure was substantial and presents a possible risk as defined by the board of health by rule or if he or she is ordered to do so by a court.

(d) The counseling and testing required under this subsection shall be completed as soon as possible after the substantial exposure or after an order is issued by a court, but shall begin not later than seventy-two hours after the substantial exposure or an order is issued by the court.

(5)(a) Any employee identified in subsection (1)(d) of this section, who has experienced a substantial exposure to the bodily fluids of an offender, arrested person, or detained person covered under subsection (1)(d) of this section, may seek the consent of the person to whose bodily fluids he or she was exposed for HIV and hepatitis testing. If the person consents to be tested, he or she shall consent to disclosure of the results of the test by the public health official to the person exposed by the fluids and as otherwise required by law.

If the person does not consent to testing or is released prior to a request for consent, the officer or identified employee may petition the court for an order that the local health department shall conduct or cause to be conducted pretest counseling, testing for HIV, hepatitis B, and hepatitis C, and posttest counseling for the person to whose bodily fluids they were substantially exposed, within forty-eight hours after exposure. The court shall enter a written order granting or denying the petition. The court shall include in its order a statement that if a test is conducted on the person for whom the order is sought, a result that indicates no HIV antibodies are present should not be construed as a determination that HIV is not present.

(b) Notwithstanding subsection (2) of this section and (a) of this subsection, where the officer or other employee is unaware of the substantial exposure, or is unable to seek consent or file a timely petition with the court, the time shall be tolled until forty-eight hours after the person should reasonably become aware of the exposure or is reasonably able to seek consent and file a petition for testing.

(c) The forty-eight hour periods specified in this section shall be computed by excluding Saturdays, Sundays, and holidays.

(6) Consent of the persons tested under this section is not required.

**Sec. 6.** RCW 70.24.360 and 1988 c 206 s 706 are each amended to read as follows:

Jail administrators, ~~((with the approval of))~~ after consultation with and receiving written recommendations from the local public health officer, may order pretest counseling, HIV testing, and posttest counseling for persons detained in the jail if the ~~((local public health officer))~~ jail administrator determines that actual or threatened behavior presents a possible risk to the staff,

general public, or other persons. (~~Approval of the local public health officer shall be based on RCW 70.24.024(3) and may be contested through RCW 70.24.024(4).~~) The jail administrator shall establish, pursuant to RCW 70.48.071, a procedure to document the possible risk (~~(which)~~ that is the basis for the HIV testing. "Possible risk," as used in this section, shall be defined by the jail administrator after consultation with the board (~~(in rule)~~). Possible risk, as used in the documentation of the behavior, or threat thereof, shall be reviewed with the person (~~(to try to assure that the person understands the basis for testing)~~).

**Sec. 7.** RCW 70.24.024 and 1988 c 206 s 909 are each amended to read as follows:

(1) Subject to the provisions of this chapter, the state and local public health officers or their authorized representatives may examine and counsel or cause to be examined and counseled persons reasonably believed to be infected with or to have been exposed to a sexually transmitted disease.

(2) Orders or restrictive measures directed to persons with a sexually transmitted disease shall be used as the last resort when other measures to protect the public health have failed, including reasonable efforts, which shall be documented, to obtain the voluntary cooperation of the person who may be subject to such an order. The orders and measures shall be applied serially with the least intrusive measures used first. The burden of proof shall be on the state or local public health officer to show that specified grounds exist for the issuance of the orders or restrictive measures and that the terms and conditions imposed are no more restrictive than necessary to protect the public health.

(3) When the state or local public health officer within his or her respective jurisdiction knows or has reason to believe, because of direct medical knowledge or reliable testimony of others in a position to have direct knowledge of a person's behavior, that a person has a sexually transmitted disease and is engaging in specified conduct, as determined by the board by rule based upon generally accepted standards of medical and public health science, that endangers the public health, he or she shall conduct an investigation in accordance with procedures prescribed by the board to evaluate the specific facts alleged, if any, and the reliability and credibility of the person or persons providing such information and, if satisfied that the allegations are true, he or she may issue an order according to the following priority to:

(a) Order a person to submit to a medical examination or testing, seek counseling, or obtain medical treatment for curable diseases, or any combination of these, within a period of time determined by the public health officer, not to exceed fourteen days.

(b) Order a person to immediately cease and desist from specified conduct (~~(which)~~ that endangers the health of others by imposing such restrictions upon the person as are necessary to prevent the specified conduct that endangers the health of others only if the public health officer has determined that clear and convincing evidence exists to believe that such person has been ordered to report for counseling as provided in (a) of this subsection and continues to demonstrate behavior (~~(which)~~ that endangers the health of others. Any restriction shall be in writing, setting forth the name of the person to be restricted and the initial period of time, not to exceed three months, during which the order shall remain effective, the terms of the restrictions, and such other conditions as may be necessary to protect the public health. Restrictions shall be imposed in the least-restrictive manner necessary to protect the public health.

(4)(a) Upon the issuance of any order by the state or local public health officer or an authorized representative pursuant to subsection (3) of this section or RCW 70.24.340(4) to a person who is not being tested under RCW 70.24.340(1), such public health officer shall give written notice promptly, personally, and confidentially to the person who is the subject of the order stating the grounds and provisions of the order, including the factual bases therefor, the evidence relied upon for proof of infection and dangerous behavior, and the likelihood of repetition of such behaviors in the absence of such an order, and notifying the person who is the subject of the order that, if he or she contests the order, he or she may appear at a judicial hearing on the enforceability of the order, to be held in superior court. He or she may have an attorney appear on his or her behalf in the hearing at public expense, if necessary. The hearing shall be held within seventy-two hours of receipt of the notice, unless the person subject to the order agrees to comply. If the person contests the order, no invasive medical procedures shall be carried out prior to a hearing being held pursuant to this subsection. If the person does not contest the order within seventy-two hours of receiving it, and the person does not comply with the order within the time period specified for compliance with the order, the state or local public health officer may request a warrant be issued by the superior court to insure appearance at the hearing. The hearing shall be within seventy-two hours of the expiration date of the time specified for compliance with the original order. The burden of proof shall be on the public health officer to show by clear and convincing evidence that the specified grounds exist for the issuance of the order and for the need for compliance and that the terms and conditions imposed therein are no more restrictive than necessary to protect the public health. Upon conclusion of the hearing, the court shall issue appropriate orders affirming, modifying, or dismissing the order.

(b) If the superior court dismisses the order of the public health officer, the fact that the order was issued shall be expunged from the records of the department or local department of health.

(5) Any hearing conducted pursuant to this section shall be closed and confidential unless a public hearing is requested by the person who is the subject of the order, in which case the hearing will be conducted in open court. Unless in open hearing, any transcripts or records relating thereto shall also be confidential and may be sealed by the order of the court."

#### POINT OF ORDER

Senator Thibaudeau: "Mr. President, I rise to a point of order. I submit that the amendment proposed by Senator Zarelli changes the scope and object of Substitute Senate Bill No. 5793 and, therefore, violates Senate Rule 66. Substitute Senate Bill No. 5793 has to do with violating confidentially and increasing penalties for those health care providers who violate that confidentially. The amendment by Senator Zarelli deals with the testing and arrests of persons as convicted offenders and the process of that testing. I would submit that this is beyond the scope and object of this bill."

Further debate ensued.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute Senate Bill No. 5793 was deferred.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Betti Sheldon served notice that she would move to reconsider the vote by which Engrossed Senate Bill No. 5597 passed the Senate earlier today.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Goings served notice that he would move to reconsider the vote by which Engrossed Senate Bill No. 5704 failed to pass the Senate earlier today.

#### SECOND READING

SENATE BILL NO. 5609, by Senators Horn, Prentice, Winsley, Haugen and Costa (by request of Secretary of State Munro)

Making awards for state employees' suggestions.

#### MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5609 was substituted for Senate Bill No. 5609 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 5609 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5609.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5609 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Absent: Senator Finkbeiner - 1.

Excused: Senators Hochstatter and Sellar - 2. SUBSTITUTE SENATE BILL NO. 5609, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5793, deferred on second reading earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Thibaudeau to the scope and object of the amendment by Senator Zarelli on page 5, after line 2, the President finds that Substitute Senate Bill No. 5793 is a measure which concerns confidentiality in disease reporting by health care officials.

"The amendment by Senator Zarelli would require testing of offenders for HIV, Hepatitis B and Hepatitis C in certain cases.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Zarelli on page 5, after line 2, to Substitute Senate Bill No. 5793 was ruled out of order.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5793 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5793.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5793 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45. Voting nay: Senator Hargrove - 1. Absent: Senator Finkbeiner - 1. Excused: Senators Hochstatter and Sellar - 2. SUBSTITUTE SENATE BILL NO. 5793, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 8:29 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 8:30 a.m., Wednesday, March 17, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

SIXTY-FIFTH DAY, MARCH 16, 1999

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

**SIXTY-SIXTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Wednesday, March 17, 1999

The Senate was called to order at 8:30 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Brown, Horn, McDonald, Sellar and West. On motion of Senator Deccio, Senators Horn, Sellar and West were excused. On motion of Senator Honeyford, Senator McDonald was excused. On motion of Senator Franklin, Senator Brown was excused.

The Sergeant at Arms Color Guard consisting of Pages Tim Hammond and Will Judkins, presented the Colors. Reverend R. J. Thompson, from the Pro Youth Ministries of Vancouver, Washington, offered the prayer.

**MOTION**

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

**PERSONAL PRIVILEGE**

Senator Zarelli: "A point of personal privilege, Madam President. Today we are blessed to have a pastor from my area--down in the Vancouver area--and I would like to ask you to join me in recognizing the efforts of this man. For twenty-five years, he has dedicated his life to the youth of this state and enriching the opportunities that they have, many times not knowing where the resources were going to come from, but by faith carried forward in what he felt the Lord was leading him to do.

"I ask this body, with the blessing of the President, to honor and give thanks to this man today. Thank you."

**REPORT OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENT**

February 15, 1999

GA 9103 CHARLOTTE COKER, appointed June 18, 1998, for a term ending June 17, 2003, as a member of the Human Rights Commission.

Reported by Committee on Judiciary

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Thibaudeau

Passed to Committee on Rules.

**MESSAGES FROM THE HOUSE**

March 15, 1999

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131,  
SUBSTITUTE HOUSE BILL NO. 1218,

SUBSTITUTE HOUSE BILL NO. 1285,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514,  
HOUSE BILL NO. 1554,  
SECOND SUBSTITUTE HOUSE BILL NO. 1686,  
ENGROSSED HOUSE BILL NO. 1773,  
SUBSTITUTE HOUSE BILL NO. 1777,  
SUBSTITUTE HOUSE BILL NO. 1826,  
ENGROSSED HOUSE BILL NO. 2015,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2085,  
ENGROSSED HOUSE BILL NO. 2232,  
HOUSE BILL NO. 2264,  
HOUSE JOINT MEMORIAL NO. 4015, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 15, 1999

MR. PRESIDENT:

The House has passed:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1147,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1884,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1887,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2078, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

March 16, 1999

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1046,  
HOUSE BILL NO. 1092,  
SECOND SUBSTITUTE HOUSE BILL NO. 1140,  
HOUSE BILL NO. 1654,  
SECOND SUBSTITUTE HOUSE BILL NO. 1681,  
SECOND SUBSTITUTE HOUSE BILL NO. 1716,  
SUBSTITUTE HOUSE BILL NO. 1718,  
SUBSTITUTE HOUSE BILL NO. 1862,  
HOUSE BILL NO. 1923,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2238, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1046 by House Committee on Appropriations (originally sponsored by Representatives Constantine, Sheahan and Kenney) (by request of Board for Judicial Administration)

Adding a judge to the superior court of Okanogan county.

Referred to Committee on Judiciary.

HB 1092 by Representative Hatfield (by request of Department of Financial Institutions)

Regulating escrow agents and escrow officers.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

ESHB 1131 by House Committee on Judiciary (originally sponsored by Representatives Sheahan, Schindler, Crouse, Gombosky, O'Brien, Keiser, Hurst and D. Sommers)

Preventing prostitution by modifying sentencing provisions and allowing the impoundment of vehicles used to patronize prostitutes.

Referred to Committee on Judiciary.

2SHB 1140 by House Committee on Appropriations (originally sponsored by Representatives Carlson, Kenney, Radcliff, Lantz, Dunn, Esser, Edmonds, Cooper, Campbell and K. Schmidt)

Changing higher education financial aid provisions.

Referred to Committee on Higher Education.

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

Enhancing novice driver traffic safety.

Referred to Committee on Transportation.

SHB 1218 by House Committee on Health Care (originally sponsored by Representatives Cody and Parlette) (by request of Department of Health)

Modifying provisions related to nurse delegation of tasks.

Referred to Committee on Health and Long-Term Care.

SHB 1285 by House Committee on State Government (originally sponsored by Representatives D. Schmidt, McMorris, Romero, Scott, Wensman, Esser, Carrell, Benson, Doumit, D. Sommers, Dunn and Lambert)

Clarifying where declarations of candidacy are filed.

Referred to Committee on State and Local Government.

ESHB 1514 by House Committee on Judiciary (originally sponsored by Representatives Kastama and Wolfe)

Changing provisions relating to modification of a parenting plan or custody order.

Referred to Committee on Judiciary.

HB 1554 by Representatives Murray, McDonald, Constantine, Mitchell, Dickerson, Ballasiotes, Scott, Radcliff, Poulsen and Romero; (by request of Washington State Patrol)

Clarifying status of HOV lane violations as traffic infractions.

Referred to Committee on Transportation.

HB 1654 by Representatives Kessler and Hatfield

Revising definition of veteran.

Referred to Committee on Ways and Means.

2SHB 1681 by House Committee on Appropriations (originally sponsored by Representatives Buck, Grant, Sump, Schoesler, Boldt, Mastin and McMorris)

Establishing a program to purchase and plant privately grown trout.

Referred to Committee on Natural Resources, Parks and Recreation.

2SHB 1686 by House Committee on Appropriations (originally sponsored by Representatives Kessler, DeBolt, Alexander, Mulliken, Morris, Linville, G. Chandler, Pennington, Wolfe, Hatfield, McMorris, Delvin, Romero, Sump, Clements, Ericksen, Schoesler, Campbell, D. Schmidt, Fortunato, Mielke, Radcliff, Cox, Mastin, Murray, Cooper, Lisk, Crouse, Hankins, Skinner, Thomas, B. Chandler, Koster, Parlette and Ruderman)

Requiring cooperation with local economic development cooperatives.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

2SHB 1716 by House Committee on Appropriations (originally sponsored by Representatives G. Chandler, Doumit, Mastin, Mulliken and Grant)

Changing provisions relating to warm water fish culture.

Referred to Committee on Natural Resources, Parks and Recreation.

SHB 1718 by House Committee on Natural Resources (originally sponsored by Representatives G. Chandler, Murray, Mitchell and Mulliken)

Conveying land to the city of Moses Lake.

Referred to Committee on Natural Resources, Parks and Recreation.

EHB 1773 by Representatives Wolfe, Lambert, Schoesler, Ogden, Dickerson, Conway, Alexander, Cooper, Tokuda, Veloria, Radcliff, Stensen, D. Schmidt, Romero, Gombosky, Schindler, Keiser, Lantz, Rockefeller, Edmonds, Kenney, Scott and Lovick

Changing visitation rights in nonparental actions for child custody.

Referred to Committee on Judiciary.

SHB 1777 by House Committee on State Government (originally sponsored by Representatives B. Chandler, Schindler, McMorris, Dunshee, Romero and Lantz)

Defining technical assistance documents.

Referred to Committee on State and Local Government.

SHB 1826 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Grant, Linville, Mastin and G. Chandler)

Requiring appointment of water masters in watershed management areas with WRIA plans.

Referred to Committee on Environmental Quality and Water Resources.

SHB 1862 by House Committee on Health Care (originally sponsored by Representatives Conway, Cody, Campbell, Ruderman, Alexander and Skinner)

Allowing a health care professional to surrender his or her license to practice.

Referred to Committee on Health and Long-Term Care.

ESHB 1884 by House Committee on State Government (originally sponsored by Representatives Lambert, Ogden, Cairnes and Campbell)

Providing appointments to inspect campaign account books.

Referred to Committee on State and Local Government.

ESHB 1887 by House Committee on Finance (originally sponsored by Representatives Kessler, Lisk, Grant, Wensman, Wolfe and Pennington) (by request of Department of Revenue)

Revising the machinery and equipment tax exemption for manufacturers and processors for hire.

Referred to Committee on Ways and Means.

HB 1923 by Representatives O'Brien, Koster, Anderson, Ogden, Lantz, Miloscia, Hankins and Ballasiotes

Establishing a postsecondary education program for inmates.

Referred to Committee on Human Services and Corrections.

EHB 2015 by Representatives Radcliff, Wolfe, Lambert, Romero, DeBolt, Morris, Constantine, Ruderman, D. Schmidt, Crouse, Carrell, Poulsen, Miloscia and Rockefeller (by request of Department of General Administration and Department of Information Services)

Restricting liability for year 2000 date-change damages.

Referred to Committee on Judiciary.

ESHB 2078 by House Committee on Natural Resources (originally sponsored by Representatives Buck, Regala, Eickmeyer and Anderson)

Merging Titles 75 and 77 RCW.

Referred to Committee on Natural Resources, Parks and Recreation.

E2SHB 2085 by House Committee on Appropriations (originally sponsored by Representatives Quall, Talcott, Haigh, Carlson, Santos, Linville, Cox, Kessler, Morris, Murray, McDonald, O'Brien, Anderson, Thomas, Ogden, Poulsen, Rockefeller, Lovick, Kenney, Wolfe, Stensen, Schual-Berke, Tokuda, Ruderman, Keiser, Wood, Constantine and Lantz)

Creating programs addressing disruptive students in regular classrooms.

Referred to Committee on Education.

EHB 2232 by Representatives Conway and Clements

Addressing occupational safety and health impact grants.

Referred to Committee on Labor and Workforce Development.

ESHB 2238 by House Committee on Commerce and Labor (originally sponsored by Representatives Clements and Conway)

Implementing recommendations for industrial insurance.

Referred to Committee on Labor and Workforce Development.

HB 2264 by Representatives H. Sommers, Huff and O'Brien (by request of Department of Social and Health Services)

Meeting the trust account requirement of the juvenile accountability block grant.

Referred to Committee on Ways and Means.

HJM 4015 by Representatives Lisk, Kenney, Radcliff, McDonald, Wolfe, Haigh, Ogden, Kessler, Santos, Conway, Linville and Lantz

Requesting federal scrutiny of immigration law and Immigration and Naturalization Service policies.

Referred to Committee on Judiciary.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9085, Art Wang, as Chief Administrative Law Judge, Office of Administrative Hearings, was confirmed.

Senators Fraser, Franklin, Eide, Rasmussen and Deccio spoke to the confirmation of Art Wang as Chief Administrative Law Judge for the Office of Administrative Hearings.

APPOINTMENT OF ART WANG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Brown, Horn, McDonald, Sellar and West - 5.

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9009, Jesse Farias, as a member of the Liquor Control Board, was confirmed.

Senators Prentice and Deccio spoke to the confirmation of Jesse Farias as a member of the Liquor Control Board.

#### APPOINTMENT OF JESSE FARIAS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44.

Absent: Senators Hargrove and McAuliffe - 2.

Excused: Senators Brown, Sellar and West - 3.

#### MOTION

On motion of Senator Honeyford, Senator Zarelli was excused.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 8208, by Senators Loveland, West and Snyder

Authorizing investments as specified by the legislature.

#### MOTIONS

On motion of Senator Loveland, Substitute Senate Joint Resolution No. 8208 was substituted for Senate Joint Resolution No. 8208 and the substitute resolution was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Joint Resolution No. 8208 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Resolution No. 8208.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Resolution No. 8208 and the joint resolution passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 42.

Voting nay: Senators Finkbeiner, Heavey, Hochstatter, Jacobsen, Sheldon and T. - 5.

Excused: Senators Sellar and Zarelli - 2.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 8208, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused.

#### SECOND READING

SENATE BILL NO. 6063, by Senators Loveland, West, Snyder and Oke

Authorizing the state investment board to invest and reinvest moneys in the emergency reserve fund.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 6063 was substituted for Senate Bill No. 6063 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 6063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6063.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6063 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, West and Winsley - 39.

Voting nay: Senators Finkbeiner, Gardner, Heavey, Jacobsen, Patterson, Sheldon, T. and Wojahn - 7.

Excused: Senators Sellar, Thibaudeau and Zarelli - 3.

SUBSTITUTE SENATE BILL NO. 6063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hale: "Thank you, Madam President. A point of personal privilege. I would like to--on this dreary St. Patrick's Day--I would like to thank the members of the Irish Caucus, Senator Heavey, Senator McDonald, Senator McCaslin and Senator Sheahan, for brightening our day with these lovely corsages. As the granddaughter of Mattie O'Neal, I say, 'thank you.'"

POINT OF INQUIRY

Senator Deccio: "Senator Heavey, is there going to be an Irish Resolution, so that I can debate it?"

Senator Heavey: "No."

PERSONAL PRIVILEGE

Senator Heavey: "Thank you, Madam President. A point of personal privilege. The Irish are a passionate people; they are the only people that will stand in line to kiss a rock. Actually, my parents did that and they have the paper work to prove it, but we are not very good on the paper work and so that is why, Senator Deccio, you won't see that. Also, we didn't want to hear the tirade about St. Patrick really being an Italian. I want to thank my fellow Senators for joining me and we wish you all a Happy St. Patrick's Day."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Madam President. You know, we have the custom here when you make your first speech, you buy a gift. Now, on the last speech, you don't get a corsage. I'm still going to talk the rest of the year."

Further debate ensued.

PERSONAL PRIVILEGE

Senator Prentice: "I rise to a point of personal privilege. I would like to remind you of where the black Irish came from. They were the ship-wrecked Spanish sailors."

## SECOND READING

SENATE BILL NO. 5897, by Senators Costa, Winsley, Thibaudeau and Oke (by request of Attorney General Gregoire)

Informing purchasers of cigarettes of adverse health consequences and whether the cigarettes were manufactured for consumption within the United States.

The bill was read the second time.

## MOTIONS

On motion of Senator Costa, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) Cigarette smoking presents serious public health concerns to the state and to the citizens of the state. The surgeon general has determined that smoking causes lung cancer, heart disease, and other serious diseases and that there are hundreds of thousands of tobacco-related deaths in the United States each year. These diseases most often do not appear until many years after the person in question begins smoking.

(2) It is the policy of the state that consumers be adequately informed about the adverse health effects of cigarette smoking by including warning notices on each package of cigarettes.

(3) It is the policy of the state that manufacturers and importers of cigarettes not make any material misrepresentation of fact regarding the health consequences of using cigarettes, including compliance with applicable federal laws, regulations, and policies.

(4) It is the intent of the legislature to align state law with federal laws, regulations, and policies relating to the manufacture, importation, and marketing of cigarettes, and in particular, the Federal Cigarette Labeling and Advertising Act (15 U.S.C. Sec. 1331 et seq.) and 26 U.S.C. Sec. 5754.

(5) The legislature finds that consumers and retailers purchasing cigarettes are entitled to be fully informed about any adverse health effects of cigarette smoking by inclusion of warning notices on each package of cigarettes and to be assured through appropriate enforcement measures that cigarettes they purchase were manufactured for consumption within the United States.

**Sec. 2.** RCW 82.24.110 and 1997 c 420 s 4 are each amended to read as follows:

(1) Each of the following acts is a gross misdemeanor and punishable as such:

(a) To sell, except as a licensed wholesaler engaged in interstate commerce as to the article being taxed herein, without the stamp first being affixed;

(b) To sell in Washington as a wholesaler to a retailer who does not possess and is required to possess a current cigarette retailer's license;

(c) To use or have in possession knowingly or intentionally any forged or counterfeit stamps;

(d) For any person other than the department of revenue or its duly authorized agent to sell any stamps not affixed to any of the articles taxed herein whether such stamps are genuine or counterfeit;

(e) To violate any of the provisions of this chapter;

(f) To violate any lawful rule made and published by the department of revenue or the board;

(g) To use any stamps more than once;

(h) To refuse to allow the department of revenue or its duly authorized agent, on demand, to make full inspection of any place of business where any of the articles herein taxed are sold or otherwise hinder or prevent such inspection;

(i) Except as provided in this chapter, for any retailer to have in possession in any place of business any of the articles herein taxed, unless the same have the proper stamps attached;

(j) For any person to make, use, or present or exhibit to the department of revenue or its duly authorized agent, any invoice for any of the articles herein taxed which bears an untrue date or falsely states the nature or quantity of the goods therein invoiced;

(k) For any wholesaler or retailer or his or her agents or employees to fail to produce on demand of the department of revenue all invoices of all the articles herein taxed or stamps bought by him or her or received in his or her place of business within

five years prior to such demand unless he or she can show by satisfactory proof that the nonproduction of the invoices was due to causes beyond his or her control;

(l) For any person to receive in this state any shipment of any of the articles taxed herein, when the same are not stamped, for the purpose of avoiding payment of tax. It is presumed that persons other than dealers who purchase or receive shipments of unstamped cigarettes do so to avoid payment of the tax imposed herein;

(m) For any person to possess or transport in this state a quantity of sixty thousand cigarettes or less unless the proper stamps required by this chapter have been affixed or unless: (i) Notice of the possession or transportation has been given as required by RCW 82.24.250; (ii) the person transporting the cigarettes has in actual possession invoices or delivery tickets which show the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes so transported; and (iii) the cigarettes are consigned to or purchased by any person in this state who is authorized by this chapter to possess unstamped cigarettes in this state;

(n) To possess, sell, or transport within this state any container or package of cigarettes that does not comply with this chapter.

(2) It is unlawful for any person knowingly or intentionally to possess or to transport in this state a quantity in excess of sixty thousand cigarettes unless the proper stamps required by this chapter are affixed thereto or unless: (a) Proper notice as required by RCW 82.24.250 has been given; (b) the person transporting the cigarettes actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes so transported; and (c) the cigarettes are consigned to or purchased by a person in this state who is authorized by this chapter to possess unstamped cigarettes in this state. Violation of this section shall be punished as a class C felony under Title 9A RCW.

(3) All agents, employees, and others who aid, abet, or otherwise participate in any way in the violation of the provisions of this chapter or in any of the offenses described in this chapter shall be guilty and punishable as principals, to the same extent as any wholesaler or retailer or any other person violating this chapter.

**Sec. 3.** RCW 82.24.130 and 1997 c 420 s 5 are each amended to read as follows:

(1) The following are subject to seizure and forfeiture:

(a) Subject to RCW 82.24.250, any articles taxed in this chapter that are found at any point within this state, which articles are held, owned, or possessed by any person, and that do not have the stamps affixed to the packages or containers; and any container or package of cigarettes possessed or held for sale that does not comply with this chapter.

(b) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in (a) of this subsection, except:

(i) A conveyance used by any person as a common or contract carrier having in actual possession invoices or delivery tickets showing the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes transported, unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(ii) A conveyance subject to forfeiture under this section by reason of any act or omission of which the owner thereof establishes to have been committed or omitted without his or her knowledge or consent;

(iii) A conveyance encumbered by a bona fide security interest if the secured party neither had knowledge of nor consented to the act or omission.

(c) Any vending machine used for the purpose of violating the provisions of this chapter.

(2) Property subject to forfeiture under this chapter may be seized by any agent of the department authorized to collect taxes, any enforcement officer of the board, or law enforcement officer of this state upon process issued by any superior court or district court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant; or

(b) The department, the board, or the law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter and exigent circumstances exist making procurement of a search warrant impracticable.

(3) Notwithstanding the foregoing provisions of this section, articles taxed in this chapter which are in the possession of a wholesaler or retailer, licensed under Washington state law, for a period of time necessary to affix the stamps after receipt of the articles, shall not be considered contraband.

**Sec. 4.** RCW 82.24.145 and 1987 c 496 s 4 are each amended to read as follows:

When property is forfeited under this chapter the department may:

(1) Retain the property or any part thereof for official use or upon application by any law enforcement agency of this state, another state, or the District of Columbia, or of the United States for the exclusive use of enforcing the provisions of this chapter or the laws of any other state or the District of Columbia or of the United States.

(2) Sell the property at public auction to the highest bidder after due advertisement, but the department before delivering any of the goods so seized shall require the person to whom the property is sold to affix the proper amount of stamps. The proceeds of the sale and all moneys forfeited under this chapter shall be first applied to the payment of all proper expenses of any investigation leading to the seizure and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs. The balance of the proceeds and all moneys shall be deposited in the general fund of the state. Proper expenses of investigation includes costs incurred by any law enforcement agency or any federal, state, or local agency.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, cigarettes seized for a violation of section 5 of this act shall be sold only for export from the United States to the highest bidder who meets all applicable state and federal requirements to export such cigarettes or destroyed.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.24 RCW to read as follows:

(1) No stamp may be affixed to, or made upon, any container or package of cigarettes if:

(a) The container or package differs in any respect with the requirements of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. Sec. 1331 et seq.) for the placement of labels, warnings, or any other information upon a package of cigarettes that is to be sold within the United States;

(b) The container or package has been imported into the United States after January 1, 2000, in violation of 26 U.S.C. Sec. 5754;

(c) The container or package, including a container of individually stamped containers or packages, is labeled "For Export Only," "U.S. Tax Exempt," "For Use Outside U.S.," or similar wording indicating that the manufacturer did not intend that the product be sold in the United States; or

(d) The container or package has been altered by adding or deleting the wording, labels, or warnings described in (a) or (c) of this subsection.

(2) In addition to the penalty and forfeiture provisions otherwise provided for in this chapter, a violation of this section is a deceptive act or practice under the consumer protection act, chapter 19.86 RCW.

**NEW SECTION. Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 1 of the title, after "cigarettes;" strike the remainder of the title and insert "amending RCW 82.24.110, 82.24.130, and 82.24.145; adding a new section to chapter 82.24 RCW; creating a new section; prescribing penalties; and declaring an emergency."

## MOTION

On motion of Senator Costa, the rules were suspended, Engrossed Senate Bill No. 5897 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5897.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5897 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Wojahn - 45.

Absent: Senator Kohl-Welles - 1.

Excused: Senators Sellar, Thibaudeau and Zarelli - 3.

ENGROSSED SENATE BILL NO. 5897, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 8200, by Senators McCaslin and Roach

Amending the Constitution to remove the requirement that judges be admitted to the practice of law.

#### MOTION

Senator McCaslin moved that Substitute Senate Joint Resolution No. 8200 be substituted for Senate Joint Resolution No. 8200.

#### POINT OF ORDER

Senator Roach: "I rise to a point of order, Madam President. I submit that Substitute Senate Joint Resolution No. 8200 changes the scope and object of Senate Joint Resolution No. 8200 and adoption of the substitute bill would therefor violate Senate Rule 66. Senate Joint Resolution No. 8200 is a measure which would remove the requirement that a Justice of the Supreme Court or Superior Court Judge be admitted to practice law in this state. I might add, your honor, that the members of the United States Supreme Court are not required to be attorneys, nor is the State Attorney General. In the latter case, the voters in their discretion have elected attorneys. I have little doubt that voters would also make reasoned decisions in elections for judges. That is why I signed the original resolution. The same would be true of the election of judges.

"The original measure aims at eliminating the requirement that a judge be a licensed attorney. The substitute measure, on the other hand, would not only strike the language of the original resolution and maintain the requirement that judges be attorneys; the substitute would actually increase the qualifications for becoming a Superior Court Judge by requiring five years attorney experience. I submit that the substitute resolution clearly changes the scope and object of the bill.

"By way of analogy, this situation is like that of an original bill that eliminates the property tax, and a substitute bill to raise property tax; or an original bill that raises the penalty for drug use, and a substitute bill to decriminalize drug use. Finally, a case in point, a bill strengthening the Growth Management Act; and a substitute to repeal the Growth Management Act."

Further debate ensued.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Senate Joint Resolution No. 8200 was deferred.

#### SECOND READING

SENATE BILL NO. 5667, by Senators West and Heavey

Increasing the number of untaxed complimentary tickets available for boxing, kickboxing, martial arts, and wrestling.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5667 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5667.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5667 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 47.

Excused: Senators Sellar and Zarelli - 2.

SENATE BILL NO. 5667, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5082, by Senators Swecker and Rasmussen

Requiring microbial inactivation of biomedical waste.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5082 was substituted for Senate Bill No. 5082 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the following amendments by Senators Swecker and Fraser were considered simultaneously and were adopted:

On page 2, line 8, after "are" insert "laboratory"

On page 3, line 30, after "puncture-resistant" strike "red" and insert "~~(red)~~"

#### MOTIONS

On motion of Senator Swecker, the following amendment by Senators Swecker and Fraser was adopted:

On page 4, beginning on line 20, after "facility." strike all material through "industries." on line 26 and insert "Cultures and stocks shall not be subject to any process that creates the potential for the generation or release of airborne pathogens from the waste before treatment."

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 5082 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Fraser: "Senator Swecker, on page four, Section three, there is a phrase, and I condense it somewhat, that says, ' Generator may segregate the cultures and stocks from other medical wastes and transport them to a treatment facility.' The question is, does that mean that a hospital or lab must itself transport the cultures and stocks to the treatment facility?"

Senator Swecker: "Senator Fraser, thank you for raising that point. It is not our intent at all that the hospital or lab, themselves, would have to transport the cultures and stocks. The current practice of contracting with authorized transporters, which are subject now to tight, new regulations, would continue."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5082.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5082 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 47.

Excused: Senators Sellar and Zarelli - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Deccio, Senator West was excused.

#### SECOND READING

SENATE BILL NO. 5951, by Senators Costa, Long and Winsley (by request of Department of Social and Health Services)

Amending the child abuse protection and treatment act.

The bill was read the second time.

#### MOTION

On motion of Senator Costa, the rules were suspended, Senate Bill No. 5951 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5951.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5951 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 46.

Excused: Senators Sellar, West and Zarelli - 3.

SENATE BILL NO. 5951, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5625, by Senators Kohl-Welles, Fairley, Winsley, Brown, Thibaudeau, Kline, Patterson, Fraser, Franklin, Gardner, Rasmussen, B. Sheldon, Snyder and Horn

Changing work requirement provisions for the temporary assistance for needy families program.

#### MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5625 was substituted for Senate Bill No. 5625 and the substitute bill was placed on second reading and read the second time.

Senator Fairley moved that the following amendment by Senators Fairley, Kohl-Welles and Prentice be adopted:

On page 3, after line 39, insert the following:

"(7) The department shall encourage and facilitate placement of recipients into apprenticeships or preapprenticeship training programs."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Fairley, Kohl-Welles and Prentice on page 3, after line 29, to Substitute Senate Bill No. 5625.

#### MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 5625 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5625.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5625 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 28.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 19.

Absent: Senator McDonald - 1.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5625, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5798, by Senators Fairley, Winsley and Franklin (by request of Department of Social and Health Services)

Assisting needy families.

The bill was read the second time.

#### MOTIONS

On motion of Senator Fairley, the following Committee on Labor and Workforce Development amendments were considered simultaneously and were adopted.

On page 3, on line 17, delete "over"

On page 3, on line 22, delete "over"

On page 3, delete lines 24 through 26, and insert the following:

"section only when it determines by reasonable, objective criteria that such exceptions are likely to enable the children to complete their high school education, general equivalency diploma or vocational education."

On motion of Senator Fairley, the following amendment was adopted

On page 3, after line 28, insert the following:

**"Sec. 4.** RCW 74.08A.120 and 1997 c 57 s 3 are each amended to read as follows:

(1) The department may establish a food assistance program for ~~((persons whose immigrant status meets the eligibility requirements of the federal food stamp program, but who are no longer eligible solely due to their immigrant status under P.L. 104-493))~~ legal immigrants who are ineligible for the federal food stamp program.

(2) The rules for the state food assistance program shall follow exactly the rules of the federal food stamp program except for the provisions pertaining to immigrant status ~~((under P.L. 104-493)).~~

(3) The benefit under the state food assistance program shall be established by the legislature in the biennial operating budget.

(4) The department may enter into a contract with the United States department of agriculture to use the existing federal food stamp program coupon system for the purposes of administering the state food assistance program.

(5) In the event the department is unable to enter into a contract with the United States department of agriculture, the department may issue vouchers to eligible households for the purchase of eligible foods at participating retailers."

#### MOTIONS

On motion of Senator Fairley, the following title amendment was adopted:

On page 1, line 2 of the title, after "74.12.010" strike "and 74.12.035" and insert ", 74.12.035, and 74.08A.120"

On motion of Senator Fairley, the rules were suspended, Engrossed Senate Bill No. 5798 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued

. The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5798.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5798 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

ENGROSSED SENATE BILL NO. 5798, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5729, by Senators Rasmussen and Swecker

Establishing parameters for solid waste facility locational standards.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5729 was substituted for Senate Bill No. 5729 and the substitute bill was placed on second reading and read the second time.

Senator Honeyford moved that the following amendment be adopted:

On page 1, line 16, after "acres" insert "of open and active solid waste landfill activity"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 16, to Substitute Senate Bill No. 5729.

The motion by Senator Honeyford failed and the amendment was not adopted.

#### MOTION

Senator Honeyford moved that the following amendment be adopted:

On page 1, line 16, after "exceed" strike "one" and insert "two"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 16, to Substitute Senate Bill No. 5729.

The motion by Senator Honeyford failed and the amendment was not adopted.

#### MOTION

Senator Honeyford moved that the following amendment be adopted:

On page 1, line 17, after "hundred" insert "fifty"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 17, to Substitute Senate Bill No. 5729.

The motion by Senator Honeyford failed and the amendment was not adopted.

#### MOTION

Senator Honeyford moved that the following amendment be adopted:

On page 2, line 1, after "facilities" insert "that will receive municipal solid waste"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 1, to Substitute Senate Bill No. 5729.

The motion by Senator Honeyford failed and the amendment was not adopted.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5729 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5729.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5729 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 32.

Voting nay: Senators Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Sheldon, B., West, Winsley and Wojahn - 16.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5729, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5730, by Senators Rasmussen and Swecker

Changing financial responsibility requirements for operators of solid waste landfills.

#### MOTIONS

On motion of Senator Fraser, Second Substitute Senate Bill No. 5730 was substituted for Senate Bill No. 5730 and the second substitute bill was placed on second reading and read the second time.

Senator Honeyford moved that the following amendment be adopted:

On page 2, line 29, after "exceed" strike "one" and insert "two"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 29, to Second Substitute Senate Bill No. 5730.

The motion by Senator Honeyford failed and the amendment was not adopted.

#### MOTION

Senator Honeyford moved that the following amendment be adopted:

On page 2, line 29, after "acres" insert "of open and active solid waste landfill activity"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 29, to Second Substitute Senate Bill No. 5730.

The motion by Senator Honeyford carried and the amendment was adopted.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Second Substitute Senate Bill No. 5730 was deferred.

#### SECOND READING

SENATE BILL NO. 5610, by Senators Prentice, Finkbeiner, T. Sheldon and Costa

Authorizing the director of the department of licensing to impose a civil penalty for a violation of chapter 46.70 RCW.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5610 was substituted for Senate Bill No. 5610 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the following amendment by Senators Morton and Haugen was adopted:

On page 2, line 9, after "license." insert: "For the purpose of subsections (1) and (2) of this section, "curbstoning" does not include the sale of equipment or vehicles used in farming as defined in RCW 46.04.183 and sold by a farmer as defined in RCW 46.04.182."

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5610 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Franklin, Senator Loveland was excused.

#### POINT OF INQUIRY

Senator Hargrove: "Senator Haugen, I wanted to find whether or not if a company goes out of business that has a fleet of vehicles--maybe five, six, seven vehicles--and because they are going out of business, they are selling these vehicles, are they subject to a violation under this chapter, because they did not get a dealer's license?"

Senator Haugen: "I don't believe they would be subject to a violation according to what we were told in committee. That is a different circumstance. They are not going to be out selling them on the street corner. We did provide an exemption specifically for the agricultural community, but the testimony was not so that a person who was disposing of their own machine would not be considered curbstoning."

Senator Hargrove: "So, a contract logger that is going out of business and selling equipment would not be covered by this thing?"

Senator Haugen: "Perhaps Senator Morton could answer that question. He has spent a lot of time working on his amendment, because he wanted it to be very specific to his community."

#### REMARKS BY SENATOR MORTON

Senator Morton: "As the attorneys have answered that question to me, Senator Hargrove, the answer would be that the logger or the fleet owner would be exempt and would be able to sell six or seven vehicles beyond the number five. That is the interpretation from our staff attorneys. What I did with this amendment, was to clarify in agriculture, because of the definitions in the RCWs of agriculture. Now, whether that would pertain to tree farming, also, would be a question, but you are speaking also more of commercial and industrial. It is my understanding that we would be all right."

Senator Hargrove: "Thank you for the answer."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5610.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5610 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 46.

Voting nay: Senator Zarelli - 1.

Excused: Senators Loveland and Sellar - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5610, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5410, by Senators McAuliffe and Rasmussen (by request of Board of Education)

Reclassifying the state board of education as a class four group.

The bill was read the second time.

MOTION

Senator Roach moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.305.120 and 1984 c 287 s 60 are each amended to read as follows:

The state board of education shall hold an annual meeting and such other regular meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business, such special meetings to be called by the superintendent of public instruction, or by a majority of the board. The persons ~~((serving))~~ elected by the people under this chapter as members of the state board of education shall be compensated in accordance with RCW ~~((43.03.240 and))~~ 43.03.250. ~~Persons not elected by the people shall be compensated in accordance with RCW 43.03.240.~~ All members shall be reimbursed by the superintendent of public instruction for travel expenses in accordance with RCW 43.03.050 and 43.03.060 incurred in the performance of their duties which expenses shall be paid by the state treasurer on warrants out of funds appropriated or otherwise available, upon the order of the superintendent.

**Sec. 2.** RCW 28A.305.010 and 1992 c 56 s 1 are each amended to read as follows:

The state board of education shall be comprised of ~~((one))~~ two nonpartisan members from each congressional district of the state, not including any congressional district at large, elected by the ~~((members of the boards of directors of school districts thereof, as hereinafter in this chapter provided, the superintendent of public instruction and one member elected at large, as provided in this chapter, by the members of the boards of directors of all private schools in the state meeting the requirements of RCW 28A.195.010. The member representing private schools shall not vote on matters affecting public schools. If there is a dispute about whether or not an issue directly affects public schools, the dispute shall be settled by a majority vote of the other members of the board))~~ voters of each congressional district in the state.

**Sec. 3.** RCW 28A.305.030 and 1992 c 56 s 3 are each amended to read as follows:

(1) Whenever any new and additional congressional district is created, except a congressional district at large, ~~((the superintendent of public instruction shall call an election in such district at the time of making the call provided for in RCW 28A.305.020. Such election shall be conducted as other elections provided for in this chapter))~~ two persons shall be elected at the next general election at which state board of education members are elected to serve as members of the state board of education.

At the first such election one member of the state board of education shall be elected for a term of four years.

(2) The terms of office of members of the state board of education who are elected from the various congressional districts shall not be affected by the creation of either new or new and additional districts. In such an event, each board member may continue to serve in office for the balance of the term for which he or she was elected or appointed: PROVIDED, That the board member continues to reside within the boundaries of the congressional district as they existed at the time of his or her election or appointment. Vacancies ~~((which))~~ that occur in a board member position during the balance of any such term shall be filled ~~((pursuant to))~~ under RCW 28A.305.090 by a successor who resides within the boundaries of the congressional district from which the member whose office was vacated was elected as they existed at the time of his or her election. At the election immediately preceding expiration of the term of office of each board member provided for in this subsection following the creation of either new or new and additional congressional districts, and thereafter, a successor shall be elected from the congressional district ~~((which))~~ that corresponds in number with the congressional district from which the incumbent was appointed or elected.

~~((3) Notwithstanding any other provision of this section or chapter, in order to reduce the number of state board of education members elected from each congressional district from two members to one member the following transitional measures shall govern board member terms, elections, and voting:~~

~~((a) The terms of office for each of the sixteen state board of education members and positions representing the first through the eighth congressional districts shall terminate in a sequence commencing with the terms of the four members and positions representing the third and sixth congressional districts as of the second Monday of January 1993, followed by the terms of the six members and positions representing the first, fourth, and seventh congressional districts as of the second Monday of January 1994, and ending with the termination of the terms of the six members and positions representing the second, fifth, and eighth congressional districts as of the second Monday of January 1995;~~

~~(b) An election shall be conducted under RCW 28A.305.040 through 28A.305.060 each year preceding the termination of one or more terms under (a) of this subsection for the purpose of electing one state board of education member from each correspondingly numbered congressional district for a term of four years;~~

~~(c) If for any reason a vacancy occurs in one of two positions representing a congressional district before the termination of the term for the position under (a) of this subsection, no replacement may be appointed or elected and the position shall be deemed eliminated; and~~

~~(d) During the transition period from the second Monday of January 1993, to the second Monday of January 1995, a vote on any matter before the state board of education by any one of two members representing the same congressional district shall be equal to one-half [of] a vote and a vote by any other member shall be equal to one full vote. Thereafter, the vote of each member shall be equal to one full vote.)~~

**Sec. 4.** RCW 28A.305.090 and 1990 c 33 s 264 are each amended to read as follows:

Whenever there shall be a vacancy upon the state board of education, from any cause whatever, it shall be the duty of the remaining members of the board to fill such vacancy by appointment, and the person so appointed shall continue in office until his or her successor has been ((specially)) elected((, as hereinafter in this section provided,)) and has qualified. ((Whenever a vacancy occurs, the superintendent of public instruction shall call, in the month of August)) At the next general election following the date of the occurrence of ((such)) the vacancy, ((a special election to be held in the same manner as other elections provided for in this chapter, at which election)) a successor shall be elected to hold office for the unexpired term of the member whose office was vacated.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.305 RCW to read as follows:

An election shall be held at the general election after the effective date of this section to elect members to the state board of education. Members shall take office on the second Monday of January following the election, on which date the terms of all members of the state board of education holding office on the effective date of this section shall expire. Of the initial members elected under this section, members elected from even-numbered congressional districts shall serve four-year terms and members elected from odd-numbered congressional districts shall serve two-year terms. Newly elected members of the state board of education shall serve until their successors are elected and qualified. Members who are elected subsequently shall be elected to four-year terms of office and shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

**NEW SECTION. Sec. 6.** The following acts or parts of acts are each repealed:

(1) RCW 28A.305.020 (Call and notice of elections) and 1990 c 33 s 258, 1988 c 255 s 2, 1981 c 38 s 1, & 1969 ex.s. c 223 s 28A.04.020;

(2) RCW 28A.305.040 (Declarations of candidacy--Qualifications of candidates--Members restricted from service on local boards--Forfeiture of office) and 1990 c 33 s 260, 1982 1st ex.s. c 7 s 2, 1980 c 179 s 4, 1975 1st ex.s. c 275 s 49, 1971 c 48 s 1, & 1969 ex.s. c 223 s 28A.04.040;

(3) RCW 28A.305.050 (Qualifications of voters--Ballots--Voting instructions--Candidates' biographical data) and 1990 c 33 s 261, 1988 c 255 s 3, 1981 c 38 s 2, & 1969 ex.s. c 223 s 28A.04.050;

(4) RCW 28A.305.060 (Election procedure--Certificate) and 1990 c 33 s 262, 1981 c 38 s 3, 1980 c 179 s 5, 1975 c 19 s 2, 1969 ex.s. c 283 s 25, & 1969 ex.s. c 223 s 28A.04.060; and

(5) RCW 28A.305.070 (Action to contest election--Grounds--Procedure) and 1980 c 179 s 6 & 1975 c 19 s 1."

#### POINT OF ORDER

Senator McAuliffe: "I rise to a point of order. I submit the amendment proposed by Senator Roach changes the scope and object of Senate Bill No. 5410 and, therefore, violates Senate Rule 66. The object of Senate Bill No. 5410 is to reclassify the State Board of Education from a class three to a class four group. The striking amendment by Senator Roach deals with elections and, therefore, changes the scope and object of Senate Bill No. 5410."

Further debate ensued.

#### MOTION

On motion of Senator Heavey, further consideration of Senate Bill No. 5410 was deferred.

#### SECOND READING

SENATE BILL NO. 5575, by Senators Haugen, Johnson, Patterson and T. Sheldon (by request of Washington State Patrol)

Adding an ex officio member to the building code council.

The bill was read the second time.

#### MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 5575 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5575.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5575 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senators Rasmussen and Wojahn - 2.

Excused: Senators Loveland and Sellar - 2.

SENATE BILL NO. 5575, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Wojahn was excused.

#### SECOND READING

SENATE BILL NO. 5665, by Senators Costa, Honeyford, Hargrove, Kline, Heavey, McCaslin and Long

Authorizing vacation of records of convictions for misdemeanors and gross misdemeanors.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 5665 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5665.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5665 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Absent: Senators Rasmussen, Sheldon and B. - 2.

Excused: Senators Loveland, Sellar and Wojahn - 3.

SENATE BILL NO. 5665, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5617, by Senators Horn, Goings, Finkbeiner, Oke and Costa

Providing exemptions from driver's license requirements for nonresidents.

The bill was read the second time.

#### MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 5617 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5617.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5617 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Loveland, Sellar and Wojahn - 3.

SENATE BILL NO. 5617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5712, by Senators Prentice, Hale, Bauer, West and Winsley

Regulating motel liquor licenses.

#### MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5712 was substituted for Senate Bill No. 5712 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the following amendment was adopted:

On page 1, line 16, strike ~~((No more than one-half of the guest rooms may have honor bars.))~~ and insert, "No more than one half of the guest rooms may have honor bars."

#### MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 5712 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Deccio, Senator Long was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5712.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5712 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Voting nay: Senators Eide, Franklin, Hargrove, Heavey and Patterson - 5.

Excused: Senators Long, Loveland and Sellar - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5712, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5816, by Senators Haugen, McCaslin, Patterson, Gardner and T. Sheldon

Enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area.

The bill was read the second time.

#### MOTIONS

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

On page 3, after line 21, insert the following:

"(16) "Conservation parcel" means a parcel or lot of any size and configuration created specifically to conserve, preserve, or protect land in its undeveloped state or to restore the value and benefits of developed land to its undeveloped state. Lands which may be included within a conservation parcel include critical areas as defined in RCW 36.70A.030(5), open space areas, riparian areas, forest lands, agricultural lands, or other lands identified by counties or cities pursuant to section 3 of this act as eligible for inclusion in a conservation parcel.

**Sec. 2.** RCW 58.17.040 and 1992 c 220 s 27 are each amended to read as follows:

The provisions of this chapter shall not apply to:

- (1) Cemeteries and other burial plots while used for that purpose;
- (2) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions: PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;
- (3) Divisions made by testamentary provisions, or the laws of descent;
- (4) Divisions of land into lots or tracts classified for industrial or commercial use when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;
- (5) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;
- (6) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site; ~~((and))~~
- (7) A division made for the purpose of creating a conservation parcel according to the requirements of section 3 of this act; and

(8) Divisions of land into lots or tracts if: (a) Such division is the result of subjecting a portion of a parcel or tract of land to either chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land; (b) the improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; (c) a city, town, or county has approved the binding site plan for all such land; (d) such approved binding site plan is recorded in the county or counties in which such land is located; and (e) the binding site plan contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein." The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either chapter 64.32 or 64.34 RCW. A site plan shall be deemed to have been approved if the site plan was approved by a city, town, or county: (i) In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or (ii) in connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or (iii) if not approved pursuant to (i) and (ii) of this subsection (7)(e), then pursuant to such other procedures as such city, town, or county may have established for the approval of a binding site plan.

**NEW SECTION. Sec. 3.** A new section is added to chapter 58.17 RCW to read as follows:

A county, city, or town may adopt by ordinance procedures for the creation of conservation parcels as an exemption to the procedures required by this chapter. The ordinance must:

(1) Identify the types of land which may qualify for designation as conservation parcels, including all lands specified in RCW 58.17.020(3) and any other lands the county, city, or town determines to have environmental, ecological, habitat, or natural resource value and to need conservation, preservation, restoration, or protection;

(2) Prohibit any residential, commercial, industrial, or active agricultural or forestry uses on conservation parcels;

(3) Require that any existing residential, commercial, industrial, or active agricultural or forestry uses be abated and mitigated;

(4) To the maximum extent practicable, require that any existing residential, commercial, industrial, or other developments or improvements be removed and that the land be restored prior to approval of the conservation parcel;

(5) Limit noncommercial recreation and open space uses on conservation parcels to those activities which will not alter the character of the land or impact the environmental, ecological, habitat, or natural resource value of the land; and

(6) Require that title to a conservation parcel be:

(a) Held by a public agency for conservation, preservation, restoration, or protection purposes;

(b) Held by a nonprofit nature conservancy corporation or association as defined in RCW 84.34.250 for conservation, preservation, restoration, or protection purposes; or

(c) Encumbered by a perpetual conservation easement in favor of either a public agency or a nonprofit nature conservancy corporation or association as defined in RCW 84.34.250."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 3 of the title, after "area," strike "and" and after "RCW 58.17.020" insert "and 58.17.040; and adding a new section to chapter 58.17 RCW"

## MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Senate Bill No. 5816 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5816.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5816 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senators Fairley, Kohl-Welles and Thibaudeau - 3.

Excused: Senators Long and Sellar - 2.

ENGROSSED SENATE BILL NO. 5816, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:27 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Owen.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9077, Shirley Rector, as a member of the Lottery Commission, was confirmed.

#### MOTION

On motion of Senator Eide, Senator Brown was excused.

#### MOTION

On motion of Senator Honeyford, Senators Benton, McDonald, Rossi, Swecker, West and Winsley were excused.

#### APPOINTMENT OF SHIRLEY RECTOR

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 4; Excused, 8.

Voting yea: Senators Bauer, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, Wojahn and Zarelli - 37.

Absent: Senators Fairley, Hargrove, Haugen and Kohl-Welles - 4.

Excused: Senators Benton, Brown, McDonald, Rossi, Sellar, Swecker, West and Winsley - 8.

#### MOTION

On motion of Senator Franklin, Senators Fairley and Kohl-Welles were excused.

#### SECOND READING

SENATE BILL NO. 5920, by Senators Costa, Thibaudeau, Deccio, Haugen and Kohl-Welles

Including midwives in women's health care services.

The bill was read the second time.

#### MOTION

On motion of Senator Costa, the rules were suspended, Senate Bill No. 5920 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5920.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5920 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Brown, Fairley, Kohl-Welles, Sellar and West - 5.

SENATE BILL NO. 5920, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5343, by Senators Jacobsen, Shin, Kohl-Welles, Costa, Thibaudeau and Gardner

Requiring that school information be included in the passport provided to foster parents.

The bill was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5343.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5343 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Brown, Fairley, Kohl-Welles and Sellar - 4.

SENATE BILL NO. 5343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5556, by Senators Fraser, Oke, Jacobsen, Haugen, Heavey, T. Sheldon, Winsley, Rasmussen, Patterson, Sellar, Zarelli, Roach, Stevens, Kohl-Welles, McCaslin, Thibaudeau, Honeyford, Costa, Eide, Morton, Horn and Hochstatter

Freeing the base for transfers of marine and nonhighway fuel taxes.

#### MOTIONS

On motion of Senator Goings, Second Substitute Senate Bill No. 5556 was substituted for Senate Bill No. 5556 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Goings, the rules were suspended, Second Substitute Senate Bill No. 5556 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5556.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5556 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.

Voting nay: Senators Finkbeiner, Loveland, Morton and Wojahn - 4.

Excused: Senators Fairley, Kohl-Welles and Sellar - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5914, by Senators Patterson, Prentice, McCaslin, Oke, Kline, Sheahan, Franklin, Shin, Goings, Haugen, Winsley and Rasmussen

Providing incentive and enforcement measures for compliance with growth management housing goals.

#### MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5914 was substituted for Senate Bill No. 5914 and the substitute bill was placed on second reading and read the second time.

Senator Horn moved that the following amendment by Senators Horn and Patterson be adopted:

Beginning on page 2, line 8, strike all of section 2

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Horn and Patterson on page 2, line 8, to Substitute Senate Bill No. 5914.

The motion by Senator Horn carried and the amendment was adopted.

#### MOTION

Senator Horn moved that the following amendment by Senators Horn and Patterson be adopted:

On page 8, line 27, after "management." insert "Nothing in this section is intended to change the duties of the office of financial management under RCW 43.62.035."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Horn and Patterson on page 8, line 27, to Substitute Senate Bill No. 5914.

The motion by Senator Horn carried and the amendment was adopted.

## MOTION

Senator Patterson moved that the following amendment by Senator Fairley be adopted:

On page 12, after line 29, insert the following:

"(ix) For state agencies and special purpose districts that provide public services and facilities to serve population growth, an assessment of service capabilities by each such agency or district shall be provided to the county and cities that are conducting the assessment of the availability of public services and facilities under subsection(2)(b)(viii) of this section."

## MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute Senate Bill No. 5914 was deferred.

President Pro Tempore Wojahn assumed the Chair.

There being no objection, the Senate resumed consideration of Senate Joint Resolution No. 8200, deferred earlier today after Senator McCaslin made the motion to substitute the joint resolution.

## RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "In ruling upon the point of order raised by Senator Roach to the scope and object of Substitute Senate Joint Resolution No. 8200 offered by the Committee on Judiciary, the President finds that Senate Joint Resolution No. 8200 is a measure which concerns qualifications for supreme court, court of appeals, superior court, district court, municipal court or any other court authorized by the Legislature.

"The substitute measure requires superior court judges to have practiced law for five years.

"The President, therefore, finds that the substitute joint resolution does not change the scope and object of the bill and the point of order is not well taken."

The President Pro Tempore declared the question before the Senate to be the motion by Senator McCaslin to substitute Senate Joint Resolution No. 8200.

The motion by Senator McCaslin carried and Substitute Senate Joint Resolution No. 8200 was substituted for Senate Joint Resolution No. 8200 and read the second time.

## MOTION

Senator Hargrove moved that the following amendment be adopted:

On page 1, line 12, after "~~Washington~~" insert "and has served a minimum of five years as a member of the state legislature"

Debate ensued.

## CALL FOR THE PREVIOUS QUESTION

Senators Snyder, Franklin and Betti Sheldon called for the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be shall the main question be now put.

The motion carried and the demand for the previous question carried.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 1, line 12, to Substitute Senate Joint Resolution No. 8200.

The motion by Senator Hargrove failed and the amendment was not adopted.

## MOTION

Senator Benton moved that the following amendment be adopted:

On page 1, line 12, after "~~Washington~~" insert "and has worked in private industry for a minimum of five years"

## CALL FOR THE PREVIOUS QUESTION

Senators Snyder, Fraser and Goings called for the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be shall the main question be now put.

The motion carried and the demand for the previous question carried.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 1, line 12, to Substitute Senate Joint Resolution No. 8200.

The motion by Senator Benton failed and the amendment was not adopted.

## MOTION

On motion of Senator Heavey, the rules were suspended, Substitute Senate Joint Resolution No. 8200 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Resolution No. 8200.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Resolution No. 8200 and the joint resolution passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 38.

Voting nay: Senators Benton, Hochstatter, Johnson, Morton, Roach, Sheldon, T., Stevens, Swecker and Zarelli - 9.

Excused: Senators Fairley and Sellar - 2.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 8200, having received the constitutional two-thirds majority, was declared passed.

President Owen assumed the Chair.

There being no objection, the Senate resumed consideration of Senate Bill No. 5410 and the pending striking amendment by Senator Roach, deferred earlier today

## RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator McAuliffe to the scope and object of the striking amendment by Senator Roach, the President finds that Senate Bill No. 5410 is a measure which does only one thing. Namely, it changes the State Board of Education from a class three to a class four group for purposes of expense reimbursement.

"The striking amendment by Senator Roach would make several changes to the law, including (1) increasing the size of the Board of Education; (2) requiring that at large members be popularly elected; (3) removing the Superintendent of Public Instruction from the State Board; and other changes.

"The President, therefore, finds that the amendment does change the scope and object of the bill and the point of order is well taken."

The striking amendment by Senator Roach to Senate Bill No. 5410 was ruled out of order.

## MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 5410 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5410.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5410 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Thibaudeau - 1.

Excused: Senators Fairley and Sellar - 2.

SENATE BILL NO. 5410, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5640, by Senators Gardner and McCaslin (by request of Secretary of State Munro)

Revising election and primary timing.

#### MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5640 was substituted for Senate Bill No. 5640 and the substitute bill was placed on second reading and read the second time.

Senator Morton moved that the following amendment be adopted:

On page 3, after line 23, insert the following:

**"Sec. 6.** RCW 29.62.090 and 1990 c 262 s 1 are each amended to read as follows:

(1) Immediately after the official results of a state primary or general election in a county are ascertained, the county auditor or other election officer shall make an abstract of the number of registered voters in each precinct and of all the votes cast in the county at such state primary or general election for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The abstract shall be entered on blanks furnished by the secretary of state or on compatible computer printouts approved by the secretary of state, and transmitted to the secretary of state no later than the next business day following the certification by the county canvassing board.

(2) After each general election (~~(in an even-numbered year)~~), the county auditor or other election officer shall provide to the secretary of state a report of the number of absentee ballots cast in each precinct for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The report may be included in the abstract required by this section or may be transmitted to the secretary of state separately, but in no event later than March 31 of the year following the election. Absentee ballot results may be incorporated into votes cast at the polls for each precinct or may be reported separately on a precinct-by-precinct basis.

(3) If absentee ballot results are not incorporated into votes cast at the polls, the county auditor or other election official may aggregate results from more than one precinct if the auditor, pursuant to rules adopted by the secretary of state, finds that reporting a single precinct's absentee ballot results would jeopardize the secrecy of a person's ballot. To the extent practicable, precincts for which absentee results are aggregated shall be contiguous."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 3, after line 23, to Substitute Senate Bill No. 5640.

The motion by Senator Morton failed and the amendment was not adopted.

#### MOTION

On motion of Senator Goings, the rules were suspended, Substitute Senate Bill No. 5640 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5640.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5640 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 36.

Voting nay: Senators Finkbeiner, Heavey, Hochstatter, Honeyford, Johnson, McCaslin, Morton, Roach, Sheldon, T., Stevens and Zarelli - 11.

Excused: Senators Fairley and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5640, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5914 and the pending amendment by Senator Fairley on page 12, after line 29, which was moved by Senator Patterson before the bill was deferred earlier today.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 12, after line 29, to Substitute Senate Bill No. 5914.

The motion by Senator Patterson failed and the amendment by Senator Fairley was not adopted.

#### MOTIONS

On motion of Senator Kline, the following amendment by Senators Kline and Patterson was adopted:

On page 17, line 13, after "act" insert ";

(8) Subsections (5), (6), and (7) of this section apply only to a county with a population of one million five hundred thousand or more, and any city within such county"

Senator Horn moved that the following amendment be adopted:

On page 17, line 13, after "this act." insert "No sanctions may be imposed under this subsection if: (a) the failure to achieve housing goals by a county or city is due wholly or in part to the lack of enhancements to essential infrastructure by the state necessary to support such development; or, (b) the county or other regional purveyor of water or sewer services fails to make needed enhancements and provide assurances of service of such essential services to the county or city failing to achieve the housing goals."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Horn on page 17, line 13, to Substitute Senate Bill No. 5914.

The motion by Senator Horn failed and the amendment was not adopted.

#### MOTION

Senator Kline, moved that the following title amendment by Senators Kline and Benton be adopted:

On page 1, line 1 of the title, after "relating to" delete "enforcement and incentive measures for compliance with growth management housing goals in counties with a population of one million five hundred thousand or more" and insert "local government land use practices"

Debate ensued.

#### POINT OF ORDER

Senator Heavey: "Mr. President, I would challenge the scope and object of this amendment to the underlying bill. The underlying bill deals with growth management not just counties--all counties under growth management--not just counties above one point five million in people."

Debate ensued.

#### RULING BY THE PRESIDENT

President Owen: "The President is prepared to rule on the scope. In his previous rulings, the President has noted that it is not the title that is relative to--or changes the scope--or that we look at in determining the substance of the bill. Therefore, an amendment to the title, would not change the scope and object of the bill.

"The point of order is not well taken."

The title amendment by Senators Kline and Benton to Substitute Senate Bill No. 5914 was ruled in order.

The President declared the question before the Senate to be the adoption of the title amendment by Senators Kline and Benton to Substitute Senate Bill No. 5914.

Debate ensued.

The motion by Senator Kline carried and the title amendment was adopted.

#### MOTIONS

On motion of Senator Patterson, the following additional title amendment was adopted:

On page 1, line 4 of the title, after "36.70A.010," strike "36.70A.070,"

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute Senate Bill No. 5914 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5914.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5914 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brown, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Johnson, Kline, Kohl-Welles, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Snyder, Stevens, Swecker, Thibaudeau, West and Zarelli - 28.

Voting nay: Senators Bauer, Costa, Eide, Franklin, Fraser, Gardner, Heavey, Horn, Long, Loveland, McAuliffe, Prentice, Roach, Rossi, Shin, Spanel, Winsley and Wojahn - 18.

Absent: Senator Jacobsen - 1.

Excused: Senators Fairley and Sellar - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5914, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5779, by Senators Kline, Winsley, Fairley, Costa and Oke

Requiring additional crime prevention training for employees of evening retail establishments.

The bill was read the second time.

#### MOTION

Senator Kline moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 49.22.010 and 1989 c 357 s 1 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Department" means the department of labor and industries.

(2) "~~((Late night))~~ Evening retail establishment" means any business or commercial establishment making sales to the public between the hours of ~~((eleven))~~ eight o'clock p.m. and ~~((six))~~ seven o'clock a.m., except restaurants, hotels, taverns, or any lodging facility.

(3) "Employer" means the operator, lessee, or franchisee of ~~((a late night))~~ an evening retail establishment whose standard industrial code is "5411" or "5541" as established under the standard industrial classification manual, or the equivalent code in a successor classification as determined by the commissioner under Title 50 RCW.

**Sec. 2.** RCW 49.22.020 and 1989 c 357 s 3 are each amended to read as follows:

In addition to providing crime prevention training ~~((as provided in section 2 of this act))~~, all employers operating ~~((late night))~~ evening retail establishments shall:

(1) Post a conspicuous sign in the window or door which states that there is a safe on the premises and it is not accessible to the employees on the premises and that the cash register contains only the minimal amount of cash needed to conduct business: PROVIDED, That an employer shall not be subject to penalties under RCW 49.22.030 for having moneys in the cash register in excess of the minimal amount needed to conduct business;

(2) So arrange all material posted in the window or door so as to provide a clear and unobstructed view of the cash register, provided the cash register is otherwise in a position visible from the street;

(3) Have a drop-safe, limited access safe, or comparable device on the premises; and

(4) Operate the outside lights for that portion of the parking area that is necessary to accommodate customers during all night hours the ~~((late night))~~ evening retail establishment is open, if the ~~((late night))~~ evening retail establishment has a parking area for its customers.

NEW SECTION. **Sec. 3.** The department of labor and industries shall review and update existing rules and administrative procedures to reflect changes made by this act."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kline to Senate Bill No. 5779.

The motion by Senator Kline carried and the striking amendment was adopted.

## MOTIONS

On motion of Senator Kline, the following title amendment was adopted:

On page 1, line 2 of the title, after "hours;" strike the remainder of the title and insert "amending RCW 49.22.010 and 49.22.020; and creating a new section."

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 5779 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5779.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5779 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 35.

Voting nay: Senators Benton, Deccio, Hale, Honeyford, Johnson, McCaslin, Morton, Roach, Rossi, Sheldon, T., West and Zarelli - 12.

Excused: Senators Fairley and Sellar - 2.

ENGROSSED SENATE BILL NO. 5779, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5439, by Senators Kline, Heavey, Roach and Costa

Enacting the Washington state false claims act.

## MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5439 was substituted for Senate Bill No. 5439 and the substitute bill was placed on second reading and read the second time.

Senator Hargrove moved that the following amendment by Senators Hargrove, Rasmussen, Johnson, McCaslin, T. Sheldon, Zarelli, Goings, Haugen, McDonald, Hale and Roach be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** This chapter may be known and cited as the "Washington state false claims act."

**NEW SECTION. Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Claim" means a request or demand, whether under a contract or otherwise, for money or property which is made to a government employee or official, contractor, grantee, or other recipient if a governmental entity provides any portion of the money or property which is requested or demanded, or if a governmental entity will reimburse such employee, official, contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.

(2) "False claim" means any claim that contains or is based upon a materially incorrect fact, statement, representation, or record.

(3) "Governmental entity" means the state of Washington and any political subdivision thereof. A governmental entity includes its officials and employees, acting in such capacities.

(4) "Knowing" and "knowingly" mean that a person, with respect to information, and with specific intent to defraud:

(a) Has actual knowledge of the information; or

(b) Acts in deliberate ignorance of or in reckless disregard of the truth or falsity of the information.

(5) "Person" means any individual, firm, partnership, corporation, company, association, or other legal entity whose conduct is not subject to 31 U.S.C. Sec. 3729 as now or hereafter amended, chapter 48.80 RCW, RCW 74.09.210 through 74.09.260, or 51.48.250 through 51.48.290.

(6) "Public attorney" means any person that is authorized by a governmental entity to initiate legal actions or claims on the governmental entity's behalf.

(7) "Recovery" means any money paid or to be paid pursuant to section 4 of this act as a civil penalty or damages as a result of the initiation of a civil action under section 6 of this act, whether resulting from an award of the court, from a settlement of the parties, or from an alternative remedy pursuant to section 7(5) of this act, but "recovery" shall not include attorneys' fees.

(8) "Reprisal or retaliation" has the meaning given in RCW 42.40.050.

(9) "Whistleblower" means a person who in good faith initiates, furnishes information, or otherwise participates in an investigation of, or a civil action with respect to, a wrongful act.

**NEW SECTION. Sec. 3.** (1) A person commits a "wrongful act" under this chapter if each of the following occurs:

(a) The person:

(i) Makes a false representation of a material, existing fact;

(ii) Knows that the representation is false or has a reckless disregard to its truth; and

(iii) Intends that the representation should be acted on by the person to whom it is made; and

(b) The person to whom the representation is made:

(i) Is ignorant of the falsity of the representation;

(ii) Justifiably relies on the truth of the representation; and

(iii) Incurs consequent damages.

(2) This chapter does not apply to any claim in which the claimant relied reasonably upon and complied with the advice, directives, bulletins, rules, or other instructions of the governmental entity to which the claim is submitted or a person who acts as counsel to the governmental entity to which the claim is submitted.

(3) In any action brought under this chapter, a governmental entity or person bringing the action shall be required to prove all the essential elements of the cause of action by clear, cogent, and convincing evidence.

(4) This chapter does not apply to any controversy that results in damages to a governmental entity that have a total value of less than one thousand dollars. For the purpose of this subsection, "controversy" means any one or more wrongful acts committed by the same person.

(5) Applicable statute of limitations shall be pursuant to RCW 4.16.080.

(6) This chapter does not apply to persons subject to the jurisdiction of chapter 42.52 RCW.

**NEW SECTION. Sec. 4.** (1) Except as provided in subsection (2) of this section, a person who commits a wrongful act against a governmental entity is liable to the governmental entity for (a) a civil penalty of not less than five thousand dollars and not more than ten thousand dollars; and (b) an amount equal to the damages sustained by the governmental entity as a result of the wrongful act.

(2) Notwithstanding subsection (1) of this section, a court may assess against a person who commits a wrongful act an amount the court finds reasonable considering the level of involvement of the person who commits a wrongful act but not to exceed a twenty-five percent reduction of the damages sustained by the governmental entity as a result of the wrongful act, if the court finds all of the following:

(a) The person committing the wrongful act furnished to a public attorney responsible for investigating false claims all information known to the person about the wrongful act within thirty days after the person first obtained the information;

(b) The person fully cooperated with the governmental entity's investigation of the wrongful act; and

(c) At the time the person furnished the governmental entity with the information about the wrongful act, no criminal prosecution, civil action, or administrative action had commenced under this chapter with respect to the violation, and the person did not have actual knowledge of the existence of an investigation into the wrongful act.

**NEW SECTION. Sec. 5.** A public attorney shall diligently investigate any allegation of a wrongful act. If the public attorney finds that a person has committed or is committing a wrongful act, the public attorney may bring a civil action against the person.

**NEW SECTION. Sec. 6.** (1) A person may bring a civil action for the commission of a wrongful act in the name of the person and the governmental entity. A court may only dismiss any action brought under this chapter by a person other than a public attorney if the public attorney provides the court with written consent to the dismissal. If the action is dismissed, the court shall enter an order stating the grounds for dismissal.

(2) A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the governmental entity under this chapter. The complaint shall be filed in camera, remain under seal for at least ninety days, and not be served on the defendant until the court orders. The governmental entity may elect to intervene and proceed with the action within ninety days after it receives both the complaint and the material evidence and information.

(3) The governmental entity may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal under subsection (2) of this section. A motion may be supported by affidavits or other submissions in camera. The defendant is not required to respond to a complaint filed under this section until twenty days after the complaint is unsealed and served upon the defendant under this chapter.

(4) Before the expiration of the ninety-day period, or extensions obtained under subsection (3) of this section, the governmental entity shall:

(a) Proceed with the action, in which case the action is conducted by the governmental entity; or

(b) Notify the court that it declines to take over the action, in which case the person bringing the action has the right to conduct the action.

(5) If a person brings an action under this section, no person other than the governmental entity may intervene or bring a related action based on the facts underlying the pending action.

**NEW SECTION. Sec. 7.** (1) If a governmental entity proceeds with an action under section 6 of this act, it has the primary responsibility for prosecuting the action and is not bound by an act of the person bringing the action. The person has the right to continue as a party to the action, subject to the limitations set forth in subsection (2) of this section.

(2)(a) A governmental entity may petition to dismiss the action notwithstanding the objections of the person initiating the action if the person has been served with a copy of the motion for dismissal in a manner provided by law and the court has provided the person with an opportunity for a hearing on the motion.

(b) A governmental entity may settle an action with a defendant notwithstanding the objections of the person initiating the action if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under the circumstances. Upon a showing of good cause and following the provision of notice of the hearing to all parties, the hearing may be held in camera.

(c) Upon a showing by a governmental entity or a defendant that unrestricted participation during the course of the litigation by the person initiating the action would interfere with or unduly delay prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may, in its discretion, impose reasonable limitations on the person's participation, including:

(i) Limiting the number of witnesses the person may call;

(ii) Limiting the length of the testimony of the witnesses;

(iii) Limiting the person's cross-examination of witnesses; or

(iv) Otherwise limiting the participation by the person in the litigation.

(d) Upon a showing by the defendant that unrestricted participation during the course of the litigation by the person initiating the action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the person in the litigation.

(3) If a governmental entity elects not to proceed with the action, the person who initiated the action has the right to conduct the action. The governmental entity may request, and following such request shall be served with, copies of all pleadings filed in the action and supplied with copies of all deposition transcripts, interrogatory answers, documents produced, test results, or other discovery materials, at the governmental entity's expense for the cost of reproducing the materials. If the person proceeds with the action, the court, without limiting the status and rights of the person initiating the action, may nevertheless permit the governmental entity to intervene at a later date upon a showing of good cause.

(4) Whether or not the governmental entity proceeds with the action, upon a showing by the governmental entity that certain actions of discovery by the person initiating the action would interfere with an investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay the discovery for a period of not more than ninety days. Such a showing shall be made in camera. The court may extend the ninety-day period upon a further showing in camera that the governmental entity has pursued the criminal or civil investigation or proceedings with reasonable diligence and the proposed discovery in the civil action would interfere with the ongoing criminal or civil investigation or proceedings.

(5) Notwithstanding section 6 of this act, a governmental entity may elect to pursue a claim through an available alternate remedy, including an administrative proceeding. If an alternative remedy is undertaken, any civil actions shall be stayed and the person initiating the civil action has the same rights in the proceeding, including with respect to recoveries and costs, including reasonable attorneys' fees, as the person would have if the action had continued under this section. A finding of fact or conclusion of law made in the other proceeding that has become final is conclusive on all parties to an action under this section. For purposes of this subsection, a finding or conclusion is final if it has been finally determined on appeal to the appropriate court of the state, if all time for filing an appeal with respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

**NEW SECTION. Sec. 8.** (1) If a governmental entity proceeds with an action brought by a person under section 6 of this act, the person shall receive at least fifteen percent but not more than twenty-five percent of any recovery in an action, depending upon the extent the person substantially contributed to the prosecution of the action. If the action is one that the court finds is based primarily on disclosures of specific information, other than information provided by the person bringing the action, (a) in a criminal, civil, or administrative hearing, (b) in a legislative, administrative, or state accounting office report, hearing, audit, or investigation, or (c) from the news media, the court may award the sum it considers appropriate, but in no case more than ten percent of the recovery, taking into account the significance of the information and the role of the person bringing the action in advancing the case to litigation. A payment to a person under this subsection shall be made from the recovery. Any payment of any portion of a recovery that is made shall be paid first to the person until paid in full and then to the governmental entity. The person shall also receive an amount for costs, including reasonable attorneys' fees, which the court finds to have been necessarily incurred. All expenses, fees, and costs are awarded against the defendant who is found to have committed a wrongful act. Attorneys' fees and costs shall be paid prior to disbursement of any recovery.

(2) If a governmental entity does not proceed with an action under this section, the person bringing the action shall receive an amount that the court decides is reasonable for collecting the civil penalty and damages. The amount shall be not less than twenty-five percent and not more than thirty percent of the recovery and is paid out of the proceeds. The person shall also receive an amount for costs, including reasonable attorneys' fees, that the court finds were necessarily incurred. All expenses, fees, and costs are awarded against the defendant who is found to have committed a wrongful act.

(3) Whether or not a governmental entity proceeds with an action, if the court finds that the action was brought by a person who planned and initiated the wrongful act upon which the action was brought, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action that the person would otherwise receive under subsection (1) or (2) of this section, taking into account the role of that person in advancing the case to litigation and relevant circumstances pertaining to the wrongful act. If the person bringing the action is convicted of criminal conduct arising from his or her role in the commission of a wrongful act, that person is dismissed from the civil action and shall receive no recovery or award. The dismissal shall not prejudice the right of the governmental entity to continue the action.

(4) If the governmental entity does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant costs, including reasonable attorneys' fees, if the defendant prevails in the action and the court finds that the claim of the person bringing the action was frivolous, vexatious, or brought primarily for purposes of harassment.

**NEW SECTION. Sec. 9.** In no event may a person bring an action under section 6 of this act which is based upon allegations or transactions which are the subject of a civil suit or an administrative proceeding in which the governmental entity is already a party.

**NEW SECTION. Sec. 10.** No governmental entity is liable for costs, including attorneys' fees, that a person incurs in bringing an action under section 6 of this act.

**NEW SECTION. Sec. 11.** Any person who has been subjected to workplace reprisal or retaliation as a result of being a whistleblower or an employer's belief that the person is a whistleblower has the remedies provided under chapter 49.60 RCW. Such remedies are in addition to any other remedies that the person may have under common law or statute.

**Sec. 12.** RCW 48.80.020 and 1995 c 285 s 25 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Claim" means any attempt to cause a health care payer to make a health care payment.

(2) "Deceptive" means presenting a claim to a health care payer that contains a statement of fact or fails to reveal a material fact, leading the health care payer to believe that the represented or suggested state of affairs is other than it actually is. For the purposes of this chapter, the determination of what constitutes a material fact is a question of law to be resolved by the court.

(3) "False" means wholly or partially untrue or deceptive.

(4) "Health care payment" means a payment for health care services or the right under a contract, certificate, or policy of insurance to have a payment made by a health care payer for a specified health care service.

(5) "Health care payer" means any insurance company authorized to provide health insurance in this state, any health care service contractor authorized under chapter 48.44 RCW, any health maintenance organization authorized under chapter 48.46 RCW, any legal entity which is self-insured and providing health care benefits to its employees, ~~((and))~~ any insurer or other person responsible for paying for health care services, and includes all governmental entities at the federal, state, or local levels.

(6) "Person" means an individual, corporation, partnership, association, or other legal entity.

(7) "Provider" means any person lawfully licensed or authorized to render any health service.

**NEW SECTION. Sec. 13.** A new section is added to chapter 42.52 RCW to read as follows:

(1) No state officer or state employee may:

(a) Knowingly present or cause to be presented to an agency a false claim for payment or approval;

(b) Knowingly make, use, or cause to be made or used, a false record or statement to get a false claim paid or approved;

(c) Conspire to get a false claim allowed or paid;

(d) Have in their possession, custody, or control property or money used, or to be used, by an agency and knowingly deliver, or cause to be delivered, less property than the amount for which the person received a certificate or receipt;

(e) Authorize to make or deliver a document certifying receipt of property used, or to be used, by an agency and make or deliver the receipt knowing that material information on the receipt is false;

(f) Knowingly buy, or receive as security for an obligation or debt, public property from an officer or employee of an agency, who lawfully may not sell or pledge the property; or

(g) Knowingly make, use, or cause to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit property to an agency.

(2) For the purposes of this section:

(a) "Claim" means a request or demand, whether under a contract or otherwise, for money or property which is made to a government employee or official, contractor, grantee, or other recipient if a governmental entity provides any portion of the money or property which is requested or demanded, or if a governmental entity will reimburse such employee, official, contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.

(b) "False claim" means any claim that contains or is based upon a materially incorrect fact, statement, representation, or record.

(c) "Knowing" and "knowingly" mean that a person, with respect to information, and with or without specific intent to defraud:

(i) Has actual knowledge of the information; or

(ii) Acts in deliberate ignorance of or in reckless disregard of the truth or falsity of the information.

(3) As to state officers and state employees, this section operates to the exclusion of ch \_\_\_\_, Laws of 1999 (SSB 5439).

**NEW SECTION. Sec. 14.** Sections 1 through 11 of this act constitute a new chapter in Title 4 RCW."

MOTION

Senator Spanel moved that the following amendments by Senators Spanel, Long, Patterson, Kline, Johnson and McCaslin to the striking amendment by Senators Hargrove, Rasmussen, Johnson, McCaslin, T. Sheldon, Zarelli, Goings, Haugen, McDonald, Hale and Roach be considered simultaneously and be adopted:

On page 3, after line 4, insert the following: "(6) This chapter does not apply to persons subject to the jurisdiction of chapter 42.52 RCW."

On page 9, after line 2, insert the following:

**"NEW SECTION. Sec. 13.** A new section is added to chapter 42.52 RCW to read as follows:

- (1) No state officer or state employee may:
- (a) Knowingly present or cause to be presented to an agency a false claim for payment or approval;
  - (b) Knowingly make, use, or cause to be made or used, a false record or statement to get a false claim paid or approved;
  - (c) Conspire to get a false claim allowed or paid;
  - (d) Have in their possession, custody, or control property or money used, or to be used, by an agency and knowingly deliver, or cause to be delivered, less property than the amount for which the person received a certificate or receipt;
  - (e) Authorize to make or deliver a document certifying receipt of property used, or to be used, by an agency and make or deliver the receipt knowing that material information on the receipt is false;
  - (f) Knowingly buy, or receive as security for an obligation or debt, public property from an officer or employee of an agency, who lawfully may not sell or pledge the property; or
  - (g) Knowingly make, use, or cause to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit property to an agency.
- (2) For the purposes of this section:

(a) "Claim" means a request or demand, whether under a contract or otherwise, for money or property which is made to a government employee or official, contractor, grantee, or other recipient if a governmental entity provides any portion of the money or property which is requested or demanded, or if a governmental entity will reimburse such employee, official, contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.

(b) "False claim" means any claim that contains or is based upon a materially incorrect fact, statement, representation, or record.

(c) "Knowing" and "knowingly" mean that a person, with respect to information, and with or without specific intent to defraud:

- (i) Has actual knowledge of the information; or
- (ii) Acts in deliberate ignorance of or in reckless disregard of the truth or falsity of the information.

(3) As to state officers and state employees, this section operates to the exclusion of ch\_\_\_, Laws of 1999 (SSB 5439).  
Renummer the remaining section consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Spanel, Long, Patterson, Kline, Johnson and McCaslin on page 3, after line 4, and page 9, after line 2, to the striking amendment by Senators Hargrove, Rasmussen, Johnson, McCaslin, T. Sheldon, Zarelli, Goings, Haugen, McDonald, Hale and Roach to Senate Bill No. 5439.

The motion by Senator Spanel carried and the amendments to the striking amendment were adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Rasmussen, Johnson, McCaslin, T. Sheldon, Zarelli, Goings, Haugen, McDonald, Hale and Roach, as amended, to Senate Bill No. 5439.

The striking amendment, as amended was adopted.

## MOTIONS

On motion of Senator Kline, the following title amendment was adopted:

On page 1, line 1 of the title, after "government;" strike the remainder of the title and a insert "amending RCW 48.80.020; adding a new chapter to Title 4 RCW; adding a new section to chapter 43.52 RCW; and prescribing penalties."

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Bill No. 5439 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5439.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5439 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### MOTION

On motion of Senator Snyder, the Committee on Rules was relieved of further consideration of Senate Bill No. 6048.

#### MOTION

On motion of Senator Snyder, the rules were suspended and Senate Bill No. 6048 was advanced to second reading and placed on the second reading calendar.

#### MOTION FOR RECONSIDERATION

Having served prior notice on March 16, 1999, Senator Goings moved to reconsider the vote by which Engrossed Senate Bill No. 5704 failed to pass the Senate.

The President declared the question before the Senate to be the motion by Senator Goings to reconsider the vote by which Engrossed Senate Bill No. 5704 failed to pass the Senate.

The motion for reconsideration of Engrossed Senate Bill No. 5704 carried on a rising vote.

#### MOTION

On motion of Senator Snyder, Engrossed Senate Bill No. 5704 was held on the third reading calendar.

#### MOTION

On motion of Senator Snyder, the Senate returned to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5097, by Senators Haugen, Honeyford, Gardner, Patterson, Bauer, Rasmussen, McCaslin, Hale, Sellar, Benton, Swecker, Winsley, Eide, Prentice and Roach

Transferring the office of archaeology and historic preservation from the department of community, trade, and economic development to the office of the secretary of state.

The bill was read the second time.

#### MOTION

Senator Wojahn moved that the following striking amendment by Senators Wojahn and Haugen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A task force to study the issue of the office of archaeology and historic preservation is created.

(2)(a) The task force shall develop a single recommendation for consideration by the legislature and the governor on the issue of the location of the office of archaeology and historic preservation within state government. The recommended location shall maximize the office of archaeology and historic preservation's stature, visibility, accessibility, and delivery of service state-wide in the context of its critical role as an important link among downtown and neighborhood revitalization efforts, the cultural tourism movement, rural economic development initiatives, and the preservation of the structures and sites that still remain as the legacy of Washington's rich and diverse heritage.

(b) The task force shall consider and include in its recommendation how best both to realize the potential of the office of archaeology and historic preservation to generate revenue from services it could provide in international, national, state, local, and private venues and also how best to achieve adequate funding from all funding sources to assure that the office of archaeology and historic preservation can provide the best possible service to the citizens of the state.

(3)(a) There shall be eleven members of the task force as follows: One member shall be the state historic preservation officer or his or her designee; two members shall be representatives of state agencies; two members shall be representatives of local governments; there shall be one representative each from the Washington state historical society, the eastern Washington state historical society, the Washington trust for historic preservation, and Indian tribes; and two members shall be representatives of the private sector who have experience in preservation of historic buildings or archaeological sites or who have particular interest in the issue of preservation of historic buildings and archaeological sites.

(b) The state historic preservation officer shall be the chair of the task force.

(c) Staff support shall be provided from the department of community, trade, and economic development.

(3) The task force shall report to appropriate committees of the legislature and the governor by January 1, 2000.

(4) This section expires June 30, 2000."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Wojahn and Haugen to Senate Bill No. 5097.

The motion by Senator Wojahn carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "preservation;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

On motion of Senator Haugen, the rules were suspended, Engrossed Senate Bill No. 5097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5097.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5097 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Sellar - 1.

ENGROSSED SENATE BILL NO. 5097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SPECIAL ORDER OF BUSINESS

On motion of Senator Snyder, Engrossed Senate Bill No. 5704, on reconsideration, will be made a special order of business at 4:55 p.m. today.

### SECOND READING

SENATE BILL NO. 5371, by Senators Jacobsen, Horn, Haugen, Franklin, Costa and Kohl-Welles (by request of Department of Transportation)

Developing intercity passenger rail service.

The bill was read the second time.

### MOTION

Senator McDonald moved that the following amendment be adopted:

On page 2, after line 16, insert the following:

"NEW SECTION. Sec. 4. The department may develop intercity passenger rail service only in areas where the department first determines that existing highways and roads are at or above the use capacity for which they were designed."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator McDonald on page 2, after line 16, to Senate Bill No. 5371.

The motion by Senator McDonald failed and the amendment was not adopted.

### MOTION

On motion of Senator Benton, the following amendment was adopted:

On page 2, after line 16, strike all of Section 4, lines 17 through 20

### MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "RCW" strike the remainder of the title through "emergency"

On motion of Senator Haugen, the rules were suspended, Engrossed Senate Bill No. 5371 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5371.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5371 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 35.

Voting nay: Senators Benton, Finkbeiner, Hochstatter, Honeyford, Johnson, McDonald, Morton, Oke, Roach, Rossi, Stevens, West and Zarelli - 13.

Excused: Senator Sellar - 1.

ENGROSSED SENATE BILL NO. 5371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### SECOND READING

SENATE BILL NO. 5260, by Senators Kline, Johnson and Thibaudeau

Amending the equal access to justice act.

MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5260 was substituted for Senate Bill No. 5260 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5260 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5260.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5260 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Voting nay: Senator Honeyford - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5260, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5730, deferred on second reading earlier today after an amendment by Senator Honeyford on page 2, line 29, was adopted.

MOTION

Senator Rasmussen moved that the following striking amendment by Senators Rasmussen, Swecker, Fraser and Morton be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.95.215 and 1985 c 436 s 1 are each amended to read as follows:

(1) ~~((By July 1, 1987,))~~ Each holder or applicant of a permit for a landfill disposal facility issued under this chapter shall establish a reserve account to cover the costs of closing the facility in accordance with state and federal regulations. The account shall be designed to ensure that there will be adequate revenue available by the projected date of closure. Landfill disposal facilities maintained on private property for the sole use of the entity owning the site shall not be required to establish a reserve account if, to the satisfaction of the department, they provide another form of financial assurance adequate to comply with the requirements of this section.

(2) ~~((By July 1, 1986,))~~ The department shall adopt rules ~~((under chapter 34.05 RCW))~~ to implement subsection (1) of this section. The rules shall include but not be limited to:

(a) Methods to estimate closure costs, including postclosure monitoring, pollution prevention measures, and any other procedures required under state and federal regulations;

(b) Methods to ensure that reserve accounts receive adequate funds, including:

(i) Requirements that the reserve account be generated by user fees. However, the department may waive this requirement for existing landfills if user fees would be prohibitively high;

(ii) Requirements that moneys be placed in the reserve account on a regular basis and that the reserve account be kept separate from all other accounts; and

(iii) Procedures for the department to verify that adequate sums are deposited in the reserve account; and

(c) Methods to ensure that other types of financial assurance provided in accordance with subsection (1) of this section are adequate to cover the costs of closing the facility.

(3) In addition to the reserve account required under subsections (1) and (2) of this section, each holder or applicant for a new, above-ground landfill disposal facility shall demonstrate sufficient financial capability in the form of a surety bond to provide for any temporary or permanent facility clean up and closure due to any unforeseen emergency event including, but not limited to, a geologic or weather-related event or fire, that results in a breach of integrity of the landfill. This financial assurance requirement shall be incorporated as a condition of the permit issued for the facility by the jurisdictional health department. The condition shall be jointly reviewed and approved by the department of ecology and the jurisdictional health department.

For purposes of this subsection, new, above-ground landfill disposal facilities are those: (a) That as designed and when completed will exceed one hundred acres; (b) whose horizontal height at design capacity averages one hundred feet or more above existing site elevations; and (c) no part or unit of which has had construction commence before the effective date of this section.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Rasmussen, Swecker Fraser and Morton to Second Substitute Senate Bill No. 5730.

The motion by Senator Rasmussen carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 2, of the title, after "landfills;" strike the remainder of the title and insert "amending RCW 70.95.215; and declaring an emergency."

Senator Fraser moved that the rules be suspended and Engrossed Second Substitute Senate Bill No. 5730 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

#### OBJECTION TO ADVANCE BILL TO THIRD READING

Senator Honeyford: "An objection, under Rule 62--that we have an additional day to study this amendment--or three days, excuse me."

#### REPLY BY THE PRESIDENT

President Owen: "What rule are you citing, Senator Honeyford?"

Senator Honeyford: "Rule 62."

President Owen: "Thank you."

**EDITOR'S NOTE:** Rule 62 states: 'Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. On and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, this rule may be suspended by a majority vote.'

#### RULING BY THE PRESIDENT

President Owen: "The motion before the Senate is a motion to suspend the rules and advance to third reading, which would suspend that rule. Therefore, Senator Honeyford is asking for a vote on the suspension of the rules, the President believes."

#### POINT OF ORDER

Senator Snyder: "A point of order, Mr. President. To suspend the rules today, how many votes does it take?"

#### RULING BY THE PRESIDENT

President Owen: "A simple majority of those voting, Senator."

Senator Snyder: "A simple majority meaning a majority of those voting?"

President Owen: "That is correct."

Senator Snyder: "Thank you."

The President declared the question before the Senate to be the motion by Senator Fraser that the rules be suspended and Engrossed Second Substitute Senate Bill No. 5730 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

The objection by Senator Honeyford failed and the rules were suspended and Engrossed Second Substitute Senate Bill No. 5730 was advanced to third reading and final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5730.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5730 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 31.

Voting nay: Senators Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Sheldon, T., West, Winsley and Wojahn - 17.

Excused: Senator Sellar - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5730, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5337, by Senators Kohl-Welles, Heavey, McCaslin, Costa and Thibaudeau

Broadening actions for employment discrimination.

The bill was read the second time.

#### MOTIONS

On motion of Senator Kohl-Welles, the following striking amendment by Senators Kohl-Welles, Heavey, McCaslin and Johnson was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that competitiveness in Washington state suffers whenever any worker is unable to achieve his or her maximum potential because of discrimination in the workplace, regardless of whether the employer is large or small. The legislature also finds that state discrimination laws must provide greater certainty and predictability to employers and employees affected by the requirements, and must recognize the unique needs of small businesses. Employers and employees deserve a fair, expeditious, and cost-effective resolution of disputes and also deserve to be made aware of their rights and responsibilities under the laws.

**NEW SECTION. Sec. 2.** (1) A task force is created to study and make recommendations where applicable on the following issues, relating to the subject of employment discrimination:

(a) The historical evolution of laws in Washington state and laws enacted at the federal level to address the issue of employment discrimination;

(b) Existing laws and administrative procedures utilized at the federal, state, and local levels to address the issue of employment discrimination;

(c) Administrative practices and procedures employed by the state human rights commission, and case trend data, employed by the commission to process claims of discrimination and assist employers and employees;

(d) An analysis of options in Washington state and other states which encourage fair, expeditious, and cost-effective resolution of employment discrimination cases;

(e) Changes required in existing laws and procedures which will assure that all workers alleging employment discrimination shall have a resolution of the allegation and, where appropriate, a remedy which is fair, expeditious, and cost-effective;

(f) Changes to existing laws and procedures which: (i) Are fair, expeditious, and cost-effective; (ii) will provide greater predictability and certainty to employers; and (iii) address the unique needs and limitations of small businesses; and

(g) Education, training, and public relation options for assuring that employees and employers have improved understanding of their rights and obligations under the state employment discrimination laws.

(2) The task force shall be composed of ten members as follows:

(a) Two members each from the senate and the house of representatives, one each from each of the two largest caucuses in each chamber. The president of the senate shall appoint the two members of the task force from the senate. The co-speakers of the house of representatives shall appoint the two members of the task force from the house of representatives; and

(b) Six members, to be appointed jointly by the president of the senate and the co-speakers of the house of representatives, three of whom shall represent Washington businesses, from a list of names recommended by major state-wide organizations of employers representing a cross-section of businesses in the state, including small businesses and three of whom shall represent protected classes of workers, from a list submitted by major state-wide organizations representing these classes.

(3) All state and local government agencies, including the human rights commission, shall provide information and assistance to the task force.

(4) Senate committee services and the office of program research shall provide staff to support the task force.

(5) The task force shall submit its study and recommendations to the governor and legislature not later than November 15, 1999."

On motion of Senator Kohl-Welles, the following title amendment was adopted:

On page 1, line 1 of the title, after "discrimination;" strike the remainder of the title and insert "and creating new sections."

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 5337 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5337.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5337 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senators Hochstatter, Honeyford, Horn, Morton, Swecker and West - 6.

Excused: Senator Sellar - 1.

ENGROSSED SENATE BILL NO. 5337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5584, by Senators Fraser and Winsley (by request of Department of Revenue)

Preventing the use of step transactions to avoid real estate excise tax.

The bill was read the second time.

#### MOTION

On motion of Senator Loveland, the rules were suspended, Senate Bill No. 5584 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5584.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5584 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Excused: Senator Sellar - 1. SENATE BILL NO. 5584, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6048, by Senators Haugen, Hochstatter, Loveland, T. Sheldon, Oke, Goings, Rasmussen and Hale (by request of Department of Labor and Industries)

Creating a retrospective rating plan.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6048.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6048 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Voting nay: Senators Fairley and Loveland - 2. Excused: Senator Sellar - 1. SENATE BILL NO. 6048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION FOR RECONSIDERATION

Senator Snyder: "Having voted on the prevailing side, I move to immediately reconsider the vote by which Senate Bill No. 6048 passed the Senate. I would like to give an explanation."

President Owen: "Senator Snyder has moved to immediately reconsider the vote by which Senate Bill No. 6048 passed the Senate."

Senator Snyder: "There was a mistake on the reader board and it said 'Senate Bill No. 6051.' One of our members looked at the reader board and voted in a way in which they did not wish to vote, so if we could reconsider, we could have another vote and give that member the opportunity to vote the correct way. I would appreciate it."

#### PARLIAMENTARY INQUIRY

Senator Zarelli: "A point of inquiry, does that mean that we didn't just vote for Senate Bill No. 6051 and that we were in fact voting for Senate Bill No. 6048?"

#### REPLY BY THE PRESIDENT

President Owen: "That is correct."

The President declared the question before the Senate to be the motion by Senator Snyder to immediately reconsider the vote by which Senate Bill No. 6048 passed the Senate.

The motion by Senator Snyder carried and the Senate will immediately reconsider the vote by which Senate Bill No. 6048 passed the Senate.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6048, on reconsideration.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6048, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Voting nay: Senators Fairley and Heavey - 2. Excused: Senator Sellar - 1. SENATE BILL NO. 6048, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5750 and the pending amendment by Senator Sellar on page 1, line 11, moved by Senator Benton on March 16, 1999.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sellar on page 1, line 11, to Substitute Senate Bill No. 5750.

Debate ensued.

The amendment by Senator Sellar on page 1, line 11, to Substitute Senate Bill No. 5750 was adopted.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5750 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5750.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5750 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach,

Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Excused: Senator Sellar - 1. ENGROSSED SUBSTITUTE SENATE BILL NO. 5750, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act

#### SECOND READING

SENATE BILL NO. 5661, by Senators Rasmussen and Honeyford (by request of Department of Revenue)

Providing clarification and administrative simplification for the leasehold excise tax.

#### MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 5661 was substituted for Senate Bill No. 5661 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the following amendment was adopted:

On page 5, after line 26, strike all of section 3

#### MOTIONS

On motion of Senator Loveland, the following title amendment was adopted:

On page 1, on line 2 of the title, strike ", 82.29A.020, and 82.29A.130" and insert "and 82.29A.020"

On motion of Senator Loveland, the rules were suspended, Engrossed Substitute Senate Bill No. 5661 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5661.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5661 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Goings, Senator Heavey was excused.

#### SECOND READING

SENATE BILL NO. 5205, by Senators Morton, Rasmussen, Stevens, T. Sheldon, Honeyford, Sellar and Swecker

Changing provisions relating to the prevention of cruelty to animals.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5205 was substituted for Senate Bill No. 5205 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl-Welles, the following amendment by Senators Kohl-Welles and Rasmussen was adopted:

On page 2, line 1, after "prudent" strike "animal owner" and insert "person"

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 5205 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5205.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5205 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Eide, Finkbeiner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Johnson, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, West, Winsley and Zarelli - 34. Voting nay: Senators Costa, Fairley, Franklin, Fraser, Gardner, Horn, Jacobsen, Kline, McAuliffe, Prentice, Spanel, Thibaudeau and Wojahn - 13. Excused: Senators Heavey and Sellar - 2. ENGROSSED SUBSTITUTE SENATE BILL NO. 5205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5583, by Senators Franklin, Fairley and Kline

Prohibiting employers from not providing benefits to employees.

#### MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 5583 was substituted for Senate Bill No. 5583 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 5583 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

Senator West moved that the Senate immediately consider Senate Bill No. 5489.

#### POINT OF ORDER

Senator Snyder: "A point of order, Mr. President. I believe the time is 4:55 and we have a special order of business at this time."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Snyder, according to our clock here, it is 4:53 and 46 seconds, 47, 48 seconds. We have the clock right here that we go by."

Senator Snyder: "We have two here that both say, '4:55.'"

#### REMARKS BY SENATOR WEST

Senator West: "Mr. President, I would like to ask the Senate to immediately consider Senate Bill No. 5489. 5489 is the vehicle wash services/tax. It is the tax that we have considered for several years here. We actually passed it once through the Legislature and it arrived on the Governor's desk. In the form that it was in at that time, the Governor vetoed it. This is a significantly different bill. It makes several accommodations for environmental quality--I think in the year of the salmon, it is an important bill. I think that the Senate should immediately consider this bill and not allow it to die on the calendar today."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Snyder, it is 4:55 and you have a special order of business at 4:55."

#### PARLIAMENTARY INQUIRY

Senator Snyder: "A point of parliamentary inquiry, Mr. President. We were presently on Substitute Senate Bill No. 5583. After we finish our special order of business at 5:00, will we be permitted to go back and finish the debate and roll call on Substitute Senate Bill No. 5583?"

#### REPLY BY THE PRESIDENT

President Owen: "Senator Snyder, we will have to take a moment to take a look at this."

#### REMARKS BY SENATOR WEST

Senator West: "Mr. President, I believe that we were in the midst of a debate on Senate Bill No. 5489, as to whether we would consider that. That would be the order of business that we were debating at the time that you declared it was 4:55."

#### REPLY BY THE PRESIDENT

President Owen: "Senator West, that is what we are researching."

#### RULING BY THE PRESIDENT

President Owen: "Senator Snyder, in response to your inquiry, in looking at Rule 18, as it has been rewritten, it says, 'That if a cutoff established by concurrent resolution occurs during the special order, the senate may complete the order of business that was before the senate when consideration of the special order was commenced.' It says 'the senate may complete the order of business that was before the senate.' Excuse me, just one second.

"The President is going to read Rule 18: 'The president shall call the senate to order at the hour fixed for the consideration of a special order,' which I did, 'and announce that the special order is before the senate, which shall then be considered unless it is postponed by a majority vote of the members present, and any business before the Senate at the time of the announcement of the special order shall take its regular position in the order of business, except that if a cutoff established by concurrent resolution occurs during the special order, the senate may complete the order of business that was before the senate when consideration of the special order was commenced.' What we were on--it says, 'any business'--was the motion by Senator West to immediately consider Senate Bill No. 5489.

"Therefore, the President rules that we may go back to the consideration of Senator West's motion, following the special order of business and go back to his motion only."

#### REMARKS BY SENATOR SNYDER

Senator Snyder: "Well, thank you, Mr. President. Maybe it isn't timely, but I would--a point of parliamentary inquiry."

President Owen: "State your parliamentary inquiry."

#### PARLIAMENTARY INQUIRY

Senator Snyder: "Not having a copy of the new rules in front of us, and I know that was an amendment we made at your request, but when you say 'return to the item that we were considering,' I think the item we were considering was the bill. I believe that probably Senator West's motion was out of order, because I don't think he can make a motion that he made, to consider that bill, at the time when we are considering a bill. He would have to do it after the completion of that bill."

#### REPLY BY THE PRESIDENT

President Owen: "We are looking--"

#### REMARKS BY SENATOR WEST

Senator West: "Mr. President, as I understand it, Senator Snyder has raised a point of parliamentary inquiry suggesting that we cannot make a motion to immediately consider a bill while another bill is pending. The good Senator from the Nineteenth District has made that motion himself many times over the years that he has been in the Senate--while other bills have been pending. So, I think you will find if you studied the Journal--you would find several times that that motion has been made and accepted by the Senate. I don't think there is anything in the rules that prohibits the making of such a motion--either our rules or Reed's Rules."

#### RULING BY THE PRESIDENT

President Owen: "In response to the various inquiries, the President believes that the passage of Senator West's motion would allow consideration of Senate Bill No. 5489 only following the special order of business. If the motion is defeated, the President believes that following the special order of business--if the motion is defeated--the President believes that the spirit of the rule was intended to allow the main question pending before his motion was made--that the main question pending would be considered, which is Substitute Senate Bill No. 5583.

"The President would so rule.

"The President would ask that the Senators provide, prior to the end of the session, possibly, a further clarification that the main question before the body be able to be taken up following the special order of business--not incidental motions."

#### SPECIAL ORDER OF BUSINESS

There being no objection, the President advanced the Senate to the seventh order of business.  
The Senate resumed consideration of Engrossed Senate Bill No. 5704, on reconsideration.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended and Engrossed Senate Bill No. 5704, on reconsideration, was returned to second reading and read the second time.

#### MOTION

Senator Long moved that the following amendment by Senators Long, Kohl-Welles, Sheahan and Hargrove be adopted:

On page 1, strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 69.51A RCW to read as follows:

(1) The department of health shall adopt rules to implement this chapter. In doing so, the department shall consult with, among others, the Washington State Medical Association, the Washington Association of Prosecuting Attorneys, the Washington Council of Police and Sheriffs, and the Washington Association of Sheriffs and Police Chiefs.

(2) The department's authority to adopt or amend rules under this section expires two years after the effective date of this act."

Debate ensued

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Long, Kohl-Welles, Sheahan and Hargrove to Engrossed Senate Bill No. 5704, on reconsideration.

The motion by Senator Long carried and the striking amendment was adopted.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Second Engrossed Senate Bill No. 5704, on reconsideration, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Deccio, Senators Roach and West were excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Senate Bill No. 5704, on reconsideration.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5704, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 12; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 33. Voting nay: Senators Benton, Finkbeiner, Hale, Honeyford, Johnson, McDonald, Morton, Oke, Rossi, Stevens, Swecker and Zarelli - 12. Excused: Senators Heavey, Roach, Sellar and West - 4. SECOND ENGROSSED SENATE BILL NO. 5704, on reconsideration, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

The President declared the question before the Senate is the pending motion by Senator West to immediately consider Senate Bill No. 5489.

The motion by Senator West failed and the Senate will not consider Senate Bill No. 5489 at this time.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5583, which was under consideration before the motion by Senator West to immediately consider Senate Bill No. 5489 and for the special order of business on Engrossed Senate Bill No. 5704.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5583.

Debate ensued.

#### POINT OF INQUIRY

Senator Winsley: "Senator Loveland, as I've read this bill and looked in the calendar for today and I've heard the testimony and I've also talked to several people, does this do as Senator Kohl-Welles has mentioned apply to part-time faculty and if it does--I don't know the number of part-time faculty in our state--but my question to you is are you prepared if this bill passes to pick up the medical for those part-time faculty in our budget, because this is a big issue? I think we are looking at this from the private sector. I heard Microsoft and Boeing mentioned, but I look at this as to what this is going to cost the state of Washington. If we are going to give medical insurance coverage as a mandate, as a benefit, to a part-time faculty, are you prepared for that?"

Senator Loveland: "Senator, if this bill passes, I will be required to do the letter of the law."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5583 and the bill failed to pass the Senate by the following vote: Yeas, 24; Nays, 20; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Haugen, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 24. Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 20. Excused: Senators Heavey, Roach, Rossi, Sellar and West - 5. SUBSTITUTE SENATE BILL NO. 5583, having failed to receive the constitutional majority, was declared lost.

MOTION

At 5:39 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, March 18, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-SIXTH DAY, MARCH 17, 1999

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**SIXTY-SEVENTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, March 18, 1999

The Senate was called to order at 12:00 noon by Senator Betti Sheldon. No roll call was taken.

MOTION

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

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 9, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Eliot Scull, appointed February 9, 1999, for a term ending December 31, 2004, as a member of Parks and Recreation Commission.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Natural Resources, Parks and Recreation.

March 16, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary C. Selecky, appointed March 25, 1999, for a term ending at the pleasure of the Governor, as Secretary of the Department of Health.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Health and Long-Term Care.

MESSAGE FROM THE HOUSE

March 16, 1999

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1059,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143,  
HOUSE BILL NO. 1154,  
HOUSE BILL NO. 1198,  
SUBSTITUTE HOUSE BILL NO. 1204,  
SUBSTITUTE HOUSE BILL NO. 1251,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1252,  
SUBSTITUTE HOUSE BILL NO. 1345,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562,  
SUBSTITUTE HOUSE BILL NO. 1620,  
HOUSE BILL NO. 1829,  
HOUSE BILL NO. 1833,  
SUBSTITUTE HOUSE BILL NO. 1935,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2260,  
SUBSTITUTE HOUSE BILL NO. 2263, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1059 by House Committee on Appropriations (originally sponsored by Representatives O'Brien, Ballasiotes, Kastama, Van Luven, McMorris, Cody, Carlson, Lantz, Parlette, Bush, Keiser, Skinner, Constantine, Anderson, Haigh, K. Schmidt, Regala, Fisher, Hurst, Delvin, Lovick, Ruderman, Radcliff, Kenney, Stensen, Kessler, Dunshee, Dickerson, D. Schmidt, Ogden, Rockefeller, Poulsen, Cooper, Quall, Scott, Lisk, Esser, McDonald, DeBolt, Conway, Mielke, Kagi, Morris and McIntire)

Creating crimes concerning the theft or destruction of mail or mail boxes.

Referred to Committee on Judiciary.

E2SHB 1143 by House Committee on Appropriations (originally sponsored by Representatives O'Brien, Ballasiotes, Tokuda, Cairnes, Lovick, Kagi, Koster, Constantine, K. Schmidt, Kastama, Fisher, Quall, Kenney, Veloria, Eickmeyer, Kessler, Lantz, Ogden, Murray, Lambert, Dunn, Rockefeller and Conway)

Authorizing deductions from inmate funds.

Referred to Committee on Human Services and Corrections.

HB 1154 by Representatives Cooper, Delvin, Edmonds, Conway, Wood, Dunshee, Gombosky, Doumit, Hatfield, Kenney and Cody

Eliminating the time limit on regular tax levies for medical care and services.

Referred to Committee on Ways and Means.

HB 1198 by Representatives Pennington, Doumit, Mielke, Hatfield, Carlson, Carrell, Thomas, Boldt, Haigh and Ogden

Providing sales tax relief for victims of landslide disasters.

Referred to Committee on Ways and Means.

SHB 1204 by House Committee on Capital Budget (originally sponsored by Representatives K. Schmidt, Fisher, Romero, Mitchell, G. Chandler, Murray, Linville and Wood)

Coordinating land acquisition and environmental mitigation activities.

Referred to Committee on Transportation.

SHB 1251 by House Committee on State Government (originally sponsored by Representatives Miloscia, Ericksen, O'Brien, Cooper, D. Schmidt, Bush, Esser, Kessler, Poulsen, McIntire, Lambert, H. Sommers, Wood, Conway, Rockefeller, Fortunato and Lantz) (by request of Governor Locke)

Eliminating and consolidating boards, commissions, and programs.

Referred to Committee on State and Local Government.

E2SHB 1252 by House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, Lovick, McDonald, O'Brien, Cooper, Veloria, Kessler, Poulsen, Dickerson, McIntire, Scott, Edmonds, Wood, Conway, Cody, Rockefeller, Tokuda, Hurst, Santos, Haigh, Kenney, Campbell, Wolfe and Lantz) (by request of Governor Locke)

Enhancing supervision of offenders.

Referred to Committee on Human Services and Corrections.

SHB 1345 by House Committee on Economic Development, Housing and Trade (originally sponsored by Representatives O'Brien, Radcliff, Ballasiotes, Tokuda, Van Luven, Pennington, McIntire, Sheahan, Kagi, Sullivan, Cody, Veloria, Constantine, Edwards, Cooper, Rockefeller, D. Sommers, Campbell, McDonald, Edmonds, Ruderman and Dunn)

Exempting certain low-income rental housing from property taxes.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

E2SHB 1477 by House Committee on Appropriations (originally sponsored by Representatives Haigh, Bush, Talcott, Linville, Santos and Edmonds) (by request of Board of Education)

Revising school district organization provisions.

Referred to Committee on Education.

ESHB 1547 by House Committee on Local Government (originally sponsored by Representatives Mitchell, Lantz, Thomas, Dunshee, Campbell, Sullivan, Bush, Kastama, Conway, Scott, Regala, Miloscia, Fisher, McDonald and Huff)

Authorizing a sales and use tax for zoo and aquarium purposes.

Referred to Committee on State and Local Government.

ESHB 1562 by House Committee on Transportation (originally sponsored by Representatives Scott, Mulliken and G. Chandler)

Changing provisions relating to the adoption of regulations by airport operators.

Referred to Committee on Transportation.

SHB 1620 by House Committee on Health Care (originally sponsored by Representatives Conway, Parlette, Cody, Miloscia, Poulsen, Hatfield and Keiser) (by request of Department of Social and Health Services)

Protecting vulnerable adults.

Referred to Committee on Health and Long-Term Care.

HB 1829 by Representatives Thomas, Lantz, Carlson, Keiser, Cairnes, H. Sommers, Fortunato, Ogden, Dunshee, Quall, O'Brien, Cody, Pflug, Kenney, Dunn, Santos, Lovick, Edmonds, Wood, Haigh, Rockefeller, Conway, Stensen, Dickerson, Kessler and Esser

Authorizing long-term lease-purchase agreements for financing school plant facilities.

Referred to Committee on Education.

HB 1833 by Representatives Thomas, Lantz, Carlson, Keiser, Cairnes, H. Sommers, Talcott, Ogden, Quall, Dunshee, O'Brien, Murray, Cody, Pflug, Dunn, Santos, Schual-Berke, Lovick, Edmonds, Wood, Haigh, Rockefeller, Conway, Stensen, Dickerson, Kessler and Esser

Authorizing school districts to use 63-20 financing with nonprofit organizations.

Referred to Committee on Education.

SHB 1935 by House Committee on Appropriations (originally sponsored by Representatives Tokuda, Boldt, Ogden, Schual-Berke, Lovick, Kessler, Kenney, Rockefeller, Murray, Scott, Edmonds, Conway, Kagi, Santos, Poulsen, Veloria and Lantz)

Adjusting eligibility for early childhood assistance programs.

Referred to Committee on Education.

ESHB 2260 by House Committee on Finance (originally sponsored by Representatives Eickmeyer, Alexander, Mulliken, Kessler, McMorris, Grant, Parlette, Doumit, Clements, Linville, Mielke, Koster, DeBolt, Cox, Pennington, Dunn, Crouse, Sump, Ericksen, Veloria, Mastin, Hankins, Murray, Van Luven, Skinner, Schoesler, Hatfield, Conway, Kenney, Rockefeller, Thomas, Lantz, Barlean and Haigh)

Promoting the creation and the retention of jobs.

Referred to Committee on Agriculture and Rural Economic Development.

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

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

Referred to Committee on Judiciary.

#### MOTION

At 12:08 p.m., on motion of Senator Rasmussen, the Senate adjourned until 10:00 a.m., Friday, March 19, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

SIXTY-SEVENTH DAY, MARCH 18, 1999

#### JOURNAL OF THE SENATE

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

#### SIXTY-SEVENTH DAY

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#### NOON SESSION

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Senate Chamber, Olympia, Thursday, March 18, 1999

The Senate was called to order at 12:00 noon by Senator Betti Sheldon. No roll call was taken.

#### MOTION

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

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 9, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Eliot Scull, appointed February 9, 1999, for a term ending December 31, 2004, as a member of Parks and Recreation Commission.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Natural Resources, Parks and Recreation.

March 16, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary C. Selecky, appointed March 25, 1999, for a term ending at the pleasure of the Governor, as Secretary of the Department of Health.

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Referred to the Committee on Health and Long-Term Care.

#### MESSAGE FROM THE HOUSE

March 16, 1999

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SUBSTITUTE HOUSE BILL NO. 1935,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2260,  
SUBSTITUTE HOUSE BILL NO. 2263, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

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Referred to Committee on Human Services and Corrections.

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Coordinating land acquisition and environmental mitigation activities.

Referred to Committee on Transportation.

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Eliminating and consolidating boards, commissions, and programs.

Referred to Committee on State and Local Government.

E2SHB 1252 by House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, Lovick, McDonald, O'Brien, Cooper, Veloria, Kessler, Poulsen, Dickerson, McIntire, Scott, Edmonds, Wood, Conway, Cody, Rockefeller, Tokuda, Hurst, Santos, Haigh, Kenney, Campbell, Wolfe and Lantz) (by request of Governor Locke)

Enhancing supervision of offenders.

Referred to Committee on Human Services and Corrections.

SHB 1345 by House Committee on Economic Development, Housing and Trade (originally sponsored by Representatives O'Brien, Radcliff, Ballasiotes, Tokuda, Van Luven, Pennington, McIntire, Sheahan, Kagi, Sullivan, Cody, Veloria, Constantine, Edwards, Cooper, Rockefeller, D. Sommers, Campbell, McDonald, Edmonds, Ruderman and Dunn)

Exempting certain low-income rental housing from property taxes.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

E2SHB 1477 by House Committee on Appropriations (originally sponsored by Representatives Haigh, Bush, Talcott, Linville, Santos and Edmonds) (by request of Board of Education)

Revising school district organization provisions.

Referred to Committee on Education.

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Authorizing long-term lease-purchase agreements for financing school plant facilities.

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Adjusting eligibility for early childhood assistance programs.

Referred to Committee on Education.

ESHB 2260 by House Committee on Finance (originally sponsored by Representatives Eickmeyer, Alexander, Mulliken, Kessler, McMorris, Grant, Parlette, Doumit, Clements, Linville, Mielke, Koster, DeBolt, Cox, Pennington, Dunn, Crouse, Sump,

Ericksen, Veloria, Mastin, Hankins, Murray, Van Luven, Skinner, Schoesler, Hatfield, Conway, Kenney, Rockefeller, Thomas, Lantz, Barlean and Haigh)

Promoting the creation and the retention of jobs.

Referred to Committee on Agriculture and Rural Economic Development.

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

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

Referred to Committee on Judiciary.

#### MOTION

At 12:08 p.m., on motion of Senator Rasmussen, the Senate adjourned until 10:00 a.m., Friday, March 19, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-SEVENTH DAY, MARCH 18, 1999

JOURNAL OF THE SENATE

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**SIXTY-EIGHTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Friday, March 19, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Fairley, Finkbeiner, Gardner, Haugen, Heavey, Honeyford, Horn, Kohl-Welles, Long, McCaslin, McDonald, Oke, Patterson, Prentice, Roach, Sellar, West and Zarelli. On motion of Senator Deccio, Senators Finkbeiner, Honeyford, Horn, McCaslin, McDonald, Sellar and West were excused. On motion of Senator Franklin, Senators Fairley, Gardner, Haugen, Heavey, Kohl-Welles, Patterson and Prentice were excused.

The Sergeant at Arms Color Guard consisting of Pages Kristin Jones and Stacy Munson, presented the Colors. Reverend Sandra Kreis, pastor of Our Savior Lutheran Church of Aberdeen, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

SHB 1224 Prime Sponsor, House Committee on Commerce and Labor: Requiring a permanent anchor for worker fall protection. Reported by Committee on State and Local Government. March 18, 1999

MAJORITY Recommendation: That the bill be referred to the Committee on Labor and Workforce Development without recommendation. Signed by Senators Patterson, Chair, Hale, Kline and McCaslin.

Referred to Committee on Labor and Workforce Development.

HB 1297 Prime Sponsor, Representative O'Brien: Clarifying the application of limitations on earned early release time to serious violent offenders. Reported by Committee on Human Services and Corrections. March 18, 1999

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair, Costa, Vice Chair, Franklin, Kohl-Welles, Long, Sheahan and Stevens.

Passed to Committee on Rules for second reading.

HB 1299 Prime Sponsor, Representative Ballasiotes: Authorizing the secretary of corrections to grant extraordinary medical releases to offenders when specified conditions are met. Reported by Committee on Human Services and Corrections. March 18, 1999

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair, Costa, Vice Chair, Franklin, Kohl-Welles, Long, Sheahan and Stevens.

Passed to Committee on Rules for second reading.

**REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS**

GA 9044 JAMES M. SIMS, reappointed December 1, 1997, for a term ending at the Governor's pleasure as Director of the Pollution Liability Insurance Program. Reported by Committee on Commerce, Trade, Housing and Financial Institutions. March 18, 1999

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Prentice, Chair, Shin, Vice Chair, Benton, Hale, Rasmussen and Winsley.

Passed to Committee on Rules.

GA 9066 HOWARD N. JORGENSEN, appointed March 24, 1997, for a term ending July 26, 2001, as a member of the Personnel Appeals Board. Reported by Committee on Labor and Workforce Development. March 18, 1999

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair, Franklin, Vice Chair, Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules.

March 18, 1999

GA 9128 WALTER T. HUBBARD, appointed June 20, 1998, for a term ending July 26, 2003, as a member of the Personnel Appeals Board.  
Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Fairley, Chair, Franklin, Vice Chair, Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules.

March 18, 1999

GA 9138 DAVID E. LAMB, appointed September 29, 1998, for a term ending October 1, 2002, as a member of the Small Business Export Finance Assistance Center Board of Directors.  
Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair, Shin, Vice Chair, Deccio, Hale, Rasmussen and Winsley.

Passed to Committee on Rules.

March 18, 1999

GA 9190 NATE FORD, appointed January 11, 1999, for a term ending July 26, 1999, as a member of the Personnel Appeals Board.  
Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Fairley, Chair, Franklin, Vice Chair, Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules.

March 18, 1999

GA 9194 SAM KINVILLE, reappointed August 26, 1998, for a term ending September 8, 2003, as a member of the Public Employment Relations Commission.  
Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Fairley, Chair, Franklin, Vice Chair, Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules.

March 18, 1999

GA 9195 GAY KIESLING, appointed July 14, 1998, for a term ending June 30, 2002, as a member of the Work Force Training and Education Coordinating Board.  
Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Fairley, Chair, Franklin, Vice Chair, Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules.

March 18, 1999

GA 9204 JOHN I. MCGINNIS, JR., appointed June 11, 1998, for a term ending June 30, 2001, as a member of the Work Force Training and Education Coordinating Board.  
Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Fairley, Chair, Franklin, Vice Chair, Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules.

March 18, 1999

GA 9206 LINDA LANHAM, reappointed January 15, 1999, for a term ending January 4, 2005, as a member of the Personnel Resources Board.  
Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Fairley, Chair, Franklin, Vice Chair, Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

March 17, 1999

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1448,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1493,  
 ENGROSSED HOUSE BILL NO. 1832,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1893,  
 SUBSTITUTE HOUSE BILL NO. 1960,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1963,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2079,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2090,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2094,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2109,  
 SUBSTITUTE HOUSE BILL NO. 2177,  
 HOUSE JOINT MEMORIAL NO. 4001,  
 ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4010, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk  
 DEAN R. FOSTER, Co-Chief Clerk

March 17, 1999

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1264,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk  
 DEAN R. FOSTER, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6087 by Senators Swecker, West, Benton, Stevens, Oke, Johnson, Roach, Zarelli and Deccio

AN ACT Relating to transferring the state property tax to local school districts; amending RCW 84.52.065, 84.52.0531, and 84.52.043; adding a new section to chapter 84.52 RCW; and creating a new section.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1264 by Representatives D. Schmidt, Scott, Mulliken, Fisher, Quall, Wolfe and Schoesler

Making corrections regarding combining water-sewer districts.

Referred to Committee on State and Local Government.

SHB 1448 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Linville, G. Chandler, Cooper, Ericksen, Anderson and Morris)

Allowing the department of ecology to assume primary responsibility for the cleanup of state aquatic lands.

Referred to Committee on Natural Resources, Parks and Recreation.

E2SHB 1493 by House Committee on Appropriations (originally sponsored by Representatives Tokuda, Boldt, Edwards, Lovick, Veloria, O'Brien, Barlean, Ogden, Conway, Schual-Berke, Murray, Dickerson, Kenney, Regala, Cooper, Stensen, Cody, Anderson, Santos, Rockefeller, Kagi, Edmonds, Lantz and Wood)

Establishing a collaborative effort to address the housing needs of homeless children and their families.

Referred to Committee on Human Services and Corrections.

EHB 1832 by Representatives Ogden, Thomas, Lantz, Cairnes, Keiser, Carlson, Talcott, H. Sommers, Lambert, Dunshee, Quall, O'Brien, Cody, Dunn, Santos, Schual-Berke, Lovick, Edmonds, Wood, Haigh, Rockefeller, Conway, Stensen, Dickerson, Tokuda, Kessler, Hurst and Esser

Authorizing the use of nonvoter-approved debt for school construction and repair.

Referred to Committee on Education.

ESH 1893 by House Committee on Appropriations (originally sponsored by Representatives Doumit, Mulliken, Scott, Linville and Hatfield)

Streamlining state and local permit issuance.

Referred to Committee on Environmental Quality and Water Resources.

SHB 1960 by House Committee on Finance (originally sponsored by Representatives Cairnes, Reardon, Huff, Linville, Carrell, Campbell, Mulliken, O'Brien and Koster)

Revising laws impacting retailer tax collection and remittance.

Referred to Committee on Ways and Means.

ESH 1963 by House Committee on Local Government (originally sponsored by Representatives Koster, Dunshee, O'Brien, Anderson, G. Chandler, Sump, Dunn, B. Chandler and Mulliken)

Allowing the rebuilding of a farmhouse in a floodway under certain circumstances.

Referred to Committee on State and Local Government.

ESH 2079 by House Committee on Natural Resources (originally sponsored by Representatives Regala, Buck, Eickmeyer, Anderson, Rockefeller, Romero, Veloria and Keiser)

Promoting salmon recovery.

Referred to Committee on Natural Resources, Parks and Recreation.

ESH 2090 by House Committee on Commerce and Labor (originally sponsored by Representatives Clements, Lisk, Reardon, Cooper, McMorris, Talcott, B. Chandler and Gombosky)

Modifying and sunseting provisions related to sellers of travel.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

ESH 2094 by House Committee on Agriculture and Ecology (originally sponsored by Representatives G. Chandler and Linville)

Requiring the department of ecology to file certain rejected water rights claims in the claims registry.

Referred to Committee on Environmental Quality and Water Resources.

SHB 2109 by House Committee on Finance (originally sponsored by Representatives Van Luven, Thomas, Dunshee, Pennington, Dunn, Cairnes, Veloria, Buck, G. Chandler and Haigh)

Authorizing tax, levy, and execution exemptions for properties of Indian housing authorities designated for low-income housing program uses.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

SHB 2177 by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Clements, Barlean and Lantz)

Authorizing cities and towns to halt consideration of license applications for minicasinos.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

ESH 2254 by House Committee on Appropriations (originally sponsored by Representatives DeBolt, Ruderman, Poulsen, Crouse, Morris, Mielke, Bush, Thomas, Cooper, Reardon, Stensen, Keiser, Lantz, Fisher, McDonald, O'Brien, Lovick, Sullivan, Hurst, Santos, Hankins, Kenney, Wolfe, Ogden, Anderson, Kagi, Constantine, Dickerson, Conway, Linville, Rockefeller, Romero, Veloria, Wood, Ericksen, Edmonds, McIntire, Alexander, Mitchell, K. Schmidt and Esser)

Preventing unauthorized changes to, and unauthorized billing for, telecommunication services.

Referred to Committee on Energy, Technology and Telecommunications.

HJM 4001 by Representatives O'Brien, Clements, Doumit, Ballasiotes, Lovick, Sheahan, Anderson, Wensman, Dickerson, DeBolt, Conway, Alexander, Tokuda, Grant, Skinner, Scott, McMorris, Regala, Wood, Constantine, Kessler, Stensen, Carrell, Bush, Kenney, Carlson, Barlean, Hurst, Lantz, Ogden, Mitchell, Campbell, H. Sommers, D. Schmidt, Dunn, Santos, Edmonds, Esser and McIntire

Petitioning Congress to reinstate income tax deduction for state sales tax.

Referred to Committee on Ways and Means.

ESHJM 4010 by House Committee on Agriculture and Ecology (originally sponsored by Representatives G. Chandler, Grant, Mastin, Linville, Clements, Lisk, Delvin, B. Chandler, Cox, Schoesler, Sump, Mitchell, Huff, McDonald, Mulliken, McMorris, Kessler, Buck, Reardon, Hatfield, Radcliff, D. Sommers, Edwards, Thomas, Ogden, Bush, Hankins, Skinner, Koster and Dunn)

Requesting the federal government not to breach dams on the Columbia or Snake rivers.

Referred to Committee on Agriculture and Rural Economic Development.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9124, Donald R. Heinicke, as a member of the Fish and Wildlife Commission, was confirmed.

APPOINTMENT OF DONALD R. HEINICKE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 27; Nays, 1; Absent, 7; Excused, 14.  
Voting yea: Senators Bauer, Costa, Deccio, Eide, Franklin, Fraser, Goings, Hale, Hargrove, Hochstatter, Jacobsen, Johnson, Kline, Loveland, McAuliffe, Morton, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 27.  
Voting nay: Senator Benton - 1.  
Absent: Senators Brown, Long, Oke, Roach, Snyder, Spanel and Zarelli - 7.  
Excused: Senators Fairley, Finkbeiner, Gardner, Haugen, Heavey, Honeyford, Horn, Kohl-Welles, McCaslin, McDonald, Patterson, Prentice, Sellar and West - 14.

MOTION

On motion of Senator Franklin, Senator Brown was excused.

MOTION

On motion of Senator Swecker, Senator Roach was excused.

MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9174, Fred Stephens, as Director of the Department of Licensing, was confirmed.

APPOINTMENT OF FRED STEPHENS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 31; Nays, 0; Absent, 3; Excused, 15.  
Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Franklin, Fraser, Goings, Hale, Hargrove, Hochstatter, Horn, Jacobsen, Johnson, Kline, Loveland, McAuliffe, Morton, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 31.  
Absent: Senators Long, Oke and Zarelli - 3.  
Excused: Senators Brown, Fairley, Finkbeiner, Gardner, Haugen, Heavey, Honeyford, Kohl-Welles, McCaslin, McDonald, Patterson, Prentice, Roach, Sellar and West - 15.

MOTION

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

SENATE RESOLUTION 1999-8653

By Senators McAuliffe, Thibaudeau, B. Sheldon, Snyder, Hale, Winsley, Deccio, Morton, Benton, Kohl-Welles and Roach

WHEREAS, The Washington State Senate has the pleasure of welcoming the birth of Dylan James Locke; and  
WHEREAS, Dylan James was born to Governor Gary Locke and his wife, Mona, at 12:15 p.m. Saturday at Swedish Medical Center and joins his sister, Emily Nicole Locke; and

WHEREAS, Dylan James is a healthy 5 pound, 11 ounce baby, and

WHEREAS, Dylan James, whose middle name is in honor of the Governor's father, and

WHEREAS, Dylan James is the second child born to the first family and only the fourth child born to a Governor while in office; and

WHEREAS, Dylan James is the first son of a man whose guiding principle in life is to "work hard, get a good education and help one another";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate offer its congratulations and best wishes to the Governor and his wife on the birth of their son.

Senators McAuliffe, Thibaudeau, Hale and Spanel spoke to Senate Resolution 1999-8653.

MOTION

At 10:29 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, March 22, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

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**SEVENTY-FIRST DAY**

-----  
NOON SESSION  
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Senate Chamber, Olympia, Monday, March 22, 1999  
The Senate was called to order at 12:00 noon by Vice President Pro Tempore Bauer. No roll call was taken.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

March 18, 1999

SHB 1774 Prime Sponsor, House Committee on Transportation: Regulating occupational drivers' licenses. Reported by Committee on Transportation

MAJORITY Recommendation: That the bill be referred to the Committee on Judiciary without recommendation. Signed by Senators Haugen, Chair; Goings, Vice Chair; Benton, Costa, Horn, Jacobsen, Johnson, Morton, Oke, Prentice, Sheahan, T. Sheldon and Shin.

Referred to Committee on Judiciary.

March 18, 1999

HJM 4004 Prime Sponsor, Representative Dickerson: Urging support of prostate cancer research. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio and Franklin.

Passed to Committee on Rules for second reading.

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT**

February 24, 1999

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

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

Fred A. Shiosaki, appointed February 24, 1999, for a term ending December 31, 2004, as a member of the Fish and Wildlife Commission.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Natural Resources, Parks and Recreation.

MOTION

At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon., Tuesday, March 23, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-FIRST DAY, MARCH 22, 1999

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**SEVENTY-SECOND DAY**

-----  
NOON SESSION  
-----

Senate Chamber, Olympia, Tuesday, March 23, 1999

The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 22, 1999

SB 5963 Prime Sponsor, Senator Loveland: Relating to fiscal matters. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5963 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 22, 1999

HB 1073 Prime Sponsor, Representative D. Schmidt: Changing alternative bid processes for public hospital districts. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 22, 1999

HB 1310 Prime Sponsor, Representative Scott: Changing the authority of public utility districts. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 22, 1999

HB 1330 Prime Sponsor, Representative Alexander: Granting concessions or leases in state parks and parkways. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Oke, Rossi, Spanel and Stevens.

Passed to Committee on Rules for second reading.

March 22, 1999

HB 1331 Prime Sponsor, Representative Buck: Using volunteers at the state parks and recreation commission. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Oke, Rossi, Spanel and Stevens.

Passed to Committee on Rules for second reading.

March 22, 1999

HB 1425 Prime Sponsor, Representative Linville: Addressing municipal water or sewer utilities. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 22, 1999

SHB 1490 Prime Sponsor, House Committee on Natural Resources: Allowing the landing of salmon caught in other states' offshore waters in Washington ports. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Oke, Rossi, Spanel and Stevens.

Passed to Committee on Rules for second reading.

March 22, 1999

HB 1491 Prime Sponsor, Representative Hatfield: Regulating the use of dredge spoils in Cowlitz County. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Oke, Rossi, Spanel and Stevens.

Passed to Committee on Rules for second reading.

March 22, 1999

HB 1827 Prime Sponsor, Representative D. Schmidt: Concerning printing contracts entered into by state agencies.  
Reported by Committee on State and Local Government

MAJORITY Recommendation: That the bill be referred to Committee on Commerce, Trade, Housing and Financial Institutions without recommendation. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Referred to Committee on Commerce, Trade, Housing and Financial Institutions.

March 22, 1999

HJM 4014 Prime Sponsor, Representative Romero: Requesting an increase in federal funding for stroke research.  
Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Johnson.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

March 23, 1999

MR. PRESIDENT:

The Co-Speakers have signed SUBSTITUTE HOUSE BILL NO. 1294, and the same is herewith transmitted.  
DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1294.

#### INTRODUCTION AND FIRST READING

SB 6088 by Senator Loveland

AN ACT Relating to fiscal matters.  
Referred to Committee on Ways and Means.

SB 6089 by Senator Loveland

AN ACT Relating to fiscal matters.  
Referred to Committee on Ways and Means.

SJM 8013 by Senators T. Sheldon, Rasmussen, Horn and Sheahan

Requesting federal assistance for areas of Washington that received record rainfall this winter.

Referred to Committee on Ways and Means.

MOTION

At 12:04 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, March 24, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-SECOND DAY, MARCH 23, 1999

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**SEVENTY-THIRD DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, March 24, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Heavey, Horn, McCaslin, Prentice, Sellar and Zarelli. On motion of Senator Deccio, Senator McCaslin was excused. On motion of Senator Franklin, Senator Prentice was excused. On motion of Senator Honeyford, Senators Finkbeiner, Horn, Sellar and Zarelli were excused.

The Sergeant at Arms Color Guard consisting of Pages Jamie Deccio and Emily Kruschke, presented the Colors. Reverend Jerry Gafney, pastor of the First Assembly of God Church in Centralia, and a guest of Senator Dan Swecker, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 23, 1999

HB 1042 Prime Sponsor, Representative Dunn: Exempting certain computer software from public inspection.  
Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser and Roach.

Passed to Committee on Rules for second reading.

March 23, 1999

EHB 1459 Prime Sponsor, Representative Poulsen: Allowing reduced rate utility service for low-income citizens. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley and Fraser.

Passed to Committee on Rules for second reading.

March 23, 1999

2SHB 2109 Prime Sponsor, House Committee on Finance: Authorizing tax, levy, and execution exemptions for properties of Indian housing authorities for low-income housing programs. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That the bill be referred to the Committee on Ways and Means. Signed by Senators Gardner, Hale, Rasmussen, T. Sheldon, West and Winsley.

Referred to Committee on Ways and Means.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 23, 1999

GA 9068 LEE D. LANNOYE, reappointed May 27, 1997, for a term ending June 30, 2001, as a member of the Housing Finance Commission.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Gardner, Hale, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules.

March 23, 1999

GA 9118 WILLIAM A. GLASSFORD, reappointed September 29, 1998, for a term ending October 1, 2000, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Gardner, Hale, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Brown, Gubernatorial Appointment No. 9135, Tom Karier, as a member of the Pacific Northwest Electric Power and Conservation Planning Council, was confirmed.

#### APPOINTMENT OF TOM KARIER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 1; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 41.

Voting nay: Senator Benton - 1.

Absent: Senator Heavey - 1.

Excused: Senators Finkbeiner, Horn, McCaslin, Prentice, Sellar and Zarelli - 6.

#### MOTION

At 10:13 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:29 a.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5963, by Senators Loveland and Rasmussen

Relating to fiscal matters.

#### MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 5963 was substituted for Senate Bill No. 5963 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 5963 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF ORDER

Senator Tim Sheldon: "A point of order, Mr. President. I hate to see this debate become acrimonious, but I would ask you to instruct the good Senator from eastern Washington to not impugn the motives of any member, especially our good chair of the Ways and Means Committee."

#### REPLY BY THE PRESIDENT

President Owen: "Senator West, would you please try not to straddle the line so closely?"

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5963.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5963 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 27.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West and Zarelli - 21.

Excused: Senator Prentice - 1.

SUBSTITUTE SENATE BILL NO. 5963, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Roach: "A point of personal privilege. I would like to ask the President if he would set aside a moment of silence for the fact that they just now started bombing in Kosovo and I think it would be appropriate for us to think of our Armed Forces and those that are in that situation at this time."

#### MOMENT OF SILENCE

The members of the Senate stood for a moment of silence for the members of our Armed Forces and the people involved in the situation going on in Kosovo.

#### MOTION

On motion of Senator Kohl-Welles, the following resolution was adopted:

#### SENATE RESOLUTION 1999-8642

By Senators Kohl-Welles, Fairley, Thibaudeau, McDonald, Roach, Wojahn, Horn, Loveland, Haugen, Sellar, Snyder, Stevens, Eide, Fraser, Franklin, Spanel, Rasmussen and McAuliffe

WHEREAS, Washington citizens with developmental disabilities are able to live independent, self-determined lives supported by dedicated direct support staff; and

WHEREAS, The lives of families who have children with developmental disabilities are enriched by direct support staff who provide respite care; and

WHEREAS, When individuals with disabilities are supported as fully participating members of society, our communities are strengthened; and

WHEREAS, In order to fully support individuals with developmental disabilities and their families, direct support staff must themselves be recognized as valued members of our society; and

WHEREAS, Civic pride and understanding in our neighborhoods is nurtured when we broaden public awareness of disability issues, and the essential role that direct support staff play to support citizens with developmental disabilities in living lives of freedom with dignity and respect; and

WHEREAS, The vitality of our state's economy and culture is fostered by individuals with disabilities who make unique contributions to living and working in Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and celebrate the direct support staff that care for individuals with developmental disabilities in our state, country, and the world.

Senators Kohl-Welles, McDonald, Wojahn, Deccio, Snyder, Franklin and Horn spoke to Senate Resolution 1999-8642.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Advocates for the Rights of Citizens with Developmental Disabilities (ARC), who were seated in the gallery.

MOTION

At 12:05 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, March 25, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-THIRD DAY, MARCH 24, 1999

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**SEVENTY-FOURTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, March 25, 1999

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 24, 1999

SHB 1013 Prime Sponsor, House Committee on Higher Education: Changing the goals and priorities for grants under the Washington fund for innovation and quality education program. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

March 24, 1999

SHB 1015 Prime Sponsor, House Committee on Higher Education: Extending the tuition waiver for students in the western interstate commission for higher education western undergraduate exchange program. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

March 24, 1999

SHB 1016 Prime Sponsor, House Committee on Higher Education: Creating the border county higher education opportunity pilot project. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

March 24, 1999

HB 1152 Prime Sponsor, Representative McMorris: Regulating private applicator licenses. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton and Stevens.

Passed to Committee on Rules for second reading.

March 24, 1999

HB 1293 Prime Sponsor, Representative Campbell: Regulating solicitation of contributions by newly elected state officials. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 24, 1999

HB 1413 Prime Sponsor, Representative McMorris: Staggering the terms of the members of the Washington citizens' commission on salaries for elected officials. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 24, 1999

HB 1579 Prime Sponsor, Representative Quall: Clarifying the review process for appeals from decisions of the Washington Interscholastic Activities Association. Reported by Committee on Education

MAJORITY Recommendation: That the bill be referred to Committee on Judiciary without recommendation. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen and Sellar.

Referred to Committee on Judiciary.

March 24, 1999

SHB 1647 Prime Sponsor, House Committee on Local Government: Amending recording statutes. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 24, 1999

2SHB 1818 Prime Sponsor, House Committee on Appropriations: Changing truancy provisions. Reported by Committee on Education

MAJORITY Recommendation: That the bill be referred to Committee on Human Services and Corrections without recommendation. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Goings, Kohl-Welles, Rasmussen and Sellar.

Referred to Committee on Human Service and Corrections.

March 23, 1999

HB 1827 Prime Sponsor, Representative D. Schmidt: Concerning printing contracts entered into by state agencies. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That the bill be referred to Committee on State and Local Government. Signed by Senators Gardner, Hale, Rasmussen, T. Sheldon, West and Winsley.

Referred to Committee on State and Local Government.

March 24, 1999

HB 2116 Prime Sponsor, Representative Scott: Allowing a public utility district to dispose of equipment or materials. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 24, 1999

HB 2181 Prime Sponsor, Representative Clements: Storing fruits or vegetables in controlled atmosphere storage. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton and Stevens.

Passed to Committee on Rules for second reading.

March 24, 1999

HB 2206 Prime Sponsor, Representative Mulliken: Allowing declaratory judgment actions when county elected officials have abandoned their responsibilities. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 24 , 1999

HB 2207 Prime Sponsor, Representative Kessler: Increasing legislative commission membership. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn and Kline.

Passed to Committee on Rules for second reading.

March 25, 1999

HJM 4011 Prime Sponsor, Representative Bush: Allowing schools and libraries to receive telecommunications at below-tariffed rates without losing universal service discounts. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter and Roach.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 24, 1999

GA 9136 DR. MARK KONDO, appointed May 5, 1998, for a term ending April 3, 2002, as a member of the State Board for Community and Technical Colleges.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules.

March 24, 1999

GA 9196 DOROTHY HOLLINGSWORTH, appointed January 22, 1999, for a term ending September 30, 2003, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules.

March 24, 1999

GA 9201 JEFFREY H. BROTMAN, appointed October 7, 1998, for a term ending September 30, 2004, as a member of the Board of Regents for the University of Washington.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Horn, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules.

#### MOTION

At 12:01 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, March 26, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

SEVENTY-FOURTH DAY, MARCH 25, 1999

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#### SEVENTY-FIFTH DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Friday, March 26, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Deccio, Finkbeiner, Hargrove, Long, McDonald, Prentice, Swecker, West and Wojahn. On motion of Senator Honeyford, Senators Deccio, Finkbeiner, Long, McDonald, Swecker and West were excused. On motion of Senator Franklin, Senators Brown, Hargrove, Prentice and Wojahn were excused.

The Sergeant at Arms Color Guard consisting of Pages Katie Ceccarelli and Brynn Smith, presented the Colors. Reverend Greg Howell, pastor of the Community Grace Brethren Church of Goldendale, and a guest of Senator Jim Honeyford, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

March 25, 1999

SHB 1251 Prime Sponsor, House Committee on State Government: Eliminating and consolidating boards, commissions, and programs. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 25, 1999

SHB 1701 Prime Sponsor, House Committee on Natural Resources: Allowing for the use of funds to dredge marine recreation land. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Spanel and Stevens.

Passed to Committee on Rules for second reading.

March 25, 1999

SHB 1755 Prime Sponsor, House Committee on Natural Resources: Creating the fish and wildlife equipment fund. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Spanel and Stevens.

Referred to Committee on Ways and Means.

March 25, 1999

SHB 1951 Prime Sponsor, House Committee on Judiciary: Protecting remains in abandoned cemeteries. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn and Kline.

Passed to Committee on Rules for second reading.

March 25, 1999

ESHB 2107 Prime Sponsor, House Committee on Natural Resources: Limiting fishing of shrimp. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Spanel and Stevens.

Passed to Committee on Rules for second reading.

March 25, 1999

HJM 4008 Prime Sponsor, Representative Regala: Requesting support for the full federal appropriation to fund state aquatic nuisance species management plans. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Spanel and Stevens.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENT

MOTION

March 25, 1999

GA 9209 MARY C. SELECKY, appointed March 25, 1999, for a term ending at the pleasure of the Governor, as Secretary of the Department of Health.

Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

March 24, 1999

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4408, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4408 by Representatives Lisk and Kessler

Adopting joint rules.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4408 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Kohl-Welles, the following resolution was adopted:

SENATE RESOLUTION 1999-8636

By Senators Kohl-Welles, Spanel, Thibaudeau, Fairley, Jacobsen, Horn, Heavey, Prentice, Snyder, Goings, McAuliffe, Morton, Kline, Hargrove, Shin, Sellar, Haugen, Stevens, Oke, Finkbeiner, Winsley, Wojahn, B. Sheldon, Sheahan, Rasmussen, Bauer, Eide, Brown, T. Sheldon, Zarelli, Roach and Fraser

WHEREAS, Professional transit drivers serve selflessly to help citizens throughout the state of Washington to function in their daily lives; and

WHEREAS, The brave men and women who perform these duties willingly accept the potential dangers inherent in their job; and

WHEREAS, These same transit drivers fulfill their jobs, appointments, and other responsibilities thereby promoting the common good; and

WHEREAS, Many transit drivers have been assaulted, both physically and verbally, while courageously discharging the difficult duties of their profession; and

WHEREAS, On November 27th, Bus #2181 was on its regular route and was beginning to cross the Aurora Bridge, when a passenger on the bus approached the bus driver and shot him several times; and

WHEREAS, Bus Driver Mark McLaughlin died as the bus careened off the Aurora Bridge; and

WHEREAS, Mark McLaughlin unselfishly gave his life during the performance of his duty to the community and its citizens;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor Mark McLaughlin for his dedicated service, as well as the other men and women who selflessly fulfill their obligation to the communities they serve, by continuing to perform their transit duties in the face of potential danger; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the family of transit driver Mark McLaughlin.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of Mark McLaughlin's family and members of the Amalgamated Transit Union Legislative Council from King, Jefferson, Pierce, Clark, Kitsap, Lewis, Grays Harbor and Mason Counties, who were seated in the gallery.

#### MOTION

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

#### SENATE RESOLUTION 1999-8647

By Senator Franklin, Roach, Fairley and Rasmussen

WHEREAS, Our society has so lowered its expectations of our children that simply not becoming a criminal is now viewed as an accomplishment worthy of praise; and

WHEREAS, One of the main factors fostering those severely lowered expectations is the language we use to describe and ultimately label children who do not have the benefit of wealth; and

WHEREAS, The term "at-risk children" is used with the best intentions by policymakers and others who care about children, but actually has the effect of lowering children's self-esteem and expectations of themselves and their hopes for the future; and

WHEREAS, By changing our terminology, we and the children we seek to help can change the way we perceive the possibilities that are available to all children with the proper support and encouragement; and

WHEREAS, The Boys and Girls Clubs of Pierce County, led by Executive Director Gary Yazwa, and other community leaders have joined together to lead the way in rejecting the negative label of "at-risk children" in favor of the positive and universally applicable distinction of "Kids at Hope"; and

WHEREAS, This new terminology indicates that we as a society believe that every child brings to the world a unique set of talents and potential, and that the key to success is recognizing and building upon one's talents; and

WHEREAS, The "Kids at Hope" effort now includes a supplementary report card for students at Tacoma's thirty-six elementary schools, which goes beyond academic performance to recognize students' other positive qualities; and

WHEREAS, Through the "Kids at Hope" program, the Boys and Girls Clubs of Pierce County and Tacoma schools are building up a new generation of positive, hopeful young people who set high standards and expectations for themselves;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor the "Kids at Hope" program, and the tremendous contributions being made to our state by the Boys and Girls Clubs of Pierce County, led by Executive Director Gary Yazwa; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted immediately by the Secretary of the Senate to the Boys and Girls Clubs of Pierce County and to the Tacoma Public School District.

Senators Franklin, Rasmussen and Thibaudeau spoke to Senate Resolution 1999-8647.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the Pierce County Boys and Girls Clubs, as well as the Executive Director Gary Yazwa and Dr. Jim Shoemache, Superintendent of the Tacoma Public Schools, who were seated in the gallery.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

On motion of Senator Betti Sheldon, the following bills which were on the second reading calendar were referred to the Committee on Rules:

#### SECOND READING

- SB 5025 Ethics in public service
- SB 5035 f Court funding & improvements
- SB 5092 Deadly weapon display
- SB 5104 f Steelhead catch & release
- SB 5107 f Puget Sound action team
- SB 5136 f Domestic violence/unemploymnt
- SB 5158 Criminal street gangs
- SB 5271 OFM reports to legislature
- SB 5289 \$f Water resource management
- SB 5293 f Family leave
- SB 5297 f School levy authorization
- SB 5302 f Antiharassment jurisdiction
- SB 5351 f Indecent exposure
- SB 5360 Fuel tax rate & distribution
- SB 5367 Worker fall protection
- SB 5377 f Occupational drivers' licens

SB 5393 f Personal watercraft operatn  
SB 5408 f Medal of valor  
SB 5412 Educator technology training  
SB 5444 f Land use cases/attorney fees  
SB 5467 Medical care tax levies  
SB 5489 f Vehicle wash services/tax  
SB 5520 f Juv offender sentencing  
SB 5569 f Strike or lockout/unemplmnt  
SB 5572 HOV lane violations  
SB 5581 f Workers' comp claim reopenin  
SB 5588 Health carrier advertising  
SB 5680 f Railroad rights-of-way use  
SB 5832 f Building code council fee  
SB 5913 School district employment  
SB 6051 Vehicle registration payment  
SB 6056 f New drivers under 18  
SJM 8011 Unilateral trade sanctions

SECOND READING-CONSENT CALENDAR

SB 5031 f TRS plan 3 investment gains  
SB 5257 f Investment brd record checks  
SB 5259 Investment board/trust funds  
SB 5466 f Juv offender basic training  
SB 5475 General administratn directr  
SB 5540 f Hospital licensing informatn  
SB 5574 Fire death reports  
SB 5888 Historic cemeteries

EDITOR'S NOTE: Senate Bill No. 5693, Senate Concurrent Resolution No. 8402 and House Concurrent Resolution No. 4408 remain on the second reading calendar.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Fairley, Gubernatorial Appointment No. 9110, Judge Thomas E. Egan, as Chair of the Board of Industrial Insurance Appeals, was confirmed.

APPOINTMENT OF JUDGE THOMAS E. EGAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 2; Absent, 0; Excused, 10.

Voting yea: Senators Bauer, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau and Winsley - 37.

Voting nay: Senators Benton and Zarelli - 2.

Excused: Senators Brown, Deccio, Finkbeiner, Hargrove, Long, McDonald, Prentice, Swecker, West and Wojahn - 10.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the seventh order of business.

On motion of Senator Betti Sheldon, the following bill on the third reading calendar was returned to the Committee on Rules:

THIRD READING

SJR 8204 f School levy authorization

MOTION

At 10:31 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:56 a.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4408 by Representatives Lisk and Kessler

Adopting joint rules.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Snyder, the rules were suspended, House Concurrent Resolution No. 4408 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4408.

HOUSE CONCURRENT RESOLUTION NO. 4408 was adopted by voice vote.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1999-8658

By Senators Kline, Franklin, Snyder, Heavey, Thibaudeau, Fraser, Kohl-Welles and Rasmussen

WHEREAS, Lacy Steele has been married to Dorothy Steele for forty-six years. They have one daughter, Mrs. Marché Steele-Heath, and a grandson, Joshua David Heath. Mr. and Mrs. Steele have lived in the Seattle area for forty years, thirty-three of which have been in the city of Bellevue; and

WHEREAS, Mr. Steele moved to the Seattle area in 1959, from Detroit, Michigan, after being recruited by the Boeing Company. Mr. Steele worked at Boeing for thirty-eight years until retiring in 1997. Mr. Steele, working his way up the corporate ladder at Boeing, became the first African-American manager in the Defense & Space Group, Quality Assurance Organization; and

WHEREAS, Since moving to Washington in 1959, he has been volunteering his time, money, and expertise to help others. His volunteer activities, in the Seattle area and throughout the nation, have benefited and enhanced the lives of many; and

WHEREAS, Mr. Steele served as president of the Seattle branch of the NAACP for twenty-six years. During his tenure as president, he served as chairman on numerous committees and also met with officials from the state, county, and city to develop programs and laws to rid the African-American community of gang violence and drugs and to find ways to curtail the activities of various hate groups. Currently, Mr. Steele serves on the NAACP National Board of Directors; and

WHEREAS, Mr. Steele spends approximately thirty hours a week in the NAACP office responding to the needs of people seeking assistance in employment and housing discrimination, helping homeless individuals find shelter and aid, and addressing numerous civil rights issues; and

WHEREAS, The Seattle branch of the NAACP, under Mr. Steele's leadership, headed the first march and demonstration declaring war on drugs and prostitution in the Seattle area. He also worked with the late Sam Smith to organize the Black Prisoner's Coalition, which was designed to aid and assist prisoners while they were in prison and after their release, and to ensure that prisoners were treated fairly and provided with some form of training or schooling; and

WHEREAS, As president of the Seattle branch of the NAACP, Mr. Steele coordinated and headed voter registration drives and has personally registered over two thousand two hundred voters in the state of Washington. Mr. Steele likes to use the acronym "R.E.P." - Registration, education, and participation to describe his voter registration drives; and

WHEREAS, Mr. Steele serves as a speaker and seminar presenter locally and nationally, appearing in schools, colleges, and universities to address the perils of drugs, substance abuse, and the importance of obtaining an education; and

WHEREAS, Mr. Steele is a permanent volunteer at the Central Area Motivation Program Christmas Party which provides refreshments, gifts, and entertainment to over two thousand low-income children in the community; and

WHEREAS, Over the years, Mr. Steele has aided and assisted many young people in securing scholarship aid to institutions of higher learning; and

WHEREAS, Mr. Steele is retiring from the NAACP;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor Mr. Lacy Steele for his numerous professional achievements, the significant contributions he has made to our state and our country, and the many lives he has impacted through the years while championing his numerous social causes; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mr. and Mrs. Steele.

Senators Kline and Franklin spoke to Senate Resolution 1999-8658.

#### MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, March 29, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

SEVENTY-FIFTH DAY, MARCH 26, 1999

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**SEVENTY-EIGHTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Monday, March 29, 1999

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

March 25, 1999

SHB 1282 Prime Sponsor, House Committee on State Government: Authorizing state agencies to offer incentives to state employees to relocate from one part of the state to another. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline, Oke and Wojahn.

MINORITY Report: Do not pass as amended. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

March 25, 1999

HB 1346 Prime Sponsor, Representative O'Brien: Providing an alternative method for dissolving a cultural arts, stadium or convention district. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 25, 1999

E2SHB 1484 Prime Sponsor, House Committee on Appropriations: Modifying property valuation methods for reimbursing nursing facilities. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Johnson and Winsley.

Referred to Committee on Ways and Means.

March 25, 1999

HB 1734 Prime Sponsor, Representative Esser: Subjecting licensed psychologists to chapter 18.130 RCW, the uniform disciplinary act. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 25, 1999

HB 1936 Prime Sponsor, Representative Tokuda: Requiring employability screening for recipients of temporary assistance for needy families. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

MINORITY Report: Do not pass as amended. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

March 26, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6048, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 6048.

#### MOTION

At 12:01 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Tuesday, March 30, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

SEVENTY-EIGHTH DAY, MARCH 29, 1999

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**SEVENTY-NINTH DAY**

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**NOON SESSION**  
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Senate Chamber, Olympia, Tuesday, March 30, 1999

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

March 29, 1999

E2SHB 1006 Prime Sponsor, House Committee on Appropriations: Revising sentencing options for drug and alcohol offenders. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Human Services and Corrections. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Thibaudeau and Zarelli.

Referred to Committee on Human Services and Corrections.

March 29, 1999

HB 1011 Prime Sponsor, Representative Scott: Clarifying that electronic communications are included in the crimes of harassment and stalking. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Roach.

Passed to Committee on Rules for second reading.

March 29, 1999

HB 1027 Prime Sponsor, Representative Scott: Expanding the membership of the criminal justice training commission. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 29, 1999

2SHB 1132 Prime Sponsor, House Committee on Appropriations: Establishing the capitol furnishings preservation committee. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 29, 1999

HB 1139 Prime Sponsor, Representative Sheahan: Removing a director of a nonprofit corporation from office.  
Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 29, 1999

HB 1142 Prime Sponsor, Representative Constantine: Making technical corrections to various criminal laws.  
Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 29, 1999

EHB 1232 Prime Sponsor, Representative Sheahan: Changing provisions relating to judgments. Reported by  
Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 29, 1999

ESHB 1245 Prime Sponsor, House Committee on State Government: Exempting certain financial and proprietary  
information from public disclosure. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 29, 1999

HB 1388 Prime Sponsor, Representative Keiser: Clarifying the state's jurisdiction over crimes committed in the  
airspace over the state. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 29, 1999

SHB 1494 Prime Sponsor, House Committee on State Government: Clarifying the duties of the director of general administration. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 29, 1999

SHB 1525 Prime Sponsor, House Committee on Judiciary: Authorizing mediation in guardianship proceedings. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Roach.

Passed to Committee on Rules for second reading.

March 29, 1999

HB 1542 Prime Sponsor, Representative Ericksen: Recording surveys. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 29, 1999

HB 1584 Prime Sponsor, Representative Hurst: Allowing unincorporated territory adjacent to a fire protection district to be annexed. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 29, 1999

HB 1592 Prime Sponsor, Representative D. Schmidt: Updating write-in voting laws. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 29, 1999

SHB 1593 Prime Sponsor, House Committee on State Government: Regulating poll-site ballot counting devices. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 29, 1999

SHB 1671 Prime Sponsor, House Committee on Judiciary: Eliminating a maximum amount threshold for pleadings in actions arising from public works contracts. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 29, 1999

HB 1829 Prime Sponsor, Representative Thomas: Authorizing long-term lease-purchase agreements for financing school plant facilities. Reported by Committee on Education

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Hochstatter, Kohl-Welles, Sellar and Zarelli.

MINORITY Recommendation: That the bill not be referred to Committee on Ways and Means. Signed by Senator Benton.

Referred to Committee on Ways and Means.

March 29, 1999

EHB 1832 Prime Sponsor, Representative Ogden: Authorizing the use of nonvoter-approved debt for school construction and repair. Reported by Committee on Education

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Finkbeiner, Goings and Kohl-Welles.

MINORITY Recommendation: That the bill not be referred to Committee on Ways and Means. Signed by Senators Benton, Hochstatter, Sellar and Zarelli.

Referred to Committee on Ways and Means.

March 29, 1999

HB 1833 Prime Sponsor, Representative Thomas: Authorizing school districts to use 63-20 financing with nonprofit organizations. Reported by Committee on Education

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Finkbeiner, Goings and Kohl-Welles.

MINORITY Recommendation: That the bill not be referred to Committee on Ways and Means. Signed by Senators Benton, Hochstatter and Sellar.

Referred to Committee on Ways and Means.

March 29, 1999

SHB 1848 Prime Sponsor, House Committee on Local Government: Clarifying the authority of port districts.  
Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

March 30, 1999

MR. PRESIDENT:

The Co-Speakers have signed SENATE BILL NO. 6048, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6090 by Senator Loveland

AN ACT Relating to funding management of agricultural college lands; amending RCW 79.64.030 and 79.64.040; adding a new section to chapter 79.64 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, March 31, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-NINTH DAY, MARCH 30, 1999

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**EIGHTIETH DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Wednesday, March 31, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Deccio, Gardner, Goings, Hargrove, Horn, Kohl-Welles, McDonald, Morton, Prentice, Stevens and Thibaudeau. On motion of Senator Franklin, Senators Brown, Gardner, Goings, Kohl-Welles, Prentice and Thibaudeau were excused. On motion of Senator Honeyford, Senators Deccio, Horn, Morton and Stevens were excused.

The Sergeant at Arms Color Guard consisting of Pages Adriene Cramer and Nicole Kathleen Oke, presented the Colors. Senator Adam Kline offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

March 30, 1999

SHB 1163 Prime Sponsor, House Committee on Agriculture and Ecology: Providing for the safe decontamination or destruction of residential property used for illegal drug manufacturing or storage. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

March 30, 1999

HB 1377 Prime Sponsor, Representative O'Brien: Revising sanctions for violating conditions of the juvenile offender basic training camp program. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

March 30, 1999

EHB 1749 Prime Sponsor, Representative Dickerson: Revising eligibility requirements for deferred disposition. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

March 30, 1999

HJM 4012 Prime Sponsor, Representative Regala: Requesting Congress to pass legislation to restore and revitalize federal funding for the land and water conservation fund. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9148, Ani Clipper Maxfield, as a member of the Western State Hospital Advisory Board, was confirmed.

APPOINTMENT OF ANI CLIPPER MAXFIELD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 2; Excused, 10.

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, West, Winsley, Wojahn and Zarelli - 37.

Absent: Senators Hargrove and McDonald - 2.

Excused: Senators Brown, Deccio, Gardner, Goings, Horn, Kohl-Welles, Morton, Prentice, Stevens and Thibaudeau - 10.

MOTION

On motion of Senator Honeyford, Senator Long was excused.

MOTION

On motion of Senator Eide, Gubernatorial Appointment No. 9130, Robert V. Jensen, as a member of the Pollution Control/Shorelines Hearings Board, was confirmed.

APPOINTMENT OF ROBERT V. JENSEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 2; Absent, 1; Excused, 9.

Voting yea: Senators Bauer, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West and Wojahn - 37.

Voting nay: Senators Benton and Zarelli - 2.

Absent: Senator Winsley - 1.

Excused: Senators Brown, Deccio, Gardner, Goings, Horn, Kohl-Welles, Long, Prentice and Thibaudeau - 9.

MOTION

On motion of Senator Eide, Senator Tim Sheldon was excused.

MOTION

On motion of Senator Fairley, Gubernatorial Appointment No. 9041, Marilyn Glenn Sayan, as a member of the Public Employment Relations Commission, was confirmed.

APPOINTMENT OF MARILYN GLENN SAYAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 1; Absent, 2; Excused, 10.

Voting yea: Senators Bauer, Costa, Eide, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Wojahn - 36.

Voting nay: Senator Benton - 1.

Absent: Senators Fraser and Zarelli - 2.

Excused: Senators Brown, Deccio, Gardner, Goings, Horn, Kohl-Welles, Long, Prentice, Sheldon, T. and Thibaudeau - 10.

#### MOTION

On motion of Senator Honeyford, Senator Oke was excused.

#### MOTION

On motion of Senator Fairley, Gubernatorial Appointment No. 9042, Judy Schurke, as a member of the Board of Industrial Insurance Appeals, was confirmed.

#### APPOINTMENT OF JUDY SCHURKE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Brown, Deccio, Goings, Long, Oke, Prentice and Thibaudeau - 7.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Pfizer Company employees seated in the gallery, who were celebrating Pfizer's 150th Year in Business.

#### PERSONAL PRIVILEGE

Senator West: "With the leave of the body, I would like to take a moment of personal privilege. Mr. President, the Pfizer folks that are with us today aren't necessarily from the Sixth District, they are actually from throughout the state of Washington. Many of them are from other Senator's areas, as well.

"I would like to point out a little bit about the Pfizer Company and some of their contributions to the state of Washington. They were founded one hundred and fifty years ago in 1849 by two German immigrant cousins in the United States. They worked closely with the University of Washington and Washington State University providing grants for research and the development of medicine for both human use and animal use. Since 1994, Pfizer has had a program in Washington State called 'Share the Care,' where they have provided over 70,000 prescriptions for Washingtonians in need. Just last year alone, they provided over two million dollars in free pharmaceuticals to Washingtonians. Pfizer is the company who, in 1941, discovered a process to mass produce penicillin and that pretty much revolutionized medicine and made medical history.

"This year, in fact, the Pfizer Company was recognized by Forbes Magazine as the Company of the Year. It is with great honor that the state of Washington has a corporate citizen like Pfizer Corporation and their employees who do this for us. Thank you very much, Mr. President, for this opportunity to share with you some facts on this great company."

#### MOTION

At 10:31 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:38 a.m. by President Owen.

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8402, by Senators Franklin, Winsley, Fairley, Wojahn, Thibaudeau, Rasmussen, Jacobsen, Shin, Kohl-Welles, Spanel, Fraser, Gardner, Snyder, Kline, B. Sheldon, Prentice, Goings, Patterson, Loveland, Costa and McAuliffe

Recommending establishment of an interagency task force to conduct a study of contingent work force issues.

### MOTION

Senator Fairley moved that Senate Concurrent Resolution No. 8402 not be substituted.

The President declared the question before the Senate to be the motion by Senator Fairley to not substitute Senate Concurrent Resolution No. 8402.

The motion by Senator Fairley carried and Senate Concurrent Resolution No. 8402 was not substituted.

The concurrent resolution was read the second time.

### MOTION

Senator Franklin moved that the following striking amendment by Senators Franklin, Costa, Hochstatter, Fairley, Kline and Wojahn be adopted:

Strike everything beginning with "WHEREAS" on page 1, line 1, through "July 1, 2000." on page 3, line 12, and insert the following:

"WHEREAS, Over the past fifteen years, the national and state economy has witnessed growth in the "contingent work force"; and

WHEREAS, The contingent work force consists of short-term temporary workers, long-term temporary workers, part-time workers, on-call workers, leased workers, day laborers, the self-employed, independent contract workers, and other workers who have alternative work arrangements; and

WHEREAS, Although reports suggest that the growth in the contingent work force has provided challenges for workers and employers, there has been no comprehensive study of Washington's contingent work force to learn the impact that this phenomenon has had on individuals and families, local economies, and the state economy;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That a study of the contingent work force be conducted to review and make recommendations on the following issues with respect to Washington's contingent work force:

How many workers, in both the private and public sector, are part of the contingent work force;

How many workers choose to be part of the contingent work force and how many feel they have no choice;

How long do workers remain part of the contingent work force;

What has been the growth rate of the contingent work force;

What is the demographic breakdown of the contingent work force;

What is the wage and benefit profile of the contingent work force;

What is the industrial and geographical breakdown of the contingent work force;

What are the explanations for the growth of the contingent work force;

What impact has the growth of the contingent work force had on employees and their families, the state's local economies, and the state economy;

What impact have the policies of the insurance industry had on the availability of employee benefits to the contingent work force;

Which state and federal laws, if any, provide for a different level of employee benefits based on the number of hours per week a person works or on the permanence of his or her employment;

To what extent are employer provided/contract benefits based on the number of hours per week a person works or on the permanence of his or her employment;

How has the growth of the contingent work force impacted social services;

What legislative proposals, at either the federal or state level, are being offered to address challenges created by the growth of the contingent work force;

To what extent can state wage and hour laws be updated to clarify employment and recordkeeping requirements for contingent workers and their employers; and

Other issues identified by the contingent work force task force; and

BE IT FURTHER RESOLVED, That the study be conducted by a contingent work force task force consisting of eight voting members: one member from each caucus of the Senate, each member being a member of the Senate labor and workforce development committee, appointed by the President of the Senate; one member from each caucus of the House of Representatives, each member being a member of the House of Representatives commerce and labor committee, appointed by the Co-Speakers of the House of Representatives; two members representing labor, appointed jointly by the President of the Senate and the Co-Speakers of the House of Representatives, from a list of names recommended by a state-wide organization representing a cross section and majority of organized labor in the state; and two members representing business, appointed jointly by the President of the Senate and the Co-Speakers of the House of Representatives, from a list of names recommended by a state-wide organization of employers representing a majority of employers of the state. The department of labor and industries shall be the lead agency; and

BE IT FURTHER RESOLVED, That the task force shall consult with and be advised by an advisory committee consisting of six nonvoting members: two representatives of the department of labor and industries, including staff from the employment standards program and from the safety and health assessment and research for prevention program (SHARP); one representative of the employment security department; one representative of the work force training and education coordinating board; one representative of the department of social and health services; and one representative of the office of financial management; and

BE IT FURTHER RESOLVED, That Senate committee services and the House office of program research, as directed, shall provide support to the contingent work force task force; and

BE IT FURTHER RESOLVED, That the findings and recommendations of the contingent work force task force study shall be reported to the labor and workforce development committee of the Senate and the commerce and labor committee of the House of Representatives by December 1, 1999; and

BE IT FURTHER RESOLVED, That the contingent work force task force expires July 1, 2000."

#### MOTION

Senator West moved that the following amendment to the striking amendment by Senators Franklin, Costa, Hochstatter, Fairley, Kline and Wojahn be adopted:

On page 3, line 9 of the amendment, after "management" insert ", PROVIDED, That costs to conduct the study shall not be charged to the medical aid fund or the accident fund"

Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator West on page 3, line 9, to the striking amendment to Senate Concurrent Resolution No. 8402.

#### ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 22; Nays, 24; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 22.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, Patterson, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 24.

Absent: Senators McAuliffe and McCaslin - 2.

Excused: Senator Prentice - 1.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Franklin, Costa, Hochstatter, Fairley, Kline and Wojahn to Senate Concurrent Resolution No. 8402.

The motion by Senator Franklin carried and the striking amendment was adopted.

## MOTION

On motion of Senator Franklin, the rules were suspended, Engrossed Senate Concurrent Resolution No. 8402 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Goings, Senator McAuliffe was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Concurrent Resolution No. 8402.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 8402 and the concurrent resolution passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, Oke, Patterson, Rasmussen, Roach, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 29.

Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McDonald, Morton, Rossi, Sellar, Sheahan, Stevens, Swecker, West and Zarelli - 17.

Absent: Senator McCaslin - 1.

Excused: Senators McAuliffe and Prentice - 2.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8402, having received the constitutional majority, was declared passed.

## MOTION

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

### SENATE RESOLUTION 1999-8629

By Senators Goings, Winsley, Franklin, Roach, Rasmussen, Eide, Swecker, Oke, Wojahn and B. Sheldon

WHEREAS, The annual Puyallup Valley Daffodil Festival is a cherished tradition for the people of Pierce County and the Northwest; and

WHEREAS, 1999 marks the sixty-sixth annual Daffodil Festival; and

WHEREAS, The Festival began in 1926 as a simple garden party in Sumner, and grew steadily each year until 1934 when flowers, which previously had been largely discarded in favor of bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The Festival's 1999 events are ongoing, and will culminate in the April 17th Grand Floral Street Parade, winding its way from downtown Tacoma to the communities of Puyallup, Sumner, and Orting; and

WHEREAS, This year's Festival royalty includes princesses Hannah Benton, Eatonville High School; Rochelle Bolvin, Rogers High School; Kamaleah Brown, Washington High School; Nadine Coury, Stadium High School; Maylynn Eleno, Lakes High School; Semmelle Ford, Wilson High School; Nikki Grajeda, Franklin Pierce High School; Sarah Jones, Fife High School; Jeana Little, Sumner High School; Lori Maddox, Bethel High School; Jennifer Matteson, Mt. Tahoma High School; Amanda Maus, Clover Park High School; Tina Park, Spanaway Lake High School; Sarah Pitsch, Foss High School; Bunnary Por, Lincoln High School; Sarah Sheridan, Curtis High School; Meighan Steele, Orting High School; Nickole White Eagle, Chief Leschi High School; and Alison Yurovchak, Puyallup High School;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor the many contributions made to our state by the Puyallup Valley Daffodil Festival and its organizers for the past sixty-six years; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted immediately by the Secretary of the Senate to the 1999 Puyallup Valley Daffodil Festival Officers and to the members of the Festival Royalty.

Senators Goings, Rasmussen and Sellar spoke to Senate Resolution 1999-8629.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the 1999 Puyallup Valley Daffodil Festival Princesses, who were seated in the gallery.

The President welcomed and introduced Daffodil Queen Jeana Little, who was seated on the rostrum.

There being no objection, business was suspended to permit Queen Jeana to address the Senate.

#### MOTION

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

#### SENATE RESOLUTION 1999-8652

By Senators Honeyford and B. Sheldon

WHEREAS, Sixty electors from the community of Prosser appeared before the Yakima County Commission on January 20, 1899, requesting a petition to hold an election for incorporation; and

WHEREAS, The community of Prosser had three hundred forty-one inhabitants in the area when an election was held on February 14, 1899, and the final vote was forty to eighteen in favor of incorporation; and

WHEREAS, The Washington State Legislature approved the incorporation of Prosser as a Fourth Class City on March 2, 1899; and

WHEREAS, Prosser, in 1970, became a nonchartered code city and has remained that to this day; and

WHEREAS, Prosser High School has produced several state championship teams, including the 1969, 1992, and 1993 football squads, the 1967 boys' basketball team, the 1988 and 1989 girls' track squads, the 1989 girls' basketball team, and wrestlers Andy Soliman and Matt Elis in 1999; and

WHEREAS, Prosser Mayor Herb Schmidt has involved community members in determining the type of centennial celebration for the city; and

WHEREAS, The organizational committee has endeavored to schedule events throughout the year to celebrate Prosser's centennial; and

WHEREAS, Prosser is celebrating its centennial celebration through January 2000, beginning with a March 13th dedication of the pathway connecting Prosser to Grandview; and

WHEREAS, An oral history of Prosser will be featured on KZXR-FM, and articles about Prosser's history will be featured in the Prosser Record-Bulletin in April and May; and

WHEREAS, Other centennial events include a quilt show in April, an old-time fiddle contest on May 7th and 8th, a Prosser High School reunion in June which retired teachers and principals would be invited to attend, an old-fashioned Fourth of July celebration, the Prosser Wine and Food Fair on August 14th, a hot air balloon rally and harvest festival September 24th through 26th, and a New Year's dance at the Princess Theatre;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the city of Prosser, its residents and its former residents, as Prosser enjoys its centennial celebration throughout 1999 and January 2000.

Senators Honeyford and Betti Sheldon spoke to Senate Resolution 1999-8652.

#### MOTION

At 12:16 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, April 1, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTIETH DAY, MARCH 31, 1999

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**EIGHTY-FIRST DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, April 1, 1999

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 31, 1999

HB 1018 Prime Sponsor, Representative Carlson: Changing Washington award for vocational excellence provisions. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Finkbeiner, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

March 31, 1999

HB 1019 Prime Sponsor, Representative Carlson: Changing provisions relating to foreign degree-granting institutions' branch campuses. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Finkbeiner, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

March 30, 1999

SHB 1024 Prime Sponsor, House Committee on Appropriations: Providing a retirement option for certain retirement system members. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Honeyford, Kline, Kohl-Welles, Long, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 30, 1999

HB 1050 Prime Sponsor, Representative Conway: Relieving the department of labor and industries of the duties of coal mine inspection. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

March 30, 1999

HB 1106 Prime Sponsor, Representative Van Luven: Prescribing disclosures required for prize promotions. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Shin, Vice Chair; Benton, Gardner, Hale, Heavey, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1999

SHB 1113 Prime Sponsor, House Committee on Health Care: Revising provisions relating to occupational therapy. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1999

ESHB 1131 Prime Sponsor, House Committee on Judiciary: Preventing prostitution by modifying sentencing provisions and allowing the impoundment of vehicles used to patronize prostitutes. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Long, McCaslin and Roach.

Passed to Committee on Rules for second reading.

March 31, 1999

2SHB 1140 Prime Sponsor, House Committee on Appropriations: Changing higher education financial aid provisions. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Finkbeiner, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

March 30, 1999

SHB 1149 Prime Sponsor, House Committee on Financial Institutions and Insurance: Filing financial statements under the insurance code. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Shin, Vice Chair; Benton, Gardner, Hale, Heavey, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1999

2SHB 1184 Prime Sponsor, House Committee on Appropriations: Promoting cooperative real estate research. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Finkbeiner, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

March 31, 1999

HB 1216 Prime Sponsor, Representative Parlette: Removing the termination of the secretary of health's authority for administrative procedure. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1999

HB 1221 Prime Sponsor, Representative Ogden: Regarding Lewis and Clark bicentennial advisory committee. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn and Kline.

Passed to Committee on Rules for second reading.

March 30, 1999

HB 1261 Prime Sponsor, Representative Romero: Modifying motor vehicles of injured workers. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

March 31, 1999

EHB 1264 Prime Sponsor, Representative D. Schmidt: Making corrections regarding combining water-sewer districts. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen and Kline.

Passed to Committee on Rules for second reading.

March 30, 1999

SHB 1289 Prime Sponsor, House Committee on Commerce and Labor: Limiting the use of moneys credited to the state's account in the unemployment trust fund. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

March 31, 1999

EHB 1313 Prime Sponsor, Representative Schoesler: Revising rural development law. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Stevens and Swecker.

Referred to Committee on Ways and Means.

March 30, 1999

SHB 1345 Prime Sponsor, House Committee on Economic Development, Housing and Trade: Exempting certain low-income rental housing from property taxes. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Shin, Vice Chair; Benton, Gardner, Hale, Heavey, West and Winsley.

Referred to Committee on Ways and Means.

March 31, 1999

SHB 1371 Prime Sponsor, House Committee on Health Care: Modifying provisions that concern the control and prevention of tuberculosis. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1999

HB 1372 Prime Sponsor, Representative Schual-Berke: Repealing the requirement to maintain a registry for handicapped children. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1999

HB 1394 Prime Sponsor, Representative Hurst: Making the defense of duress unavailable for the crime of homicide by abuse. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

March 30, 1999

HB 1420 Prime Sponsor, Representative H. Sommers: Providing a procedure for the state investment board to check the criminal history of prospective appointees and employees. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Shin, Vice Chair; Benton, Gardner, Hale, Heavey, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1999

HB 1421 Prime Sponsor, Representative Huff: Authorizing the state investment board to establish additional commingled trust funds. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Shin, Vice Chair; Benton, Gardner, Hale, Heavey, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1999

HB 1422 Prime Sponsor, Representative H. Sommers: Authorizing the state investment board to directly order actions relating to securities. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Shin, Vice Chair; Benton, Gardner, Hale, Heavey, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1999

HB 1432 Prime Sponsor, Representative Stensen: Expanding the powers and duties of the dairy commission. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 31, 1999

SHB 1448 Prime Sponsor, House Committee on Agriculture and Ecology: Allowing the department of ecology to assume primary responsibility for the cleanup of state aquatic lands. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

March 30, 1999

HB 1455 Prime Sponsor, Representative Ericksen: Correcting errors related to property tax levies. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Honeyford, Kline, Kohl-Welles, Long, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 31, 1999

E2SHB 1477 Prime Sponsor, House Committee on Appropriations: Revising school district organization provisions. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar and Swecker.

Passed to Committee on Rules for second reading.

March 31, 1999

SHB 1485 Prime Sponsor, House Committee on Capital Budget: Selling the Whidbey Island game farm. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

March 30, 1999

HB 1524 Prime Sponsor, Representative Doumit: Expanding the workers' compensation obligation of out-of-state employers. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

March 31, 1999

SHB 1535 Prime Sponsor, House Committee on Health Care: Reimbursing podiatric physicians and surgeons. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1999

HB 1539 Prime Sponsor, Representative Parlette: Clarifying medicare supplement policies. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1999

HB 1544 Prime Sponsor, Representative O'Brien: Making corrections to sentencing laws. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long and McCaslin.

Passed to Committee on Rules for second reading.

March 31, 1999

2SHB 1546 Prime Sponsor, House Committee on Appropriations: Modifying provisions related to long-term care of adults. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to Committee on Ways and Means.

March 31, 1999

ESHB 1547 Prime Sponsor, House Committee on Local Government: Authorizing a sales and use tax for zoo and aquarium purposes. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn and Kline.

Passed to Committee on Rules for second reading.

March 31, 1999

HB 1556 Prime Sponsor, Representative Hatfield: Increasing timeliness of fire death reports. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn and Kline.

Passed to Committee on Rules for second reading.

March 31, 1999

SHB 1560 Prime Sponsor, House Committee on State Government: Enabling the bureau of forensic laboratory services. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn and Kline.

Passed to Committee on Rules for second reading.

March 31, 1999

SHB 1569 Prime Sponsor, House Committee on Appropriations: Establishing an excellence in mathematics grant program. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Goings, Kohl-Welles and Rasmussen.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Sellar and Swecker.

Passed to Committee on Rules for second reading.

March 31, 1999

SHB 1620 Prime Sponsor, House Committee on Health Care: Protecting vulnerable adults. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1999

SHB 1653 Prime Sponsor, House Committee on State Government: Raising the limit on agency direct buy authority without competitive bids. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn and Kline.

Passed to Committee on Rules for second reading.

March 30, 1999

HB 1654 Prime Sponsor, Representative Kessler: Revising definition of veteran. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Honeyford, Kline, Kohl-Welles, Long, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 31, 1999

2SHB 1661 Prime Sponsor, House Committee on Appropriations: Creating Washington scholars-alternates awards. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Finkbeiner, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

March 30, 1999

HB 1664 Prime Sponsor, Representative Dickerson: Preventing the use of step transactions to avoid real estate excise tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Honeyford, Kline, Kohl-Welles, Long, Roach, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 31, 1999

2SHB 1681 Prime Sponsor, House Committee on Appropriations: Establishing a program to purchase and plant privately grown trout. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

March 31, 1999

HB 1715 Prime Sponsor, Representative Cox: Reclassifying the state board of education as a class four group. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

March 31, 1999

2SHB 1716 Prime Sponsor, House Committee on Appropriations: Changing provisions relating to warm water fish culture. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

March 31, 1999

SHB 1718 Prime Sponsor, House Committee on Natural Resources: Conveying land to the city of Moses Lake.  
Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

March 31, 1999

2SHB 1729 Prime Sponsor, House Committee on Appropriations: Creating the Washington teacher training pilot program. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Finkbeiner, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

March 30, 1999

HB 1741 Prime Sponsor, Representative Fortunato: Simplifying tax reporting by revising the active nonreporting threshold so that it parallels the small business credit. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Honeyford, Kline, Kohl-Welles, Long, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 31, 1999

HB 1761 Prime Sponsor, Representative Talcott: Increasing the number of hours retired teachers and administrators can serve as substitute teachers or administrators without a reduction in benefits. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

March 31, 1999

HB 1819 Prime Sponsor, Representative Anderson: Changing provisions for school district name changes.  
Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

March 31, 1999

SHB 1838 Prime Sponsor, House Committee on Health Care: Creating the impaired dentist account. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1999

HB 1863 Prime Sponsor, Representative Skinner: Providing for compensation to part-time health commissions. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to Committee on Ways and Means.

March 31, 1999

2SHB 1871 Prime Sponsor, House Committee on Appropriations: Creating the salmon stamp programs. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

March 30, 1999

EHB 1894 Prime Sponsor, Representative Conway: Correcting industrial insurance benefit errors. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

March 31, 1999

SHB 1935 Prime Sponsor, House Committee on Appropriations: Adjusting eligibility for early childhood assistance programs. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Goings, Kohl-Welles, Rasmussen and Swecker.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Finkbeiner, Hochstatter and Sellar.

Passed to Committee on Rules for second reading.

March 31, 1999

ESHB 1963 Prime Sponsor, House Committee on Local Government: Allowing the rebuilding of a farmhouse in a floodway under certain circumstances. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn and Kline.

Passed to Committee on Rules for second reading.

March 31, 1999

EHB 1968 Prime Sponsor, Representative Van Luven: Limiting the scope of mental health record audits. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1999

SHB 1969 Prime Sponsor, House Committee on Finance: Exempting real property that will be developed by nonprofit organizations to provide homes for the aging. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Deccio, Johnson and Winsley.

Referred to Committee on Ways and Means.

March 31, 1999

HB 2010 Prime Sponsor, Representative Ogden: Changing provisions relating to historic cemeteries. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn and Kline.

Passed to Committee on Rules for second reading.

March 30, 1999

HB 2052 Prime Sponsor, Representative Barlean: Regulating service contracts. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Shin, Vice Chair; Benton, Gardner, Hale, Heavey, T. Sheldon and West.

Passed to Committee on Rules for second reading.

March 30, 1999

SHB 2054 Prime Sponsor, House Committee on Financial Institutions and Insurance: Regulating sellers who finance the goods they sell. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Shin, Vice Chair; Benton, Gardner, Hale, Heavey, T. Sheldon and West.

Passed to Committee on Rules for second reading.

March 31, 1999

2SHB 2061 Prime Sponsor, House Committee on Appropriations: Changing community college provisions. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Finkbeiner, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

March 31, 1999

SHB 2071 Prime Sponsor, House Committee on Commerce and Labor: Excluding a member or manager of a limited liability company from workers' compensation coverage. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

March 30, 1999

SHB 2111 Prime Sponsor, House Committee on Appropriations: Eliminating the tort claims revolving fund. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Honeyford, Kline, Kohl-Welles, Long, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

March 30, 1999

HB 2226 Prime Sponsor, Representative Tokuda: Eliminating eligibility standards retained from the aid to dependent children program under the temporary assistance for needy families program. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

March 31, 1999

ESHB 2260 Prime Sponsor, House Committee on Finance: Promoting the creation and the retention of jobs. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Stevens and Swecker.

Referred to Committee on Ways and Means.

March 30, 1999

HB 2261 Prime Sponsor, Representative Reardon: Clarifying the phrase "services rendered in respect to constructing" for business and occupation tax purposes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, B. Sheldon, Snyder, Spanel, Thibaudeau and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford and West.

Passed to Committee on Rules for second reading.

March 31, 1999

SHJM 4005 Prime Sponsor, House Committee on Agriculture and Ecology: Urging elimination of unilateral trade sanctions. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton and Stevens.

Passed to Committee on Rules for second reading.

March 31, 1999

ESHJM 4010 Prime Sponsor, House Committee on Agriculture and Ecology: Requesting the federal government not to breach dams on the Columbia or Snake rivers. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Stevens and Swecker.

Passed to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Betti Sheldon, Substitute House Bill No. 1345 was referred to the Committee on Ways and Means.

On motion of Senator Betti Sheldon, Engrossed Substitute House Bill No. 1963 was passed to the Committee on Rules.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 30, 1999

GA 9115 RACHAEL GARSON, reappointed August 3, 1998, for a term ending August 2, 2004, as a member of the Lottery Commission.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Shin, Vice Chair; Benton, Deccio, Gardner, West and Winsley.

Passed to Committee on Rules.

March 30, 1999

GA 9153 KAREN MILLER, reappointed May 5, 1998, for a term ending June 30, 1999, as a member of the Housing Finance Commission.

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said reappointment be confirmed: Signed by Senators Shin, Vice Chair; Benton, Deccio, Gardner and Winsley.

Passed to Committee on Rules.

March 31, 1999

GA 9202 LISA M. PELLY, appointed February 24, 1999, for a term ending December 31, 2004, as a member of the Fish and Wildlife Commission.

Reported by Committee on Natural Resources, Parks and Recreation.

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules.

March 31, 1999

GA 9205 TERI MURPHY, appointed September 24, 1999, for a term ending September 30, 2003, as a member of the Board of Trustees for Sound Puget Sound Community College District No. 24.

Reported by Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Finkbeiner, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules.

March 31, 1999

GA 9210 FRED A. SHIOSAKI, appointed February 24, 1999, for a term ending December 31, 2004, as a member of the Fish and Wildlife Commission

Reported by Committee on Natural Resources, Parks and Recreation.

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules.

#### MOTION

Senator Snyder moved that the regular session of the Sixty-sixth Legislature Sine Die. APRIL FOOL!!

#### MOTION

At 12:07 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, April 2, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-FIRST DAY, APRIL 1, 1999

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

**EIGHTY-SECOND DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, April 2, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Costa, Finkbeiner, Horn, Kline, Long, McCaslin, McDonald, Prentice, Rasmussen, Roach, Sellar and West. On motion of Senator Franklin, Senators Prentice and Rasmussen were excused. On motion of Senator Honeyford, Senators Finkbeiner, Horn, Long, McCaslin, Roach, Sellar and West were excused.

The Sergeant at Arms Color Guard consisting of Pages Benjamin Washam and Beth Christensen, presented the Colors. Reverend Katherine Everett, pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 1, 1999

E2SHB 1006 Prime Sponsor, House Committee on Appropriations: Revising sentencing options for drug and alcohol offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan and Stevens.

Referred to Committee on Ways and Means.

March 31, 1999

EHB 1014 Prime Sponsor, Representative Carlson: Requiring children age twelve and under to wear a personal flotation device while on a vessel on the waters of the state. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Oke, Snyder and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senators Morton and Stevens.

Passed to Committee on Rules for second reading.

April 1, 1999

2SHB 1037 Prime Sponsor, House Committee on Appropriations: Creating a registry of Washington resident's electronic mail addresses to facilitate a program that allows private interactive computer service providers to limit unsolicited commercial electronic mail messages. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Brown, Chair; Goings, Vice Chair; Fraser and Roach.

Referred to Committee on Ways and Means.

April 1, 1999

SHB 1068 Prime Sponsor, House Committee on Criminal Justice and Corrections: Ensuring that prosecuting attorneys and law enforcement agencies have a meaningful role in the clemency process. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1072 Prime Sponsor, House Committee on State Government: Changing provisions relating to the alternative works process. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1074 Prime Sponsor, House Committee on State Government: Regulating job order contracting for public works. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1075 Prime Sponsor, House Committee on State Government: Increasing the monetary limit for use of the small works roster by port districts. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1092 Prime Sponsor, Representative Hatfield: Regulating escrow agents and escrow officers. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Shin, Vice Chair; Deccio, Gardner, Rasmussen, T. Sheldon and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton and Hale.

Passed to Committee on Rules for second reading.

April 1, 1999

2SHB 1116 Prime Sponsor, House Committee on Appropriations: Requiring the department of social and health services to disclose long-term care financial information and service options to clients. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1133 Prime Sponsor, House Committee on State Government: Maintaining voter registration lists. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

April 1, 1999

2SHB 1176 Prime Sponsor, House Committee on Appropriations: Requiring the retention of records pertaining to sexually violent offenses. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended and refer to Committee on Way and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

April 1, 1999

SHB 1183 Prime Sponsor, House Committee on State Government: Negotiating state-wide custody contracts. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1192 Prime Sponsor, Representative Morris: Adding to the definition of economic development activities.  
Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1218 Prime Sponsor, House Committee on Health Care: Modifying provisions related to nurse delegation of tasks. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1224 Prime Sponsor, House Committee on Commerce and Labor: Requiring a permanent anchor for worker fall protection. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1238 Prime Sponsor, Representative Conway: Appointing a temporary member to the board of industrial insurance appeals due to illness of a board member. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1250 Prime Sponsor, House Committee on Financial Institutions and Insurance: Protecting the privacy of financial information. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1999

E2SHB 1252 Prime Sponsor, House Committee on Appropriations: Enhancing supervision of offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

April 1, 1999

SHB 1291 Prime Sponsor, House Committee on State Government: Making various changes in election laws. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1369 Prime Sponsor, Representative Clements: Concerning the issuance of citations under the Washington industrial safety and health act. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1999

ESHB 1471 Prime Sponsor, House Committee on Commerce and Labor: Prohibiting deceptive telephone directory listings. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1999

E2SHB 1493 Prime Sponsor, House Committee on Appropriations: Establishing a collaborative effort to address the housing needs of homeless children and their families. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

April 1, 1999

HB 1540 Prime Sponsor, Representative D. Schmidt: Requiring election procedures manuals. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 31, 1999

SHB 1558 Prime Sponsor, House Committee on Transportation: Tightening requirements for release of impounded vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

March 31, 1999

SHB 1559 Prime Sponsor, House Committee on Transportation: Repealing redundant law on transporting explosives. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Horn, Jacobsen, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

April 1, 1999

EHB 1577 Prime Sponsor, Representative Bush: Changing when a court may seal juvenile records. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan and Stevens.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1619 Prime Sponsor, House Committee on Appropriations Changing the liability insurance of foster parents. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

April 1, 1999

SHB 1668 Prime Sponsor, House Committee on Appropriations: Providing foster parents with first aid/CPR and HIV/AIDS training. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

April 1, 1999

SHB 1673 Prime Sponsor, House Committee on State Government: Penalizing false political advertising. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1685 Prime Sponsor, Representative McMorris: Clarifying how loan and grant preferences are accorded among local governments planning under the growth management act. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

April 1, 1999

2SHB 1686 Prime Sponsor, House Committee on Appropriations: Requiring cooperation with local economic development cooperatives. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Shin, Vice Chair; Benton, Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1744 Prime Sponsor, House Committee on Agriculture and Ecology: Changing lake outflow regulation. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1766 Prime Sponsor, Representative Romero: Requiring identification of subcontractors in bids on public works. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1777 Prime Sponsor, House Committee on State Government: Defining technical assistance documents. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1810 Prime Sponsor, Representative Boldt: Amending the child abuse protection and treatment act. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1827 Prime Sponsor, Representative D. Schmidt: Concerning printing contracts entered into by state agencies. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

April 1, 1999

EHB 1845 Prime Sponsor, Representative B. Chandler: Providing for vocational rehabilitation benefits under industrial insurance. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline and Oke.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1866 Prime Sponsor, Representative McMorris: Changing shelter care provisions to favor placing a child with a relative. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1923 Prime Sponsor, Representative O'Brien: Establishing a postsecondary education program for inmates.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson and Sheahan.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1992 Prime Sponsor, House Committee on Health Care: Studying the need for emergency medical services personnel to be trained in the use of epinephrine. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1999

HB 1996 Prime Sponsor, Representative Parlette: Regulating charter boat safety. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Goings, Vice Chair; Costa, Finkbeiner, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 2005 Prime Sponsor, House Committee on State Government: Managing the state employee whistleblower program. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 31, 1999

SHB 2053 Prime Sponsor, House Committee on Transportation: Allowing credit card payment of vehicle registration fees. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

April 1, 1999

ESHB 2078 Prime Sponsor, House Committee on Natural Resources: Merging Titles 75 and 77 RCW. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

April 1, 1999

ESHB 2079 Prime Sponsor, House Committee on Natural Resources: Promoting salmon recovery. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

April 1, 1999

HB 2081 Prime Sponsor, Representative Ruderman: Continuing a moratorium that prohibits a city or town from imposing a specific fee or tax on an internet service provider. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter, Roach and Rossi.

Passed to Committee on Rules for second reading.

April 1, 1999

ESHB 2123 Prime Sponsor, House Committee on State Government: Consolidating procedures for expedited rule making. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

March 31, 1999

HB 2200 Prime Sponsor, Representative Romero: Changing the duties of the director of licensing. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

April 1, 1999

EHB 2232 Prime Sponsor, Representative Conway: Addressing occupational safety and health impact grants.  
Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1999

ESHB 2238 Prime Sponsor, House Committee on Commerce and Labor: Implementing recommendations for industrial insurance. Reported by Committee on Labor and Workforce Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1999

ESHB 2254 Prime Sponsor, House Committee on Appropriations: Preventing unauthorized changes to, and unauthorized billing for telecommunication services. Reported by Committee on Energy, Technology and Telecommunications

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser, Hochstatter, Roach and Rossi.

Passed to Committee on Rules for second reading.

#### REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

April 1, 1999

GA 9207 DON MILLER, appointed September 29, 1998, for a term ending October 1, 2000, as member of the Small Business Export Finance Assistance Center Board of Directors

Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Shin, Vice Chair; Deccio, Gardner, Hale, Heavey, T. Sheldon and Winsley.

Passed to Committee on Rules.

#### MESSAGE FROM THE HOUSE

April 1, 1999

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1165,

SUBSTITUTE HOUSE BILL NO. 1166, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

## INTRODUCTION AND FIRST READING

### SB 6091 by Senators Fraser and Swecker

AN ACT Relating to the beneficial use of water under a water code permit by public water systems; amending RCW 90.03.330; and adding new sections to chapter 90.03 RCW.

Referred to Committee on Environmental Quality and Water Resources.

### SB 6092 by Senators Fraser and Swecker

AN ACT Relating to public water systems; amending RCW 90.03.330; reenacting and amending RCW 43.21B.110; adding new sections to chapter 90.03 RCW; and creating a new section.

Referred to Committee on Environmental Quality and Water Resources.

### SB 6093 by Senators Fraser and Swecker

AN ACT Relating to public water supply management; and amending RCW 70.116.010, 70.116.020, 70.116.030, 70.116.040, 70.116.050, 70.116.060, 70.116.070, 70.116.134, 90.03.255, 90.03.260, 90.03.320, and 90.03.383.

Referred to Committee on Environmental Quality and Water Resources.

### SCR 8408 by Senator Bauer

Creating a commission to address the renovation of the Washington State Legislative Building.

Passed to Committee on Rules.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

### SHB 1165 by House Committee on Capital Budget (originally sponsored by Representatives Murray, Mitchell, Radcliff, Hankins and O'Brien) (by request of Governor Locke)

Making appropriations and authorizing expenditures for capital improvements.

Referred to Committee on Ways and Means.

### SHB 1166 by House Committee on Capital Budget (originally sponsored by Representatives Murray, Mitchell, Hankins and O'Brien) (by request of Governor Locke)

Issuing general obligation bonds.

Referred to Committee on Ways and Means.

## SECOND READING

### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9100, Frank L. Cassidy, Jr., as a member of the Pacific Northwest Electric Power and Conservation Planning Council, was confirmed.

APPOINTMENT OF FRANK L. CASSIDY, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 3; Excused, 9.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kohl-Welles, Loveland, McAuliffe, Morton, Oke, Patterson, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 37.

Absent: Senators Costa, Kline and McDonald - 3.

Excused: Senators Finkbeiner, Horn, Long, McCaslin, Prentice, Rasmussen, Roach, Sellar and West - 9.

#### PERSONAL PRIVILEGE

Senator Benton: "I rise to a point of personal privilege, Mr. President. When this body votes on bills before it, we have a bill report, we have a copy of the bill provided to us, but when we vote on gubernatorial appointments, we have no information other than the fact that the appointee--what they are being appointed to and what the committee report is--whether it is confirmed or not confirmed. There is no additional information provided to the members. Specifically, information relating to the term of the appointment, how long the appointment will be for, when it expires, etc.--or any personal information on that appointee.

"If the member has not been fortunate enough to serve on the committee, on which the appointment came through, which is a very small minority of the members of this body, the rest of us are not given the information or privileged with the information to know what the background or qualifications of that gubernatorial appointee are. I would like to request that additional information on gubernatorial appointees be provided to all members on the Senate floor before we are asked to vote on their confirmation."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Benton, that is certainly an issue that the President believes that the decision needs to be made by the body, not the President. Your point is well taken."

Senator Benton: "Thank you."

#### MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

#### MOTION

On motion of Senator Fairley, Gubernatorial Appointment No. 9104, Geraldine A. Coleman, as a member of the Work Force Training and Education Coordinating Board, was confirmed.

#### APPOINTMENT OF GERALDINE A. COLEMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 34; Nays, 6; Absent, 1; Excused, 8.

Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, McDonald, Oke, Patterson, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 34.

Voting nay: Senators Benton, Hochstatter, Johnson, Morton, Stevens and Zarelli - 6.

Absent: Senator Bauer - 1.

Excused: Senators Finkbeiner, Horn, Long, McCaslin, Prentice, Rasmussen, Rossi and Sellar - 8.

#### MOTION

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

SENATE RESOLUTION 1999-8659

By Senator Morton

WHEREAS, The Newport High School Girls' Basketball Team is the 1999 Washington State 2-A Champion;  
and

WHEREAS, The Grizzlies have distinguished themselves and brought honor to their school by winning their first state tournament; and

WHEREAS, Under the coaching and supervision of Mike Frederick, the Newport girls finished the 1999 season with a 25-2 mark; and

WHEREAS, The outstanding play of these individual team members is representative of the standard of excellence displayed by the entire Grizzly team; and

WHEREAS, This team has deservedly, through their efforts, commitment, and sacrifice, achieved the title of Washington State Basketball Champions;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the 1999 Newport Grizzly Girls' Basketball Team with passage of this Senate Floor Resolution; and

BE IT FURTHER RESOLVED, That with passage of this resolution, the members of the Washington State Senate acknowledge the example this group of interscholastic amateurs has set, and the importance of athletic participation in the pursuit of academic achievement.

#### MOTION

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

#### SENATE RESOLUTION 1999-8662

By Senators Roach, Snyder, Swecker, Wojahn, Hale, Winsley, Fairley, Johnson, Franklin, Kline, McDonald, Stevens, Benton, Costa, B. Sheldon, Hochstatter, Honeyford, T. Sheldon, Patterson, Goings, Oke, Deccio, Morton, Spanel, Fraser, Eide, Horn, Sheahan, Brown, Rasmussen, West and Shin

WHEREAS, Thousands of Vietnamese have fled the communist government of their homeland; and

WHEREAS, Washington proudly accepts the Vietnamese refugees who fled tyranny and have become outstanding Americans and valued members of our communities; and

WHEREAS, The oppression and hostility of the communist government in Vietnam remains fresh in the minds of the Vietnamese community living abroad; and

WHEREAS, The Vietnamese community has been quick to embrace the ideas of a representative democracy; and

WHEREAS, The Vietnamese community has demonstrated an honorable work ethic and a desire to obtain economic independence through the principles of individual liberty and free enterprise; and

WHEREAS, The recent demonstrations of the Vietnamese community of Seattle, Washington, is concrete evidence of the staunch opposition of Vietnamese people throughout the world to the tyranny from which they fled;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the example set by the Vietnamese community in their efforts to embrace individual liberty and free enterprise.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Elizabeth Kohl, Mother of Senator Kohl-Welles, who was seated on the rostrum.

#### MOTION

At 10:24 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 4:19 p.m. by Senator Sid Snyder.

#### MOTION

On motion of Senator Spanel, the Senate returned to the first order of business.

#### REPORTS OF STANDING COMMITTEES

April 1, 1999

EHB 1007 Prime Sponsor, Representative Ballasiotes: Changing provisions relating to counterfeited intellectual property. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Heavey, Chair; Kline, Vice Chair; Goings, Hargrove, Haugen, Johnson, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1041 Prime Sponsor, House Committee on Capital Budget: Authorizing funds for public works projects. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1999

SHB 1054 Prime Sponsor, House Committee on Agriculture and Ecology: Giving direction to the commission on pesticide registration. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Stevens and Swecker.

Passed to Committee on Rules for second reading.

April 1, 1999

EHB 1067 Prime Sponsor, Representative O'Brien: Amending statutory double jeopardy provisions. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1080 Prime Sponsor, Representative Carlson: Providing infectious disease testing for good samaritans. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1095 Prime Sponsor, Representative Cairnes: Limiting access to law enforcement personnel records and internal affairs files. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1999

E2SHB 1143 Prime Sponsor, House Committee on Appropriations: Authorizing deductions from inmate funds. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1999

HB 1150 Prime Sponsor, Representative G. Chandler: Certifying planting stock. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Stevens and Swecker.

Passed to Committee on Rules for second reading.

April 2, 1999

EHB 1151 Prime Sponsor, Representative Linville: Updating or repealing dairy or food laws. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Stevens and Swecker.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1153 Prime Sponsor, House Committee on Education: Changing school safety provisions. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Finkbeiner, Goings, Kohl-Welles, Rasmussen, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1154 Prime Sponsor, Representative Cooper: Eliminating the time limit on regular tax levies for medical care and services. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1181 Prime Sponsor, House Committee on Criminal Justice and Corrections: Changing provisions relating to penalties and treatment for crimes involving domestic violence. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

April 2, 1999

SHB 1189 Prime Sponsor, House Committee on Local Government: Modifying provisions concerning metropolitan park districts. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen and Kline.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Horn and McCaslin.

Passed to Committee on Rules for second reading.

EDITOR'S NOTE: See Statement for the Journal following the listing of the Reports of Standing Committees for comments on the Minority Report on Substitute House Bill No. 1189.

April 1, 1999

HB 1194 Prime Sponsor, Representative Pflug: Extending the due date for a report to the legislature concerning accreditation of licensed boarding homes. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1199 Prime Sponsor, Representative Lantz: Defining the jurisdiction of civil antiharassment actions. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1219 Prime Sponsor, House Committee on Appropriations: Changing relief and retirement pension provisions under chapter 41.24 RCW. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1233 Prime Sponsor, Representative Edmonds: Determining the net value of a homestead exemption. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1240 Prime Sponsor, House Committee on Education: Increasing medicaid reimbursements to second class school districts. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Benton, Brown, Finkbeiner, Hochstatter, Kohl-Welles, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1999

EHB 1263 Prime Sponsor, Representative Sheahan: Regulating process and fees of district and municipal courts. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

April 2, 1999

HB 1370 Prime Sponsor, Representative G. Chandler: Extending the period of time to expend funds from the fruit and vegetable district fund. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Stevens and Swecker.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1378 Prime Sponsor, Representative Veloria: Regulating manufactured and mobile home landlord-tenant relations. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Shin, Vice Chair; Benton, Deccio, Hale, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1999

SHB 1392 Prime Sponsor, House Committee on Judiciary: Revising provisions relating to vacation of records of conviction. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Heavey, Chair; Costa, Goings, Hargrove, Johnson, Long, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

April 1, 1999

ESHB 1407 Prime Sponsor, House Committee on Judiciary: Changing adoption provisions. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1999

HB 1442 Prime Sponsor, Representative Edwards: Extending protection of transit employees and customers. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

April 1, 1999

2SHB 1462 Prime Sponsor, House Committee on Appropriations: Changing school accountability and assistance provisions. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Goings, Kohl-Welles and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Finkbeiner, Hochstatter, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1495 Prime Sponsor, Representative Fisher: Regarding refunding bonds. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kohl-Welles, Long, McDonald, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Wojahn and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Rossi.

Passed to Committee on Rules for second reading.

April 2, 1999

ESHB 1514 Prime Sponsor, House Committee on Judiciary: Changing provisions relating to modification of a parenting plan or custody order. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Johnson, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1999

HB 1549 Prime Sponsor, Representative G. Chandler: Requiring the department of ecology to extend the time for work under a permit if water use has been prevented or restricted due to federal or state laws. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, Morton and Swecker.

Passed to Committee on Rules for second reading.

March 31, 1999

HB 1550 Prime Sponsor, Representative G. Chandler: Extending Milwaukee Road corridor franchise negotiations. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

April 1, 1999

2SHB 1574 Prime Sponsor, House Committee on Appropriations: Administering atypical antipsychotic medications. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

April 1, 1999

EHB 1613 Prime Sponsor, Representative Barlean: Clarifying the property tax exemption statutes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fairley, Fraser, Honeyford, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, West and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1623 Prime Sponsor, House Committee on Finance: Updating the tax code by making administrative clarifications, correcting oversights, and deleting obsolete references. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Spanel, West, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1642 Prime Sponsor, Representative Grant: Changing surface water permit and rights provisions. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1650 Prime Sponsor, House Committee on Education: Expanding the health professionals who may request administration of oral medication at school. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Deccio, Johnson and Winsley.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Wojahn, Vice Chair; Costa and Franklin.

Referred to Committee on Ways and Means.

April 2, 1999

SHB 1663 Prime Sponsor, House Committee on Appropriations: Creating a unified family court. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Heavey, Chair; Costa, Goings, Haugen, Johnson, McCaslin, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

April 1, 1999

2SHB 1674 Prime Sponsor, House Committee on Appropriations: Providing educational accountability for students and schools. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Goings, Kohl-Welles and Rasmussen.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Finkbeiner and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1999

SHB 1677 Prime Sponsor, House Committee on Agriculture and Ecology: Changing irrigation district provisions. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Stevens and Swecker.

Passed to Committee on Rules for second reading.

April 2, 1999

2SHB 1692 Prime Sponsor, House Committee on Appropriations: Providing special training for those who interview child witnesses and victims. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, McCaslin and Thibaudeau.

Referred to Committee on Ways and Means.

April 1, 1999

HB 1699 Prime Sponsor, Representative Parlette: Establishing continuing education for dentists. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1999

HB 1703 Prime Sponsor, Representative Cooper: Revising law governing the disposition of surplus real property. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Horn, Jacobsen, Morton, Oke, Patterson, Sellar, T. Sheldon and Shin.

MINORITY Recommendation: Do not pass. Signed by Senators Benton and Johnson.

Passed to Committee on Rules for second reading.

April 2, 1999

SHB 1747 Prime Sponsor, House Committee on Agriculture and Ecology: Changing conservation district provisions. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Stevens and Swecker.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1757 Prime Sponsor, Representative Miloscia: Expanding the number of inmates subject to mandatory DNA testing. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1770 Prime Sponsor, House Committee on Education: Adopting recommendations of the state board of education. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Brown, Finkbeiner, Kohl-Welles, Rasmussen and Zarelli.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

April 2, 1999

EHB 1773 Prime Sponsor, Representative Wolfe: Changing visitation rights in nonparental actions for child custody. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Costa, Goings, Haugen, Johnson, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1774 Prime Sponsor, House Committee on Transportation: Regulating occupational drivers' licenses. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long and Thibaudeau.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1811 Prime Sponsor, House Committee on Child and Family Service: Revising provisions relating to supported employment for persons with severe disabilities. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1999

ESHB 1817 Prime Sponsor, House Committee on Agriculture and Ecology: Funding horticultural pest and disease boards. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Stevens and Swecker.

Passed to Committee on Rules for second reading.

April 1, 1999

2SHB 1818 Prime Sponsor, House Committee on Appropriations: Changing truancy provisions. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Referred to Committee on Ways and Means.

April 1, 1999

SHB 1826 Prime Sponsor, House Committee on Agriculture and Ecology: Requiring appointment of water masters in watershed management areas with WRIA plans. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1831 Prime Sponsor, Representative Ogden: Requiring adoption of rules for certain construction management techniques. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1999

HB 1849 Prime Sponsor, Representative Kagi: Expanding aggravating circumstances when a court may impose an exceptional sentence. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Costa, Goings, Hargrove, Haugen, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1864 Prime Sponsor, House Committee on Health Care: Providing for the registration of surgical technologists. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 1872 Prime Sponsor, Representative Hurst: Granting state-wide warrant jurisdiction to courts of limited jurisdiction. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1880 Prime Sponsor, House Committee on Health Care: Providing for self-directed care for persons with disabilities. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Referred to Committee on Ways and Means.

April 1, 1999

2SHB 1891 Prime Sponsor, House Committee on Appropriations: Changing student assessments. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Goings, Kohl-Welles and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Finkbeiner, Hochstatter, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1999

E2SHB 1893 Prime Sponsor, House Committee on Appropriations: Streamlining state and local permit issuance. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, Morton and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Referred to Committee on Ways and Means.

March 24, 1999

SHB 1910 Prime Sponsor, House Committee on Agriculture and Ecology: Establishing logos for substances approved for use in the production, processing, and handling of organic food. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Stevens and Swecker.

Passed to Committee on Rules for second reading.

April 1, 1999

SHB 1990 Prime Sponsor, House Committee on Health Care: Concerning background checks for certain potential state employees. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1999

EHB 2015 Prime Sponsor, Representative Radcliff: Restricting liability for year 2000 date-change damages. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Long and Thibaudeau.

Passed to Committee on Rules for second reading.

April 1, 1999

E2SHB 2085 Prime Sponsor, House Committee on Appropriations: Creating programs addressing disruptive students in regular classrooms. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Finkbeiner, Goings, Kohl-Welles, Rasmussen and Swecker.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

April 2, 1999

SHB 2086 Prime Sponsor, House Committee on Criminal Justice and Corrections: Creating crimes of unlawful discharge of a laser. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Long and McCaslin.

Passed to Committee on Rules for second reading.

April 1, 1999

ESHB 2090 Prime Sponsor, House Committee on Commerce and Labor: Modifying and sunseting provisions related to sellers of travel. Reported by Committee on Commerce, Trade, Housing and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Shin, Vice Chair; Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon, West and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1999

ESHB 2095 Prime Sponsor, House Committee on Agriculture and Ecology: Regulating commercial fertilizer. Reported by Committee on Agriculture and Rural Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Stevens and Swecker.

Passed to Committee on Rules for second reading.

April 2, 1999

SHB 2099 Prime Sponsor, House Committee on Agriculture and Ecology: Allowing an exemption from relinquishment of a water right for nonuse resulting from the operation or pendency of legal proceedings. Reported by Committee on Environmental Quality and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, Morton and Swecker.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 2205 Prime Sponsor, Representative McDonald: Providing conditions for waiver of the requirement for a mandatory appearance following arrest for DUI. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 31, 1999

ESHB 2239 Prime Sponsor, House Committee on Transportation: Enhancing storm water control grant programs. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Jacobsen, Johnson, Morton, Oke, Patterson and Shin.

Passed to Committee on Rules for second reading.

April 1, 1999

HB 2264 Prime Sponsor, Representative H. Sommers: Meeting the trust account requirement of the juvenile accountability block grant. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1999

HJM 4001 Prime Sponsor, Representative O'Brien: Petitioning Congress to reinstate income tax deduction for state sales tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fairley, Fraser, Honeyford, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Thibaudeau, West and Zarelli.

Passed to Committee on Rules for second reading.

March 31, 1999

HJM 4006 Prime Sponsor, Representative Fisher: Requesting the Transportation Commission to update the system of Highways of Statewide Significance. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Jacobsen, Johnson, Morton, Oke, Patterson, Sheahan and Shin.

Passed to Committee on Rules for second reading.

April 1, 1999

HJM 4015 Prime Sponsor, Representative Lisk: Requesting federal scrutiny of immigration law and Immigration and Naturalization Service policies. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Spanel, Second Substitute House Bill No. 1692 was referred to the Committee on Ways and Means.

#### STATEMENT FOR THE JOURNAL

FROM: Senator Horn and Senator McCaslin

TO: Secretary of the Senate/Journal Clerk

SUBJECT: SUBSTITUTE HOUSE BILL NO. 1189, as amended by the Senate State and Local Government Committee, on April 2, 1999...MINORITY REPORT

We filed a Minority Report relating to the passage of Substitute House Bill No. 1189, as amended by the Senate State and Local Government Committee, on April 2, 1999, for the following reasons:

PROCESS: The Chair announced on Thursday, April 1, at 3:00 p.m., that there would be no further meetings of the Committee on State and Local Government (to include a TVW announcement). Apparently, very late on Thursday afternoon, while Senator Horn and other members of the committee, were in hearings with different committees, it was determined that a "special" meeting of the Committee on State and Local Government be called for Friday, April 2, at 9:00 a.m. This meeting was not held in the regular committee meeting room, but was moved to a different location. New information may have been brought to light during a House committee meeting, regarding this subject matter, however, neither we, other Committee on State and Local Government members or the public had time to be informed or to prepare for this meeting.

Additionally, even though the Chair determined that there would only be an executive session on Substitute House Bill No. 1189, several amendments were prepared and were the subject of debate. There was no waiver of the five day rule and there was no notice to proponents and particularly opponents regarding this bill. There had been no public hearing on Substitute House Bill No. 1189, even though there were several amendments, including a striking amendment, offered and debated without public input.

SUBSTANTIVE OBJECTIONS: The bill, as amended, (see S AMS SLG S2516.1) allows the Seattle City Council Members to serve as Municipal Park Board Members, in an ex-officio capacity, not in their capacity as City Council Members. This allows Council Members to act outside the parameters of their city charter.

The bill allows a "special" election to create a Metropolitan Park District. Because of the creation of a new taxing entity, this matter should only be submitted at a general election where the voter turnout is considerably greater.

The bill would allow an automatic property tax levy commensurate with the formation of the district. Following public discussion before the newly formed district commission, there should be a separate election to determine the amount of funding to be made available.

The bill permits the "district" to use the power of eminent domain and condemnation for lands outside of the territorial boundaries of the park district. This may not have been a problem when there was only one such district in the state, but to allow the city of Seattle to infringe upon the territory of King County or any other county or city, may create "undetermined and unexamined problems."

The bill allows the district to establish, maintain, manage and improve property they do not own. Such powers should be limited to the properties the district owns.

cc: Senator Patterson, Chair, State and Local Government Committee  
Eugene Green, Staff Coordinator

#### MOTION

At 4:21 p.m., on motion of Senator Spanel, the Senate adjourned until 9:30 a.m., Monday, April 5, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

EIGHTY-SECOND DAY, APRIL 2, 1999

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

**EIGHTY-FIFTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Monday, April 5, 1999

The Senate was called to order at 9:30 a.m. by President Owen. No roll call was taken.

#### MOTION

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

#### MESSAGES FROM THE HOUSE

April 1, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 1125 and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1991, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1125 by House Committee on Transportation (originally sponsored by Representatives Fisher, K. Schmidt, Radcliff, O'Brien, Fortunato, Eickmeyer, Hankins, Cooper, Murray, Wood and Mitchell) (by request of Governor Locke)

Funding transportation.

Referred to Committee on Transportation.

ESHB 1991 by House Committee on Capital Budget (originally sponsored by Representatives Murray and Mitchell)

Consolidating statutes that authorize the board of regents of the University of Washington to control university property.

Referred to Committee on Ways and Means.

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

#### REPORT OF STANDING COMMITTEE

April 2, 1999

E2SHB 1147 Prime Sponsor, House Committee on Appropriations: Enhancing novice driver traffic safety. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means.. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Jacobsen, Oke, Patterson, Sheahan, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Johnson, Morton, Sellar and T. Sheldon.  
Referred to Committee on Ways and Means.

#### MOTION

At 9:33 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 4:16 p.m. by Vice President Pro Tempore Bauer.

## REPORTS OF STANDING COMMITTEES

April 2, 1999

SB 6090 Prime Sponsor, Senator Loveland: Modifying provisions that relate to the management and administration of agricultural

college lands. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6090 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Honeyford, Kline, Kohl-Welles, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

SJM 8013 Prime Sponsor, Senator T. Sheldon: Requesting federal assistance for areas of Washington that received record rainfall this winter. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Joint Memorial No. 8013 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

E2SHB 1006 Prime Sponsor, House Committee on Appropriations: Revising sentencing options for drug and alcohol offenders. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Human Services and Corrections. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

2SHB 1037 Prime Sponsor, House Committee on Appropriations: Creating a registry of Washington resident's electronic mail addresses to facilitate a program that allows private interactive computer service providers to limit unsolicited commercial electronic mail messages. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Kline, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley.

Passed to Committee on Rules for second reading.

April 5, 1999

SHB 1053 Prime Sponsor, House Committee on Transportation: Consolidating the fuel tax rate and distribution statutes. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Finkbeiner, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

April 2, 1999

SHB 1069 Prime Sponsor, House Committee on Appropriations: Authorizing the forensic investigations council to make expenditures to assist in investigations of multiple deaths. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Honeyford, Kline, Kohl-Welles, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

E2SHB 1147 Prime Sponsor, House Committee on Appropriations: Enhancing novice driver traffic safety. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, Snyder, Spanel, West and Winsley.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Honeyford and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

SHB 1158 Prime Sponsor, House Committee on State Government: Collecting information from truck, tractor, or trailer intelligent information systems. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Finkbeiner, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

April 2, 1999

HB 1175 Prime Sponsor, Representative Cairnes: Regulating street rods. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

April 5, 1999

2SHB 1176 Prime Sponsor, House Committee on Appropriations: Requiring the retention of records pertaining to sexually violent offenses. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Human Services and Corrections. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1999

2SHB 1184 Prime Sponsor, House Committee on Appropriations: Promoting cooperative real estate research.

Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, West and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1999

SHB 1204 Prime Sponsor, House Committee on Capital Budget: Coordinating land acquisition and environmental mitigation activities. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

April 2, 1999

SHB 1212 Prime Sponsor, House Committee on Transportation: Extending certain drivers' licenses for out-of-state licensees. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Morton, Oke, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

April 5, 1999

SHB 1222 Prime Sponsor, House Committee on Capital Budget: Creating a competitive grant program to assist nonprofit organizations with capital projects. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

April 5, 1999

E2SHB 1252 Prime Sponsor, House Committee on Appropriations: Enhancing supervision of offenders. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1999

SHB 1304 Prime Sponsor, House Committee on Transportation: Updating references to the transportation improvement board bond retirement account. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Oke, Patterson, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

April 5, 1999

EHB 1313 Prime Sponsor, Representative Schoesler: Revising rural development law. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Agriculture and Rural Economic Environment. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1999

SHB 1317 Prime Sponsor, House Committee on Transportation: Enhancing regional transportation planning. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Costa, Eide, Horn, Johnson, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

April 2, 1999

HB 1321 Prime Sponsor, Representative Ericksen: Requiring stops at intersections with nonfunctioning signal lights. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

April 2, 1999

HB 1322 Prime Sponsor, Representative Mitchell: Adding information to motorist information signs. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Oke, Patterson, Sellar, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

April 5, 1999

SHB 1324 Prime Sponsor, House Committee on Transportation: Planning for transportation safety and security.  
Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Finkbeiner, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

April 5, 1999

SHB 1345 Prime Sponsor, House Committee on Economic Development, Housing and Trade: Exempting certain low-income rental housing from property taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1999

SHB 1376 Prime Sponsor, House Committee on Transportation: Simplifying disabled parking certification for leg amputees. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Sheahan, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

April 2, 1999

HB 1463 Prime Sponsor, Representative Mitchell: Adjusting deadlines for reports to the secretary of transportation.

Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

April 2, 1999

SHB 1485 Prime Sponsor, House Committee on Capital Budget: Selling the Whidbey Island game farm. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Honeyford, Kline, Kohl-Welles, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

E2SHB 1493 Prime Sponsor, House Committee on Appropriations: Establishing a collaborative effort to address the housing needs of homeless children and their families. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

2SHB 1546 Prime Sponsor, House Committee on Appropriations: Modifying provisions related to long-term care of adults. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

HB 1554 Prime Sponsor, Representative Murray: Clarifying status of HOV lane violations as traffic infractions. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Vice Chair; Goings, Vice Chair; Costa, Finkbeiner, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

April 2, 1999

HB 1561 Prime Sponsor, Representative Schoesler: Allowing solid rubber tires on farm machinery. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Morton, Oke, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

April 2, 1999

ESHB 1562 Prime Sponsor, House Committee on Transportation: Changing provisions relating to the adoption of regulations by airport operators. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

April 5, 1999

2SHB 1574 Prime Sponsor, House Committee on Appropriations: Administering atypical antipsychotic medications. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Human Services and Corrections. Signed by Senators Loveland, Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel and Winsley.

Passed to Committee on Rules for second reading.

April 5, 1999

HB 1599 Prime Sponsor, Representative McMorris: Creating an account to reimburse counties for extraordinary costs in the criminal justice system. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

SHB 1619 Prime Sponsor, House Committee on Appropriations: Changing the liability insurance of foster parents. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

SHB 1650 Prime Sponsor, House Committee on Education Expanding the health professionals who may request administration of oral medication at school. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass without amendment by Committee on Health and Long-Term Care. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

2SHB 1661 Prime Sponsor, House Committee on Appropriations: Creating Washington scholars-alternates awards.

Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

SHB 1668 Prime Sponsor, House Committee on Appropriations: Providing foster parents with first aid/CPR and HIV/AIDS training. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

2SHB 1681 Prime Sponsor, House Committee on Appropriations: Establishing a program to purchase and plant privately grown trout. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

2SHB 1716 Prime Sponsor, House Committee on Appropriations: Changing provisions relating to warm water fish culture. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Natural Resources, Parks and Recreation. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

2SHB 1729 Prime Sponsor, House Committee on Appropriations: Creating the Washington teacher training pilot program. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

EHB 1749 Prime Sponsor, Representative Dickerson: Revising eligibility requirements for deferred disposition.

Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1999

ESHB 1798 Prime Sponsor, House Committee on Transportation: Enhancing coordination of special needs transportation. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon, Shin and Swecker.  
Passed to Committee on Rules for second reading.

April 5, 1999

EHB 1832 Prime Sponsor, Representative Ogden: Authorizing the use of nonvoter-approved debt for school construction and repair. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

HB 1833 Prime Sponsor, Representative Thomas: Authorizing school districts to use 63-20 financing with nonprofit organizations. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1999

HB 1863 Prime Sponsor, Representative Skinner: Providing for compensation to part-time health commissions.

Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Health and Long-Term Care. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford, McDonald and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

2SHB 1871 Prime Sponsor, House Committee on Appropriations: Creating the salmon stamp programs. Reported by Committee on Ways and Means.

MAJORITY Recommendation: Do pass as amended by Committee on Natural Resources, Parks and Recreation. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

SHB 1880 Prime Sponsor, House Committee on Health Care: Providing for self-directed care for persons with disabilities. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Health and Long-Term Care. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

ESHB 1887 Prime Sponsor, House Committee on Finance: Revising the machinery and equipment tax exemption for manufacturers and processors for hire. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Vice Chair; Fairley, Honeyford, Kline, Kohl-Welles, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel and Zarelli.

Passed to Committee on Rules for second reading.

April 5, 1999

E2SHB 1893 Prime Sponsor, House Committee on Appropriations: Streamlining state and local permit issuance.

Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Environmental Quality and Water Resources. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, B. Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1999

SHB 1969 Prime Sponsor, House Committee on Finance: Exempting real property that will be developed by nonprofit organizations to provide homes for the aging. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Kline, Kohl-Welles, McDonald, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, West and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1999

SHB 1971 Prime Sponsor, House Committee on Transportation: Enhancing traffic safety. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Morton, Oke, Patterson, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

April 5, 1999

ESHB 2079 Prime Sponsor, House Committee on Natural Resources: Promoting salmon recovery. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Rasmussen, B. Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford and McDonald.

Passed to Committee on Rules for second reading.

April 2, 1999

HB 2201 Prime Sponsor, Representative Fisher: Imposing a surcharge on trip permit fees. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Horn, Jacobsen, Johnson, Oke, Patterson, Sellar, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Morton, Sheahan and T. Sheldon.

Passed to Committee on Rules for second reading.

April 5, 1999

ESHB 2260 Prime Sponsor, House Committee on Finance: Promoting the creation and the retention of jobs.

Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Passed to Committee on Rules for second reading.

MOTION

At 4:18 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Tuesday, April 6, 1999.

JOURNAL OF THE SENATE

EIGHTY-FIFTH DAY, APRIL 5, 1999

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

**EIGHTY-SIXTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Tuesday, April 6, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Fairley, Finkbeiner, Fraser, Heavey, McDonald, Oke, Rasmussen and Tim Sheldon. On motion of Senator Deccio, Senators McDonald and Oke were excused. On motion of Senator Honeyford, Senator Finkbeiner was excused. On motion of Senator Franklin, Senators Fairley, Heavey, Rasmussen and Tim Sheldon were excused.

The Sergeant at Arms Color Guard consisting of Pages Jay West and Daly Cooley, presented the Colors. Bishop William Skylstad of the Catholic Diocese of Spokane, and a guest of Senator Alex Deccio, offered the prayer.

**MOTION**

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

**INTRODUCTION AND FIRST READING**

SB 6094 by Senator Roach

AN ACT Relating to temporary assistance to Kosovar Albanian refugees; creating new sections; and making an appropriation.

Referred to Committee on Human Services and Corrections.

**SECOND READING**

**CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

**MOTION**

On motion of Senator Betti Sheldon, Gubernatorial Appointment No. 9040, Marilee Roloff, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

Senators Betti Sheldon, West and Brown spoke to the confirmation of Marilee Roloff as a member of the Board of Trustees for The Evergreen State College.

**APPOINTMENT OF MARILEE ROLOFF**

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Patterson, Prentice, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Absent: Senator Fraser - 1.

Excused: Senators Fairley, Finkbeiner, Heavey, McDonald, Oke, Rasmussen, Sheldon and T. - 7.

#### MOTION

On motion of Senator Wojahn, Gubernatorial Appointment No. 9075, Leonard Nord, as a member of the Personnel Resources Board, was confirmed.

#### APPOINTMENT OF LEONARD NORD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 42.

Voting nay: Senators Benton, McDonald and Zarelli - 3.

Excused: Senators Fairley, Finkbeiner, Heavey and Rasmussen - 4.

#### MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9147, Denise Mackenstadt, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

#### APPOINTMENT OF DENISE MACKENSTADT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 44.

Voting nay: Senator Zarelli - 1.

Excused: Senators Fairley, Finkbeiner, Heavey and Rasmussen - 4.

#### MOTION

On motion of Senator Thibaudeau, Gubernatorial Appointment No. 9087, Arthur E. Yeoman, as a member of the Board of Pharmacy, was confirmed.

#### APPOINTMENT OF ARTHUR E. YEOMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 44.

Absent: Senator Zarelli - 1.

Excused: Senators Fairley, Finkbeiner, Heavey and Rasmussen - 4.

#### MOTION

On motion of Senator Gardner, Gubernatorial Appointment No. 9029, Christopher J. Marr, as a member of the Transportation Commission, was confirmed.

Senators Gardner, Brown and West spoke to the confirmation of Christopher J. Marr as a member of the Transportation Commission.

## APPOINTMENT OF CHRISTOPHER J. MARR

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Fairley, Finkbeiner and Heavey - 3.

### POINT OF ORDER

Senator McCaslin: "A point of order, Mr. President. I think the good Senator from the Sixth District violated Rule 7 when he said that Chris Marr was the best Democrat he knew. That puts twenty-seven Democrats behind him. I don't think that is right, Mr. President."

### REPLY BY THE PRESIDENT

President Owen: "Could that be twenty-eight Democrats behind him?"

Senator McCaslin: "Twenty-eight? Well, he is the twenty-eighth. That is just not right. They are all so nice over there. He is the President; he is above everybody."

President Owen: "Good answer, McCaslin."

### MOTION

Senator Gardner moved that Gubernatorial Appointment No. 9028, A. Michele Maher, as a member of the Transportation Commission, be confirmed.

Senator Benton spoke against the confirmation of A. Michele Maher as a member of the Transportation Commission, because of the duplication of appointments from the same area.

Senators Gardner, Haugen, McCaslin, Brown and Morton spoke to the motion to confirm A. Michele Maher as a member of the Transportation Commission.

The motion to confirm A. Michele Maher as a member of the Transportation Commission carried.

## APPOINTMENT OF A. MICHELE MAHER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 39.

Voting nay: Senators Benton, McDonald, Roach, Rossi, Stevens, Swecker and Zarelli - 7.

Excused: Senators Fairley, Finkbeiner and Heavey - 3.

### MOTION

At 10:48 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:08 p.m. by President Owen.

## SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

### MOTION

On motion of Senator Betti Sheldon, Gubernatorial Appointment No. 9145, Lara Littlefield, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

## APPOINTMENT OF LARA LITTLEFIELD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 32; Nays, 2; Absent, 13; Excused, 2.

Voting yea: Senators Brown, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McDonald, Patterson, Prentice, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 32.

Voting nay: Senators Benton and Stevens - 2.

Absent: Senators Bauer, Honeyford, Jacobsen, McAuliffe, McCaslin, Morton, Oke, Rasmussen, Roach, Rossi, Swecker, West and Zarelli - 13.

Excused: Senators Fairley and Finkbeiner - 2.

#### MOTIONS

On motion of Senator Franklin, Senator Haugen was excused.

On motion of Senator Honeyford, Senator Roach was excused.

#### MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9113, Jennifer Frankel, as a member of the Board of Regents for the University of Washington, was confirmed.

#### APPOINTMENT OF JENNIFER FRANKEL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senators Bauer and Morton - 2.

Excused: Senators Fairley, Finkbeiner, Haugen and Roach - 4.

#### MOTION

Senator Gardner moved that Gubernatorial Appointment No. 9134, George Kargianis, as a member of the Transportation Commission, be confirmed.

#### POINT OF CLARIFICATION

Senator Benton: "Thank you, Mr. President. I rise to a point of clarification please. What are we working off of here? I have a third reading calendar and our list No. 1 was completed two appointments ago. This list No. 2 has no gubernatorial appointments on it, so I am just wondering what are we working off of here?"

#### REPLY BY THE PRESIDENT

President Owen: "The issue before the Senate is Gubernatorial Appointment No. 9134, George Kargianis as a member of the Transportation Commission, which is shown on the screen up front, Senator Benton. The paper work is merely a guide, not a gospel."

Senator Benton: "Thank you. I'll speak to the appointment."

Senator Benton spoke against the confirmation of George Kargianis as a member of the Transportation Commission, because of the duplication of appointments from the same area.

The motion to confirm George Kargianis as a member of the Transportation Commission carried.

#### APPOINTMENT OF GEORGE KARGIANIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 2; Absent, 2; Excused, 2.

Voting yea: Senators Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senators Benton and Hochstatter - 2.

Absent: Senators Bauer and Loveland - 2.

Excused: Senators Fairley and Haugen - 2.

#### MOTION

On motion of Senator Goings, Senators Bauer, Franklin, Fraser, Jacobsen, Loveland and Snyder were excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1490, by House Committee on Natural Resources (originally sponsored by Representatives Hatfield, Doumit, Buck and Kessler)

Allowing the landing of salmon caught in other states' offshore waters in Washington ports.

The bill was read the second time.

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1490 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1490.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1490 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 1; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 40.

Voting nay: Senator Honeyford - 1.

Excused: Senators Bauer, Fairley, Franklin, Fraser, Haugen, Jacobsen, Loveland and Snyder - 8.

SUBSTITUTE HOUSE BILL NO. 1490, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1425, by Representatives Linville, Mulliken, Ericksen and Scott

Addressing municipal water or sewer utilities.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1425 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1425.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1425 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Bauer, Fairley, Franklin, Fraser, Jacobsen, Loveland and Snyder - 7.

HOUSE BILL NO. 1425, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1951, by House Committee on Judiciary (originally sponsored by Representatives Lantz, DeBolt, Miloscia, McDonald, Stensen and Santos)

Protecting remains in abandoned cemeteries.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the following Committee on State and Local Government striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 65.04 RCW to read as follows:

Any person who has knowledge of the existence of any cemetery, abandoned cemetery, historical cemetery, or historic grave that has not been dedicated pursuant to RCW 68.24.010 through 68.24.040 may file for recording, in the county in which the cemetery or grave is located, a notice of abandoned cemetery document providing notice of the existence of the cemetery or grave. Such document shall contain the legal description of the property, the approximate location of the cemetery or grave within the property, the name of the owner or reputed owner of the property, and the assessor's tax parcel or account number. The auditor or recording officer shall index the document to the names of the property owner and the person executing the document.

**Sec. 2.** RCW 68.24.090 and 1987 c 331 s 34 are each amended to read as follows:

Property dedicated to cemetery purposes shall be held and used exclusively for cemetery purposes, unless and until the dedication is removed from all or any part of it by an order and decree of the superior court of the county in which the property is situated, in a proceeding brought by the cemetery authority for that purpose and upon notice of hearing and proof satisfactory to the court:

(1) That no interments were made in or that all interments have been removed from that portion of the property from which dedication is sought to be removed.

(2) That the portion of the property from which dedication is sought to be removed is not being used for interment of human remains.

(3) That notice of the proposed removal of dedication has been given in writing to both the cemetery board ~~((in writing))~~ and the office of archaeology and historic preservation. This notice must be given at least sixty days before filing the proceedings in superior court. The notice of the proposed removal of dedication shall be recorded with the auditor or recording officer of the county where the cemetery is located at least sixty days before filing the proceedings in superior court.

**Sec. 3.** RCW 68.60.020 and 1990 c 92 s 2 are each amended to read as follows:

Any cemetery, abandoned cemetery, historical cemetery, or historic grave that has not been dedicated pursuant to RCW 68.24.030 and 68.24.040 shall be considered permanently dedicated and subject to RCW 68.24.070. Removal of dedication may only be made pursuant to RCW 68.24.090 and 68.24.100."

## MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 1 of the title, after "cemeteries;" strike the remainder of the title and insert "amending RCW 68.24.090 and 68.60.020; and adding a new section to chapter 65.04 RCW."

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1951, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1951, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1951, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Bauer, Fairley, Franklin, Fraser, Jacobsen, Loveland and Snyder - 7.

SUBSTITUTE HOUSE BILL NO. 1951, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1163, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Cooper, Schoesler, Linville, G. Chandler, Keiser, Rockefeller and Conway) (by request of Department of Health)

Providing for the safe decontamination or destruction of residential property used for illegal drug manufacturing or storage.

The bill was read the second time.

#### MOTION

On motion of Senator Eide, the following Committee on Environmental Quality and Water Resources striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the contamination of properties used for illegal drug manufacturing poses a threat to public health. The toxic chemicals left behind by the illegal drug manufacturing must be cleaned up to prevent harm to subsequent occupants of the properties. It is the intent of the legislature that properties are decontaminated in a manner that is efficient, prompt, and that makes them safe to reoccupy.

**Sec. 2.** RCW 64.44.010 and 1990 c 213 s 2 are each amended to read as follows:

The words and phrases defined in this section shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

(1) "Authorized contractor" means a person who decontaminates, demolishes, or disposes of contaminated property as required by this chapter who is ~~is~~ ~~(a))~~ certified by the department as provided for in RCW 64.44.060 ~~(, or (b) until January 1, 1991, listed with the department as provided for in section 8, chapter 213, Laws of 1990).~~

(2) "Contaminated" or "contamination" means polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or long-term hazards. Property that at one time was contaminated but has been satisfactorily decontaminated according to procedures established by the state board of health is not "contaminated."

(3) "Hazardous chemicals" means the following substances used in the manufacture of illegal drugs: (a) Hazardous substances as defined in RCW 70.105D.020, and (b) precursor substances as defined in RCW 69.43.010 which the state board of health, in consultation with the state board of pharmacy, has determined present an immediate or long-term health hazard to humans.

(4) "Officer" means a local health officer authorized under chapters 70.05, 70.08, and 70.46 RCW.

(5) "Property" means any property, site, structure, or part of a structure which is involved in the unauthorized manufacture or storage of hazardous chemicals. This includes but is not limited to single-family residences, units of multiplexes, condominiums, apartment buildings, boats, motor vehicles, trailers, manufactured housing, or any shop, booth, or garden.

**Sec. 3.** RCW 64.44.020 and 1990 c 213 s 3 are each amended to read as follows:

Whenever a law enforcement agency becomes aware that property has been contaminated by hazardous chemicals, that agency shall report the contamination to the local health officer. The local health officer shall ~~((cause a posting of a notice))~~ post a written warning on the premises ~~((immediately upon being notified))~~ within one working day of notification of the contamination and shall ~~((cause an inspection to be done on))~~ inspect the property within fourteen days after receiving the notice of contamination. The warning shall inform the potential occupants that hazardous chemicals may exist on, or have been removed from, the premises and that entry is unsafe. If a property owner believes that a tenant has contaminated property that was being leased or rented, and the property is vacated or abandoned, then the property owner shall contact the local health officer about the possible contamination. Local health officers or boards may charge property owners reasonable fees for inspections of suspected contaminated property requested by property owners.

~~((If property is determined to be contaminated, then the local health officer shall cause a posting of a notice on the premises.))~~ A local health officer may enter, inspect, and survey at reasonable times any properties for which there are reasonable grounds to believe that the property has become contaminated. If the property is contaminated, the local health officer shall post a written notice declaring that the officer intends to issue an order prohibiting use of the property as long as the property is contaminated.

Local health officers must report all cases of contaminated property to the state department of health. The department may make the list of contaminated properties available to health associations, landlord and realtor organizations, prosecutors, and other interested groups. The department shall promptly update the list of contaminated properties to remove those which have been decontaminated according to provisions of this chapter.

The local health officer may determine when the services of an authorized contractor are necessary.

**Sec. 4.** RCW 64.44.030 and 1990 c 213 s 4 are each amended to read as follows:

If after the inspection of the property, the local health officer finds that it is contaminated, then the property shall be found unfit for use. The local health officer shall cause to be served an order prohibiting use either personally or by certified mail, with return receipt requested, upon all occupants and persons having any interest therein as shown upon the records of the auditor's office of the county in which such property is located~~((, and))~~. The local health officer shall also post the order prohibiting use in a conspicuous place on the property~~((, an order prohibiting use))~~. If the whereabouts of such persons is unknown and the same cannot be ascertained by the local health officer in the exercise of reasonable diligence, and the health officer makes an affidavit to that effect, then the serving of the order upon such persons may be made either by personal service or by mailing a copy of the order by certified mail, postage prepaid, return receipt requested, to each person at the address appearing on the last equalized tax assessment roll of the county where the property is located or at the address known to the county assessor, and the order shall be posted conspicuously at the residence. A copy of the order shall also be mailed, addressed to each person or party having a recorded right, title, estate, lien, or interest in the property. ~~((Such))~~ The order shall contain a notice that a hearing before the local health board or officer shall be held upon the request of a person required to be notified of the order under this section. The request for a hearing must be made within ten days of serving the order. The hearing shall then be held within not less than twenty days nor more than thirty days after the serving of the order. The officer shall prohibit use as long as the property is found to be contaminated. A copy of the order shall also be filed with the auditor of the county in which the property is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. In any hearing concerning whether property is fit for use, the property owner has the burden of showing that the property is decontaminated or fit for use. The owner or any person having an interest in the property may file an appeal on any order issued by the local health board or officer within thirty days from the date of service of the order with the appeals commission established pursuant to RCW 35.80.030. All proceedings before the appeals commission, including any subsequent appeals to superior court, shall be governed by the procedures established in chapter 35.80 RCW.

**Sec. 5.** RCW 64.44.040 and 1990 c 213 s 5 are each amended to read as follows:

The city or county in which the contaminated property is located may take action to condemn or demolish property or to require the property be vacated or the contents removed from the property. The city or county ~~((must))~~ may use an authorized contractor if property is demolished, decontaminated, or removed under this section. No city or county may condemn or demolish property pursuant to this section until all procedures granting the right of notice and the opportunity to appeal in RCW 64.44.030 have been exhausted.

**Sec. 6.** RCW 64.44.050 and 1990 c 213 s 6 are each amended to read as follows:

An owner of contaminated property who desires to have the property decontaminated ~~((must))~~ shall use the services of an authorized contractor ~~((to decontaminate the property))~~ unless otherwise authorized by the local health officer. The contractor shall

prepare and submit a written work plan for decontamination to the local health officer. The local health officer may charge a reasonable fee for review of the work plan. If the work plan is approved and the decontamination is completed and the property is retested according to the plan and properly documented, then the health officer shall allow reuse of the property. A ~~((notice))~~ release for reuse document shall be recorded in the real property records ~~((if applicable,))~~ indicating the property has been decontaminated in accordance with rules of the state department of health.

**Sec. 7.** RCW 64.44.060 and 1997 c 58 s 878 are each amended to read as follows:

(1) ~~((After January 1, 1994,))~~ A contractor may not perform decontamination, demolition, or disposal work unless issued a certificate by the state department of health. The department shall establish performance standards for contractors by rule in accordance with chapter 34.05 RCW, the administrative procedure act. The department shall train and test, or may approve courses to train and test, contractors and their employees on the essential elements in assessing property used as an illegal drug manufacturing or storage site to determine hazard reduction measures needed, techniques for adequately reducing contaminants, use of personal protective equipment, methods for proper decontamination, demolition, removal, and disposal of contaminated property, and relevant federal and state regulations. Upon successful completion of the training, the contractor or employee shall be certified.

(2) The department may require the successful completion of annual refresher courses provided or approved by the department for the continued certification of the contractor or employee.

(3) The department shall provide for reciprocal certification of any individual trained to engage in decontamination, demolition, or disposal work in another state when the prior training is shown to be substantially similar to the training required by the department. The department may require such individuals to take an examination or refresher course before certification.

(4) The department may deny, suspend, or revoke a certificate for failure to comply with the requirements of this chapter or any rule adopted pursuant to this chapter. A certificate may be denied, suspended, or revoked on any of the following grounds:

- (a) Failing to perform decontamination, demolition, or disposal work under the supervision of trained personnel;
- (b) Failing to file a work plan;
- (c) Failing to perform work pursuant to the work plan;
- (d) Failing to perform work that meets the requirements of the department;
- (e) The certificate was obtained by error, misrepresentation, or fraud; or
- (f) If the person has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

(5) A contractor who violates any provision of this chapter may be assessed a fine not to exceed five hundred dollars for each violation.

(6) The department of health shall prescribe fees as provided for in RCW 43.70.250 for the issuance and renewal of certificates, the administration of examinations, and for the review of training courses.

(7) The decontamination account is hereby established in the state treasury. All fees collected under this chapter shall be deposited in this account. Moneys in the account may only be spent after appropriation for costs incurred by the department in the administration and enforcement of this chapter.

**Sec. 8.** RCW 64.44.070 and 1990 c 213 s 9 are each amended to read as follows:

(1) The state board of health shall promulgate rules and standards for carrying out the provisions in this chapter in accordance with chapter 34.05 RCW, the administrative procedure act. The local board of health and the local health officer are authorized to exercise such powers as may be necessary to carry out this chapter. The department shall provide technical assistance to local health boards and health officers to carry out their duties under this chapter.

(2) The department shall ~~((develop guidelines))~~ adopt rules for decontamination of a property used as ~~((a))~~ an illegal drug laboratory and methods for the testing of ground water, surface water, soil, and septic tanks for contamination. The rules shall establish decontamination standards for hazardous chemicals, including but not limited to methamphetamine, lead, mercury, and total volatile organic compounds."

## MOTIONS

On motion of Senator Eide, the following title amendment was adopted:

On page 1, line 3 of the title, after "drugs;" strike the remainder of the title and insert "amending RCW 64.44.010, 64.44.020, 64.44.030, 64.44.040, 64.44.050, 64.44.060, and 64.44.070; and creating a new section."

On motion of Senator Eide, the rules were suspended, Substitute House Bill No. 1163, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1163, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1163, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Bauer, Fairley, Franklin, Fraser, Jacobsen, Loveland and Snyder - 7.

SUBSTITUTE HOUSE BILL NO. 1163, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1459, by Representatives Poulsen, Crouse, Reardon, Ruderman, Cooper, Wolfe, Kastama, Constantine, Murray, Rockefeller, Dickerson, Lantz, Kenney, McIntire, Lovick, Wood and Edmonds

Allowing reduced rate utility service for low-income citizens.

The bill was read the second time.

#### MOTION

On motion of Senator Brown, the rules were suspended, Engrossed House Bill No. 1459 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Goings: "Senator Brown, this bill specifically allows electric and gas companies to recover the costs of offering low income discounts from their other ratepayers, but it does not say what will happen if these programs result in savings to the utilities. Will savings be shared with other ratepayers or be retained by shareholders?"

Senator Brown: "During the hearings on the bill, we learned that low income discount programs can result in net benefits to utilities by decreasing disconnections and reducing uncollectible debt, and it is our intention that these benefits would be shared by all ratepayers. The current costs of disconnections and uncollectible debt caused by low income customers who can't pay their utility bills are already borne by ratepayers--not shareholders--so any reductions in those costs would reduce the burdens on other ratepayers. Additionally, the commission must approve any discount programs offered under this bill, and it is our understanding that they will only approve programs that return the benefits to ratepayers rather than shareholders."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1459.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1459 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson,

Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 41.

Voting nay: Senator Zarelli - 1.

Excused: Senators Bauer, Fairley, Franklin, Fraser, Jacobsen, Loveland and Snyder - 7.

ENGROSSED HOUSE BILL NO. 1459, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1289, by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Clements, McIntire and Wood) (by request of Employment Security Department)

Limiting the use of moneys credited to the state's account in the unemployment trust fund.

The bill was read the second time.

#### MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1289 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1289.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1289 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Absent: Senator McDonald - 1.

Excused: Senators Bauer, Fairley, Franklin, Fraser, Jacobsen, Loveland and Snyder - 7.

SUBSTITUTE HOUSE BILL NO. 1289, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Eide, Senator Shin was excused.

#### SECOND READING

HOUSE BILL NO. 2116, by Representatives Scott, Mielke, Mulliken, Edwards, Fortunato, Cooper and Reardon

Allowing a public utility district to dispose of equipment or materials.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 2116 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2116.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2116 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Excused: Senators Bauer, Fairley, Franklin, Fraser, Jacobsen, Loveland, Shin and Snyder - 8.

HOUSE BILL NO. 2116, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2206, by Representatives Mulliken, Scott, Carrell and Constantine

Allowing declaratory judgment actions when county elected officials have abandoned their responsibilities.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 2206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2206.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2206 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Fairley, Fraser, Loveland and Shin - 5.

HOUSE BILL NO. 2206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131, by House Committee on Judiciary (originally sponsored by Representatives Sheahan, Schindler, Crouse, Gombosky, O'Brien, Keiser, Hurst and D. Sommers)

Preventing prostitution by modifying sentencing provisions and allowing the impoundment of vehicles used to patronize prostitutes.

The bill was read the second time.

#### MOTION

Senator Heavey moved that the following Committee on Judiciary striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that most law enforcement effort to prevent prostitution is directed at punishing prostitutes. The legislature also finds that many patrons of prostitutes use motor vehicles in order to obtain the services of prostitutes and that successful prevention of prostitution involves efforts to curtail the demand for services offered by prostitutes. It is the intent of the legislature to decrease the demand for prostitution services and thereby eliminate the economic foundation for the prostitution industry. It is also the intent of the legislature to eliminate traffic congestion and other concerns to neighborhoods and business areas caused by patrons cruising in motor vehicles in areas of high prostitution activity.

**NEW SECTION. Sec. 2.** A new section is added to chapter 9A.88 RCW to read as follows:

(1) When sentencing or imposing conditions on a person convicted of, or receiving a deferred sentence or deferred prosecution for, violating RCW 9A.88.110 or 9.68A.100, the court must impose a requirement that the offender:

(a) Not be subsequently arrested for patronizing a prostitute or patronizing a juvenile prostitute; and

(b) Remain outside the geographical area, prescribed by the court, in which the person was arrested for violating RCW 9A.88.110 or 9.68A.100, unless such a requirement would interfere with the person's legitimate employment or residence or otherwise be infeasible.

(2) This requirement is in addition to the penalties set forth in RCW 9A.88.110, 9A.88.120, and 9.68A.100.

**NEW SECTION. Sec. 3.** A new section is added to chapter 9A.88 RCW to read as follows:

(1) Upon an arrest for a suspected violation of patronizing a prostitute or patronizing a juvenile prostitute, the arresting law enforcement officer may impound the person's vehicle if (a) the motor vehicle was used in the commission of the crime; (b) the person arrested is the owner of the vehicle; and (c) the person arrested has previously been convicted of patronizing a prostitute, under RCW 9A.88.110, or patronizing a juvenile prostitute, under RCW 9.68A.100.

(2) Impoundments performed under this section shall be in accordance with chapter 46.55 RCW.

**Sec. 4.** RCW 9.68A.100 and 1989 c 32 s 8 are each amended to read as follows:

A person is guilty of patronizing a juvenile prostitute if that person engages or agrees or offers to engage in sexual conduct with a minor in return for a fee, and is guilty of a class C felony punishable under chapter 9A.20 RCW. In addition to any other penalty provided under chapter 9A.20 RCW, a person guilty of patronizing a juvenile prostitute is subject to the provisions under sections 2 and 3 of this act.

**Sec. 5.** RCW 46.55.120 and 1998 c 203 s 5 are each amended to read as follows:

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, ((e#)) 46.55.113, or section 3 of this act may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department, or one who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or items of personal property registered or titled with the department. In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342(1)(c) shall not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (b) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency. If the department's records show that the operator has been convicted of a violation of RCW 46.20.342 or a similar local ordinance within the past five years, the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the agency that ordered the vehicle impounded. An agency may issue a written order to release pursuant to a provision of an applicable state agency rule or local ordinance authorizing release on the basis of economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record.

If a vehicle is impounded because the operator is in violation of RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. However, if the department's records show that the operator has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a similar local ordinance within the past five years, the vehicle may be held at the written direction of the agency ordering the vehicle impounded for up to sixty days, and for up to ninety days if the operator has two or more such prior offenses. If a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342, the vehicle may not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (b) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

(b) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle. In addition, if a vehicle is impounded because the operator was arrested for a violation of RCW 46.20.342 or 46.20.420 and was being operated by the registered owner when it was impounded, it must not be released to any person until the registered owner establishes with the agency that ordered the vehicle impounded that any penalties, fines, or forfeitures owed by him or her have been satisfied. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm can determine through the customer's bank or a check verification service that the presented check

would not be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. The municipal court has jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court. If the hearing request is not received by the court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for the amount of the filing fee required by law for the impound hearing petition as well as reasonable damages for loss of the use of the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. However, if an impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.420 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO: . . . . .

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the . . . . . Court located at . . . . . in the sum of \$. . . . ., in an action entitled . . . . ., Case No. . . . . YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW . . . if the judgment is not paid within 15 days of the date of this notice.

DATED this . . . . day of . . . . ., (year) . . .

Signature

Typed name and address  
of party mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(2) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Judiciary striking amendment to Engrossed Substitute House Bill No. 1131.

The motion by Senator Heavey carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 1 of the title, after "prostitutes;" strike the remainder of the title and insert "amending RCW 9.68A.100 and 46.55.120; adding new sections to chapter 9A.88 RCW; creating a new section; and prescribing penalties."

On motion of Senator Heavey, the rules were suspended, Engrossed Substitute House Bill No. 1131, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1131, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1131, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Kline - 1.

Excused: Senators Bauer, Fairley, Loveland and Shin - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO 1131, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1299, by Representatives Ballasiotes, O'Brien, Lambert, Kastama, Esser and Schual-Berke (by request of Sentencing Guidelines Commission)

Authorizing the secretary of corrections to grant extraordinary medical releases to offenders when specified conditions are met.

The bill was read the second time.

#### MOTION

On motion of Senator Costa, the following Committee on Human Services and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.150 and 1996 c 199 s 2 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department, may be reduced by earned early release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned early release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department of corrections, the county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned early release time. In the case of an offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both, shall not receive any good time credits or earned early release time for that portion of his or her sentence that results from any deadly weapon enhancements. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case shall the aggregate earned early release time exceed one-third of the total sentence;

(2) A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned early release time pursuant to subsection (1) of this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4)(a) The secretary of corrections may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious enough to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement under this subsection.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time.

~~(5)~~ (5) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

~~((5))~~ (6) No more than the final six months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community;

~~((6))~~ (7) The governor may pardon any offender;

~~((7))~~ (8) The department of corrections may release an offender from confinement any time within ten days before a release date calculated under this section; and

~~((8))~~ (9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.160.

Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.120(4) as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.120(4).

**Sec. 2.** RCW 9.94A.120 and 1998 c 260 s 3 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except: (a) In the case of an offender in need of emergency medical treatment ~~((or))~~; (b) for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree; or (c) for an extraordinary medical placement when authorized under RCW 9.94A.150(4).

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (c) Pursue a prescribed, secular course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (e) Report as directed to the court and a community corrections officer; or
- (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(6)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes, and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4);

(ii) The offender has no prior convictions for a felony in this state, another state, or the United States; and

(iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

(b) If the midpoint of the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections. If the midpoint of the standard range is twenty-four months or less, no more than three months of the sentence may be served in a work release status. The court shall also impose one year of concurrent community custody and community supervision that must include appropriate outpatient substance abuse treatment, crime-related prohibitions including a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. The court may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

- (i) Devote time to a specific employment or training;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

- (iii) Report as directed to a community corrections officer;
- (iv) Pay all court-ordered legal financial obligations;
- (v) Perform community service work;
- (vi) Stay out of areas designated by the sentencing judge.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by the court.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sex offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section;

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions

including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (I) Devote time to a specific employment or occupation;
  - (II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
  - (III) Report as directed to the court and a community corrections officer;
  - (IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or
  - (V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime; and
- (C) Sex offenders sentenced under this special sex offender sentencing alternative are not eligible to accrue any earned early release time while serving a suspended sentence.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody.

(v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection.

(vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(vii) Except as provided in (a)(viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

(ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment.

(b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(9)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
- (ii) The offender shall work at department of corrections-approved education, employment, and/or community service;
- (iii) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
- (iv) The offender shall pay supervision fees as determined by the department of corrections;
- (v) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement; and
- (vi) The offender shall submit to affirmative acts necessary to monitor compliance with the orders of the court as required by the department.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

- (i) The offender shall remain within, or outside of, a specified geographical boundary;
- (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;
- (iii) The offender shall participate in crime-related treatment or counseling services;
- (iv) The offender shall not consume alcohol;
- (v) The offender shall comply with any crime-related prohibitions; or
- (vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, the court shall, in addition to other terms of the sentence, sentence the offender to

community custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section.

(c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(11) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(12) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered unless the superior court extends the criminal judgment an additional ten years. If the legal financial obligations including crime victims' assessments are not paid during the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years as provided in RCW 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(13) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(14) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions of the department of corrections. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed.

(a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(b) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. The conditions authorized under this subsection (14)(b) may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of a sex offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) of this section.

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(15) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(16) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(17) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(18) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(19) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(20) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(21) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(22) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

**Sec. 3.** RCW 9.94A.310 and 1998 c 235 s 1 and 1998 c 211 s 3 are each reenacted and amended to read as follows:

(1) TABLE 1

Sentencing Grid

SERIOUSNESS  
SCORE

OFFENDER SCORE

9 or

0 1 2 3 4 5 6 7 8 more

XV Life Sentence without Parole/Death Penalty

XIV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m 36y 40y  
240- 250- 261- 271- 281- 291- 312- 338- 370- 411-  
320 333 347 361 374 388 416 450 493 548

XIII 14y4m 15y4m 16y2m 17y 17y11m 18y9m 20y5m 22y2m 25y7m 29y  
123- 134- 144- 154- 165- 175- 195- 216- 257- 298-  
220 234 244 254 265 275 295 316 357 397

XII 9y 9y11m 10y9m 11y8m 12y6m 13y5m 15y9m 17y3m 20y3m 23y3m  
93- 102- 111- 120- 129- 138- 162- 178- 209- 240-  
123 136 147 160 171 184 216 236 277 318

XI 7y6m 8y4m 9y2m 9y11m 10y9m 11y7m 14y2m 15y5m 17y11m 20y5m  
78- 86- 95- 102- 111- 120- 146- 159- 185- 210-  
102 114 125 136 147 158 194 211 245 280

X 5y 5y6m 6y 6y6m 7y 7y6m 9y6m 10y6m 12y6m 14y6m  
51- 57- 62- 67- 72- 77- 98- 108- 129- 149-  
68 75 82 89 96 102 130 144 171 198

IX 3y 3y6m 4y 4y6m 5y 5y6m 7y6m 8y6m 10y6m 12y6m  
31- 36- 41- 46- 51- 57- 77- 87- 108- 129-  
41 48 54 61 68 75 102 116 144 171

VIII 2y 2y6m 3y 3y6m 4y 4y6m 6y6m 7y6m 8y6m 10y6m  
21- 26- 31- 36- 41- 46- 67- 77- 87- 108-  
27 34 41 48 54 61 89 102 116 144

VII 18m 2y 2y6m 3y 3y6m 4y 5y6m 6y6m 7y6m 8y6m  
15- 21- 26- 31- 36- 41- 57- 67- 77- 87-  
20 27 34 41 48 54 75 89 102 116

VI 13m 18m 2y 2y6m 3y 3y6m 4y6m 5y6m 6y6m 7y6m  
12+- 15- 21- 26- 31- 36- 46- 57- 67- 77-  
14 20 27 34 41 48 61 75 89 102

V 9m 13m 15m 18m 2y2m 3y2m 4y 5y 6y 7y  
6- 12+- 13- 15- 22- 33- 41- 51- 62- 72-  
12 14 17 20 29 43 54 68 82 96

IV 6m 9m 13m 15m 18m 2y2m 3y2m 4y2m 5y2m 6y2m  
3- 6- 12+- 13- 15- 22- 33- 43- 53- 63-  
9 12 14 17 20 29 43 57 70 84

III 2m 5m 8m 11m 14m 20m 2y2m 3y2m 4y2m 5y  
1- 3- 4- 9- 12+- 17- 22- 33- 43- 51-  
3 8 12 12 16 22 29 43 57 68

II 4m 6m 8m 13m 16m 20m 2y2m 3y2m 4y2m  
0-90 2- 3- 4- 12+- 14- 17- 22- 33- 43-  
Days 6 9 12 14 18 22 29 43 57

I 3m 4m 5m 8m 13m 16m 20m 2y2m  
0-60 0-90 2- 2- 3- 4- 12+- 14- 17- 22-  
Days Days 5 6 8 12 14 18 22 29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) Three years for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Eighteen months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, any and all firearm enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.150(4).

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon as defined in this chapter other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) One year for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Six months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, any and all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.150(4).

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the presumptive sentence if the offender or an accomplice committed the offense while in a county jail or state correctional facility as that term is defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility as that term is defined in this chapter, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(a)(1) (i) or (ii) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(a)(1) (iii), (iv), and (v);

(c) Twelve months for offenses committed under RCW 69.50.401(d).

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

(7) An additional two years shall be added to the presumptive sentence for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

**Sec. 4.** RCW 9.95.040 and 1993 c 144 s 4 and 1993 c 140 s 1 are each reenacted and amended to read as follows:

The board shall fix the duration of confinement for persons committed by the court before July 1, 1986, for crimes committed before July 1, 1984. Within six months after the admission of the convicted person to a state correctional facility, the board shall fix the duration of confinement. The term of imprisonment so fixed shall not exceed the maximum provided by law for the offense of which the person was convicted or the maximum fixed by the court where the law does not provide for a maximum term.

Subject to RCW 9.95.047, the following limitations are placed on the board or the court for persons committed to a state correctional facility on or after July 1, 1986, for crimes committed before July 1, 1984, with regard to fixing the duration of confinement in certain cases, notwithstanding any provisions of law specifying a lesser sentence:

(1) For a person not previously convicted of a felony but armed with a deadly weapon at the time of the commission of the offense, the duration of confinement shall not be fixed at less than five years.

(2) For a person previously convicted of a felony either in this state or elsewhere and who was armed with a deadly weapon at the time of the commission of the offense, the duration of confinement shall not be fixed at less than seven and one-half years.

The words "deadly weapon," as used in this section include, but are not limited to, any instrument known as a blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than three inches, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas.

(3) For a person convicted of being an habitual criminal within the meaning of the statute which provides for mandatory life imprisonment for such habitual criminals, the duration of confinement shall not be fixed at less than fifteen years.

(4) Any person convicted of embezzling funds from any institution of public deposit of which the person was an officer or stockholder, the duration of confinement shall be fixed at not less than five years.

Except when an inmate of a state correctional facility has been convicted of murder in the first or second degree, the board may parole an inmate prior to the expiration of a mandatory minimum term, provided such inmate has demonstrated a meritorious effort in rehabilitation and at least two-thirds of the board members concur in such action: PROVIDED, That any inmate who has a mandatory minimum term and is paroled prior to the expiration of such term according to the provisions of this chapter shall not receive a conditional release from supervision while on parole until after the mandatory minimum term has expired.

An inmate serving a sentence fixed under this chapter, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the secretary of corrections when authorized under RCW 9.94A.150(4).

**Sec. 5.** RCW 46.61.5055 and 1998 c 215 s 1, 1998 c 214 s 1, 1998 c 211 s 1, 1998 c 210 s 4, 1998 c 207 s 1 and 1998 c 206 s 1 are each reenacted and amended to read as follows:

(1) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of ninety days. The period of license, permit, or privilege suspension may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall suspend the offender's license, permit, or privilege; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one year. The period of license, permit, or privilege suspension may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall suspend the offender's license, permit, or privilege; and

(iv) By a court-ordered restriction under RCW 46.20.720.

(2) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year and sixty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of two years. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; and

(iv) By a court-ordered restriction under RCW 46.20.720; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year and ninety days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of nine hundred days. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; and

(iv) By a court-ordered restriction under RCW 46.20.720.

(3) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or more prior offenses within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year and one hundred twenty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of three years. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the

department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; and

(iv) By a court-ordered restriction under RCW 46.20.720; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year and one hundred fifty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of four years. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; and

(iv) By a court-ordered restriction under RCW 46.20.720.

(4) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property; and

(b) Whether the person was driving or in physical control of a vehicle with one or more passengers at the time of the offense.

(5) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(6) After expiration of any period of suspension or revocation of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(7)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock or other biological or technical device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i) and (ii) or (a)(i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(8) An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.150(4).

(9) For purposes of this section:

(a) "Electronic home monitoring" shall not be considered confinement as defined in RCW 9.94A.030;

(b) A "prior offense" means any of the following:

- (i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;
  - (ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;
  - (iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;
  - (iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;
  - (v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;
  - (vi) An out-of-state conviction for a violation that would have been a violation of (b)(i), (ii), (iii), (iv), or (v) of this subsection if committed in this state;
  - (vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; or
  - (viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522; and
- (c) "Within seven years" means that the arrest for a prior offense occurred within seven years of the arrest for the current offense.

**Sec. 6.** RCW 69.50.410 and 1975-'76 2nd ex.s. c 103 s 1 are each amended to read as follows:

(1) Except as authorized by this chapter it shall be unlawful for any person to sell for profit any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana.

For the purposes of this section only, the following words and phrases shall have the following meanings:

(a) "To sell" means the passing of title and possession of a controlled substance from the seller to the buyer for a price whether or not the price is paid immediately or at a future date.

(b) "For profit" means the obtaining of anything of value in exchange for a controlled substance.

(c) "Price" means anything of value.

(2) Any person convicted of a violation of subsection (1) of this section shall receive a sentence of not more than five years in a correctional facility of the department of social and health services for the first offense. Any person convicted on a second or subsequent cause, the sale having transpired after prosecution and conviction on the first cause, of subsection (1) of this section shall receive a mandatory sentence of five years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for the second or subsequent violation of subsection (1) of this section.

(3) Any person convicted of a violation of subsection (1) of this section by selling heroin shall receive a mandatory sentence of two years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for such violation. Any person convicted on a second or subsequent sale of heroin, the sale having transpired after prosecution and conviction on the first cause of the sale of heroin shall receive a mandatory sentence of ten years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for this second or subsequent violation: PROVIDED, That the indeterminate sentence review board (~~(of prison terms and paroles)~~) under RCW 9.95.040 shall not reduce the minimum term imposed for a violation under this subsection.

(4) Whether or not a mandatory minimum term has expired, an offender serving a sentence under this section may be granted an extraordinary medical placement when authorized under RCW 9.94A.150(4).

~~(5)~~ (5) In addition to the sentences provided in subsection (2) of this section, any person convicted of a violation of subsection (1) of this section shall be fined in an amount calculated to at least eliminate any and all proceeds or profits directly or indirectly gained by such person as a result of sales of controlled substances in violation of the laws of this or other states, or the United States, up to the amount of five hundred thousand dollars on each count.

~~((5))~~ (6) Any person, addicted to the use of controlled substances, who voluntarily applies to the department of social and health services for the purpose of participating in a rehabilitation program approved by the department for addicts of controlled substances shall be immune from prosecution for subsection (1) offenses unless a filing of an information or indictment against such person for a violation of subsection (1) of this section is made prior to his or her voluntary participation in the program of the department of social and health services. All applications for immunity under this section shall be sent to the department of social and health services in Olympia. It shall be the duty of the department to stamp each application received pursuant to this section with the date and time of receipt.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.401 (~~(as now or hereafter amended)~~).

NEW SECTION. **Sec. 7.** A new section is added to chapter 72.09 RCW to read as follows:

The secretary shall report annually to the legislature on the number of offenders considered for an extraordinary medical placement, the number of offenders who were granted such a placement, the number of offenders who were denied such a placement, the length of time between initial consideration and the placement decision for each offender who was granted an extraordinary medical placement, the number of offenders granted an extraordinary medical placement who were later returned to total confinement, and the cost savings realized by the state."

#### MOTIONS

On motion of Senator Costa the following title amendment was adopted:

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9.94A.150, 9.94A.120, and 69.50.410; reenacting and amending RCW 9.94A.310, 9.95.040, and 46.61.5055; and adding a new section to chapter 72.09 RCW."

On motion of Senator Costa, the rules were suspended, House Bill No. 1299, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1299, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1299, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Bauer, Fairley, Loveland and Shin - 4.

HOUSE BILL NO 1299, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1132, by House Committee on Appropriations (originally sponsored by Representatives Romero, Skinner, Lantz, Hankins, Ogden, Radcliff, Mitchell and Lambert)

Establishing the capitol furnishings preservation committee.

The bill was read the second time.

#### MOTION

Senator Patterson moved that the following Committee on State and Local Government striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that those historic furnishings that illustrate the history of the state of Washington should be maintained and preserved for the use and benefit of the people of the state. It is the purpose of this act to establish the capitol furnishings preservation committee to increase the awareness of the public and state employees about the significance of the furnishings within the state capitol campus buildings as envisioned by the original architects Wilder and White.

**NEW SECTION. Sec. 2.** A new section is added to chapter 27.48 RCW to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply throughout this section.

(a) "State capitol group" includes the legislative building, the insurance building, the Cherberg building, the John L. O'Brien building, the Newhouse building, and the temple of justice building.

(b) "Historic furnishings" means furniture, fixtures, and artwork fifty years of age or older.

(2) The capitol furnishings preservation committee is established to promote and encourage the recovery and preservation of the original and historic furnishings of the state capitol group, prevent future loss of historic furnishings, and review and advise future remodeling and restoration projects as they pertain to historic furnishings. The committee's authority does not extend to the placement of any historic furnishings within the state capitol group.

(3) The capitol furnishings preservation committee account is created in the custody of the state treasurer. All receipts designated for the account from appropriations and from other sources must be deposited into the account. Expenditures from the account may be used only to finance the activities of the capitol furnishings preservation committee. Only the director of the Washington state historical society or the director's designee may authorize expenditures from the account when authorized to do so by the committee. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) The committee may:

(a) Authorize the director of the Washington state historical society or the director's designee to expend funds from the capitol furnishings preservation committee account for limited purposes of purchasing and preserving historic furnishings of the state capitol group;

(b) Accept monetary donations, grants, and donations of historic furnishings from, but not limited to, (i) current and former legislators, state officials, and lobbyists; (ii) the families of former legislators, state officials, and lobbyists; and (iii) the general public. Moneys received under this section must be deposited in the capitol furnishings preservation committee account; and

(c) Engage in or encourage fund raising activities including the solicitation of charitable gifts, grants, or donations specifically for the limited purpose of the recovery of the original and historic furnishings.

(5) The membership of the committee shall include: Two members of the house of representatives, one from each major caucus, appointed by the speaker of the house of representatives; two members of the senate, one from each major caucus, appointed by the president of the senate; the chief clerk of the house of representatives; the secretary of the senate; the governor or the governor's designee; the lieutenant governor or the lieutenant governor's designee; a representative from the office of the secretary of state, the office of the state treasurer, the office of the state auditor, and the office of the insurance commissioner; a representative from the supreme court; a representative from the Washington state historical society, the department of general administration, and the Thurston county planning council, each appointed by the governor; and three private citizens, appointed by the governor.

(6) Original or historic furnishings from the state capitol group are not surplus property under chapter 43.19 RCW or other authority unless designated as such by the committee.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.19 RCW to read as follows:

Original or historic furnishings from the state capitol group under section 2 of this act do not constitute surplus property under this chapter.

**NEW SECTION. Sec. 4.** A new section is added to chapter 42.17 RCW to read as follows:

When soliciting charitable gifts, grants, or donations solely for the limited purposes of section 2 of this act, members of the capitol furnishings preservation committee are exempt from the laws of this chapter."

#### MOTION

On motion of Senator Patterson, the following amendment to the committee striking amendment was adopted:

On page 3, line 6 of the amendment, after "chapter" strike "42.17" and insert "42.52"

The President declared the question before the Senate to be the adoption of the Committee on State and Local Government striking amendment, as amended, to Second Substitute House Bill No. 1132.

The motion by Senator Patterson carried and the committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Patterson the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "committee;" strike the remainder of the title and insert "adding a new section to chapter 27.48 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 42.17 RCW; and creating a new section."

On page 3, line 18 of the title amendment, after "chapter" strike "42.17" and insert "42.52"

On motion of Senator Patterson, the rules were suspended, Second Substitute House Bill No. 1132, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1132, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1132, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 43.

Voting nay: Senators Finkbeiner and Zarelli - 2.

Excused: Senators Bauer, Fairley, Loveland and Shin - 4.

SECOND SUBSTITUTE HOUSE BILL NO 1132, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1221, by Representatives Ogden, Carlson, Conway, Mielke, Lantz, Pennington, Doumit, Hatfield and Dunn

Regarding Lewis and Clark bicentennial advisory committee.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1221.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1221 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Bauer, Fairley and Loveland - 3.

HOUSE BILL NO. 1221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Franklin, Senator Haugen was excused.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1647, by House Committee on Local Government (originally sponsored by Representatives Mulliken, Dunshee and Scott)

Amending recording statutes.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the following Committee on State and Local Government amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 4.28.320 and 1893 c 127 s 17 are each amended to read as follows:

In an action affecting the title to real property the plaintiff, at the time of filing the complaint, or at any time afterwards, or whenever a writ of attachment of property shall be issued, or at any time afterwards, the plaintiff or a defendant, when he sets up an affirmative cause of action in his answer, and demands substantive relief at the time of filing his answer, or at any time afterwards, if the same be intended to affect real property, may file with the auditor of each county in which the property is situated a notice of the pendency of the action, containing the names of the parties, the object of the action, and a description of the real property in that county affected thereby. From the time of the filing only shall the pendency of the action be constructive notice to a purchaser or encumbrancer of the property affected thereby, and every person whose conveyance or encumbrance is subsequently executed or subsequently recorded shall be deemed a subsequent purchaser or encumbrancer, and shall be bound by all proceedings taken after the filing of such notice to the same extent as if he were a party to the action. For the purpose of this section an action shall be deemed to be pending from the time of filing such notice: PROVIDED, HOWEVER, That such notice shall be of no avail unless it shall be followed by the first publication of the summons, or by the personal service thereof on a defendant within sixty days after such filing. And the court in which the said action was commenced may, at its discretion, at any time after the action shall be settled, discontinued or abated, on application of any person aggrieved and on good cause shown and on such notice as shall be directed or approved by the court, order the notice authorized in this section to be canceled of record, in whole or in part, by the county auditor of any county in whose office the same may have been filed or recorded, and such cancellation shall be ~~((made by an indorsement to that effect on the margin of the record))~~ evidenced by the recording of the court order.

**Sec. 2.** RCW 36.18.005 and 1991 c 26 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Recording officer" means the county auditor, or in charter counties the county official charged with the responsibility for recording instruments in the county records.

(2) "File," "filed," or "filing" means the act of delivering an instrument to the auditor or recording officer for recording into the official public records.

(3) "Record," "recorded," or "recording" means the process, such as electronic, mechanical, optical, magnetic, or microfilm storage used by the auditor or recording officer after filing to incorporate the instrument into the public records.

(4) "Multiple transactions" means a document that contains two or more titles and/or two or more transactions requiring multiple indexing.

**Sec. 3.** RCW 36.18.010 and 1996 c 143 s 1 are each amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

For recording instruments, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar~~((;))~~. The fee for recording multiple transactions contained in one instrument will be calculated ((individually)) for each transaction requiring separate indexing as required under RCW 65.04.050 as follows: The fee for each title or transaction is the same fee as the first page of any additional recorded document; the fee for additional pages is the same fee as for any additional pages for any recorded document; the fee for the additional pages may be collected only once and may not be collected for each title or transaction;

For preparing and certifying copies, for the first page eight and one-half by fourteen inches or less, three dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

For preparing noncertified copies, for each page eight and one-half by fourteen inches or less, one dollar;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

For searching records per hour, eight dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

For recording of miscellaneous records not listed above, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170.

For recording an emergency nonstandard document as provided in RCW 65.04.047, fifty dollars, in addition to all other applicable recording fees.

**Sec. 4.** RCW 4.28.325 and 1963 c 137 s 1 are each amended to read as follows:

In an action in a United States district court for any district in the state of Washington affecting the title to real property in the state of Washington, the plaintiff, at the time of filing the complaint, or at any time afterwards, or a defendant, when he sets up an affirmative cause of action in his answer, or at any time afterward, if the same be intended to affect real property, may file with the auditor of each county in which the property is situated a notice of the pendency of the action, containing the names of the parties, the object of the action and a description of the real property in that county affected thereby. From the time of the filing only shall the pendency of the action be constructive notice to a purchaser or encumbrancer of the property affected thereby, and every person whose conveyance or encumbrance is subsequently executed or subsequently recorded shall be deemed a subsequent purchaser or encumbrancer, and shall be bound by all proceedings taken after the filing of such notice to the same extent as if he were a party to the action. For the purpose of this section an action shall be deemed to be pending from the time of filing such notice: PROVIDED, HOWEVER, That such notice shall be of no avail unless it shall be followed by the first publication of the summons, or by personal service thereof on a defendant within sixty days after such filing. And the court in which the said action was commenced may, in its discretion, at any time after the action shall be settled, discontinued or abated, on application of any person aggrieved and on good cause shown and on such notice as shall be directed or approved by the court, order the notice authorized in this section to be canceled ~~((of record))~~, in whole or in part, by the county auditor of any county in whose office the same may have been filed or recorded, and such cancellation shall be ~~((made by an indorsement to that effect on the margin of the record))~~ evidenced by the recording of the court order.

**Sec. 5.** RCW 47.28.025 and 1984 c 7 s 165 are each amended to read as follows:

Whenever the department establishes the location, width, and lines of any new highway, or declares any such new highway as a limited access facility and schedules the acquisition of the right of way for the highway or facility within the ensuing two years, it may cause the description and plan of any such highway to be made, showing the center line of the highway and the established width thereof, and attach thereto a certified copy of the resolution. Such description, plan, and resolution shall then be recorded in the office of the county auditor of the proper county ~~((in a separate book kept for such purposes, which shall be furnished to the county auditor of the county by the department at the expense of the state))~~.

**Sec. 6.** RCW 60.44.030 and 1937 c 69 s 3 are each amended to read as follows:

The county auditor shall record the claims mentioned in this chapter ~~((in a book to be kept by him for that purpose))~~, which record must be indexed as deeds and other conveyances are required by law to be indexed.

**Sec. 7.** RCW 60.68.045 and 1992 c 133 s 3 are each amended to read as follows:

(1) When a notice of a tax lien is recorded under RCW 60.68.015(2), the county auditor shall forthwith enter it in ~~((an alphabetical tax lien index to be provided by the board of county commissioners))~~ the general index showing ~~((on one line))~~ the name and residence of the taxpayer named in the notice, the collector's serial number of the notice, the date and hour of recording, and the amount of tax and penalty assessed. The auditor shall have the ability to produce a separate tax lien index listing.

(2) When a notice of a tax lien is filed under RCW 60.68.015(3), the department of licensing shall enter it in the uniform commercial code filing system showing the name and address of the taxpayer as the debtor, and the internal revenue service as a secured party, and include the collector's serial number of the notice, the date and hour of filing, and the amount of tax and penalty assessed.

**Sec. 8.** RCW 61.16.030 and 1995 c 62 s 15 are each amended to read as follows:

If the mortgagee fails to acknowledge satisfaction of the mortgage as provided in RCW 61.16.020 sixty days from the date of such request or demand, the mortgagee shall forfeit and pay to the mortgagor damages and a reasonable attorneys' fee, to be recovered in any court having competent jurisdiction, and said court, when convinced that said mortgage has been fully satisfied, shall issue an order in writing, directing the auditor to ~~((cancel said mortgage, and the auditor shall))~~ immediately record the order ~~((and cancel the mortgage as directed by the court, upon the margin of the page upon which the mortgage is recorded, making reference thereupon to the order of the court and to the page where the order is recorded))~~.

**Sec. 9.** RCW 64.32.120 and 1965 ex.s. c 11 s 4 are each amended to read as follows:

Deeds or other conveyances of apartments shall include the following:

(1) A description of the land as provided in RCW 64.32.090, or the post office address of the property, including in either case the date of recording of the declaration and the volume~~((,))~~ and page ~~((and))~~ or county auditor's ~~((receiving))~~ recording number of the recorded declaration;

(2) The apartment number of the apartment in the declaration and any other data necessary for its proper identification;

(3) A statement of the use for which the apartment is intended;

(4) The percentage of undivided interest appertaining to the apartment, the common areas and facilities and limited common areas and facilities appertaining thereto, if any;

(5) Any further details which the grantor and grantee may deem desirable to set forth consistent with the declaration and with this chapter.

**Sec. 10.** RCW 65.04.015 and 1998 c 27 s 3 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Recording officer" means the county auditor, or in charter counties the county official charged with the responsibility for recording instruments in the county records.

(2) "File," "filed," or "filing" means the act of delivering or transmitting electronically an instrument to the auditor or recording officer for recording into the official public records.

(3) "Record," "recorded," or "recording" means the process, such as electronic, mechanical, optical, magnetic, or microfilm storage used by the auditor or recording officer after filing to incorporate the instrument into the public records.

(4) "~~((Record location))~~ Recording number" means a unique number that identifies the storage location (book or volume and page, reel and frame, instrument number, auditor or recording officer file number, receiving number, electronic retrieval code, or other specific place) of each instrument in the public records accessible in the same recording office where the instrument containing the reference to the location is found.

(5) "Grantor/grantee" for recording purposes means the names of the parties involved in the transaction used to create the recording index. There will always be at least one grantor and one grantee for any document. In some cases, the grantor and the grantee will be the same individual(s), or one of the parties may be the public.

(6) "Legible and capable of being imaged" means all text, seals, drawings, signatures, or other content within the document must be legible and capable of producing a readable image, regardless of what process is used for recording.

**Sec. 11.** RCW 65.04.020 and 1985 c 44 s 14 are each amended to read as follows:

For the purpose of recording deeds and other instruments of writing, required or permitted by law to be recorded, the county auditor shall procure such ~~((books))~~ media for records as the business of the office requires.

**Sec. 12.** RCW 65.04.045 and 1998 c 27 s 1 are each amended to read as follows:

(1) When any instrument is presented to a county auditor or recording officer for recording, the first page of the instrument shall contain:

(a) A top margin of at least three inches and a one-inch margin on the bottom and sides, except that an instrument may be recorded if a minor portion of a notary seal, incidental writing, or minor portion of a signature extends beyond the margins;

(b) The top left-hand side of the page shall contain the name and address to whom the instrument will be returned;

(c) The title or titles, or type or types, of the instrument to be recorded indicating the kind or kinds of documents or transactions contained therein immediately below the three-inch margin at the top of the page. The auditor or recording officer shall ~~((only))~~ be required to index only the title or titles captioned on the document;

(d) Reference numbers of documents assigned or released with reference to the document page number where additional references can be found, if applicable;

(e) The names of the grantor(s) and grantee(s), as defined under RCW 65.04.015, with reference to the document page number where additional names are located, if applicable;

(f) An abbreviated legal description of the property, ~~((including))~~ and for purposes of this subsection, "abbreviated legal description of the property" means lot, block, plat, or section, township, ~~((and))~~ range, and quarter/quarter section, and reference to the document page number where the full legal description is included, if applicable;

(g) The assessor's property tax parcel or account number set forth separately from the legal description or other text.

(2) All pages of the document shall be on sheets of paper of a weight and color capable of producing a legible image that are not larger than fourteen inches long and eight and one-half inches wide with text printed or written in eight point type or larger. All text within the document must be of sufficient color and clarity to ensure that when the text is imaged all text is readable. Further, all ~~((instruments))~~ pages presented for recording must have at minimum a one-inch margin on the top, bottom, and sides for all pages except page one, except that an instrument may be recorded if a minor portion of a notary seal, incidental writing, or minor portion of a signature extends beyond the margins, be prepared in ink color capable of being imaged, and have all seals legible and capable of being imaged~~((, and))~~. No attachments, except firmly attached bar code or address labels, may be affixed to the pages.

The information provided on the instrument must be in substantially the following form:

This Space Provided for Recorder's Use

When Recorded Return to:

Document Title(s)

Grantor(s)

Grantee(s)

Legal Description

Assessor's Property Tax Parcel or Account Number

Reference Numbers of Documents Assigned or Released

**Sec. 13.** RCW 65.04.047 and 1998 c 27 s 2 are each amended to read as follows:

(1) If the first page of an instrument presented for recording does not contain the information required by RCW 65.04.045(1), the person preparing the instrument for recording shall prepare a cover sheet that contains the required information. The cover sheet shall be attached to the instrument and shall be recorded as a part of the instrument. An additional page fee as determined under RCW 36.18.010 shall be collected for recording of the cover sheet. Any errors in the cover sheet shall not affect the transactions contained in the instrument itself. The cover sheet need not be separately signed or acknowledged. The cover sheet information shall be used to generate the auditor's grantor/grantee index, however, the names and legal description in the instrument itself will determine the legal chain of title. The cover sheet shall be substantially the following form:

((WASHINGTON STATE COUNTY AUDITOR/RECORDER'S  
INDEXING FORM))

Return Address

Please print or type information

**Document Title(s)** (or transactions contained therein):

- 1.
- 2.
- 3.
- 4.

**Grantor(s)** (Last name first, then first name and initials)

- 1.
- 2.
- 3.
- 4.
- 5.  Additional names on page    of document.

**Grantee(s)** (Last name first, then first name and initials)

- 1.
- 2.
- 3.
- 4.
- 5.  Additional names on page    of document.

**Legal Description** (abbreviated: i.e., lot, block, plat or section, township, range)

Additional legal description is on page    of document.

**Assessor's Property Tax Parcel or Account Number** at the time of recording:

**Reference Number(s) of Documents assigned or released:**

Additional references on page    of document.

The Auditor or Recording Officer will rely on the information provided on this form. The staff will not read the document to verify the accuracy of or the completeness of the indexing information provided herein.

(2) Documents which are exempt from format requirements and which may be recorded with a properly completed cover sheet include: Documents which were signed prior to January 1, 1997; military separation documents; documents executed outside of the United States; certified copies of documents; any birth or death certificate; marriage certificates from outside the state of Washington; any document, one of whose original signer is deceased or otherwise incapacitated; and judgments or other documents formatted to meet court requirements.

**NEW SECTION. Sec. 14.** A new section is added to chapter 65.04 RCW to read as follows:

(1) Documents which must be recorded immediately and which do not meet margin and font size requirements may be recorded for an additional fee of fifty dollars. Documents which do not meet legibility requirements must not be recorded as a nonstandard recording.

(2) In addition to preparing a properly completed cover sheet as described in RCW 65.04.047, the person preparing the document for recording must sign a statement which must be attached to the document and which must read substantially as follows: "I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document."

**Sec. 15.** RCW 65.04.060 and 1985 c 44 s 17 are each amended to read as follows:

Whenever any mortgage, bond, lien, or instrument encumbering real estate, has been satisfied, released or discharged, by the recording of an instrument of release, or acknowledgment of satisfaction, the auditor shall immediately note, in ~~((both the indices, in the column headed remarks, opposite to the appropriate entry, that such instrument, lien or incumbrance has been satisfied. And in all cases of the satisfaction or release of any recorded liens, mortgage, transcript of judgment, mechanic's liens, or other incumbrance whatsoever, the auditor shall note the same in index of transcripts of judgment))~~ the comment section of the index, the recording number of the original mortgage, bond, lien, or instrument.

**Sec. 16.** RCW 65.08.060 and 1984 c 73 s 1 are each amended to read as follows:

(1) The term "real property" as used in RCW 65.08.060 through 65.08.150 includes lands, tenements and hereditaments and chattels real and mortgage liens thereon except a leasehold for a term not exceeding two years.

(2) The term "purchaser" includes every person to whom any estate or interest in real property is conveyed for a valuable consideration and every assignee of a mortgage, lease or other conditional estate.

(3) The term "conveyance" includes every written instrument by which any estate or interest in real property is created, transferred, mortgaged or assigned or by which the title to any real property may be affected, including an instrument in execution of a power, although the power be one of revocation only, and an instrument releasing in whole or in part, postponing or subordinating a mortgage or other lien; except a will, a lease for a term of not exceeding two years, and an instrument granting a power to convey real property as the agent or attorney for the owner of the property. "To convey" is to execute a "conveyance" as defined in this subdivision.

(4) The term "recording officer" means the county auditor ~~((of the county))~~ or, in charter counties, the county official charged with the responsibility for recording instruments in the county records.

**Sec. 17.** RCW 65.08.140 and 1927 c 278 s 9 are each amended to read as follows:

A recording officer is not liable for recording an instrument in a wrong book, volume or set of records if the instrument is properly indexed with a reference to the volume and page or recording number where the instrument is actually of record.

**Sec. 18.** RCW 65.08.160 and 1967 c 148 s 1 are each amended to read as follows:

A mortgage or deed of trust of real estate may be recorded and constructive notice of the same and the contents thereof given in the following manner:

(1) An instrument containing a form or forms of covenants, conditions, obligations, powers, and other clauses of a mortgage or deed of trust may be recorded in the office of the county auditor of any county and the auditor of such county, upon the request of any person, on tender of the lawful fees therefor, shall record the same. Every such instrument shall be entitled on the face thereof as a "Master form recorded by . . . (name of person causing the instrument to be recorded)." Such instrument need not be acknowledged to be entitled to record.

(2) When any such instrument is recorded, the county auditor shall index such instrument under the name of the person causing it to be recorded in the manner provided for miscellaneous instruments relating to real estate.

(3) Thereafter any of the provisions of such master form instrument may be incorporated by reference in any mortgage or deed of trust of real estate situated within this state, if such reference in the mortgage or deed of trust states that the master form instrument was recorded in the county in which the mortgage or deed of trust is offered for record, the date when and the book and page or pages or recording number where such master form instrument was recorded, and that a copy of such master form instrument was furnished to the person executing the mortgage or deed of trust. The recording of any mortgage or deed of trust which has so incorporated by reference therein any of the provisions of a master form instrument recorded as provided in this section shall have like effect as if such provisions of the master form so incorporated by reference had been set forth fully in the mortgage or deed of trust.

(4) Whenever a mortgage or deed of trust is presented for recording on which is set forth matter purporting to be a copy or reproduction of such master form instrument or of part thereof, identified by its title as provided in ((subdivision)) subsection (1) of this section and stating the date when it was recorded and the book and page where it was recorded, preceded by the words "do not record" or "not to be recorded," and plainly separated from the matter to be recorded as a part of the mortgage or deed of trust in such manner that it will not appear upon a photographic reproduction of any page containing any part of the mortgage or deed of trust, such matter shall not be recorded by the county auditor to whom the instrument is presented for recording; in such case the county auditor shall record only the mortgage or deed of trust apart from such matter and shall not be liable for so doing, any other provisions of law to the contrary notwithstanding.

**Sec. 19.** RCW 84.26.080 and 1986 c 221 s 6 are each amended to read as follows:

(1) When property has once been classified and valued as eligible historic property, it shall remain so classified and be granted the special valuation provided by RCW 84.26.070 for ten years or until the property is disqualified by:

- (a) Notice by the owner to the assessor to remove the special valuation;
- (b) Sale or transfer to an ownership making it exempt from property taxation; or
- (c) Removal of the special valuation by the assessor upon determination by the local review board that the property no longer qualifies as historic property or that the owner has failed to comply with the conditions established under RCW 84.26.050.

(2) The sale or transfer to a new owner or transfer by reason of death of a former owner to a new owner does not disqualify the property from the special valuation provided by RCW 84.26.070 if:

- (a) The property continues to qualify as historic property; and
- (b) The new owner files a notice of compliance with the assessor of the county in which the property is located. Notice of compliance forms shall be prescribed by the state department of revenue and supplied by the county assessor. The notice shall contain a statement that the new owner is aware of the special valuation and of the potential tax liability involved when the property ceases to be valued as historic property under this chapter. The signed notice of compliance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.120. If the notice of compliance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to RCW 84.26.090 shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of specially valued historic property for filing or recording unless the new owner has signed the notice of compliance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer.

(3) When the property ceases to qualify for the special valuation the owner shall immediately notify the state or local review board.

(4) Before the additional tax or penalty imposed by RCW 84.26.090 is levied, in the case of disqualification, the assessor shall notify the taxpayer by mail, return receipt requested, of the disqualification.

**Sec. 20.** RCW 84.33.120 and 1997 c 299 s 1 are each amended to read as follows:

(1) In preparing the assessment rolls as of January 1, 1982, for taxes payable in 1983 and each January 1st thereafter, the assessor shall list each parcel of forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (2) of this section and shall compute the assessed value of the land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. Values for the several grades of bare forest land shall be as follows.

LAND		OPERABILITY	VALUES
GRADE	CLASS		PER ACRE
		1	\$141
1	2		136
		3	131
		4	95

		1	118
2	2		114
		3	110
		4	80
		1	93
3	2		90
		3	87
		4	66
		1	70
4	2		68
		3	66
		4	52
		1	51
5	2		48
		3	46
		4	31
		1	26
6	2		25
		3	25
		4	23
		1	12
7	2		12

(2) On or before December 31, 1981, the department shall adjust, by rule under chapter 34.05 RCW, the forest land values contained in subsection (1) of this section in accordance with this subsection, and shall certify these adjusted values to the county assessor for his or her use in preparing the assessment rolls as of January 1, 1982. For the adjustment to be made on or before December 31, 1981, for use in the 1982 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1976, and June 30, 1981, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1975, and June 30, 1980, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(c) Adjust the forest land values contained in subsection (1) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

For the adjustments to be made on or before December 31, 1982, and each succeeding year thereafter, the same procedure shall be followed as described in this subsection utilizing harvester excise tax returns filed under RCW 82.04.291 and this chapter except that this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(3) In preparing the assessment roll for 1972 and each year thereafter, the assessor shall enter as the true and fair value of each parcel of forest land the appropriate grade value certified to him or her by the department of revenue, and he or she shall compute the assessed value of such land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. In preparing the assessment roll for 1975 and each year thereafter, the assessor shall assess and value as classified forest land all forest land that is not then designated pursuant to RCW 84.33.120(4) or 84.33.130 and shall make a notation of such classification upon the assessment and tax rolls. On or before January 15 of the first year in which such notation is made, the assessor shall mail notice by certified mail to the owner that such land has been classified as forest land and is subject to the compensating tax imposed by this section. If the owner desires not to have such land assessed and valued as classified forest land, he or she shall give the assessor written notice thereof on or before March 31 of such year and the assessor shall remove from the assessment and tax rolls the classification notation entered pursuant to this subsection, and shall thereafter assess and value such land in the manner provided by law other than this chapter 84.33 RCW.

(4) In any year commencing with 1972, an owner of land which is assessed and valued by the assessor other than pursuant to the procedures set forth in RCW 84.33.110 and this section, and which has, in the immediately preceding year, been assessed and valued by the assessor as forest land, may appeal to the county board of equalization by filing an application with the board in the manner prescribed in subsection (2) of RCW 84.33.130. The county board shall afford the applicant an opportunity to be heard if the application so requests and shall act upon the application in the manner prescribed in subsection (3) of RCW 84.33.130.

(5) Land that has been assessed and valued as classified forest land as of any year commencing with 1975 assessment year or earlier shall continue to be so assessed and valued until removal of classification by the assessor only upon the occurrence of one of the following events:

(a) Receipt of notice from the owner to remove such land from classification as forest land;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that, because of actions taken by the owner, such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from classification if a governmental agency, organization, or other recipient identified in subsection (9) or (10) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in classified forest land by means of a transaction that qualifies for an exemption under subsection (9) or

(10) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the classified land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(d) Determination that a higher and better use exists for such land than growing and harvesting timber after giving the owner written notice and an opportunity to be heard;

(e) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (7) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (7) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals.

The assessor shall remove classification pursuant to (c) or (d) of this subsection prior to September 30 of the year prior to the assessment year for which termination of classification is to be effective. Removal of classification as forest land upon occurrence of (a), (b), (d), or (e) of this subsection shall apply only to the land affected, and upon occurrence of (c) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber: PROVIDED, That any remaining classified forest land meets necessary definitions of forest land pursuant to RCW 84.33.100.

(6) Within thirty days after such removal of classification as forest land, the assessor shall notify the owner in writing setting forth the reasons for such removal. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (4) of this section or RCW 84.33.130. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(7) Unless the owner successfully applies for designation of such land or unless the removal is reversed on appeal, notation of removal from classification shall immediately be made upon the assessment and tax rolls, and commencing on January 1 of the year following the year in which the assessor made such notation, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (5)(e), (9), or (10) of this section and unless the assessor shall not have mailed notice of classification pursuant to subsection (3) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to the difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by a number, in no event greater than ten, equal to the number of years, commencing with assessment year 1975, for which such land was assessed and valued as forest land.

(8) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from classification as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(9) The compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage

plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (7) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes; or

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of such land.

(10) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

(a) An action described in subsection (9) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

(11) With respect to any land that has been designated prior to May 6, 1974, pursuant to RCW 84.33.120(4) or 84.33.130, the assessor may, prior to January 1, 1975, on his or her own motion or pursuant to petition by the owner, change, without imposition of the compensating tax provided under RCW 84.33.140, the status of such designated land to classified forest land.

**Sec. 21.** RCW 84.33.140 and 1997 c 299 s 2 are each amended to read as follows:

(1) When land has been designated as forest land pursuant to RCW 84.33.120(4) or 84.33.130, a notation of such designation shall be made each year upon the assessment and tax rolls, a copy of the notice of approval together with the legal description or assessor's tax lot numbers for such land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and such land shall be graded and valued pursuant to RCW 84.33.110 and 84.33.120 until removal of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove such designation;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

(i) Such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (5) or (6) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in designated forest land by means of a transaction that qualifies for an exemption under subsection (5) or (6) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

Removal of designation upon occurrence of any of (a) through (c) of this subsection shall apply only to the land affected, and upon occurrence of (d) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber, without regard to other land that may have been included in the same application and approval for designation: PROVIDED, That any remaining designated forest land meets necessary definitions of forest land pursuant to RCW 84.33.100.

(2) Within thirty days after such removal of designation of forest land, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal a copy of the notice of removal with notation of the action, if any, upon appeal, together with the legal description or assessor's tax lot numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and commencing on January 1 of the year following the year in which the assessor mailed such notice, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (1)(c), (5), or (6) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to the difference between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by a number, in no event greater than ten, equal to the number of years for which such land was designated as forest land.

(4) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The compensating tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

- (a) Transfer to a government entity in exchange for other forest land located within the state of Washington;
- (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;
- (c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (3) of this section shall be imposed upon the current owner;
- (d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes; or
- (e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of such land.

(6) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (3) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (1) of this section resulted solely from:

- (a) An action described in subsection (5) of this section; or
- (b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

**Sec. 22.** RCW 84.34.108 and 1992 c 69 s 12 are each amended to read as follows:

(1) When land has once been classified under this chapter, a notation of such classification shall be made each year upon the assessment and tax rolls and such land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of such classification by the assessor upon occurrence of any of the following:

- (a) Receipt of notice from the owner to remove all or a portion of such classification;
- (b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of such land exempt from ad valorem taxation;
- (c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in

RCW 82.45.120, as now or hereafter amended. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of such land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

The granting authority, upon request of an assessor, shall provide reasonable assistance to the assessor in making a determination whether such land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance shall be provided within thirty days of receipt of the request.

(2) Within thirty days after such removal of all or a portion of such land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to full market value on the date of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (5) of this section, an additional tax, applicable interest, and penalty shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of such an additional tax, applicable interest, and penalty and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(b) The amount of applicable interest shall be equal to the interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty shall be as provided in RCW 84.34.080. The penalty shall not be imposed if the removal satisfies the conditions of RCW 84.34.070.

(4) Additional tax, applicable interest, and penalty, shall become a lien on such land which shall attach at the time such land is removed from classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as hereafter amended. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The additional tax, applicable interest, and penalty specified in subsection (3) of this section shall not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land;

(e) Transfer of land to a church when such land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections: PROVIDED, That at such time as these property interests are not used

for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (3) of this section shall be imposed; or

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(d).

**Sec. 23.** RCW 84.56.330 and 1961 c 15 s 84.56.330 are each amended to read as follows:

Any person who has a lien by mortgage or otherwise, upon any real property upon which any taxes have not been paid, may pay such taxes, and the interest, penalty and costs thereon; and the receipt of the county treasurer or other collecting official shall constitute an additional lien upon such land, to the amount therein stated, and the amount so paid and the interest thereon at the rate specified in the mortgage or other instrument shall be collectible with, or as a part of, and in the same manner as the amount secured by the original lien: PROVIDED, That the person paying such taxes shall pay the same as mortgagee or other lien holder and shall procure the receipt of the county treasurer therefor, showing the mortgage or other lien relationship of the person paying such taxes, and the same shall have been recorded with the county auditor of the county wherein the said real estate is situated, within ten days after the payment of such taxes and the issuance of such receipt. It shall be the duty of any treasurer issuing such receipt to make notation thereon of the lien relationship claim of the person paying such taxes. It shall be the duty of the county auditor in such cases to index and record such receipts in the same manner as provided for the recording of liens on real estate, upon the payment to the county auditor of the ((sum of fifty cents)) appropriate recording fees by the person presenting the same for recording: AND PROVIDED FURTHER, That in the event the above provision be not complied with, the lien created by any such payment shall be subordinate to the liens of all mortgages or encumbrances upon such real property, which are senior to the mortgage or other lien of the person so making such payment.

NEW SECTION. **Sec. 24.** This act takes effect August 1, 1999."

## MOTIONS

On motion of Senator Patterson the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "documents;" strike the remainder of the title and insert "amending RCW 4.28.320, 36.18.005, 36.18.010, 4.28.325, 47.28.025, 60.44.030, 60.68.045, 61.16.030, 64.32.120, 65.04.015, 65.04.020, 65.04.045, 65.04.047, 65.04.060, 65.08.060, 65.08.140, 65.08.160, 84.26.080, 84.33.120, 84.33.140, 84.34.108, and 84.56.330; adding a new section to chapter 65.04 RCW; and providing an effective date."

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1647, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1647, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1647, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senator Heavey - 1.

Excused: Senators Bauer, Fairley, Haugen and Loveland - 4.

SUBSTITUTE HOUSE BILL NO 1647, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE JOINT MEMORIAL NO. 4011, by Representatives Bush, Poulsen, Radcliff, Thomas, Scott, Huff, D. Schmidt, Lantz, Benson, Kessler, Wolfe, Schoesler, Santos, Grant, Quall, Boldt, Pennington, Mastin, Koster, Hankins, Esser, Regala, Cox, Schindler, McDonald, Clements, Wood, Cooper, Kenney, Reardon, Hurst, Talcott,

Hatfield, Tokuda, Conway, Sump, Lovick, D. Sommers, Schual-Berke, Carlson, H. Sommers, McMorris, Fortunato, Murray, O'Brien, Anderson, Veloria and Haigh

Allowing schools and libraries to receive telecommunications at below-tariffed rates without losing universal service discounts.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Brown, the rules were suspended, House Joint Memorial No. 4011 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4011.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4011 and the joint memorial passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Bauer, Fairley, Haugen and Loveland - 4.

HOUSE JOINT MEMORIAL NO. 4011, having received the constitutional majority, was declared passed

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1024, by House Committee on Appropriations (originally sponsored by Representatives Carlson, H. Sommers, Alexander, D. Sommers, Lambert, Ogden, Conway, Wolfe, Bush, Kastama, G. Chandler, DeBolt, Carrell, Parlette, Talcott, K. Schmidt and Sump) (by request of Joint Committee on Pension Policy)

Providing a retirement option for certain retirement system members.

The bill was read the second time.

#### MOTIONS

On motion of Senator Fraser, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 41.32 RCW under the subchapter heading "Plan 1" to read as follows:

A member may make the irrevocable election under this section no later than six months after attaining thirty years of service. The election shall become effective at the beginning of the calendar month following department receipt of employee notification.

(1) The sum of member contributions made for periods of service after the effective date of the election plus seven and one-half percent interest shall be paid to the member at retirement without a reduction in the member's monthly retirement benefit as determined under RCW 41.32.498.

(2) Upon retirement, the member's benefit shall be calculated using only the earnable compensation credited prior to the effective date of the member's election. Calculation of the member's average earnable compensation shall include eligible cash-outs of annual leave based on the member's salary and leave accumulations at the time of retirement, except that the amount of a

member's average earnable compensation cannot be higher than if the member had not taken advantage of the election offered under this section.

(3) Members who have already earned thirty years of service credit prior to the effective date of this act may participate in the election by notifying the department in writing of their intention by December 31, 1999.

The department shall continue to collect employer contributions as required in RCW 41.45.060.

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.40 RCW under the subchapter heading "Plan 1" to read as follows:

A member may make the irrevocable election under this section no later than six months after attaining thirty years of service. The election shall become effective at the beginning of the calendar month following department receipt of employee notification.

(1) The sum of member contributions made for periods of service after the effective date of the election plus seven and one-half percent interest shall be paid to the member at retirement without a reduction in the member's monthly retirement benefit as determined under RCW 41.40.185.

(2) Upon retirement, the member's benefit shall be calculated using only the compensation earnable credited prior to the effective date of the member's election. Calculation of the member's average final compensation shall include eligible cash-outs of sick and annual leave based on the member's salary and leave accumulations at the time of retirement, except that the amount of a member's average final compensation cannot be higher than if the member had not taken advantage of the election offered under this section.

(3) Members who have already earned thirty years of service credit prior to the effective date of this act may participate in the election by notifying the department in writing of their intention by December 31, 1999.

The department shall continue to collect employer contributions as required in RCW 41.45.060."

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 2 of the title, after "service;" strike the remainder of the title and insert "adding a new section to chapter 41.32 RCW; and adding a new section to chapter 41.40 RCW."

#### MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1024, as amended by the Senate, was advanced to third

reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute House Bill No. 1024, as amended by the Senate, was deferred.

#### SECOND READING

HOUSE BILL NO. 1734, by Representatives Esser and Schual-Berke (by request of Department of Health)

Subjecting licensed psychologists to chapter 18.130 RCW, the uniform disciplinary act.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, House Bill No. 1734 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1734.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1734 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Bauer, Fairley, Haugen and Loveland - 4.

HOUSE BILL NO. 1734, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator McCaslin, Senator Deccio was excused.

#### MOTION

On motion of Senator Brown, Senator Prentice was excused.

#### SECOND READING

HOUSE BILL NO. 1491, by Representatives Hatfield and Doumit

Regulating the use of dredge spoils in Cowlitz County.

The bill was read the second time.

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1491.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1491 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Deccio, Fairley, Loveland and Prentice - 5.

HOUSE BILL NO. 1491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2107, by House Committee on Natural Resources (originally sponsored by Representatives Anderson and Linville)

Limiting fishing of shrimp.

The bill was read the second time.

#### MOTION

On motion of Senator Jacobsen, the following Committee on Natural Resources, Parks and Recreation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 75.28 RCW to read as follows:

The legislature finds that it is in the public interest to convert the Puget Sound shrimp fishery from the status of an emerging fishery to that of a limited entry fishery. The purpose of this act is to initiate this conversion, recognizing that additional details associated with the shrimp fishery limited entry program will need to be developed. The legislature intends to complete the development of the laws associated with this limited entry fishery program during the next regular legislative session and will consider recommendations from the industry and the department during this program.

**Sec. 2.** RCW 75.28.130 and 1994 c 260 s 14 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for shellfish fisheries and the annual fees for those licenses. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

Fishery	Annual Fee	Vessel	Limited	Resident	Nonresident	Required?	Entry?
(a) Burrowing shrimp	\$185	\$295	Yes	No			
(b) Crab ring net- Non-Puget Sound	\$130	\$185	Yes	No			
(c) Crab ring net- Puget Sound	\$130	\$185	Yes	No			
(d) Dungeness crab- coastal (RCW 75.30.350)	\$295	\$520	Yes	Yes			
(e) Dungeness crab- coastal, class B (RCW 75.30.350)	\$295	\$520	Yes	Yes			
(f) Dungeness crab- Puget Sound (RCW 75.30.130)	\$130	\$185	Yes	Yes			
(g) Emerging commercial fishery (RCW 75.30.220 and 75.28.740)	\$185	\$295	Determined	Determined			
(h) Geoduck (RCW 75.30.280)	\$0	\$0	Yes	Yes			
(i) Hardshell clam mechanical harvester (RCW 75.28.280)	\$530	\$985	Yes	No			
(j) Oyster reserve (RCW 75.28.290)	\$130	\$185	No	No			
(k) Razor clam	\$130	\$185	No	No			
(l) Sea cucumber dive (RCW 75.30.250)	\$130	\$185	Yes	Yes			
(m) Sea urchin dive (RCW 75.30.210)	\$130	\$185	Yes	Yes			
(n) Shellfish dive	\$130	\$185	Yes	No			
(o) Shellfish pot	\$130	\$185	Yes	No			
(p) Shrimp pot- (( <del>\$325</del> <del>\$575</del> )) Yes (( <del>No</del> )) ((Hood Canal)) <u>\$185 \$295 Yes</u> <u>Puget Sound</u> <u>(section 3 of this act)</u>							
(q) Shrimp trawl- Non-Puget Sound	\$240	\$405	Yes	No			
(r) Shrimp trawl- Puget Sound	\$185	\$295	Yes	(( <del>No</del> ))			

Yes

Puget Sound

(section 4 of this act)

(s) Squid \$185 \$295 Yes No

(2) The director may by rule determine the species of shellfish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take shellfish in that fishery.

**NEW SECTION. Sec. 3.** A new section is added to chapter 75.30 RCW to read as follows:

(1) The Puget Sound shrimp emerging fishery management regime is converted from an emerging fishery status to a limited entry fishery status effective January 1, 2000.

(2) Effective January 1, 2000, a person shall not fish for shrimp taken from Puget Sound for commercial purposes with shrimp pot gear except under the provisions of a shrimp pot-Puget Sound fishery license issued under RCW 75.28.130.

(3) Effective January 1, 2000, a shrimp pot-Puget Sound fishery license shall only be issued to a natural person who held an emerging commercial fishery license and Puget Sound shrimp pot experimental fishery permit during 1999. Beginning January 1, 2001, a shrimp pot-Puget Sound fishery license shall only be issued to a natural person who held a shrimp pot-Puget Sound fishery license during the previous year.

(4) Shrimp pot-Puget Sound fishery licenses are nontransferable.

(5) The department, by rule, may set licensee participation requirements for Puget Sound shellfish pot shrimp harvest.

**NEW SECTION. Sec. 4.** A new section is added to chapter 75.30 RCW to read as follows:

(1) The Puget Sound shrimp emerging fishery management regime is converted from an emerging fishery status to a limited entry fishery status effective January 1, 2000.

(2) Effective January 1, 2000, a person shall not fish for shrimp taken from Puget Sound for commercial purposes with shrimp trawl gear except under the provisions of a shrimp trawl-Puget Sound fishery license issued under RCW 75.28.130.

(3) Effective January 1, 2000, a shrimp trawl-Puget Sound fishery license shall only be issued to a natural person who held an emerging commercial fishery license and Puget Sound shrimp trawl experimental fishery permit during 1999. Beginning January 1, 2001, a shrimp trawl-Puget Sound fishery license shall only be issued to a natural person who held a shrimp trawl-Puget Sound fishery license during the previous licensing year.

(4) The department, by rule, may set licensee participation requirements for Puget Sound shellfish trawl shrimp harvest.

(5) Shrimp trawl-Puget Sound fishery licenses are nontransferable.

**NEW SECTION. Sec. 5.** The department of fish and wildlife and the Puget Sound shrimp fishing industry shall work cooperatively to refine the limited entry management program for the Puget Sound shrimp fishery. The department shall make recommendations to the natural resources committee of the house of representatives and the natural resources committee of the senate by December 31, 1999, on the details of the limited entry program, including a plan for converting from nontransferable to transferable licenses."

#### MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 1 of the title, after "shrimp;" strike the remainder of the title and insert "amending RCW 75.28.130; adding a new section to chapter 75.28 RCW; adding new sections to chapter 75.30 RCW; and creating a new section."

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 2107, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2107, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2107, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Deccio, Fairley, Loveland and Prentice - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO 2107, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2207, by Representatives Kessler and Lisk

Increasing legislative commission membership.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the following Committee on State and Local Government striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.46.015 and 1985 c 317 s 2 are each amended to read as follows:

There is established a Washington state arts commission. The commission consists of nineteen members appointed by the governor and ~~((two))~~ four members of the legislature, one from each caucus in the senate and appointed by the president of the senate and one from each caucus in the house of representatives and appointed by the speaker of the house of representatives. ~~((The legislative members shall be from opposite major political parties.))~~ The governor shall appoint citizens representing the various disciplines within the visual, performing and literary arts, and other citizens active in the arts community. The governor shall consider nominations for membership from individuals actively involved in cultural, state or community organizations. The governor shall also consider geographical distribution of the membership in the appointment of new members.

**Sec. 2.** RCW 43.105.032 and 1996 c 137 s 10 are each amended to read as follows:

There is hereby created the Washington state information services board. The board shall be composed of ~~((thirteen))~~ fifteen members. Eight members shall be appointed by the governor, one of whom shall be a representative of higher education, one of whom shall be a representative of an agency under a state-wide elected official other than the governor, and two of whom shall be representatives of the private sector. One member shall represent the judicial branch and be appointed by the chief justice of the supreme court. One member shall be the superintendent of public instruction or shall be appointed by the superintendent of public instruction. ~~((One))~~ Two members shall represent the house of representatives and shall be selected by the speaker of the house of representatives with one representative chosen from each caucus of the house of representatives; ~~((one))~~ two members shall represent the senate and shall be appointed by the president of the senate with one representative chosen from each caucus of the senate. ~~((The representatives of the house of representatives and senate shall not be from the same political party.))~~ One member shall be the director who shall be a voting member of the board. These members shall constitute the membership of the board with full voting rights. Members of the board shall serve at the pleasure of the appointing authority. The board shall select a chairperson from among its members.

Vacancies shall be filled in the same manner that the original appointments were made.

A majority of the members of the board shall constitute a quorum for the transaction of business.

Members of the board shall be compensated for service on the board in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

**Sec. 3.** RCW 90.71.030 and 1996 c 138 s 4 are each amended to read as follows:

(1) There is established the Puget Sound council composed of ~~((nine))~~ eleven members. Seven members shall be appointed by the governor. In making these appointments, the governor shall include representation from business, the environmental community, agriculture, the shellfish industry, counties, cities, and the tribes. ~~((One))~~ Two members shall be ~~((a))~~ members of the senate selected by the president of the senate with one member selected from each caucus in the senate, and ~~((one))~~ two members shall be ~~((a))~~ members of the house of representatives selected by the speaker of the house of representatives with one member selected from each caucus in the house of representatives. The legislative members shall be nonvoting members of the council. Appointments to the council shall reflect geographical balance and the diversity of population within the Puget Sound basin. Members shall serve four-year terms. Of the initial members appointed to the council, two shall serve for two years, two shall serve for three years, and two shall serve for four years. Thereafter members shall be appointed to four-year terms. Vacancies shall be filled by appointment in the same manner as the original appointment for the remainder of the unexpired term of the position being vacated. Nonlegislative members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed as provided in RCW 44.04.120.

- (2) The council shall:
- (a) Recommend to the action team projects and activities for inclusion in the biennial work plan;
  - (b) Recommend to the action team coordination of work plan activities with other relevant activities, including but not limited to, agencies' activities other than those funded through the plan, local plan initiatives, and governmental and nongovernmental watershed restoration and protection activities; and
  - (c) Recommend to the action team proposed amendments to the Puget Sound management plan.
- (3) The chair of the action team shall convene the council at least four times per year and shall jointly convene the council and the action team at least two times per year."

#### MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 2 of the title, after "commissions;" strike the remainder of the title and insert "and amending RCW 43.46.015, 43.105.032, and 90.71.030."

On motion of Senator Patterson, the rules were suspended, House Bill No. 2207, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2207, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2207, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 8; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 36.

Voting nay: Senators Finkbeiner, Hochstatter, Johnson, McCaslin, McDonald, Morton, Oke and Zarelli - 8.

Excused: Senators Bauer, Deccio, Fairley, Loveland and Prentice - 5.

HOUSE BILL NO 2207, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senator McDonald was excused.

#### SECOND READING

HOUSE BILL NO. 1584, by Representatives Hurst, Mulliken, Scott, Stensen and O'Brien

Allowing unincorporated territory adjacent to a fire protection district to be annexed.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1584 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1584.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1584 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Snyder - 1.

Excused: Senators Bauer, Fairley, Loveland, McDonald and Prentice - 5.

HOUSE BILL NO. 1584, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Haugen was excused.

#### SECOND READING

HOUSE BILL NO. 1372, by Representatives Schual-Berke, Esser, Boldt and Keiser (by request of Department of Health)

Repealing the requirement to maintain a registry for handicapped children.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, House Bill No. 1372 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1372.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1372 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senator Snyder - 1.

Excused: Senators Bauer, Fairley, Haugen, Loveland, McDonald and Prentice - 6.

HOUSE BILL NO. 1372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Snyder was excused.

#### SECOND READING

HOUSE BILL NO. 1297, by Representatives O'Brien, Ballasiotes, Lovick, Cairnes, Kagi, Campbell and Benson

Clarifying the application of limitations on earned early release time to serious violent offenders.

The bill was read the second time.

#### MOTION

On motion of Senator Costa, the rules were suspended, House Bill No. 1297 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1297.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1297 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senator Swecker - 1.

Excused: Senators Bauer, Fairley, Haugen, Loveland, McDonald and Snyder - 6.

HOUSE BILL NO. 1297, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2181, by Representatives Clements and G. Chandler

Storing fruits or vegetables in controlled atmosphere storage.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 2181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2181.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2181 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Bauer, Fairley, Haugen, Loveland, McDonald and Snyder - 6.

HOUSE BILL NO. 2181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2071, by House Committee on Commerce and Labor (originally sponsored by Representatives B. Chandler, Conway, McMorris and Koster)

Excluding a member or manager of a limited liability company from workers' compensation coverage.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 2071 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2071.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2071 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Bauer, Fairley, Haugen, Loveland, McDonald and Snyder - 6.

HOUSE BILL NO. 2071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1024, as amended by the Senate, deferred on third reading, earlier today.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1024, as amended by the Senate, was returned to second reading and read the second time.

#### MOTION FOR RECONSIDERATION

On motion of Senator Fraser, the Senate will reconsider the vote by which the Committee on Ways and Means striking amendment, as amended, was adopted.

#### MOTION

Senator Fraser moved that the following amendment by Senators Haugen, Long and Fraser to the Committee on Ways and Means striking amendment be adopted:

On page 2 of the striking amendment, after line 21, insert the following:

**NEW SECTION. Sec. 3.** A new section is added to chapter 41.40 RCW under the subchapter heading "Plan 1" to read as follows:

(1) A retiree who receives state-funded long-term care services on or after June 1, 1998, is not eligible for the increase provided by section 8, chapter 340, laws of 1998, if the increase would make the retiree ineligible for state-funded long-term care services. For the purposes of this section "state-funded long-term care services" means a state-funded adult family home, adult residential care, assisted living, enhanced adult residential care, in-home care, or nursing home service, as defined in RCW 74.39A.009, for which the retiree is required to contribute all income other than a specified amount reserved for the retiree's personal maintenance needs. Retirees who are subject to this section shall notify the department in writing. The department has no affirmative duty to identify retirees who are subject to this subsection (3)(e).

(2) This section applies to all payments under section 8, chapter 340, laws of 1998, made on or after the effective date of this act, regardless of the date of retirement.

**NEW SECTION. Sec. 4.** Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen, Long and Fraser on page 2, after line 21, to the Committee on Ways and Means striking amendment to Substitute House Bill No. 1024.

The motion by Senator Fraser carried and the amendment to the committee amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended under suspension of the rules.

The Committee on Ways and Means amendment, as amended under suspension of the rules, was adopted

## MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 2, on line 27 of the title amendment, after "41.32 RCW", strike everything through "41.40 RCW" and insert: "adding new sections to chapter 41.40 RCW; and declaring an emergency"

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1024, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1024, as amended by the Senate under suspension of the rules.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1024, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Bauer, Fairley, Haugen, Loveland, McDonald and Snyder - 6.

SUBSTITUTE HOUSE BILL NO. 1024, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

## SECOND READING

HOUSE BILL NO. 1018, by Representatives Carlson, Kenney, Radcliff, Sheahan, Dunn, Esser and Lantz

Changing Washington award for vocational excellence provisions.

The bill was read the second time.

## MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1018 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1018.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1018 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Fairley, Haugen, Loveland, McDonald and Snyder - 5.

HOUSE BILL NO. 1018, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1016, by House Committee on Higher Education (originally sponsored by Representatives Carlson, Ogden, Kenney, Boldt, Pennington, Dunn, Hatfield, Doumit, Mielke, Talcott and Lantz)

Creating the border county higher education opportunity pilot project.

The bill was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1016 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1016.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1016 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Fairley, Haugen, Loveland, McDonald and Snyder - 5.

SUBSTITUTE HOUSE BILL NO. 1016, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

#### SECOND READING

HOUSE BILL NO. 1216, by Representatives Parlette and Cody (by request of Department of Health)

Removing the termination of the secretary of health's authority for administrative procedure.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, House Bill No. 1216 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1216.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1216 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Fairley, Haugen, Loveland, McDonald, Rossi and Snyder - 6.

HOUSE BILL NO. 1216, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1015, by House Committee on Higher Education (originally sponsored by Representatives Carlson, Radcliff and Sheahan)

Extending the tuition waiver for students in the western interstate commission for higher education western undergraduate exchange program.

The bill was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1015 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1015.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1015 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senator Bauer - 1.

Excused: Senators Fairley, Haugen, Loveland, McDonald, Rossi and Snyder - 6.

SUBSTITUTE HOUSE BILL NO. 1015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1139, by Representatives Sheahan, Constantine and Kenney

Removing a director of a nonprofit corporation from office.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, House Bill No. 1139 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1139.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1139 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Fairley, Haugen, Loveland, McDonald, Rossi and Snyder - 6.

HOUSE BILL NO. 1139, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1106, by Representatives Van Luven, Conway, Wood, Clements, Lisk and Esser

Prescribing disclosures required for prize promotions.

The bill was read the second time.

## MOTION

On motion of Senator Shin, the rules were suspended, House Bill No. 1106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1106.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1106 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Fairley, Haugen, McDonald, Rossi and Snyder - 5.

HOUSE BILL NO. 1106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1524, by Representatives Doumit, Pennington, Conway, Clements, Alexander, Cooper, Hatfield, Mielke, Carlson, Poulsen, Mulliken, Scott and Rockefeller

Expanding the workers' compensation obligation of out-of-state employers.

The bill was read the second time.

## MOTIONS

On motion of Senator Heavey, the following Committee on Labor and Workforce Development amendment was adopted:

On page 4, line 32, after "state" insert "or province"

On motion of Senator Heavey, the rules were suspended, House Bill No. 1524, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1524, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1524, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Fairley, Haugen, McDonald, Rossi and Snyder - 5.

HOUSE BILL NO. 1524, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1838, by House Committee on Health Care (originally sponsored by Representatives Schual-Berke, Mulliken and Ogden)

Creating the impaired dentist account.

The bill was read the second time.

## MOTION

On motion of Senator Thibaudeau, the following Committee on Health and Long-term Care striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 18.32.534 and 1994 sp.s. c 9 s 220 are each amended to read as follows:

(1) To implement an impaired dentist program as authorized by RCW 18.130.175, the commission shall enter into a contract with a voluntary substance abuse monitoring program. The impaired dentist program may include any or all of the following:

- (a) Contracting with providers of treatment programs;
- (b) Receiving and evaluating reports of suspected impairment from any source;
- (c) Intervening in cases of verified impairment;
- (d) Referring impaired dentists to treatment programs;

(e) Monitoring the treatment and rehabilitation of impaired dentists including those ordered by the commission;

(f) Providing education, prevention of impairment, posttreatment monitoring, and support of rehabilitated impaired dentists;

and

(g) Performing other related activities as determined by the commission.

(2) A contract entered into under subsection (1) of this section shall be financed by a surcharge of up to ~~((fifteen))~~ twenty-five dollars on each license issuance or renewal to be collected by the department of health from every dentist licensed under chapter 18.32 RCW. These moneys shall be placed in the health professions account to be used solely for the implementation of the impaired dentist program."

## MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "and amending RCW 18.32.534."

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 1838, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1838, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1838 as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin,

McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Fairley, Haugen, Rossi and Snyder - 4.

SUBSTITUTE HOUSE BILL NO. 1838, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1819, by Representatives Anderson, Barlean, Thomas and O'Brien

Changing provisions for school district name changes.

The bill was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1819 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1819.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1819 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Finkbeiner - 1.

Excused: Senators Fairley and Haugen - 2.

HOUSE BILL NO. 1819, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1388, by Representatives Keiser, Ballasiotes, Schual-Berke, Mitchell, Hurst, O'Brien, Lovick and Delvin

Clarifying the state's jurisdiction over crimes committed in the airspace over the state.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, House Bill No. 1388 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1388.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1388 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Fairley and Haugen - 2.

HOUSE BILL NO. 1388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE JOINT MEMORIAL NO. 4004, by Representatives Dickerson, Cody, Skinner, O'Brien, Veloria, Kessler, McIntire, Wood, Lovick, Romero, Conway, Ruderman, Hurst and Kenney

Urging support of prostate cancer research.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, House Joint Memorial No. 4004 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4004.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4004 and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Fairley and Haugen - 2.

HOUSE JOINT MEMORIAL NO. 4004, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the third order of business.

#### MESSAGE FROM THE GOVERNOR

April 6, 1999

TO THE HONORABLE PRESIDENT AND MEMBERS  
THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to advise you that on April 5, 1999, Governor Locke approved the following Senate Bill entitled:

SENATE BILL NO. 6048

Relating to the entrance criteria for retrospective rating groups.

Sincerely,

EVERETT H. BILLINGSLA, General Counsel

MOTION

At 5:30 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Wednesday, April 7, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-SIXTH DAY, APRIL 6, 1999

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

**EIGHTY-SEVENTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Wednesday, April 7, 1999

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Finkbeiner, Fraser, Heavey, Patterson, Prentice, Rasmussen, Sellar and Wojahn. On motion of Senator Franklin, Senators Brown, Patterson, Prentice, Rasmussen and Wojahn were excused. On motion of Senator Honeyford, Senators Finkbeiner and Sellar were excused.

The Sergeant at Arms Color Guard consisting of Pages Jamie Hemmer and Molly McNeil, presented the Colors. Reverend Joan Anthony, pastor of St. Benedict's Episcopal Church of Olympia, offered the prayer.

**MOTION**

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

**SECOND READING**  
**CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

**MOTION**

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9117, Amy C. Gillispie, as a member of the Board of Trustees for Central Washington University, was confirmed.

**APPOINTMENT OF AMY C. GILLISPIE**

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 1; Absent, 2; Excused, 7.

Voting yea: Senators Bauer, Costa, Deccio, Eide, Fairley, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 39.

Voting nay: Senator Benton - 1.

Absent: Senators Fraser and Heavey - 2.

Excused: Senators Brown, Finkbeiner, Patterson, Prentice, Rasmussen, Sellar and Wojahn - 7.

**MOTION**

On motion of Senator Franklin, Senators Fraser and Heavey were excused.

**MOTION**

On motion of Senator Sheahan, Gubernatorial Appointment No. 9120, Aaron C. Gutierrez, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

**APPOINTMENT OF AARON C. GUTIERREZ**

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Excused: Senators Brown, Finkbeiner, Fraser, Heavey, Patterson, Rasmussen, Sellar and Wojahn - 8.

#### MOTIONS

On motion of Senator Honeyford, Senators Roach, Zarelli and Rossi were excused.

On motion of Senator McCaslin, Senator West was excused.

#### MOTION

On motion of Senator Thibaudeau, Gubernatorial Appointment No. 9209, Mary C. Selecky, as Secretary of the Department of Health, was confirmed.

Senators Thibaudeau, Deccio, Franklin, Tim Sheldon, Prentice, McCaslin, Morton and Wojahn spoke to the confirmation of Mary C. Selecky as Secretary of the Department of Health.

#### APPOINTMENT OF MARY C. SELECKY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 40.

Excused: Senators Finkbeiner, Heavey, Patterson, Rasmussen, Roach, Rossi, Sellar, West and Zarelli - 9.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Mary C. Selecky, the new Secretary of the Department of Health, who was seated in the gallery.

#### MOTION

On motion of Senator Franklin, Senator Eide was excused.

#### MOTION

On motion of Senator Sheahan, Gubernatorial Appointment No. 9154, Janelle Milodragovich, as a member of the Board of Regents for Washington State University, was confirmed.

#### APPOINTMENT OF JANELLE MILODRAGOVICH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 39.

Excused: Senators Eide, Finkbeiner, Heavey, Patterson, Rasmussen, Roach, Rossi, Sellar, West and Zarelli - 10.

## MOTION

On motion of Senator McAuliffe, gubernatorial appointment No. 9167, Cynthia Roney, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

## APPOINTMENT OF CYNTHIA RONEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Bauer, Benton, Brown, Costa, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 40.

Absent: Senator Deccio - 1.

Excused: Senators Eide, Finkbeiner, Heavey, Rasmussen, Rossi, Sellar, West and Zarelli - 8.

## MOTION

On motion of Senator Franklin, Senator Goings and Tim Sheldon were excused.

## MOTION

On motion of Senator Thibaudeau, gubernatorial appointment No. 9051, Cesar A. Alzola, as a member of the Board of Pharmacy, was confirmed.

## APPOINTMENT OF CESAR A. ALZOLA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 1; Excused, 10.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Roach, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 38.

Absent: Senator Johnson - 1.

Excused: Senators Eide, Finkbeiner, Goings, Heavey, Rasmussen, Rossi, Sellar, Sheldon, T., West and Zarelli - 10.

## MOTION

On motion of Senator McAuliffe, gubernatorial appointment No. 9166, Terry Robertson, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

## APPOINTMENT OF TERRY ROBERTSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Eide, Finkbeiner, Rasmussen, Rossi, Sellar and West - 6.

## MOTION

On motion of Senator Spanel, gubernatorial appointment No. 9178, Adrienne Thompson, as a member of the Board of Trustees for Western Washington University, was confirmed.

#### APPOINTMENT OF ADRIENNE THOMPSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Roach, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 42.

Absent: Senator Sheldon, B. - 1.

Excused: Senators Eide, Finkbeiner, Rasmussen, Rossi, Sellar and West - 6.

#### PERSONAL PRIVILEGE

Senator Benton: "I rise to a point of personal privilege. I would like to point out to the members of the body that today and yesterday, we have been confirming some rather historical appointments. For the first time ever, in the history of the state of Washington, we have been confirming student trustees to university boards of trustees. We just completed the confirmation of Adrienne Thompson and a few minutes earlier this morning, Aaron Gutierrez, and yesterday, there were others. This is very historical. It was a bill that was worked on for a number of years and finally last year the House and Senate approved this process and the Governor signed the legislation.

"Twenty years ago, in 1979, I had the great honor and privilege of serving as one of the first student trustees--on a community college board of trustees in Southern California. I can tell you it was a terrific learning experience and I believe these students will bring a new and different perspective to the boards of trustees--a much needed one. I believe--because, after all, the customers, the people that these universities serve, are indeed the students themselves.

"I didn't want this to pass today without pointing out to the Senate that it is very historical and I want to wish these young people the very best of luck in their service to their universities in their new capacities. Thank you, Mr. President."

Debate ensued.

#### SECOND READING

HOUSE BILL NO. 1011, by Representatives Scott, Morris, Hurst, Conway, McIntire, Kessler, Keiser, Mitchell, Ballasiotes, Dickerson, Cody, Haigh, Rockefeller, Lantz and Wood

Clarifying that electronic communications are included in the crimes of harassment and stalking.

The bill was read the second time.

#### MOTION

On motion of Senator Costa, the rules were suspended, House Bill No. 1011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1011.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1011 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin,

McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Eide, Finkbeiner, Rossi and West - 4.

HOUSE BILL NO. 1011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1232, by Representatives Sheahan, Constantine, McDonald and Scott

Changing provisions relating to judgments.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Engrossed House Bill No. 1232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1232.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1232 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 46.

Absent: Senators Johnson and Kohl-Welles - 2.

Excused: Senator West - 1.

ENGROSSED HOUSE BILL NO. 1232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Johnson was excused.

#### SECOND READING

HOUSE JOINT MEMORIAL NO. 4014, by Representatives Romero, Hankins, Grant, Ruderman and D. Schmidt

Requesting an increase in federal funding for stroke research.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, House Joint Memorial No. 4014 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4014.

## ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4014 and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 47. Excused: Senators Johnson and West - 2. HOUSE JOINT MEMORIAL NO. 4014, having received the constitutional majority, was declared passed.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1963, by House Committee on Local Government (originally sponsored by Representatives Koster, Dunshee, O'Brien, Anderson, G. Chandler, Sump, Dunn, B. Chandler and Mulliken)

Allowing the rebuilding of a farmhouse in a floodway under certain circumstances.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute House Bill No. 1963 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1963.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1963 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator McAuliffe - 1.

Excused: Senator Johnson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1963, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Franklin, Senator Eide was excused.

## SECOND READING

HOUSE BILL NO. 2010, by Representatives Ogden, McMorris and Romero (by request of Department of Community, Trade, and Economic Development)

Changing provisions relating to historic cemeteries.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 2010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2010.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2010 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Eide - 1.

HOUSE BILL NO. 2010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1848, by House Committee on Local Government (originally sponsored by Representatives Grant, Mastin and Dunn)

Clarifying the authority of port districts.

The bill was read the second time.

## MOTION

On motion of Senator Gardner, the following Committee on State and Local Government striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** Article VIII, section 8 of the Washington state Constitution authorizes the use of public funds by port districts in such manner as the legislature may prescribe for industrial development or trade promotion. The legislature recognizes a growing need for a Washington port district that is located in a county that has a contiguous border with another state, and a population between fifty and seventy thousand, to participate with other public agencies of this state and an adjoining state to attract, encourage, and develop industry and promote trade on both sides of their borders, for the economic benefit to the state of Washington. RCW 53.08.240 authorizes agreements between two or more port districts for the exercise of powers both within and outside their districts, and further authorizes contracts by port districts with other governmental entities. The interlocal cooperation act, chapter 39.34 RCW, also authorizes joint agreements and contracts between port districts and other state and local public agencies including political subdivisions of other states. However, there is uncertainty as to whether or not a port district that is located in a county that has a contiguous border with another state, and a population between fifty and seventy thousand, may exercise industrial development or trade promotion powers outside the district or state boundaries except jointly with another Washington port district.

The purpose of this act is to define and clarify the authority of a Washington port district that is located in a county that has a contiguous border with another state, and a population between fifty and seventy thousand, to exercise those powers jointly or in cooperation with other public agencies when found to be necessary and beneficial to the people of this state.

**Sec. 2.** RCW 53.04.010 and 1963 c 147 s 1 are each amended to read as follows:

(1) Port districts are hereby authorized to be established in the various counties of the state for the purposes of acquisition, construction, maintenance, operation, development and regulation within the district of harbor improvements, rail or motor vehicle transfer and terminal facilities, water transfer and terminal facilities, air transfer and terminal facilities, or any

combination of such transfer and terminal facilities, and other commercial transportation, transfer, handling, storage and terminal facilities, and industrial improvements.

(2) Powers of a port district that is located in a county that has a contiguous border with another state, and a population between fifty and seventy thousand, shall be exercised within the district, except as otherwise provided by statute or pursuant to an interlocal cooperation agreement with another public agency as defined in chapter 39.34 RCW. In addition to other requirements of chapter 39.34 RCW, such an interlocal cooperation agreement may involve the exercise of a port district's powers for a port district that is located in a county that has contiguous borders with another state, and a population between fifty and seventy thousand, outside the boundaries of the state of Washington in whole or in part only if found, by resolution of the port district commission exercising such authority, to be reasonably necessary for the effective exercise of the port district's statutory powers and for the benefit of the inhabitants of the district and the state of Washington. The resolution may be adopted only after a public hearing of which notice has been published in a newspaper of general circulation within the district at least ten days in advance.

**Sec. 3.** RCW 53.08.240 and 1961 c 24 s 1 are each amended to read as follows:

(1) Any two or more port districts shall have the power, by mutual agreement, to exercise jointly all powers granted to each individual district, and in the exercise of such powers shall have the right and power to acquire jointly all lands, property, property rights, leases, or easements necessary for their purposes, either entirely within or partly within or partly without or entirely without such districts: PROVIDED, That any two or more districts so acting jointly, by mutual agreement, shall not acquire any real property or real property rights in any other port district without the consent of such district.

(2) A district may enter into any contract with the United States, or any state, county, or municipal corporation, or any department of those entities, for carrying out any of the powers that each of the contracting parties may by law exercise separately.

(3)(a) A port district that is located in a county that has a contiguous border with another state, and a population between fifty and seventy thousand, may enter into any contract that each of the contracting parties may by law exercise separately with, including but not limited to, municipal corporations of adjoining states.

(b) In addition to other powers granted by statute, a port district that is located in a county that has a contiguous border with another state, and a population between fifty and seventy thousand, may enter into agreements with the United States or any of its agencies, or with any state, or with any municipal corporation of this state or of an adjoining state, for exercising jointly or cooperatively within or outside the district, in whole or in part, any of the powers that each of the contracting parties may by law exercise separately, for the promotion or development of trade or industry. Such powers may be exercised outside the boundaries of this state only after a public hearing of which notice has been published in a newspaper of general circulation within the district at least ten days in advance, and pursuant to findings and a resolution by the port district's commission that: (i) The undertaking and the district's participation in it will substantially benefit the district and the state of Washington; and (ii) the districts' share of the cost will not exceed an amount calculated by dividing the total cost of the undertaking by the number of participants."

## MOTIONS

On motion of Senator Gardner, the following title amendment was adopted:

On page 1, line 2 of the title, after "limits;" strike the remainder of the title and insert "amending RCW 53.04.010 and 53.08.240; and creating a new section."

On motion of Senator Gardner, the rules were suspended, Substitute House Bill No. 1848, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1848, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1848, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe,

McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Voting nay: Senator Patterson - 1.

SUBSTITUTE HOUSE BILL NO. 1848, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:33 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:45 a.m. by President Owen.

#### MOTION

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

#### SENATE RESOLUTION 1999-8654

By Senators Franklin, Spanel, B. Sheldon, Roach and Benton

WHEREAS, In 1839, fifty-three Africans from modern-day Sierra Leone were kidnapped and illegally sold into the Spanish slave trade; and

WHEREAS, After enduring an horrific voyage to Cuba, the Africans mutinied and took over the ship known as the Amistad; and

WHEREAS, The Amistad set sail for Africa, but ended up off the coast of New England; and

WHEREAS, A group of abolitionists took up the Africans' cause and there ensued a lengthy court battle for the Africans' freedom; and

WHEREAS, The case was ultimately argued before the United States Supreme Court; and

WHEREAS, The Supreme Court agreed with the plaintiffs, the Africans won their case in 1841, and were remanded their freedom; and

WHEREAS, The Amistad affair unified the abolitionists and advanced their cause, and civil libertarians increasingly used the judicial system to press their case, laying the groundwork for the abolition of slavery and the subsequent modern Civil Rights Movement; and

WHEREAS, A key legacy of the Amistad affair is the network of schools and colleges founded for the purpose of educating black Americans and giving them the means to pursue their rights, a practice which began during the Amistad trials and continues to this day; and

WHEREAS, A nonprofit educational foundation, Amistad America, is dedicated to maintaining the legacy of the Amistad incident and teaching the lessons of history, leadership, and cooperation through the use of the reproduced schooner Amistad; and

WHEREAS, Timber from the Pacific Northwest is essential for the completion of the Amistad's masts; and

WHEREAS, Employees of the Department of Natural Resources, through their Workforce Diversity Program, have raised over \$1,000 in contributions toward the purchase of selected timber for the Amistad Schooner;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commend and thank the employees of the Department of Natural Resources for their efforts to heighten awareness of diversity issues in our country and for raising donations to assist the Amistad America Project; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate do hereby immediately transmit copies of this resolution to the Department of Natural Resources and to Amistad America.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced employees of the Department of Natural Resources, who were seated in the gallery. The guests joined others in raising donations to assist the Amistad America Project.

MOTION

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

MESSAGE FROM THE HOUSE

April 6, 1999

MR. PRESIDENT:

The House has passed:  
SENATE BILL NO. 5015,  
SUBSTITUTE SENATE BILL NO. 5046,  
SUBSTITUTE SENATE BILL NO. 5047,  
SUBSTITUTE SENATE BILL NO. 5048,  
SUBSTITUTE SENATE BILL NO. 5058,  
SUBSTITUTE SENATE BILL NO. 5185,  
SENATE BILL NO. 5202,  
SECOND SUBSTITUTE SENATE BILL NO. 5210,  
SUBSTITUTE SENATE BILL NO. 5231,  
SUBSTITUTE SENATE BILL NO. 5274,  
SUBSTITUTE SENATE BILL NO. 5509,  
SENATE BILL NO. 5525,  
SENATE BILL NO. 5567,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5668,  
SUBSTITUTE SENATE BILL NO. 5669,  
SENATE BILL NO. 5741,  
SENATE BILL NO. 5806,  
SUBSTITUTE SENATE BILL NO. 5838, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5015,  
SUBSTITUTE SENATE BILL NO. 5046,  
SUBSTITUTE SENATE BILL NO. 5047,  
SUBSTITUTE SENATE BILL NO. 5048,  
SUBSTITUTE SENATE BILL NO. 5058,  
SUBSTITUTE SENATE BILL NO. 5185,  
SENATE BILL NO. 5202,  
SECOND SUBSTITUTE SENATE BILL NO. 5210,  
SUBSTITUTE SENATE BILL NO. 5231,  
SUBSTITUTE SENATE BILL NO. 5274,  
SUBSTITUTE SENATE BILL NO. 5509,  
SENATE BILL NO. 5525,  
SENATE BILL NO. 5567,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5668,  
SUBSTITUTE SENATE BILL NO. 5669,  
SENATE BILL NO. 5741,  
SENATE BILL NO. 5806,  
SUBSTITUTE SENATE BILL NO. 5838.

MOTION

At 11:54 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:19 p.m. by President Owen.

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

MOTION

On motion of Senator Honeyford, Senators McDonald, West and Winsley were excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Fairley, Gubernatorial Appointment No. 9013, Kevin Grossman, as a member of the Board of Trustees for Shoreline Community College District No. 7, was confirmed.

APPOINTMENT OF KEVIN GROSSMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Wojahn and Zarelli - 45.

Voting nay: Senator Benton - 1.

Excused: Senators McDonald, West and Winsley - 3.

MOTION

On motion of Senator Brown, Gubernatorial Appointment No. 9003, Gordon Budke, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

APPOINTMENT OF GORDON BUDKE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 1; Absent, 2; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senator Benton - 1.

Absent: Senators Loveland and Snyder - 2.

Excused: Senators McDonald and West - 2.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9004, Gwen Chaplin, as a member of the Board of Trustees for Central Washington University, was confirmed.

Senators Kohl-Welles and Thibaudeau spoke to the confirmation of Gwen Chaplin as a member of the Board of Trustees for Central Washington University.

#### APPOINTMENT OF GWEN CHAPLIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senators Benton and Hochstatter - 2.

Excused: Senators McDonald and West - 2.

#### MOTION

On motion of Senator Franklin, Senators Gardner and Spanel were excused.

#### MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9019, Glenn E. Jennings, as a member of the Board of Trustees for Everett Community College District No. 5, was confirmed.

#### APPOINTMENT OF GLENN E. JENNINGS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3. Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senator Benton - 1.

Excused: Senators Gardner, Spanel and West - 3.

#### MOTION

On motion of Senator Eide, Senator Thibaudeau was excused.

#### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9133, A. M. Jorgensen, as a member of the Board of Trustees for Renton Technical College District No. 27, was confirmed.

#### APPOINTMENT OF A. M. JORGENSEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 1; Absent, 2; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senator Benton - 1.

Absent: Senators Fraser and McDonald - 2.

Excused: Senators Gardner, Spanel, Thibaudeau and West - 4.

#### MOTION

On motion of Senator Franklin, Senator Fraser was excused.

## SECOND READING

HOUSE BILL NO. 1542, by Representatives Ericksen, D. Schmidt, Romero and McMorris

Recording surveys.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1542 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1542.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1542 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Kline - 1.

Excused: Senators Fraser, Gardner and Spanel - 3.

HOUSE BILL NO. 1542, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Honeyford, Senators McDonald and West were excused.

## MOTION

On motion of Senator Franklin, Senator Prentice was excused.

## SECOND READING

HOUSE BILL NO. 1023, by Representatives H. Sommers, Lambert, Carlson, Ogden, Conway, D. Sommers, Alexander, Wolfe, Romero, Bush, Thomas, Keiser, Stensen, G. Chandler, DeBolt, Parlette, Talcott, K. Schmidt, D. Schmidt, Murray, Schoesler, Sump and Hurst (by request of Joint Committee on Pension Policy)

Sharing extraordinary investment gains in the teachers' retirement system plan 3.

The bill was read the second time.

## MOTION

On motion of Senator Loveland, the following Committee on Ways and Means amendment was adopted:

On page 2, after line 12, insert the following:

"**Sec. 2.** RCW 41.50.145 and 1998 c 341 s 515 are each amended to read as follows:

(1) If the department determines that due to employer error a member of plan III has suffered a loss of investment return, the employer shall pay the department for credit to the member's account the amount determined by the department as necessary to correct the error.

(2) If the department determines that due to departmental error a member of plan III has suffered a loss of investment return, the department shall credit to the member's account from the ~~((school employees'))~~ appropriate retirement system combined plan II and III fund the amount determined by the department as necessary to correct the error."

Renumber the sections consecutively and correct any internal references accordingly.

#### MOTIONS

On motion of Senator Loveland, the following title amendment was adopted:

On page 1, line 2 of the title, strike everything after "plan 3;" and insert "amending RCW 41.50.145; creating new sections; and declaring an emergency."

On motion of Senator Loveland, the rules were suspended, House Bill No. 1023, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1023, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1023, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Fraser, Gardner, McDonald, Prentice, Spanel and West - 6.

HOUSE BILL NO. 1023, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Morton was excused.

#### SECOND READING

HOUSE BILL NO. 1556, by Representatives Hatfield, Bush, Romero, McDonald, Dickerson, Ballasiotes, Scott, Radcliff, Poulsen, Delvin, Constantine, Mastin and Murray (by request of Washington State Patrol)

Increasing timeliness of fire death reports.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the following Committee on State and Local Government striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 48.48.065 and 1995 c 369 s 29 are each amended to read as follows:

(1) The chief of each organized fire department, or the sheriff or other designated county official having jurisdiction over areas not within the jurisdiction of any fire department, shall report statistical information and data to the chief of the Washington state patrol, through the director of fire protection, on each fire occurring within the official's jurisdiction and, within two business days, report any death resulting from fire. Reports shall be consistent with the national fire incident reporting system developed by

the United States fire administration and rules established by the chief of the Washington state patrol, through the director of fire protection. The chief of the Washington state patrol, through the director of fire protection, and the department of natural resources shall jointly determine the statistical information to be reported on fires on land under the jurisdiction of the department of natural resources.

(2) The chief of the Washington state patrol, through the director of fire protection, shall analyze the information and data reported, compile a report, and distribute a copy annually by ~~(May)~~ July 1st to each chief fire official in the state. Upon request, the chief of the Washington state patrol, through the director of fire protection, shall also furnish a copy of the report to any other interested person at cost.

(3) In carrying out the duties relating to collecting, analyzing, and reporting statistical fire data, the fire protection policy board may purchase statistical fire data from a qualified individual or organization. The information shall meet the diverse needs of state and local fire reporting agencies and shall be (a) defined in understandable terms of common usage in the fire community; (b) adaptable to the varying levels of resources available; (c) maintained in a manner that will foster both technical support and resource sharing; and (d) designed to meet both short and long-term needs."

#### MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On line 1 of the title, after "fire;" strike the remainder of the title and insert "and amending RCW 48.48.065."

On motion of Senator Patterson, the rules were suspended, House Bill No. 1556, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1556, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1556, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 42.

Absent: Senator Kline - 1.

Excused: Senators Fraser, Gardner, McDonald, Morton, Spanel and West - 6.

HOUSE BILL NO. 1556, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2054, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Quall, Benson, Hatfield and Cairnes)

Regulating sellers who finance the goods they sell.

The bill was read the second time.

#### MOTION

On motion of Senator Shin, the rules were suspended, Substitute House Bill No. 2054 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2054.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2054 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Fraser, Gardner, McDonald, Morton, Spanel and West - 6.

SUBSTITUTE HOUSE BILL NO. 2054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1654, by Representatives Kessler and Hatfield

Revising definition of veteran.

The bill was read the second time.

#### MOTION

On motion of Senator Loveland, the rules were suspended, House Bill No. 1654 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1654.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1654 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 43.

Absent: Senators Brown, Sellar and Zarelli - 3.

Excused: Senators McDonald, Rossi and West - 3.

HOUSE BILL NO. 1654, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1149, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Sullivan, Kastama, Lantz, Gombosky, Rockefeller, Linville, Conway, Murray, H. Sommers and Wolfe)

Filing financial statements under the insurance code.

The bill was read the second time.

#### MOTION

On motion of Senator Shin, the rules were suspended, Substitute House Bill No. 1149 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1149.

#### MOTION

On motion of Senator Honeyford, Senator Sellar was excused.

#### MOTION

On motion of Senator Franklin, Senator Kline was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1149 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Brown - 1.

Excused: Senators Kline, McDonald, Sellar and West - 4.

SUBSTITUTE HOUSE BILL NO. 1149, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1075, by House Committee on State Government (originally sponsored by Representatives D. Schmidt and Romero) (by request of Alternative Public Works Methods Oversight Committee)

Increasing the monetary limit for use of the small works roster by port districts.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1075 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Franklin, Senators Prentice and Thibaudeau were excused.

#### MOTION

On motion of Senator Eide, Senator Brown was excused.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1075.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1075 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 12; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Costa, Deccio, Eide, Fairley, Fraser, Gardner, Goings, Hale, Haugen, Hochstatter, Honeyford, Horn, Kohl-Welles, Long, Loveland, McAuliffe, Morton, Oke, Rasmussen, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Winsley and Wojahn - 31.

Voting nay: Senators Benton, Finkbeiner, Franklin, Hargrove, Heavey, Jacobsen, Johnson, McCaslin, Patterson, Roach, Rossi and Zarelli - 12.

Excused: Senators Brown, Kline, McDonald, Prentice, Thibaudeau and West - 6.

SUBSTITUTE HOUSE BILL NO. 1075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471, by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Crouse, Wood, Poulsen, Kessler and Thomas)

Prohibiting deceptive telephone directory listings.

The bill was read the second time.

#### MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Substitute House Bill No. 1471 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1471.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1471 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 43.

Voting nay: Senators Finkbeiner and Zarelli - 2.

Excused: Senators Kline, McDonald, Prentice and West - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1068, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Ballasiotes, O'Brien, Lambert, Mitchell, Kessler, Esser and Lovick)

Ensuring that prosecuting attorneys and law enforcement agencies have a meaningful role in the clemency process.

The bill was read the second time.

#### MOTION

On motion of Senator Costa, the following Committee on Human Services and Corrections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The pardoning power is vested in the governor under such regulations and restrictions as may be prescribed by law. To assist the governor in gathering the facts necessary to the wise exercise of this power, the legislature created the clemency and pardons board.

In recognition of the severe and detrimental impact of crime on victims, survivors of victims, and witnesses of crime, an intelligent recommendation on an application for clemency is dependent upon input from the victims and survivors of victims of crimes. It is the intent of the legislature to ensure that all victims and survivors of victims of crimes are afforded a meaningful role in the clemency process.

The impact of the crime on the community must also be assessed when passing upon an application for clemency. The prosecuting attorney who obtained the conviction and the law enforcement agency that conducted the investigation are uniquely situated to provide an accurate account of the offense and the impact felt by the community as a result of the offense. It is the intent of the legislature to ensure that the prosecuting attorney who obtained the conviction and the law enforcement agency that conducted the investigation are afforded a meaningful role in the clemency process.

**Sec. 2.** RCW 7.69.030 and 1997 c 343 s 1 are each amended to read as follows:

There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights:

(1) With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county;

(2) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;

(3) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court;

(4) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;

(5) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;

(6) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;

(7) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;

(8) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance;

(9) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance;

(10) With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program present at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts committed against the victim. This subsection applies if practical and if the presence of the crime victim advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim;

(11) With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;

(12) With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor;

(13) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;

(14) With respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions; ~~((and))~~

(15) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment; and

(16) With respect to victims and survivors of victims, to present a statement in person, via audio or videotape, in writing or by representation at any hearing conducted regarding an application for pardon or commutation of sentence.

**Sec. 3.** RCW 9.94A.260 and 1989 c 214 s 2 are each amended to read as follows:

(1) The clemency and pardons board shall receive petitions from individuals, organizations, and the department for review and commutation of sentences and pardoning of offenders in extraordinary cases, and shall make recommendations thereon to the governor.

(2) The board shall receive petitions from individuals or organizations for the restoration of civil rights lost by operation of state law as a result of convictions for federal offenses or out-of-state felonies. The board may issue certificates of restoration limited to the elective rights to vote and to engage in political office. Any certifications granted by the board must be filed with the secretary of state to be effective. In all other cases, the board shall make recommendations to the governor.

(3) The board shall not recommend that the governor grant clemency under subsection (1) of this section until a public hearing has been held on the petition. The prosecuting attorney of the county where the conviction was obtained shall be notified at least thirty days prior to the scheduled hearing that a petition has been filed and the date and place at which the hearing on the petition will be held. The board may waive the thirty-day notice requirement in cases where it determines that waiver is necessary to permit timely action on the petition. A copy of the petition shall be sent to the prosecuting attorney. The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation, of the date and place of the hearing. Information regarding victims, survivors of victims, or witnesses receiving this notice are confidential and shall not be available to the offender. The board shall consider written, oral, audio, or videotaped statements regarding the petition received, personally or by representation, from the individuals who receive notice pursuant to this section. This subsection is intended solely for the guidance of the board. Nothing in this section is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person.

**Sec. 4.** RCW 9.95.260 and 1981 c 136 s 44 are each amended to read as follows:

(1) It shall be the duty of the indeterminate sentence review board ~~((of prison terms and paroles))~~, when requested by the governor, to pass on the representations made in support of applications for pardons for convicted persons and to make recommendations thereon to the governor.

(2) It will be the duty of the secretary of corrections to exercise supervision over such convicted persons as have been conditionally pardoned by the governor, to the end that such persons shall faithfully comply with the conditions of such pardons. The indeterminate sentence review board ~~((of prison terms and paroles))~~ shall also pass on any representations made in support of applications for restoration of civil rights of convicted persons, and make recommendations to the governor. The department of corrections shall prepare materials and make investigations requested by the indeterminate sentence review board ~~((of prison terms and paroles))~~ in order to assist the board in passing on the representations made in support of applications for pardon or for the restoration of civil rights.

(3) The board shall make no recommendations to the governor in support of an application for pardon until a public hearing has been held under this section or RCW 9.94A.260(3) upon the application. The prosecuting attorney of the county where the conviction was obtained shall be notified at least thirty days prior to the scheduled hearing that an application for pardon has been filed and the date and place at which the hearing on the application for pardon will be held. The board may waive the thirty-day notice requirement in cases where it determines that waiver is necessary to permit timely action on the petition. A copy of the application for pardon shall be sent to the prosecuting attorney. The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation of the date and place of the hearing. Information regarding victims, survivors of victims, or witnesses receiving this notice are confidential and shall not be available to the offender. The board shall consider written, oral, audio, or videotaped statements regarding the application for pardon received, personally or by representation, from the individuals who receive notice pursuant to this section. This subsection is intended solely for the guidance of the board. Nothing in this section is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person."

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 1 of the title, after "pardons;" strike the remainder of the title and insert "amending RCW 7.69.030, 9.94A.260, and 9.95.260; and creating a new section."

On motion of Senator Costa, the rules were suspended, Substitute House Bill No. 1068, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator McCaslin, Senator Morton was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1068, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1068, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Kline, McDonald, Morton and West - 4.

SUBSTITUTE HOUSE BILL NO. 1068, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1092, by Representative Hatfield (by request of Department of Financial Institutions)

Regulating escrow agents and escrow officers.

The bill was read the second time.

#### MOTION

On motion of Senator Shin, the rules were suspended, House Bill No. 1092 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1092.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1092 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Finkbeiner - 1.

Excused: Senators McDonald, Morton and West - 3.

HOUSE BILL NO. 1092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1394, by Representatives Hurst, Constantine, Lambert, Sheahan, McDonald, Lovick, H. Sommers, Dickerson, Kenney and Esser

Making the defense of duress unavailable for the crime of homicide by abuse.

The bill was read the second time.

#### MOTION

Senator Deccio moved that the following amendment by Senators Deccio, McCaslin, Costa, Rossi, Fairley, Winsley and Betti Sheldon be adopted:

On page 2, after line 2, insert the following:

**"Sec. 1.** RCW 9A.32.055 and 1987 c 187 s 1 are each amended to read as follows:

(1) A person is guilty of homicide by abuse if, under circumstances manifesting an extreme indifference to human life, the person withholds necessary medical treatment or by other means causes the death of a child or person under sixteen years of age, a developmentally disabled person, or a dependent adult, and the person has previously engaged in a pattern or practice of assault or torture of said child, person under sixteen years of age, developmentally disabled person, or dependent person.

(2) As used in this section, "dependent adult" means a person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life.

(3) Homicide by abuse is a class A felony."

#### POINT OF INQUIRY

Senator Franklin: "Senator Deccio, I just need some clarification in regards with what happens to life support? You know a lot of times the--if the child under sixteen--let's take an example. In an auto accident, if the child was severely injured, comatose and on life support and then in consultation with the family, the doctor, in turn, or even the family will ask that that child be removed from life support. You have in your amendment, 'or by other means,' which would mean life support. Would you clarify how this would work?"

Senator Deccio: "The basic statute deals with abuse. I don't think a situation that you are describing would be the definition of abuse according to that statute. So, I think that really would not occur."

Further debate ensued.

#### MOTION TO WITHDRAW AMENDMENT

On motion of Senator Deccio, and there being no objection, the amendment by Senators Deccio, McCaslin, Costa, Rossi, Fairley, Winsley and Betti Sheldon on page 2, after line 2, to House Bill No. 1394 was withdrawn.

#### MOTION

On motion of Senator Heavey, the rules were suspended, House Bill No. 1394 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1394.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1394 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Morton and West - 2.

HOUSE BILL NO. 1394, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1996, by Representatives Parlette and Cooper (by request of Department of Labor and Industries)

Regulating charter boat safety.

The bill was read the second time.

#### MOTION

On motion of Senator Sellar, the rules were suspended, House Bill No. 1996 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Hargrove: "Senator Sellar, I was looking at just the bill report. I am sorry I didn't get to the bill. It talks about, 'replaced by state waters.' I believe that 'state waters' is larger than just those two areas you referred to, covering many of the fresh water rivers, and other places in our state. Is the definition in the bill definitely limited to those two lakes?"

Senator Sellar: "Yes, the other state waters are navigable and fall under the coast guard regulations. These two lakes are not navigable; they are reservoirs behind dams."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1996.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1996 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Franklin - 1.

Excused: Senator Morton - 1.

HOUSE BILL NO. 1996, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1686, by House Committee on Appropriations (originally sponsored by Representatives Kessler, DeBolt, Alexander, Mulliken, Morris, Linville, G. Chandler, Pennington, Wolfe, Hatfield, McMorris, Delvin, Romero, Sump, Clements, Ericksen, Schoesler, Campbell, D. Schmidt, Fortunato, Mielke, Radcliff, Cox, Mastin, Murray, Cooper, Lisk, Crouse, Hankins, Skinner, Thomas, B. Chandler, Koster, Parlette and Ruderman)

Requiring cooperation with local economic development cooperatives.

The bill was read the second time.

#### MOTION

On motion of Senator Gardner, the rules were suspended, Second Substitute House Bill No. 1686 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1686.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1686 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Morton - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1686, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1560, by House Committee on State Government (originally sponsored by Representatives McMorris, Scott, Ballasiotes, Mitchell, Romero, Dickerson, McDonald, Poulsen, Bush, Constantine, Fortunato and Murray) (by request of Forensic Investigation Council)

Enabling the bureau of forensic laboratory services.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1560.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1560 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Morton - 1.

SUBSTITUTE HOUSE BILL NO. 1560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2226, by Representative Tokuda

Eliminating eligibility standards retained from the aid to dependent children program under the temporary assistance for needy families program.

The bill was read the second time.

## MOTION

On motion of Senator Fairley, the following Committee on Labor and Workforce Development striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.12.010 and 1997 c 59 s 16 are each amended to read as follows:

For the purposes of the administration of temporary assistance for needy families, the term "dependent child" means any child in need under the age of eighteen years who ~~((has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of the parent, and who))~~ is living with a relative as specified under federal temporary assistance for needy families program requirements, in a place of residence maintained by one or more of such relatives as his or their homes. The term a "dependent child" shall, notwithstanding the foregoing, also include a child who would meet such requirements except for his removal from the home of a relative specified above as a result of a judicial determination that continuation therein would be contrary to the welfare of such child, for whose placement and care the state department of social and health services or the county office is responsible, and who has been placed in a licensed or approved child care institution or foster home as a result of such determination and who: (1) Was receiving an aid to families with dependent children grant for the month in which court proceedings leading to such determination were initiated; or (2) would have received aid to families with dependent children for such month if application had been made therefor; or (3) in the case of a child who had been living with a specified relative within six months prior to the month in which such proceedings were initiated, would have received aid to families with dependent children for such month if in such month he had been living with such a relative and application had been made therefor, as authorized by the Social Security Act~~((: PROVIDED, That to the extent authorized by the legislature in the biennial appropriations act and to the extent that matching funds are available from the federal government, temporary assistance for needy families assistance shall be available to any child in need who has been deprived of parental support or care by reason of the unemployment of a parent or stepparent liable under this chapter for support of the child))~~).

"Temporary assistance for needy families" means money payments, services, and remedial care with respect to a dependent child or dependent children and the needy parent or relative with whom the child lives ~~((and may include another parent or stepparent of the dependent child if living with the parent and if the child is a dependent child by reason of the physical or mental incapacity or unemployment of a parent or stepparent liable under this chapter for the support of such child))~~.

**Sec. 2.** RCW 74.12.035 and 1997 c 59 s 18 are each amended to read as follows:

(1) ~~((A family or assistance unit is not eligible for aid for any month if for that month the total income of the family or assistance unit, without application of income disregards, exceeds one hundred eighty-five percent of the state standard of need for a family of the same composition: PROVIDED, That for the purposes of determining the total income of the family or assistance unit, the earned income of a dependent child who is a full-time student for whom temporary assistance for needy families is being provided shall be disregarded for six months per calendar year.~~

~~(2) Participation in a strike does not constitute good cause to leave or to refuse to seek or accept employment. Assistance is not payable to a family for any month in which any caretaker relative with whom the child is living is, on the last day of the month, participating in a strike. An individual's need shall not be included in determining the amount of aid payable for any month to a family or assistance unit if, on the last day of the month, the individual is participating in a strike.~~

~~(3)) Children over eighteen years of age and under nineteen years of age who are full-time students reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before reaching nineteen years of age are eligible to receive temporary assistance for needy families: PROVIDED HOWEVER, That if such students do not successfully complete such program before reaching nineteen years of age, the assistance rendered under this subsection during such period shall not be a debt due the state.~~

~~(2) Children with disabilities who are eighteen years of age and under twenty-one years of age and who are full-time students whose education is being provided in accordance with RCW 28A.155.020 are eligible to receive temporary assistance for needy families benefits.~~

~~(3) The department is authorized to grant exceptions to the eligibility restrictions for children eighteen years of age and under twenty-one years of age under subsection (1) and (2) of this section only when it determines by reasonable, objective criteria that such exceptions are likely to enable the children to complete their high school education, general equivalency diploma or vocational education.~~

NEW SECTION. **Sec. 3.** RCW 74.12.036 and 1997 c 59 s 19 & 1994 c 299 s 11 are each repealed.

**Sec. 4.** RCW 74.08A.120 and 1997 c 57 s 3 are each amended to read as follows:

(1) The department may establish a food assistance program for ~~((persons whose immigrant status meets the eligibility requirements of the federal food stamp program, but who are no longer eligible solely due to their immigrant status under P.L. 104-493))~~ legal immigrants who are ineligible for the federal food stamp program.

(2) The rules for the state food assistance program shall follow exactly the rules of the federal food stamp program except for the provisions pertaining to immigrant status ((under P.L. 104-193)).

(3) The benefit under the state food assistance program shall be established by the legislature in the biennial operating budget.

(4) The department may enter into a contract with the United States department of agriculture to use the existing federal food stamp program coupon system for the purposes of administering the state food assistance program.

(5) In the event the department is unable to enter into a contract with the United States department of agriculture, the department may issue vouchers to eligible households for the purchase of eligible foods at participating retailers."

#### MOTIONS

On motion of Senator Fairley, the following title amendment was adopted:

On page 1, line 3 of the title, after "program;" strike the remainder of the title and insert "amending RCW 74.12.010, 74.12.035, and 74.08A.120; and repealing RCW 74.12.036."

On motion of Senator Fairley, the rules were suspended, House Bill No. 2226, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2226, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2226, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senators Deccio, Johnson, McDonald, Rossi, Sellar and Stevens - 6.

Excused: Senator Morton - 1.

SUBSTITUTE HOUSE BILL NO. 2226, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1936, by Representatives Tokuda, Boldt, D. Sommers and Santos

Requiring employability screening for recipients of temporary assistance for needy families.

The bill was read the second time.

#### MOTION

Senator Fairley moved that the following Committee on Labor and Workforce Development striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.08A.010 and 1997 c 58 s 103 are each amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for sixty months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance. The number of recipients exempted or deferred from the time limit in this subsection shall not exceed twenty percent of the temporary assistance for needy families caseload.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the family member was a minor child and not the head of the household or married to the head of the household or the recipient received a deferral under section 2 of this act.

(3) The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of community, trade, and economic development, or the crime victims' compensation program of the department of labor and industries.

(4) The department may exempt a recipient and the recipient's family from the application of subsection (1) of this section by reason of hardship or if the recipient meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193. ~~((The number of recipients and their families exempted from subsection (1) of this section for a fiscal year shall not exceed twenty percent of the average monthly number of recipients and their families to which assistance is provided under the temporary assistance for needy families program.~~

~~(5) The department shall not exempt a recipient and his or her family from the application of subsection (1) of this section until after the recipient has received fifty-two months of assistance under this chapter.)~~

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.08A RCW to read as follows:

(1) Each recipient approved to receive temporary assistance for needy families shall be subject to an employability screen as a condition of eligibility. If the employability screen determines the recipient meets the criteria specified in RCW 74.08A.270 for a good cause exemption to work requirements the department shall defer the work requirement under RCW 74.08A.260, as long as the condition of the recipient that causes him or her to meet the exemption criteria exists. When the condition ceases to exist, the exemption terminates.

(2) All recipients not deferred shall be placed in the job search component. Failure to participate in the job search component shall result in sanctions as provided in RCW 74.08A.260. If a recipient fails to find employment during the job search component, the department may refer the recipient to those work activities that are directly related to improving the recipient's employability.

(3) The department shall adopt rules providing for the review of recipients granted deferrals under this section.

**Sec. 3.** RCW 74.08A.260 and 1997 c 58 s 313 are each amended to read as follows:

Recipients who have not obtained a deferral under section 2 of this act or paid, unsubsidized employment ~~((by the end of the job search component authorized in section 312 of this act))~~ shall be referred to a work activity.

(1) Each recipient shall be assessed immediately upon completion of the job search component. Assessments shall be based upon factors that are critical to obtaining employment, including but not limited to education, employment strengths, and employment history. Assessments may be performed by the department or by a contracted entity. The assessment shall be based on a uniform, consistent, transferable format that will be accepted by all agencies and organizations serving the recipient. Based on the assessment, an individual responsibility plan shall be prepared that: (a) Sets forth an employment goal and a plan for moving the recipient immediately into employment; (b) contains the obligation of the recipient to become and remain employed; (c) moves the recipient into whatever employment the recipient is capable of handling as quickly as possible; and (d) describes the services available to the recipient to enable the recipient to obtain and keep employment.

(2) Recipients who are not engaged in work and work activities, and do not qualify for a good cause exemption under RCW 74.08A.270, shall engage in self-directed service as provided in RCW 74.08A.330.

(3) If a recipient refuses to engage in work and work activities required by the department, the family's grant shall be reduced by the recipient's share, and may, if the department determines it appropriate, be terminated.

(4) The department may waive the penalties required under subsection (3) of this section, subject to a finding that the recipient refused to engage in work for good cause provided in RCW 74.08A.270.

(5) In implementing this section, the department shall assign the highest priority to the most employable clients, including adults in two-parent families and parents in single-parent families that include older preschool or school-age children to be engaged in work activities.

(6) In consultation with the recipient, the department or contractor shall place the recipient into a work activity that is available in the local area where the recipient resides.

(7) The department shall encourage and facilitate placement of recipients into apprenticeships or preapprenticeship training programs.

**Sec. 4.** RCW 74.08A.270 and 1997 c 58 s 314 are each amended to read as follows:

(1) Good cause reasons for failure to participate in WorkFirst program components include: ~~((1))~~ (a) Situations where the recipient is a parent or other relative personally providing care for a child under the age of six years, and formal or informal child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department fails to provide such care; or ~~((2) until June 30, 1999,)~~ (b) if the recipient is a parent with a child under the age of one year. A parent may only receive this exemption for a total of twelve months, which may be consecutive or nonconsecutive; or ~~((3) after June 30, 1999, if the recipient is a parent with a child under three months of age)~~ (c) if the recipient is a victim of domestic violence; or (d) if the

recipient is incapacitated; or (e) if the recipient is caring for an incapacitated child; or (f) if the recipient is fifty-five years of age or older and is the grandparent or nonparent relative of the dependent child.

(2) For purposes of this section, domestic violence victimization must be documented by either a protection order or a written confirmation of treatment by a health care professional licensed under chapter 18.57, 18.57A, 18.71, 18.71A, 18.79, or 18.83 RCW for the effects of domestic violence. Incapacity of a recipient or child must be documented by medical or psychiatric clinical evidence, confirmed in writing by a health care professional licensed under chapter 18.57, 18.57A, 18.71, 18.71A, 18.79, or 18.83 RCW.

(3) When the domestic violence victimization or the incapacity of the recipient or child no longer exist, the good cause deferral under this section terminates. The department shall notify the recipient of the termination of the good cause exemption.

**NEW SECTION. Sec. 5.** A new section is added to chapter 74.08A RCW to read as follows:

Recipients who are not required to meet work requirements under RCW 74.08A.270 shall receive grants, child care, and related services that are not supported by the temporary assistance for needy families block grant.

**NEW SECTION. Sec. 6.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Labor and Workforce Development striking amendment to House Bill No. 1936.

The motion by Senator Fairley carried and the committee striking amendment was adopted on a rising vote.

#### MOTIONS

On motion of Senator Fairley, the following title amendment was adopted:

On page 1, line 2 of the title, after "families;" strike the remainder of the title and insert "amending RCW 74.08A.010, 74.08A.260, and 74.08A.270; adding new sections to chapter 74.08A RCW; and creating a new section."

On motion of Senator Fairley, the rules were suspended, House Bill No. 1936, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF ORDER

Senator Hochstatter: "A point of order, Mr. President. I ask that the speaker address the bill at hand. Thank you."

Further debate ensued

#### MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1936, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1936, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 28.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, West and Zarelli - 19.

Absent: Senator Swecker - 1.

Excused: Senator McCaslin - 1.

HOUSE BILL NO. 1936, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Swecker was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2053, by House Committee on Transportation (originally sponsored by Representatives Hatfield, Hankins, Scott, Skinner, Edwards, Cooper, K. Schmidt, Haigh, Mielke, Schindler, G. Chandler, McDonald, Hurst, Fortunato, Fisher, Ogden, Ruderman and Miloscia)

Allowing credit card payment of vehicle registration fees.

The bill was read the second time.

#### MOTION

On motion of Senator Gardner, the following amendment by Senators Gardner and Benton was adopted:

On page 1, line 13, after "companies." insert "In no event may the use of credit or debit cards authorized by this section create a loss of revenue to the state."

#### MOTION

On motion of Senator Gardner, the rules were suspended, Substitute House Bill No. 2053, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2053, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2053, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Wojahn - 43.

Voting nay: Senators Long, Loveland and Zarelli - 3.

Absent: Senator Kohl-Welles - 1.

Excused: Senators McCaslin and Swecker - 2.

SUBSTITUTE HOUSE BILL NO. 2053, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1371, by House Committee on Health Care (originally sponsored by Representatives Ruderman, Alexander and O'Brien) (by request of Department of Health)

Modifying provisions that concern the control and prevention of tuberculosis.

The bill was read the second time.

## MOTION

On motion of Senator Thibaudeau, the following Committee on Health and Long Term Care striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that current statutes relating to the reporting, treatment, and payment for tuberculosis are outdated, and not in concert with current clinical practice and tuberculosis care management. Updating reporting requirements for local health departments will benefit providers, local health, and individuals requiring treatment for tuberculosis.

**Sec. 2.** RCW 70.28.010 and 1996 c 209 s 1 are each amended to read as follows:

All practicing ~~((physicians))~~ health care providers in the state are hereby required to report to the local ~~((boards of))~~ health ~~((in writing, the name, age, sex, occupation and residence))~~ department cases of every person having tuberculosis who has been attended by, or who has come under the observation of ~~((such physician)),~~ the health care provider within one day thereof.

**Sec. 3.** RCW 70.28.020 and 1967 c 54 s 2 are each amended to read as follows:

All local ~~((boards of))~~ health departments in this state are hereby required to receive and keep a ~~((permanent))~~ record, for a period of ten years from the date of the report, of the reports required by RCW 70.28.010 to be made to them; such records shall not be open to public inspection, but shall be submitted to the proper inspection of other local health departments and ~~((state boards))~~ of the department of health alone, and such records shall not be published nor made public.

**Sec. 4.** RCW 70.28.037 and 1967 c 54 s 7 are each amended to read as follows:

Where it has been determined after an examination as prescribed ~~((above,))~~ in this chapter that an individual has active tuberculosis, ~~((and he resides in a county in which no tuberculosis facility is located,))~~ upon application to the superior court by the local health officer, the superior court ~~((may))~~ shall order the sheriff to transport ~~((said))~~ the individual to a designated ~~((tuberculosis))~~ facility for isolation, treatment, and care until such time as the ~~((medical director of the hospital))~~ local health officer or designee determines that ~~((his))~~ the patient's condition is such that it is safe for ~~((him))~~ the patient to be discharged from the facility.

**Sec. 5.** RCW 70.30.061 and 1973 1st ex.s. c 213 s 1 are each amended to read as follows:

Any person residing in the state and needing treatment for tuberculosis~~(,)~~ may apply in person to the local health officer or to any licensed physician, advanced registered nurse practitioner, or licensed physician assistant for examination and if ~~((such physician))~~ that health care provider has reasonable cause to believe that ~~((said))~~ the person is suffering from tuberculosis in any form he or she may apply to the local health officer or ~~((tuberculosis hospital director))~~ designee for admission of ~~((said))~~ the person to an appropriate facility for the care and treatment of tuberculosis.

**Sec. 6.** RCW 70.32.010 and 1975 1st ex.s. c 291 s 3 are each amended to read as follows:

Tuberculosis is a communicable disease and tuberculosis ~~((control, case finding,))~~ prevention, treatment, control, and follow up of known cases of tuberculosis ~~((represents))~~ are the basic steps in the ~~((conquest))~~ control of this major health problem. In order to carry on such work effectively in accordance with the standards set by the secretary ~~((pursuant to))~~ under RCW 70.33.020 (as recodified by this act), the legislative authority of each county shall budget a sum to be used for the control of tuberculosis, including case finding, prevention, treatment, and follow up of known cases of tuberculosis. Under no circumstances should this section be construed to mean that the legislative authority of each county shall budget sums to provide tuberculosis treatment when the patient has the ability to pay for the treatment. Each patient's ability to pay for the treatment shall be assessed by the local health department.

**Sec. 7.** RCW 70.33.010 and 1991 c 3 s 330 are each amended to read as follows:

The ~~((following words and phrases shall have the designated meanings in))~~ definitions in this section apply throughout this chapter ~~((and RCW 70.32.010, 70.32.050, and 70.32.060))~~ unless the context clearly ~~((indicated))~~ requires otherwise:

- (1) "Department" means the department of health;
- (2) "Secretary" means the secretary of the department of health or his or her designee;
- (3) ~~((("Tuberculosis hospital" and "tuberculosis hospital facility" refer to hospitals for the care of persons suffering from tuberculosis;~~
- (4)) "Tuberculosis control" refers to the procedures administered in the counties for the control ~~((and)),~~ prevention, and treatment of tuberculosis ~~((, but does not include hospitalization)).~~

**Sec. 8.** RCW 70.33.020 and 1983 c 3 s 172 are each amended to read as follows:

~~((From and after August 9, 1974,))~~ The secretary shall have responsibility for establishing standards for the control, prevention, and treatment of tuberculosis and ~~((shall have administrative responsibility and control for all tuberculosis))~~ hospitals ~~((facilities))~~ approved to treat tuberculosis in the state operated ~~((pursuant to))~~ under this chapter and chapter 70.30 RCW ~~((70.32.010, 70.32.050, and 70.32.060))~~ and for providing, either directly or through agreement, contract, or purchase, ~~((hospital, nursing home and other))~~ appropriate facilities and services ~~((including laboratory services))~~ for persons who are, or may be

suffering from tuberculosis except as otherwise provided by RCW 70.30.061(~~(, 70.33.020, 70.33.030, and 70.33.040)~~) or this section.

~~((Pursuant to))~~ Under that responsibility, the secretary shall have the following powers and duties:

(1) To develop and enter into such agreements, contracts, or purchase arrangements with counties and public and private agencies or institutions to provide for hospitalization, nursing home, or other appropriate facilities and services, including laboratory services, for persons who are or may be suffering from tuberculosis(~~(, or to provide for and maintain any tuberculosis hospital facility which the secretary determines is necessary to meet the needs of the state, to determine where such hospitals shall be located and to adequately staff such hospitals to meet patient care needs));~~

(2) ~~((To appoint a medical director for each tuberculosis hospital facility operated pursuant to this chapter and RCW 70.32.010, 70.32.050, and 70.32.060;~~

~~(3))~~ Adopt such rules ~~((and regulations))~~ as are necessary to assure effective patient care and treatment(~~(, and to provide for the general administration)~~) of tuberculosis ~~((hospital facilities operated pursuant to this chapter and RCW 70.32.010, 70.32.050, and 70.32.060)).~~

**Sec. 9.** RCW 70.33.040 and 1975 1st ex.s. c 291 s 4 are each amended to read as follows:

In order to maintain adequate ~~((tuberculosis hospital facilities and to provide for adequate hospitalization, nursing home and other appropriate))~~ facilities and services for the residents of the state of Washington who are or may be suffering from tuberculosis and to assure their proper care, ~~((the standards set by the secretary pursuant to RCW 70.33.020 and 70.32.050 and 70.32.060,))~~ the legislative authority of each county shall budget annually a sum to provide such services in the county.

~~((If such counties desire to receive state services, they may elect to utilize funds pursuant to this section for the purpose of contracting with the state upon agreement by the state for the cost of providing tuberculosis hospitalization and/or outpatient treatment including laboratory services, or such))~~ The funds may be retained by the county for operating its own services for the prevention and treatment of tuberculosis ~~((or any other community health purposes authorized by law)).~~ None of ~~((such))~~ the counties shall be required to make any payments to the state or any other agency from these funds except ~~((upon the express consent of the county legislative authority: PROVIDED, That))~~ as authorized by the local health department. However, if the counties do not comply with the ~~((promulgated))~~ adopted standards of the department, the secretary shall take action to provide ~~((such))~~ the required services and to charge the affected county directly for the provision of these services by the state.

NEW SECTION. **Sec. 10.** A new section is added to chapter 70.30 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Secretary" means the secretary of the department of health or his or her designee.

(3) "Tuberculosis control" refers to the procedures administered in the counties for the control, prevention, and treatment of tuberculosis.

NEW SECTION. **Sec. 11.** (1) RCW 70.33.010 and 70.33.020 are each recodified as sections in chapter 70.28 RCW.

(2) RCW 70.32.010 and 70.33.040 are each recodified as sections in chapter 70.30 RCW.

NEW SECTION. **Sec. 12.** The following acts or parts of acts are each repealed:

(1) RCW 70.28.040 and 1899 c 71 s 4;

(2) RCW 70.28.050 and 1967 c 54 s 3 & 1899 c 71 s 5;

(3) RCW 70.30.072 and 1972 ex.s. c 143 s 3;

(4) RCW 70.32.050 and 1971 ex.s. c 277 s 22, 1967 c 54 s 16, 1945 c 66 s 5, & 1943 c 162 s 5;

(5) RCW 70.32.060 and 1971 ex.s. c 277 s 23, 1967 c 54 s 17, 1945 c 66 s 6, & 1943 c 162 s 6;

(6) RCW 70.33.030 and 1983 c 3 s 173, 1973 1st ex.s. c 213 s 3, & 1971 ex.s. c 277 s 17; and

(7) RCW 70.33.060 and 1971 ex.s. c 277 s 20.

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

## MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "tuberculosis;" strike the remainder of the title and insert "amending RCW 70.28.010, 70.28.020, 70.28.037, 70.30.061, 70.32.010, 70.33.010, 70.33.020, and 70.33.040; adding new sections to chapter 70.30 RCW; adding new sections to chapter 70.28 RCW; creating a new section; recodifying RCW 70.33.010, 70.33.020, 70.32.010, and 70.33.040; and repealing RCW 70.28.040, 70.28.050, 70.30.072, 70.32.050, 70.32.060, 70.33.030, and 70.33.060."

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 1371, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1371, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1371, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senators Kohl-Welles and Loveland - 2.

Excused: Senators McCaslin and Swecker - 2.

SUBSTITUTE HOUSE BILL NO. 1371, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Eide, Senator Kohl-Welles was excused.

#### SECOND READING

HOUSE JOINT MEMORIAL NO. 4008, by Representatives Regala, Sump, Linville, G. Chandler and Haigh

Requesting support for the full federal appropriation to fund state aquatic nuisance species management plans.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, House Joint Memorial No. 4008 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4008.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4008 and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Kohl-Welles, McCaslin and Swecker - 3.

HOUSE JOINT MEMORIAL NO. 4008, having received the constitutional majority, was declared passed.

#### SECOND READING

HOUSE BILL NO. 1261, by Representatives Romero, Conway, Voloria, Cooper, O'Brien and Kenney

Modifying motor vehicles of injured workers.

The bill was read the second time.

#### MOTIONS

On motion of Senator Fairley, the following Committee on Labor and Workforce Development amendments were considered simultaneously and were adopted:

On page 3, line 1, after "(8)" strike "(a)"

On page 3, beginning on line 3, after "injury." strike all material through "act." on line 5

On motion of Senator Fairley, the rules were suspended, House Bill No. 1261, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1261, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1261, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Kohl-Welles, McCaslin and Swecker - 3.

HOUSE BILL NO. 1261, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5932, by Senators Loveland, Bauer, Rossi, West, Hale and Rasmussen

Changing provisions relating to bond debt service payments from the community and technical college capital projects account.

#### MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 5932 was substituted for Senate Bill No. 5932 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 5932 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5932.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5932 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Deccio - 1.

Excused: Senators Kohl-Welles, McCaslin and Swecker - 3.

SUBSTITUTE SENATE BILL NO. 5932, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 5:03 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Thursday, April 8, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-SEVENTH DAY, APRIL 7, 1999

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**EIGHTY-EIGHTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Thursday, April 8, 1999

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Costa, Deccio, Finkbeiner, Gardner, Haugen, Heavey, McDonald, Patterson, Rasmussen, Sellar, Tim Sheldon and Swecker. On motion of Senator Honeyford, Senators Deccio, McDonald and Sellar were excused. On motion of Senator Eide, Senators Costa, Gardner, Heavey and Tim Sheldon were excused.

The Sergeant at Arms Color Guard consisting of Pages Chrissa Lugg and Laura Sieberson, presented the Colors. Reverend Joan Anthony, pastor of St. Benedict's Episcopal Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

April 7, 1999

MR. PRESIDENT:

The House has passed:  
SENATE BILL NO. 5114,  
SENATE BILL NO. 5196,  
SUBSTITUTE SENATE BILL NO. 5197,  
SENATE BILL NO. 5198,  
SENATE BILL NO. 5211,  
SUBSTITUTE SENATE BILL NO. 5234,  
SENATE BILL NO. 5253,  
SENATE BILL NO. 5347,  
SENATE BILL NO. 5442,  
SUBSTITUTE SENATE BILL NO. 5573,

SUBSTITUTE SENATE BILL NO. 5609,  
SUBSTITUTE SENATE BILL NO. 5651,  
SENATE BILL NO. 5652,  
SENATE BILL NO. 5772,  
SUBSTITUTE SENATE BILL NO. 5928,  
SENATE BILL NO. 5954,  
SENATE BILL NO. 6030, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5114,  
SENATE BILL NO. 5196,  
SUBSTITUTE SENATE BILL NO. 5197,  
SENATE BILL NO. 5198,  
SENATE BILL NO. 5211,  
SUBSTITUTE SENATE BILL NO. 5234,  
SENATE BILL NO. 5253,  
SENATE BILL NO. 5347,  
SENATE BILL NO. 5442,  
SUBSTITUTE SENATE BILL NO. 5573,  
SUBSTITUTE SENATE BILL NO. 5609,  
SUBSTITUTE SENATE BILL NO. 5651,  
SENATE BILL NO. 5652,  
SENATE BILL NO. 5772,  
SUBSTITUTE SENATE BILL NO. 5928,  
SENATE BILL NO. 5954,  
SENATE BILL NO. 6030.

INTRODUCTION AND FIRST READING

SCR 8409 by Senators Goings, Oke, Shin, Gardner, Swecker, Roach, B. Sheldon, Snyder, McCaslin, McAuliffe, Franklin, Rasmussen and Eide

Creating a Joint Select Committee on Veterans and Military Affairs.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended and Senate Concurrent Resolution No. 8409 was advanced to second reading and placed on the second reading calendar.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9105, Dennis R. Colwell, as a member of the Board of Trustees for Grays Harbor Community College District No. 2, was confirmed.

APPOINTMENT OF DENNIS R. COLWELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 5; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Eide, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 37.

Absent: Senators Finkbeiner, Haugen, Patterson, Rasmussen and Swecker - 5.

Excused: Senators Costa, Deccio, Gardner, Heavey, McDonald, Sellar, and Sheldon , T. - 7.

#### MOTION

On motion of Senator Eide, Senators Haugen, Patterson and Rasmussen were excused.

#### MOTION

On motion of Senator Honeyford, Senators Finkbeiner and Swecker were excused.

#### MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9163, Kathleen Quigg, as a member of the Board of Trustees for Grays Harbor Community College No. 2, was confirmed.

#### APPOINTMENT OF KATHLEEN QUIGG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 38.

Excused: Senators Deccio, Finkbeiner, Gardner, Haugen, Heavey, McDonald, Patterson, Rasmussen, Sellar, Sheldon, T. and Swecker - 11.

#### MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9126, Robert J. Hitt, as a member of the Board of Trustees for Grays Harbor Community College District No. 2, was confirmed.

#### APPOINTMENT OF ROBERT J. HITT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 40.

Excused: Senators Deccio, Gardner, Haugen, Heavey, McDonald, Patterson, Rasmussen, Sellar, and Sheldon, T. - 9.

#### MOTION

On motion of Senator Loveland, Gubernatorial Appointment No. 9177, Mary Grant Tompkins, as a member of the Board of Trustees for Walla Walla Community College District No. 20, was confirmed.

#### APPOINTMENT OF MARY GRANT TOMPKINS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Deccio, Gardner, Haugen, McDonald, Rasmussen, Sellar, and Sheldon, T. - 7.

#### MOTION

On motion of Senator Honeyford, Senator Long was excused.

#### MOTION

On motion of Senator Loveland, Gubernatorial Appointment No. 9149, Jon W. McFarland, as a member of the Board of Trustees for Walla Walla Community College District No. 20, was confirmed.

#### APPOINTMENT OF JON W. McFARLAND

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Deccio, Gardner, Long, McDonald, Sellar, and Sheldon, T. - 6.

#### MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9039, Dora C. Reyes, as a member of the Board of Trustees for Walla Walla Community College District No. 20 was confirmed.

#### APPOINTMENT OF DORA C. REYES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Deccio, Gardner, McDonald, and Sheldon, T. - 4.

#### MOTION

On motion of Senator Eide, Gubernatorial Appointment No. 9005, Ann Daley, as a member of the Pollution Control/Shorelines Hearings Board, was confirmed.

#### APPOINTMENT OF ANN DALEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin,

McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Voting nay: Senator Benton - 1.

Excused: Senator Gardner - 1.

## SECOND READING

HOUSE BILL NO. 1027, by Representatives Scott, Huff, Lantz, Conway and McDonald (by request of Criminal Justice Training Commission)

Expanding the membership of the criminal justice training commission.

The bill was read the second time.

## MOTION

On motion of Senator Heavey, the rules were suspended, House Bill No. 1027 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1027.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1027 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Gardner - 1.

HOUSE BILL NO. 1027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1140, by House Committee on Appropriations (originally sponsored by Representatives Carlson, Kenney, Radcliff, Lantz, Dunn, Esser, Edmonds, Cooper, Campbell and K. Schmidt)

Changing higher education financial aid provisions.

The bill was read the second time.

## MOTION

Senator Kohl-Welles moved that the following Committee on Higher Education striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) The legislature finds that the higher education coordinating board, in consultation with the higher education community, has completed a review of the state need grant program. It is the intent of the legislature to endorse the board's proposed changes to the state need grant program, including:

(a) Reaffirmation that the primary purpose of the state need grant program is to assist low-income, needy, and disadvantaged Washington residents attending institutions of higher education;

(b) A goal that the base state need grant amount over time be increased to be equivalent to the rate of tuition charged to resident undergraduate students attending Washington state public colleges and universities;

(c) State need grant recipients be required to contribute a portion of the total cost of their education through self-help;

(d) State need grant recipients be required to document their need for dependent care assistance after taking into account other public funds provided for like purposes; and

(e) Institutional aid administrators be allowed to determine whether a student eligible for a state need grant in a given academic year may remain eligible for the ensuing year if the student's family income increases by no more than a marginal amount.

(2) The legislature further finds that the higher education coordinating board, under its authority to implement the proposed changes in subsection (1) of this section, should do so in a timely manner.

(3) The legislature also finds that:

(a) In most circumstances, need grant eligibility should not extend beyond five years or one hundred twenty-five percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent; and

(b) State financial aid programs should continue to adhere to the principle that funding follows resident students to their choice of institution of higher education.

**Sec. 2.** RCW 28B.10.800 and 1993 sp.s. c 18 s 2 are each amended to read as follows:

The ~~((sole))~~ purposes of RCW 28B.10.800 through 28B.10.824 ~~((is))~~ are to establish ~~((a))~~ the principles upon which the state financial aid programs will be based and to establish the state of Washington ~~((student financial aid))~~ state need grant program, thus assisting financially needy or disadvantaged students domiciled in Washington to obtain the opportunity of attending an accredited institution of higher education, as defined in RCW 28B.10.802(1). ~~((Financial aid))~~ State need grants under RCW 28B.10.800 through 28B.10.824 ~~((is))~~ are available only to students who are resident students as defined in RCW 28B.15.012(2) (a) through (d).

**Sec. 3.** RCW 28B.10.804 and 1995 c 269 s 801 are each amended to read as follows:

The ~~((commission))~~ board shall be cognizant of the following guidelines in the performance of its duties:

(1) The ~~((commission))~~ board shall be research oriented, not only at its inception but continually through its existence.

(2) The ~~((commission))~~ board shall coordinate all existing programs of financial aid except those specifically dedicated to a particular institution by the donor.

(3) The ~~((commission))~~ board shall take the initiative and responsibility for coordinating all federal student financial aid programs to ~~((insure))~~ ensure that the state recognizes the maximum potential effect of these programs, and shall design ~~((the))~~ state programs ~~((which))~~ that complement~~((s))~~ existing federal, state, and institutional programs. The board shall ensure that state programs continue to follow the principle that state financial aid funding follows the student to the student's choice of institution of higher education.

(4) Counseling is a paramount function of the state need grant and other state student financial aid programs, and in most cases could only be properly implemented at the institutional levels; therefore, state student financial aid programs shall be concerned with the attainment of those goals which, in the judgment of the ~~((commission))~~ board, are the reasons for the existence of a student financial aid program, and not solely with administration of the program on an individual basis.

(5) The "package" approach of combining loans, grants and employment for student financial aid shall be the ~~((conceptional))~~ conceptual element of the state's involvement.

**Sec. 4.** RCW 28B.10.806 and 1989 c 254 s 3 are each amended to read as follows:

The ~~((commission))~~ board shall have the following powers and duties:

(1) Conduct a full analysis of student financial aid as a means of:

(a) Fulfilling educational aspirations of students of the state of Washington, and

(b) Improving the general, social, cultural, and economic character of the state.

Such an analysis will be a continuous one and will yield current information relevant to needed improvements in the state program of student financial aid. The ~~((commission))~~ board will disseminate the information yielded by their analyses to all appropriate individuals and agents.

~~((c)) This study should include information on the following:~~

~~((i)) all programs and sources of available student financial aid,~~

~~((ii)) distribution of Washington citizens by socio-economic class,~~

~~((iii)) data from federal and state studies useful in identifying:~~

~~((A)) demands of students for specific educational goals in colleges, and~~

~~((B)) the discrepancy between high school students' preferences and the colleges they actually selected.)~~

(2) Design a state program of student financial aid based on the data of the study referred to in this section. The state programs will supplement available federal and local aid programs. The state programs of student financial aid will not exceed the

difference between the budgetary costs of attending an institution of higher ~~((learning))~~ education and the student's total resources, including family support, personal savings, employment, and federal, state, and local aid programs.

(3) Determine and establish criteria for financial need of the individual applicant based upon the consideration of that particular applicant. In making this determination the ~~((commission))~~ board shall consider the following:

- (a) Assets and income of the student.
- (b) Assets and income of the parents, or the individuals legally responsible for the care and maintenance of the student.
- (c) The cost of attending the institution the student is attending or planning to attend.
- (d) Any other criteria deemed relevant to the ~~((commission))~~ board.

(4) Set the amount of financial aid to be awarded to any individual needy or disadvantaged student in any school year.

(5) Award financial aid to needy or disadvantaged students for a school year based upon only that amount necessary to fill the financial gap between the budgetary cost of attending an institution of higher education and the family and student contribution.

(6) Review the need and eligibility of all applications on an annual basis and adjust financial aid to reflect changes in the financial need of the recipients and the cost of attending the institution of higher education.

**Sec. 5.** RCW 28B.10.808 and 1991 c 164 s 4 are each amended to read as follows:

In awarding need grants, the ~~((commission))~~ board shall proceed substantially as follows: PROVIDED, That nothing contained herein shall be construed to prevent the ~~((commission))~~ board, in the exercise of its sound discretion, from following another procedure when the best interest of the program so dictates:

(1) The ~~((commission))~~ board shall annually select the financial aid award ~~((winners))~~ recipients from among Washington residents applying for student financial aid who have been ranked according to financial need as determined by the amount of the family contribution and other considerations brought to the ~~((commission's))~~ board's attention.

(2) The financial need of the highest ranked students shall be met by grants depending upon the evaluation of financial need until the total allocation has been disbursed. Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until dispersed.

(3) ~~((A grant may be renewed until the course of study is completed, but not for more than an additional four academic years beyond the first year of the award. These shall not be required to be consecutive years))~~ A student shall be eligible to receive a state need grant for up to five years, or the credit or clock hour equivalent of five years, or up to one hundred twenty-five percent of the published length of time of the student's program. A student may not start a new associate degree program as a state need grant recipient until at least five years have elapsed since earning an associate degree as a need grant recipient, except that a student may earn two associate degrees concurrently. Qualifications for renewal will include maintaining satisfactory academic ~~((standing))~~ progress toward completion of ~~((the course of study, and continued eligibility))~~ an eligible program as determined by the ~~((commission))~~ board. Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution according to the institution's own policy for issuing refunds, except as provided in RCW 28B.10.8081.

(4) In computing financial need, the ~~((commission))~~ board shall determine a maximum student expense budget allowance, not to exceed an amount equal to the total maximum student expense budget at the public institutions plus the current average state appropriation per student for operating expense in the public institutions.

**Sec. 6.** RCW 28B.10.810 and 1989 c 254 s 5 are each amended to read as follows:

For a student to be eligible for ~~((financial aid the))~~ a state need grant a student must:

(1) Be a "needy student" or "disadvantaged student" as determined by the ~~((commission))~~ board in accordance with RCW 28B.10.802 (3) and (4).

(2) Have been domiciled within the state of Washington for at least one year.

(3) Be enrolled or accepted for enrollment on at least a half-time basis at an institution of higher education in Washington as defined in RCW 28B.10.802(1).

(4) Have complied with all the rules and regulations adopted by the ~~((commission))~~ board for the administration of RCW 28B.10.800 through 28B.10.824.

**Sec. 7.** RCW 28B.10.822 and 1973 c 62 s 4 are each amended to read as follows:

The ~~((commission))~~ board shall adopt rules ~~((and regulations))~~ as may be necessary or appropriate for effecting the provisions of RCW 28B.10.800 through 28B.10.824 and section 1 of this act, and not in conflict with RCW 28B.10.800 through 28B.10.824, in accordance with the provisions of chapter 34.05 RCW, the ~~((state higher education))~~ administrative procedure act."

MOTION

Senator West moved that the following amendment by Senators West, Sheahan and Kohl-Welles to the Committee on Higher Education striking amendment be adopted:

On page 6, after line 11 of the committee amendment, insert the following:

**"NEW SECTION. Sec. 8.** A new section is added to chapter 28B.15 RCW to read as follows:

In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may waive all or a portion of the operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fees revenue forgone as a result of waivers granted under this section. The governing boards shall take public action to adopt rules for granting tuition waivers authorized under this section. Actions by governing boards of community colleges to grant waivers under this section shall be subject to rules of the state board for community and technical colleges.

**NEW SECTION. Sec. 9.** The higher education coordinating board, with the assistance of the institutions of higher education, shall evaluate the impact and the effectiveness of the new waiver authority granted under this act. The evaluation shall include, but not be limited to: (1) Information on how the institutions used their authority to waive tuition, including what rates were put into effect for categories of students or programs, and the impact on tuition revenue; and (2) an analysis of the impact of additional waivers on student enrollment patterns including changes in the proportion of resident students, changes in the proportion of undergraduate students and changes in the proportion of day-on-campus students. By November 1, 2000, the board shall report its findings and make recommendations to the governor and the legislature.

**Sec. 10.** RCW 28B.15.066 and 1995 1st sp.s. c 9 s 3 are each amended to read as follows:

It is the intent of the legislature that:

In making appropriations from the state's general fund to institutions of higher education, each appropriation shall conform to the following:

(1) The appropriation shall not be reduced by the amount of operating fees revenue estimated to be collected from students enrolled at the state-funded enrollment level specified in the omnibus biennial operating appropriations act;

(2) The appropriation shall not be reduced by the amount of operating fees revenue collected from students enrolled above the state-funded level, but within the over-enrollment limitations, specified in the omnibus biennial operating appropriations act; and

(3) The general fund state appropriation shall not be reduced by the amount of operating fees revenue collected as a result of waiving less operating fees revenue than the amounts authorized under RCW 28B.15.910. State general fund appropriations shall not be provided for revenue forgone as a result of or for waivers granted under section 8 of this act.

**Sec. 11.** RCW 28B.15.910 and 1998 c 346 s 904 are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsection (3) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue set forth below. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

(a) University of Washington	21 percent
(b) Washington State University	20 percent
(c) Eastern Washington University	11 percent
(d) Central Washington University	8 percent
(e) Western Washington University	10 percent
(f) The Evergreen State College	6 percent
(g) Community colleges as a whole	35 percent

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

(a) RCW 28B.10.265;

- (b) RCW 28B.15.014;
- (c) RCW 28B.15.100;
- (d) RCW 28B.15.225;
- (e) RCW 28B.15.380;
- (f) RCW 28B.15.520;
- (g) RCW 28B.15.526;
- (h) RCW 28B.15.527;
- (i) RCW 28B.15.543;
- (j) RCW 28B.15.545;
- (k) RCW 28B.15.555;
- (l) RCW 28B.15.556;
- (m) RCW 28B.15.615;
- (n) RCW 28B.15.620;
- (o) RCW 28B.15.628;
- (p) RCW 28B.15.730;
- (q) RCW 28B.15.740;
- (r) RCW 28B.15.750;
- (s) RCW 28B.15.756;
- (t) RCW 28B.50.259;
- (u) RCW 28B.70.050;
- (v) RCW 28B.80.580; and

(w) During the 1997-99 fiscal biennium, the western interstate commission for higher education undergraduate exchange program for students attending Eastern Washington University.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540; and
- (c) RCW 28B.15.558."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators West, Sheahan and Kohl-Welles on page 6, after line 21, to the Committee on Higher Education striking amendment to Second Substitute House Bill No. 1140.

The motion by Senator West carried and the amendment to the committee striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Higher Education striking amendment, as amended, to Second Substitute House Bill No. 1140.

The Committee on Higher Education striking amendment, as amended, was adopted.

## MOTIONS

On motion of Senator Kohl-Welles, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.10.800, 28B.10.804, 28B.10.806, 28B.10.808, 28B.10.810, and 28B.10.822; and adding a new section to chapter 28B.10 RCW."

On page 6, line 17 of the committee title amendment, after "28B.10.810" strike the remainder of the title and insert ", 28B.10.822, 28B.15.066, and 28B.15.910; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.15 RCW; and creating a new section."

On motion of Senator Kohl-Welles, the rules were suspended, Second Substitute House Bill No. 1140, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## MOTION

On motion of Senator Franklin, Senator Loveland was excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1140, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1140, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Gardner and Loveland - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1140, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1766, by Representatives Romero, McMorris, D. Schmidt, Dunshee, Miloscia, Conway, Campbell, Lambert and Haigh

Requiring identification of subcontractors in bids on public works.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1766 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1766.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1766 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Voting nay: Senator Swecker - 1.

Excused: Senators Gardner and Loveland - 2.

HOUSE BILL NO. 1766, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1331, by Representatives Buck, Sump, Regala, Anderson, Lantz, Doumit, G. Chandler, Pennington, Hatfield, Rockefeller, D. Sommers, Koster, Benson, Wolfe and Mulliken (by request of Parks and Recreation Commission)

Using volunteers at the state parks and recreation commission.

The bill was read the second time.

## MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1331 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1331.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1331 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Morton - 1.

Excused: Senators Gardner and Loveland - 2.

HOUSE BILL NO. 1331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1701, by House Committee on Natural Resources (originally sponsored by Representatives Buck, Doumit, Radcliff, Kessler, Sump, Miloscia, Barlean, Regala, Schoesler, DeBolt, Hatfield, Tokuda, Eickmeyer, Mielke, Pennington, B. Chandler, Alexander, Clements and Mastin)

Allowing for the use of funds to dredge marine recreation land.

The bill was read the second time.

## MOTION

On motion of Senator Jacobsen, the following Committee on Natural Resources, Parks and Recreation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.99.080 and 1995 c 166 s 5 are each amended to read as follows:

Moneys transferred to the recreation resource account from the marine fuel tax refund account may be used when appropriated by the legislature, as well as any federal or other funds now or hereafter available, to pay the necessary administrative and coordinative costs of the interagency committee for outdoor recreation established by RCW 43.99.110. All moneys so transferred, except those appropriated as aforesaid, shall be divided into two equal shares and shall be used to benefit watercraft recreation in this state as follows:

(1) One share as grants to state agencies for (a) acquisition of title to, or any interests or rights in, marine recreation land, (b) capital improvement and renovation of marine recreation land, including periodic dredging if needed, to maintain or make the facility more useful, or (c) matching funds in any case where federal or other funds are made available on a matching basis for purposes described in (a) or (b) of this subsection;

(2) One share as grants to public bodies to help finance (a) acquisition of title to, or any interests or rights in, marine recreation land, or (b) capital improvement and renovation of marine recreation land, including periodic dredging if needed, to maintain or make the facility more useful. A public body is authorized to use a grant, together with its own contribution, as matching funds in any case where federal or other funds are made available for purposes described in (a) or (b) of this subsection. The committee may prescribe further terms and conditions for the making of grants in order to carry out the purposes of this chapter."

## MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 1 of the title, after "account;" strike the remainder of the title and insert "and amending RCW 43.99.080."

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1701, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1701, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1701, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senators Hargrove and Morton - 2.

Excused: Senators Gardner and Loveland - 2.

SUBSTITUTE HOUSE BILL NO. 1701, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:14 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:03 p.m. by President Owen.

#### MOTIONS

On motion of Senator Franklin, Senators Fairley and Thibaudeau were excused.

On motion of Senator Eide, Senators Hargrove, Heavey Jacobsen and Snyder were excused.

#### MOTION

On motion of Senator Honeyford, Senators Johnson, McCaslin, Stevens, Winsley and Zarelli were excused.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Kline, Gubernatorial Appointment No. 9021, Rodney Kawakami, as a member of the Board of Trustees for Renton Technical College District No. 27, was confirmed.

#### APPOINTMENT OF RODNEY KAWAKAMI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 34; Nays, 0; Absent, 3; Excused, 12.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Hochstatter, Honeyford, Horn, Kline, Kohl-Welles, Long, Loveland, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, West and Wojahn - 34. Absent: Senators Bauer, McAuliffe and McDonald - 3. Excused: Senators Fairley, Gardner, Hargrove, Heavey, Jacobsen, Johnson, McCaslin, Snyder, Stevens, Thibaudeau, Winsley and Zarelli - 12.

MOTION

On motion of Senator Goings, Senator McAuliffe was excused.

MOTION

On motion of Senator Costa, Gubernatorial Appointment No. 9025, Joseph D. Lehman, as Secretary of the Department of Corrections, was confirmed.

Senators Costa, Long and Stevens spoke to the confirmation of Joseph D. Lehman as Secretary of the Department of Corrections.

APPOINTMENT OF JOSEPH D. LEHMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Wojahn - 41.

Excused: Senators Fairley, Gardner, Hargrove, Heavey, Johnson, McAuliffe, Winsley and Zarelli - 8.

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9044, James M. Sims, as Director of the Pollution Liability Insurance Program, was confirmed.

Senators Prentice and Benton spoke to the confirmation of James M. Sims as Director of the Pollution Liability Insurance Program.

APPOINTMENT OF JAMES M. SIMS

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Goings, Hale, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Wojahn and Zarelli - 43.

Absent: Senator Fraser - 1.

Excused: Senators Fairley, Gardner, Hargrove, Heavey and Winsley - 5.

MOTION

On motion of Senator Kline, Gubernatorial Appointment No. 9058, John Charles, as Director of the Department of Retirement Systems, was confirmed.

MOTION

On motion of Senator Franklin, Senators Bauer, Loveland and McAuliffe were excused.

APPOINTMENT OF JOHN CHARLES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Franklin, Fraser, Goings, Hale, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Wojahn and Zarelli - 39.

Absent: Senator Finkbeiner - 1.

Excused: Senators Bauer, Fairley, Gardner, Hargrove, Heavey, Honeyford, Loveland, McAuliffe and Winsley - 9.

#### MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9066, Howard N. Jorgenson, as a member of the Personnel Appeals Board, was confirmed.

#### APPOINTMENT OF HOWARD N. JORGENSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Wojahn and Zarelli - 42.

Excused: Senators Fairley, Gardner, Hargrove, Heavey, Honeyford, Loveland and Winsley - 7.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1681, by House Committee on Appropriations (originally sponsored by Representatives Buck, Grant, Sump, Schoesler, Boldt, Mastin and McMorris)

Establishing a program to purchase and plant privately grown trout.

The bill was read the second time.

#### MOTION

On motion of Senator Jacobsen, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that it is beneficial to improve opportunities for trout fishing in order to satisfy the public's demand for recreational fishing during a time of declining opportunities to catch anadromous salmon and steelhead trout.

Fish farmers can produce trout in a triploid genetic configuration for the purpose of certifying that the fish are sterile and that they cannot interbreed with wild trout. These fish are ideally suited to planting into public lakes and ponds to provide immediate recreational fishing at a reasonable cost. The fish continue to grow throughout their life cycle and have the potential to grow to trophy size.

Planting of these catchable trout can provide increased angler participation, increased fishing license sales, increased tourism activities, and a boost to local economies.

The department of fish and wildlife is authorized to purchase these privately produced fish to supplement existing department trout hatchery production. The planting of these catchable trout in water bodies with water quality sufficient to support fish life must not have an adverse impact on the wild trout population.

**NEW SECTION. Sec. 2.** The fish and wildlife commission in consultation with the department is authorized to determine which waters of the state are appropriate for this use during the 1999 and 2000 calendar years. In making this determination, the commission shall seek geographic distribution to assure opportunity to fishers state-wide.

The commission in consultation with the department will determine the maximum number of fish that may be planted into state waters so as not to compete with the wild populations of fish species in the water body.

NEW SECTION. **Sec. 3.** The fish and wildlife commission may authorize purchase of privately produced fish only if the cost of the program will be recovered by the increase in license sales directly attributable to the planting of these privately purchased fish.

NEW SECTION. **Sec. 4.** The department of fish and wildlife shall report to the appropriate legislative committees by February 1, 2001, regarding the implementation of this act. The report shall include information regarding the location and number of fish planted, the size of the fish planted, and information relating to the cost-effectiveness of the catchable trout program, including an estimate of new license sales generated by the programs.

NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act are each added to Title 77 RCW.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

#### MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 2 of the title, after "waters;" strike the remainder of the title and insert "adding new sections to Title 77 RCW; creating a new section; and declaring an emergency."

On motion of Senator Jacobsen, the rules were suspended, Second Substitute House Bill No. 1681, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1681, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1681, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Prentice - 1.

Excused: Senators Fairley, Gardner, Hargrove, Heavey and Loveland - 5.

SECOND SUBSTITUTE HOUSE BILL NO. 1681, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1014, by Representatives Carlson, Regala, Ogden, Pennington, Hatfield, Hurst, Stensen, Buck, Romero, Kastama, Scott, McIntire, Keiser, Cooper, Ballasiotes, Schual-Berke, Murray, Cody, Veloria, Rockefeller and Lantz

Requiring children age twelve and under to wear a personal flotation device while on a vessel on the waters of the state.

The bill was read the second time.

#### MOTION

On motion of Senator Jacobsen, the following Committee on Natural Resources, Parks and Recreation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 88.12.115 and 1993 c 244 s 14 are each amended to read as follows:

(1) No person may operate or permit the operation of a vessel on the waters of the state without a personal flotation device on board for each person on the vessel. Each personal flotation device shall be in serviceable condition, of an appropriate size, and readily accessible.

(2) Except as provided in RCW 88.12.015, a violation of subsection (1) of this section is an infraction under chapter 7.84 RCW if the vessel is not carrying passengers for hire.

(3) A violation of subsection (1) of this section is a misdemeanor punishable under RCW 9.92.030, if the vessel is carrying passengers for hire.

(4) No person shall operate a vessel under nineteen feet in length on the waters of this state with a child twelve years old and under, unless the child is wearing a personal flotation device that meets or exceeds the United States coast guard approval standards of the appropriate size, while the vessel is underway. For the purposes of this section, a personal flotation device is not considered readily accessible for children twelve years old and under unless the device is worn by the child while the vessel is underway. The personal flotation device must be worn at all times by a child twelve years old and under whenever the vessel is underway and the child is on an open deck or open cockpit of the vessel. The following circumstances are excepted:

(a) While a child is below deck or in the cabin of a boat with an enclosed cabin;

(b) While a child is on a United States coast guard inspected passenger-carrying vessel operating on the navigable waters of the United States; or

(c) While on board a vessel at a time and place where no person would reasonably expect a danger of drowning to occur.

(5) Except as provided in RCW 88.12.015, a violation of subsection (4) of this section is an infraction under chapter 7.84 RCW. Enforcement of subsection (4) of this section by law enforcement officers may be accomplished as a primary action, and need not be accompanied by the suspected violation of some other offense."

#### MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 1 of the title, after "devices;" strike the remainder of the title and insert "amending RCW 88.12.115; and prescribing penalties."

On motion of Senator Jacobsen, the rules were suspended, Engrossed House Bill No. 1014, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1014, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1014, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 12; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 33.

Voting nay: Senators Benton, Finkbeiner, Hochstatter, Honeyford, Horn, McCaslin, Morton, Roach, Sellar, Stevens, West and Zarelli - 12.

Excused: Senators Fairley, Gardner, Hargrove and Loveland - 4.

ENGROSSED HOUSE BILL NO. 1014, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1310, by Representatives Scott, Mulliken, Morris, Schoesler, Ericksen and Linville

Changing the authority of public utility districts.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1310 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1310.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1310 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Bauer - 1.

Excused: Senators Fairley, Gardner, Hargrove and Loveland - 4.

HOUSE BILL NO. 1310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1653, by House Committee on State Government (originally sponsored by Representatives Kenney, Miloscia, Romero, D. Schmidt, Clements and Wolfe) (by request of Department of General Administration)

Raising the limit on agency direct buy authority without competitive bids.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1653 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1653.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1653 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senator Benton - 1.

Excused: Senators Fairley, Gardner, Hargrove and Loveland - 4.

SUBSTITUTE HOUSE BILL NO. 1653, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1671, by House Committee on Judiciary (originally sponsored by Representatives Constantine, Radcliff, Kessler, Mastin, Sullivan, Grant, G. Chandler, Reardon, Lisk, Esser, Alexander, McMorris and Mitchell)

Eliminating a maximum amount threshold for pleadings in actions arising from public works contracts.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 1671 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1671.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1671 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Fairley and Gardner - 2.

SUBSTITUTE HOUSE BILL NO. 1671, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2232, by Representatives Conway and Clements

Addressing occupational safety and health impact grants.

The bill was read the second time.

#### MOTION

On motion of Senator Franklin, the rules were suspended, Engrossed House Bill No. 2232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2232.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2232 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Fairley and Gardner - 2.

ENGROSSED HOUSE BILL NO. 2232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Fraser, Senator Prentice was excused

#### MOTION

On motion of Senator Honeyford, Senators Deccio and Sellar were excused.

#### MOTION

On motion of Senator McCaslin, Senator Honeyford was excused.

#### PARLIAMENTARY INQUIRY

Senator McCaslin: "A parliamentary inquiry, Mr. President. Is that a new rule or is that in the books? No, no, don't throw your voice Mr. President. I want to hear it directly from you."

#### REPLY BY THE PRESIDENT

President Owen: : "My conscious says, 'No, it is not a new rule.'"

Senator McCaslin: "Whatever your conscious says, we agree with it."

#### PERSONAL PRIVILEGE

Senator Thibaudeau: "A point of personal privilege, Mr. President. Senator McCaslin knows that I made that mistake, among others, with the former Lieutenant Governor who wouldn't let me excuse myself either. Thank you, very much."

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1546, by House Committee on Appropriations (originally sponsored by Representatives Cody, Parlette, Doumit, Ballasiotes, Conway, D. Schmidt, Dickerson, Campbell, Wolfe, Kenney, Ogden, Radcliff, Kessler, Voloria, Ruderman, Linville, Santos, Haigh, Cooper, Miloscia, Edmonds, Keiser, Lantz, Hurst, Schual-Berke, Quall, Van Luven, Rockefeller, O'Brien, Wood, Murray, Fortunato and McIntire)

Modifying provisions related to long-term care of adults.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Second Substitute House Bill No. 1546 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1546.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1546 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Deccio, Fairley, Gardner, Honeyford, Prentice and Sellar - 6.

SECOND SUBSTITUTE HOUSE BILL NO. 1546, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1218, by House Committee on Health Care (originally sponsored by Representatives Cody and Parlette) (by request of Department of Health)

Modifying provisions related to nurse delegation of tasks.

The bill was read the second time.

## MOTION

Senator Thibaudeau moved that the following Committee on Health and Long-Term Care striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** In consideration of existing recommendations by the department of health with regard to nurse delegation and the parameters of nursing practice, the legislature finds that the provisions of chapter . . . , Laws of 1999 (this act) are necessary to expand the capacity of the nursing profession to adequately serve the public.

**Sec. 2.** RCW 18.88A.210 and 1998 c 272 s 10 are each amended to read as follows:

(1) A ~~((nurse may delegate specific care tasks to))~~ nursing assistant~~((s))~~ meeting the requirements of this section ~~((and))~~ who provides care to individuals in ~~((community residential programs for the developmentally disabled certified by the department of social and health services under chapter 71A.12 RCW, to individuals residing in adult family homes licensed under chapter 70.128 RCW, and to individuals residing in boarding homes licensed under chapter 18.20 RCW contracting with the department of social and health services to provide assisted living services pursuant to RCW 74.39A.010))~~ community-based care settings, as defined in RCW 18.79.260(3), may accept delegation of nursing care tasks by a registered nurse as provided in RCW 18.79.260(3).

(2) For the purposes of this section, "nursing assistant" means a nursing assistant-registered or a nursing assistant-certified. Nothing in this section may be construed to affect the authority of nurses to delegate nursing tasks to other persons, including licensed practical nurses, as authorized by law.

(3) Before commencing any specific nursing care tasks authorized under this chapter, the nursing assistant must (a) provide to the delegating nurse a certificate of completion issued by the department of social and health services indicating the completion of basic core nurse delegation training ~~((as provided in this section))~~, (b) be regulated by the department of health pursuant to this chapter, subject to the uniform disciplinary act under chapter 18.130 RCW, and (c) meet any additional training requirements identified by the nursing care quality assurance commission ~~((and authorized by this section))~~. Exceptions to these training requirements must adhere to RCW 18.79.260(3)(d)(iii).

~~((4))~~ A nurse may delegate the following care tasks:

(a) Oral and topical medications and ointments;  
(b) Nose, ear, eye drops, and ointments;  
(c) Dressing changes and catheterization using clean techniques as defined by the nursing care quality assurance commission;

(d) Suppositories, enemas, ostomy care;

(e) Blood glucose monitoring;

(f) Gastrostomy feedings in established and healed condition.

(5) ~~On or before September 1, 1995, the nursing care quality assurance commission, in conjunction with the professional nursing organizations, shall develop rules for nurse delegation protocols and by December 5, 1995, identify training beyond the core training that is deemed necessary for the delegation of complex tasks and patient care.~~

(6) ~~Nursing task delegation protocols are not intended to regulate the settings in which delegation may occur but are intended to ensure that nursing care services have a consistent standard of practice upon which the public and profession may rely and to safeguard the authority of the nurse to make independent professional decisions regarding the delegation of a task.~~ Protocols shall include at least the following:

(a) Ensure that determination of the appropriateness of delegation of a nursing task is at the discretion of the nurse;

(b) Allow delegation of a nursing care task only for patients who have a stable and predictable condition. "Stable and predictable condition" means a situation, as defined by rule by the nursing care quality assurance commission, in which the patient's clinical and behavioral status is known and does not require frequent presence and evaluation of a registered nurse;

(c) Assure that the initial delegating nurse obtains written consent to the nurse delegation process from the patient or a person authorized under RCW 7.70.065. Written consent is only necessary at the initial use of the nurse delegation process for each patient and is not necessary for task additions or changes or if a different nurse or nursing assistant will be participating in the process. The written consent must include at a minimum the following:

(i) A list of the tasks that could potentially be delegated per RCW 18.88A.210; and

(ii) A statement that a nursing assistant through the nurse delegation process will be performing a task that would previously have been performed by a registered or licensed practical nurse;

(d) Verify that the nursing assistant has completed the core training;

(e) Require assessment by the nurse of the ability and willingness of the nursing assistant to perform the delegated nursing task in the absence of direct nurse supervision and to refrain from delegation if the nursing assistant is not able or willing to perform the task;

(f) Require the nurse to analyze the complexity of the nursing task that is considered for delegation and determine the appropriate level of training and any need of additional training for the nursing assistant;

(g) Require the teaching of the nursing care task to the nursing assistant utilizing one or more of the following: (i) Verification of competency via return demonstration; (ii) other methods for verification of competency to perform the nursing task; or (iii) assurance that the nursing assistant is competent to perform the nursing task as a result of systems in place in the community residential program for the developmentally disabled, adult family home, or boarding home providing assisted living services;

(h) Require a plan of nursing supervision and reevaluation of the delegated nursing task. "Nursing supervision" means that the registered nurse monitors by direct observation or by whatever means is deemed appropriate by the registered nurse the skill and ability of the nursing assistant to perform delegated nursing tasks. Frequency of supervision is at the discretion of the registered nurse but shall occur at least every sixty days;

(i) Require instruction to the nursing assistant that the delegated nursing task is specific to a patient and is not transferable;

(j) Require documentation and written instruction related to the delegated nursing task be provided to the nursing assistant and a copy maintained in the patient record;

(k) Ensure that the nursing assistant is prepared to effectively deal with the predictable outcomes of performing the nursing task;

(l) Include in the delegation of tasks an awareness of the nature of the condition requiring treatment, risks of the treatment, side effects, and interaction of prescribed medications;

(m) Require documentation in the patient's record of the rationale for delegating or not delegating nursing tasks.

(7) A basic core training curriculum on providing care for individuals in community residential programs for the developmentally disabled certified by the department of social and health services under chapter 71A.12 RCW shall be in addition to the training requirements specified in subsection (5) of this section. Basic core training shall be developed and adopted by rule by the secretary of the department of social and health services. The department of social and health services shall appoint an advisory panel to assist in the development of core training comprised of representatives of the following:

(a) The division of developmental disabilities;

(b) The nursing care quality assurance commission;

(c) Professional nursing organizations;

(d) A state-wide organization of community residential service providers whose members are programs certified by the department under chapter 71A.12 RCW.

(8) A basic core training curriculum on providing care to residents in residential settings licensed under chapter 70.128 RCW, or in assisted living pursuant to RCW 74.39A.010 shall be mandatory for nursing assistants prior to assessment by a nurse regarding the ability and willingness to perform a delegated nursing task. Core training shall be developed and adopted by rule by the secretary of the department of social and health services, in conjunction with an advisory panel. The advisory panel shall be comprised of representatives from, at a minimum, the following:

(a) The nursing care quality assurance commission;

(b) Professional nurse organizations;

(c) A state-wide association of community residential service providers whose members are programs certified by the department under chapter 71A.12 RCW;

(d) Aging consumer groups;

~~(e) Associations representing homes licensed under chapters 70.128 and 18.20 RCW; and~~

~~(f) Associations representing home health, hospice, and home care agencies licensed under chapter 70.127 RCW.)~~

**Sec. 3.** RCW 18.88A.230 and 1998 c 272 s 11 are each amended to read as follows:

(1) ~~The ((nurse and)) nursing assistant shall be accountable for their own individual actions in the delegation process.~~

~~((Nurses acting within the protocols of their delegation authority shall be immune from liability for any action performed in the course of their delegation duties.))~~ Nursing assistants following written delegation instructions from registered nurses performed in the course of their accurately written, delegated duties shall be immune from liability.

(2) ~~((No person may coerce a nurse into compromising patient safety by requiring the nurse to delegate if the nurse determines it is inappropriate to do so. Nurses shall not be subject to any employer reprisal or disciplinary action by the Washington nursing care quality assurance commission for refusing to delegate tasks or refusing to provide the required training for delegation if the nurse determines delegation may compromise patient safety.))~~ Nursing assistants shall not be subject to any employer reprisal or disciplinary action by the ~~((nursing care quality assurance commission))~~ secretary for refusing to accept delegation of a nursing task based on patient safety issues. No ~~((community residential program, adult family home, or boarding home contracting to provide assisted living services))~~ community-based care setting as defined in RCW 18.79.260(3)(d) may discriminate or retaliate in any manner against a person because the person made a complaint or cooperated in the investigation of a complaint.

~~((3) The department of social and health services may impose a civil fine of not less than two hundred fifty dollars nor more than one thousand dollars on a community residential program, adult family home, or boarding home under chapter 18, Laws of 1995 1st sp. sess. that knowingly permits an employee to perform a nursing task except as delegated by a nurse pursuant to chapter 18, Laws of 1995 1st sp. sess.))~~

**Sec. 4.** RCW 18.79.260 and 1995 1st sp.s. c 18 s 51 are each amended to read as follows:

(1) A registered nurse under his or her license may perform for compensation nursing care, as that term is usually understood, of the ill, injured, or infirm ~~((, and in the course thereof, she or he may do the following things that shall not be done by a person not so licensed, except as provided in RCW 18.79.270 and 18.88A.210:))~~.

~~((4))~~ (2) A registered nurse may, at or under the general direction of a licensed physician and surgeon, dentist, osteopathic physician and surgeon, naturopathic physician, podiatric physician and surgeon, physician assistant, osteopathic physician assistant, or advanced registered nurse practitioner acting within the scope of his or her license, administer medications, treatments, tests, and inoculations, whether or not the severing or penetrating of tissues is involved and whether or not a degree of independent judgment and skill is required. Such direction must be for acts which are within the scope of registered nursing practice(;

~~(2) Delegate to other persons the functions outlined in subsection (1) of this section in accordance with chapter 18.88A RCW;))~~.

(3) A registered nurse may delegate tasks of nursing care to other individuals where the registered nurse determines that it is in the best interest of the patient.

(a) The delegating nurse shall:

(i) Determine the competency of the individual to perform the tasks;

(ii) Evaluate the appropriateness of the delegation;

(iii) Supervise the actions of the person performing the delegated task; and

(iv) Delegate only those tasks that are within the registered nurse's scope of practice.

(b) A registered nurse may not delegate acts requiring substantial skill, the administration of medications, or piercing or severing of tissues except to registered or certified nursing assistants who provide care to individuals in community-based care settings as authorized under (d) of this subsection. Acts that require nursing judgment shall not be delegated, nor shall advanced registered nurse practitioners delegate prescriptive authority.

(c) No person may coerce a nurse into compromising patient safety by requiring the nurse to delegate if the nurse determines that it is inappropriate to do so. Nurses shall not be subject to any employer reprisal or disciplinary action by the nursing care quality assurance commission for refusing to delegate tasks or refusing to provide the required training for delegation if the nurse determines delegation may compromise patient safety.

(d) For delegation in community-based care settings, a registered nurse may delegate nursing care tasks only to registered or certified nursing assistants. Simple care tasks such as blood pressure monitoring, personal care service, or other tasks as defined by the nursing care quality assurance commission are exempted from this requirement. "Community-based care settings" includes: Community residential programs for the developmentally disabled, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and boarding homes licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.

(i) Delegation of nursing care tasks in community-based care settings is only allowed for individuals who have a stable and predictable condition. "Stable and predictable condition" means a situation in which the individual's clinical and behavioral status is known and does not require the frequent presence and evaluation of a registered nurse.

(ii) The determination of the appropriateness of delegation of a nursing task is at the discretion of the registered nurse. However, the administration of medications by injection, sterile procedures, and central line maintenance may never be delegated.

(iii) The registered nurse shall verify that the nursing assistant has completed the required core nurse delegation training required in chapter 18.88A RCW prior to authorizing delegation.

(iv) The nurse is accountable for his or her own individual actions in the delegation process. Nurses acting within the protocols of their delegation authority are immune from liability for any action performed in the course of their delegation duties.

(v) On or before June 30, 2000, the nursing care quality assurance commission, in conjunction with the professional nursing organizations and the department of social and health services, shall make any needed revisions or additions to nurse delegation protocols by rule, including standards for nurses to obtain informed consent prior to the delegation of nursing care tasks. Nursing task delegation protocols are not intended to regulate the settings in which delegation may occur, but are intended to ensure that nursing care services have a consistent standard of practice upon which the public and the profession may rely, and to safeguard the authority of the nurse to make independent professional decisions regarding the delegation of a task.

(e) The nursing care quality assurance commission may adopt rules to implement this section.

(4) Only a person licensed as a registered nurse may instruct nurses in technical subjects pertaining to nursing((;)).

((4)) (5) Only a person licensed as a registered nurse may hold herself or himself out to the public or designate herself or himself as a registered nurse.

NEW SECTION. Sec. 5. A new section is added to chapter 18.79 RCW to read as follows:

The dispensing of Schedules II through IV controlled substances subject to RCW 18.79.240(1)(s) is limited to a maximum of a seventy-two-hour supply of the prescribed controlled substance.

**Sec. 6.** RCW 18.79.050 and 1994 sp.s. c 9 s 405 are each amended to read as follows:

"Advanced registered nursing practice" means the performance of the acts of a registered nurse and the performance of an expanded role in providing health care services as recognized by the medical and nursing professions, the scope of which is defined by rule by the commission. Upon approval by the commission, an advanced registered nurse practitioner may prescribe legend drugs and controlled substances contained in Schedule V of the Uniform Controlled Substances Act, chapter 69.50 RCW, and Schedules II through IV subject to RCW 18.79.240(1) (r) or (s).

Nothing in this section prohibits a person from practicing a profession for which a license has been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

This section does not prohibit: (1) The nursing care of the sick, without compensation, by an unlicensed person who does not hold himself or herself out to be an advanced registered nurse practitioner((;)); (2) the practice of registered nursing by a licensed registered nurse or the practice of licensed practical nursing by a licensed practical nurse; or (3) the delegation of nursing tasks to nursing assistants pursuant to RCW 18.79.260(3).

**Sec. 7.** RCW 18.79.240 and 1994 sp.s. c 9 s 424 are each amended to read as follows:

(1) In the context of the definition of registered nursing practice and advanced registered nursing practice, this chapter shall not be construed as:

(a) Prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, so long as they do not practice registered nursing within the meaning of this chapter;

(b) Preventing a person from the domestic administration of family remedies or the furnishing of nursing assistance in case of emergency;

(c) Prohibiting the practice of nursing by students enrolled in approved schools as may be incidental to their course of study or prohibiting the students from working as nursing aides;

(d) Prohibiting auxiliary services provided by persons carrying out duties necessary for the support of nursing services, including those duties that involve minor nursing services for persons performed in hospitals, nursing homes, or elsewhere under the direction of licensed physicians or the supervision of licensed registered nurses;

(e) Prohibiting the practice of nursing in this state by a legally qualified nurse of another state or territory whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, if the person does not represent or hold himself or herself out as a registered nurse licensed to practice in this state;

(f) Prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of a church by adherents of the church so long as they do not engage in the practice of nursing as defined in this chapter;

(g) Prohibiting the practice of a legally qualified nurse of another state who is employed by the United States government or a bureau, division, or agency thereof, while in the discharge of his or her official duties;

(h) Permitting the measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses for the aid thereof;

(i) Permitting the prescribing or directing the use of, or using, an optical device in connection with ocular exercises, visual training, vision training, or orthoptics;

(j) Permitting the prescribing of contact lenses for, or the fitting and adaptation of contact lenses to, the human eye;

(k) Prohibiting the performance of routine visual screening;

(l) Permitting the practice of dentistry or dental hygiene as defined in chapters 18.32 and 18.29 RCW, respectively;

(m) Permitting the practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulation of the spine;

(n) Permitting the practice of podiatric medicine and surgery as defined in chapter 18.22 RCW;

(o) Permitting the performance of major surgery, except such minor surgery as the commission may have specifically authorized by rule adopted in accordance with chapter 34.05 RCW;

(p) Permitting the prescribing of controlled substances as defined in Schedules I through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW, except as provided in (r) or (s) of this subsection;

(q) Prohibiting the determination and pronouncement of death;

(r) Prohibiting advanced registered nurse practitioners, approved by the commission as certified registered nurse anesthetists from selecting, ordering, or administering controlled substances as defined in Schedules II through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW, consistent with their commission-recognized scope of practice; subject to facility-specific protocols, and subject to a request for certified registered nurse anesthetist anesthesia services issued by a physician licensed under chapter 18.71 RCW, an osteopathic physician and surgeon licensed under chapter 18.57 RCW, a dentist licensed under chapter 18.32 RCW, or a podiatric physician and surgeon licensed under chapter 18.22 RCW; the authority to select, order, or administer Schedule II through IV controlled substances being limited to those drugs that are to be directly administered to patients who require anesthesia for diagnostic, operative, obstetrical, or therapeutic procedures in a hospital, clinic, ambulatory surgical facility, or the office of a practitioner licensed under chapter 18.71, 18.22, 18.36, 18.36A, 18.57, 18.57A, or 18.32 RCW; "select" meaning the decision-making process of choosing a drug, dosage, route, and time of administration; and "order" meaning the process of directing licensed individuals pursuant to their statutory authority to directly administer a drug or to dispense, deliver, or distribute a drug for the purpose of direct administration to a patient, under instructions of the certified registered nurse anesthetist. "Protocol" means a statement regarding practice and documentation concerning such items as categories of patients, categories of medications, or categories of procedures rather than detailed case-specific formulas for the practice of nurse anesthesia;

(s) Prohibiting advanced registered nurse practitioners from ordering or prescribing controlled substances as defined in Schedules II through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW, if and to the extent: (i) Doing so is permitted by their scope of practice; (ii) it is in response to a combined request from one or more physicians licensed under chapter 18.71 or 18.57 RCW and an advanced registered nurse practitioner licensed under this chapter, proposing a joint practice arrangement under which such prescriptive authority will be exercised with appropriate collaboration between the practitioners; and (iii) it is consistent with rules adopted under this subsection. The medical quality assurance commission, the board of osteopathic medicine and surgery, and the commission are directed to jointly adopt by consensus by rule a process and criteria that implements the joint practice arrangements authorized under this subsection. This subsection (1)(s) does not apply to certified registered nurse anesthetists.

(2) In the context of the definition of licensed practical nursing practice, this chapter shall not be construed as:

(a) Prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, so long as they do not practice practical nursing within the meaning of this chapter;

(b) Preventing a person from the domestic administration of family remedies or the furnishing of nursing assistance in case of emergency;

(c) Prohibiting the practice of practical nursing by students enrolled in approved schools as may be incidental to their course of study or prohibiting the students from working as nursing assistants;

(d) Prohibiting auxiliary services provided by persons carrying out duties necessary for the support of nursing services, including those duties that involve minor nursing services for persons performed in hospitals, nursing homes, or elsewhere under the direction of licensed physicians or the supervision of licensed registered nurses;

(e) Prohibiting or preventing the practice of nursing in this state by a legally qualified nurse of another state or territory whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of

one such engagement, not to exceed six months in length, if the person does not represent or hold himself or herself out as a licensed practical nurse licensed to practice in this state;

(f) Prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of a church by adherents of the church so long as they do not engage in licensed practical nurse practice as defined in this chapter;

(g) Prohibiting the practice of a legally qualified nurse of another state who is employed by the United States government or any bureau, division, or agency thereof, while in the discharge of his or her official duties.

**Sec. 8.** RCW 18.79.250 and 1994 sp.s. c 9 s 425 are each amended to read as follows:

An advanced registered nurse practitioner under his or her license may perform for compensation nursing care, as that term is usually understood, of the ill, injured, or infirm, and in the course thereof, she or he may do the following things that shall not be done by a person not so licensed, except as provided in RCW 18.79.260 and 18.79.270:

(1) Perform specialized and advanced levels of nursing as recognized jointly by the medical and nursing professions, as defined by the commission;

(2) Prescribe legend drugs and Schedule V controlled substances, as defined in the Uniform Controlled Substances Act, chapter 69.50 RCW, and Schedules II through IV subject to RCW 18.79.240(1) (r) or (s) within the scope of practice defined by the commission;

(3) Perform all acts provided in RCW 18.79.260;

(4) Hold herself or himself out to the public or designate herself or himself as an advanced registered nurse practitioner or as a nurse practitioner.

**NEW SECTION. Sec. 9.** A new section is added to chapter 18.71 RCW to read as follows:

The commission is directed to jointly adopt by consensus, with the board of osteopathic medicine and surgery and the Washington state nursing care quality assurance commission, a process and criteria that implements the joint practice arrangements authorized under RCW 18.79.240(1)(s).

**NEW SECTION. Sec. 10.** A new section is added to chapter 18.57 RCW to read as follows:

The board is directed to jointly adopt by consensus, with the medical quality assurance commission and the Washington state nursing care quality assurance commission, a process and criteria that implements the joint practice arrangements authorized under RCW 18.79.240(1)(s).

**NEW SECTION. Sec. 11.** A new section is added to chapter 18.79 RCW to read as follows:

The commission is directed to jointly adopt by consensus, with the medical quality assurance commission and the board of osteopathic medicine and surgery, a process and criteria that implements the joint practice arrangements authorized under RCW 18.79.240(1)(s).

**NEW SECTION. Sec. 12.** Sections 5 through 7 of this act take effect July 1, 2000.

**NEW SECTION. Sec. 13.** The following acts or parts of acts are each repealed:

(1) RCW 18.88A.220 (Delegation--Program and reimbursement policies) and 1995 1st sp.s. c 18 s 47; and

(2) RCW 18.88A.240 (Delegation--Complaints) and 1995 1st sp.s. c 18 s 49.

**NEW SECTION. Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

## MOTION

On motion of Senator Thibaudeau, the following amendment to the committee amendment was adopted:

On page 12, line 28 of the amendment, after "commission" insert ". Continuing education requirements for advanced registered nurse practitioners shall include instruction on controlled substances"

The President declared the question before the Senate to be the adoption of the Committee on Health and Long-Term Care striking amendment, as amended, to Substitute House Bill No. 1218.

The Committee on Health and Long-Term Care striking amendment, as amended, was adopted.

## MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 2 of the title, after "settings;" strike the remainder of the title and insert "amending RCW 18.88A.210, 18.88A.230, 18.79.260, 18.79.050, 18.79.240, and 18.79.250; adding new sections to chapter 18.79 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.57 RCW; creating a new section; repealing RCW 18.88A.220 and 18.88A.240; and providing an effective date."

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 1218, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1218, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1218, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senator McDonald - 1.

Excused: Senators Deccio, Fairley, Gardner, Honeyford, Prentice and Sellar - 6.

SUBSTITUTE HOUSE BILL NO. 1218, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1535, by House Committee on Health Care (originally sponsored by Representatives Parlette, Cody, Schual-Berke, Romero, Ruderman, Esser, Hatfield, Boldt, Campbell, Pflug and Alexander)

Reimbursing podiatric physicians and surgeons.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 1535 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1535.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1535 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senator Morton - 1.

Excused: Senators Deccio, Fairley, Gardner, Honeyford, Prentice and Sellar - 6.

SUBSTITUTE HOUSE BILL NO. 1535, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1317, by House Committee on Transportation (originally sponsored by Representatives Murray, K. Schmidt, Fisher, Romero, Ogden, Scott, Hankins, Skinner, Morris, Lovick, Cooper, Reardon, O'Brien, Wood and McIntire)

Enhancing regional transportation planning.

The bill was read the second time.

#### MOTION

Senator Haugen moved that the following Committee on Transportation striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 47.80.023 and 1998 c 171 s 8 are each amended to read as follows:

Each regional transportation planning organization shall have the following duties:

(1) Prepare and periodically update a transportation strategy for the region. The strategy shall address alternative transportation modes and transportation demand management measures in regional corridors and shall recommend preferred transportation policies to implement adopted growth strategies. The strategy shall serve as a guide in preparation of the regional transportation plan.

(2) Prepare a regional transportation plan as set forth in RCW 47.80.030 that is consistent with county-wide planning policies if such have been adopted pursuant to chapter 36.70A RCW, with county, city, and town comprehensive plans, and state transportation plans.

(3) Certify by December 31, 1996, that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region reflect the guidelines and principles developed pursuant to RCW 47.80.026, are consistent with the adopted regional transportation plan, and, where appropriate, conform with the requirements of RCW 36.70A.070.

(4) Where appropriate, certify that county-wide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.

(5) Develop, in cooperation with the department of transportation, operators of public transportation services and local governments within the region, a six-year regional transportation improvement program which proposes regionally significant transportation projects and programs and transportation demand management measures. The regional transportation improvement program shall be based on the programs, projects, and transportation demand management measures of regional significance as identified by transit agencies, cities, and counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121, respectively. The program shall include a priority list of projects and programs, project segments and programs, transportation demand management measures, and a specific financial plan that demonstrates how the transportation improvement program can be funded. The program shall be updated at least every two years for the ensuing six-year period. Regional transportation planning organizations shall provide to the legislators whose districts are within the boundaries of the organization notification of available publications. Upon request by legislators, the regional transportation planning organization shall provide a schedule of six-year transportation improvement program decision process points, updates, and amendments to the six-year transportation improvement program.

(6) Designate a lead planning agency to coordinate preparation of the regional transportation plan and carry out the other responsibilities of the organization. The lead planning agency may be a regional organization, a component county, city, or town agency, or the appropriate Washington state department of transportation district office.

(7) Review level of service methodologies used by cities and counties planning under chapter 36.70A RCW to promote a consistent regional evaluation of transportation facilities and corridors.

(8) Work with cities, counties, transit agencies, the department of transportation, and others to develop level of service standards or alternative transportation performance measures.

**Sec. 2.** RCW 47.80.040 and 1990 1st ex.s. c 17 s 56 are each amended to read as follows:

Each regional transportation planning organization shall create a transportation policy board. Transportation policy boards shall provide policy advice to the regional transportation planning organization and shall allow representatives of major employers within the region, the department of transportation, transit districts, port districts, and member cities, towns, and counties within the region to participate in policy making. Any members of the house of representatives or the state senate whose districts are within the boundaries of the regional transportation planning organization are considered ex officio, nonvoting policy board members of the regional transportation planning organization. This does not preclude legislators from becoming full-time, voting board members.

**Sec. 3.** RCW 47.80.070 and 1994 c 158 s 5 are each amended to read as follows:

In order to ensure state-wide consistency in the regional transportation planning process, the state department of transportation, in conformance with chapter 34.05 RCW, shall:

(1) In cooperation with regional transportation planning organizations, establish minimum standards for development of a regional transportation plan;

(2) Facilitate coordination between regional transportation planning organizations; and

(3) Through the regional transportation planning process, and through state planning efforts as required by RCW 47.01.071, identify and jointly plan ~~((improvements and strategies))~~ the most efficient strategy to address identified deficiencies, including investments in modal integration within those corridors important to moving people and goods on a regional ~~((or))~~ and state-wide basis."

## MOTION

On motion of Senator Benton, the following amendment by Senators Benton and Haugen to the Committee on Transportation striking amendment was adopted:

On page 3, after line 18, insert the following:

"**Sec. 4.** RCW 47.06.050 and 1993 c 446 s 5 are each amended to read as follows:

The state-owned facilities component of the state-wide transportation plan shall be consistent with RCW 47.06.040 and shall identify the most cost-effective combination of transportation investments that maximizes the efficient movement of people, freight, and goods within state transportation corridors, to include public-private transportation initiatives. The identification process shall include the modal comparison of highway, ferry, bicycle, and pedestrian facilities, passenger rail, air transportation, public transit, transportation demand measures, and high-capacity transportation improvements within a state transportation corridor. The comparison of transportation modes shall include an analysis of the public, private, and social costs and benefits of transportation investments. The state-owned facilities component of the state-wide transportation plan shall also consist of:

(1) The state highway system plan, which identifies program and financing needs and recommends specific and financially realistic improvements to preserve the structural integrity of the state highway system, ensure acceptable operating conditions, and provide for enhanced access to scenic, recreational, and cultural resources. The state highway system plan shall contain the following elements:

(a) A system preservation element, which shall establish structural preservation objectives for the state highway system including bridges, identify current and future structural deficiencies based upon analysis of current conditions and projected future deterioration, and recommend program funding levels and specific actions necessary to preserve the structural integrity of the state highway system consistent with adopted objectives. This element shall serve as the basis for the preservation component of the six-year highway program and the two-year biennial budget request to the legislature;

(b) A capacity and operational improvement element, which shall establish operational objectives, including safety considerations, for moving people and goods on the state highway system, identify current and future capacity, operational, and safety deficiencies, and recommend program funding levels and specific improvements and strategies necessary to achieve the operational objectives. In developing capacity and operational improvement plans the department shall first assess strategies to enhance the operational efficiency of the existing system before recommending system expansion. Congestion relief must be a primary emphasis of the capacity and operational improvement element. Strategies to enhance the operational efficiencies include but are not limited to access management, transportation system management, demand management, and high-occupancy vehicle facilities. The capacity and operational improvement element must conform to the state implementation plan for air quality and be consistent with regional transportation plans adopted under chapter 47.80 RCW, and shall serve as the basis for the capacity and operational improvement portions of the six-year highway program and the two-year biennial budget request to the legislature;

(c) A scenic and recreational highways element, which shall identify and recommend designation of scenic and recreational highways, provide for enhanced access to scenic, recreational, and cultural resources associated with designated routes, and recommend a variety of management strategies to protect, preserve, and enhance these resources. The department, affected counties, cities, and towns, regional transportation planning organizations, and other state or federal agencies shall jointly develop this element;

(d) A paths and trails element, which shall identify the needs of nonmotorized transportation modes on the state transportation systems and provide the basis for the investment of state transportation funds in paths and trails, including funding provided under chapter 47.30 RCW.

(2) The state ferry system plan, which shall guide capital and operating investments in the state ferry system. The plan shall establish service objectives for state ferry routes, forecast travel demand for the various markets served in the system, and develop strategies for ferry system investment that consider regional and state-wide vehicle and passenger needs, support local land use plans, and assure that ferry services are fully integrated with other transportation services. The plan shall assess the role of private ferries operating under the authority of the utilities and transportation commission and shall coordinate ferry system

capital and operational plans with these private operations. The ferry system plan must be consistent with the regional transportation plans for areas served by the state ferry system, and shall be developed in conjunction with the ferry advisory committees."

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment, as amended, to Substitute House Bill No. 1317.

The Committee on Transportation striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Haugen, the following title amendments were considered simultaneously and were adopted:

On line 1 of the title, after "planning;" strike the remainder of the title and insert "and amending RCW 47.80.023, 47.80.040, and 47.80.070."

On page 3, line 22 of the title amendment, after "planning" strike the remainder of the title and insert "and the state-owned facilities component of the state-wide transportation plan and intercity passenger rail; and amending RCW 47.80.23, 47.80.040, 47.80.070, and 47.06.050."

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1317, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1317, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1317, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Deccio, Fairley, Gardner, Honeyford, Prentice and Sellar - 6.

SUBSTITUTE HOUSE BILL NO. 1317, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1053, by House Committee on Transportation (originally sponsored by Representatives Fisher, K. Schmidt, Hatfield, Radcliff, O'Brien, Tokuda, Hurst, Skinner and Hankins) (by request of Legislative Transportation Committee)

Consolidating the fuel tax rate and distribution statutes.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the following Committee on Transportation amendment was adopted:

On page 18, after line 6, insert the following:

**"Sec 18.** RCW 43.99.070 and 1995 c 166 s 4 are each amended to read as follows:

Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. The director of licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 43.99.030, shall request the state treasurer to transfer ((monthly from the marine fuel tax refund account an amount equal to the

proportion of the moneys in the account representing the motor vehicle fuel tax rate under RCW 82.36.025 in effect on January 1, 1990, to the recreation resource account and the remainder to the motor vehicle fund)) to the recreation resource account such of the moneys in the marine fuel tax refund account that are not required for payment of the refund claims or costs, and the state treasurer shall make the transfer.

**Sec. 19.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, ((based on the tax rate in effect January 1, 1990,)) less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than five percent may be expended for information programs under this chapter;

(ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

(iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(3) Notwithstanding any other provision of law, funds disbursed for grants awarded after December 1, 2001, from the accounts in subsection (1)(d) of this section shall be spent on motorized and nonmotorized users in proportion to their actual contributions to such funds as determined by the legislature pursuant to the study authorized by section 4 of this act.

**Sec. 20.** RCW 46.10.170 and 1994 c 262 s 4 are each amended to read as follows:

From time to time, but at least once each four years, the department shall determine the amount of moneys paid to it as motor vehicle fuel tax that is tax on snowmobile fuel. Such determination shall use one hundred thirty-five gallons as the average yearly fuel usage per snowmobile((~~7~~)) and the number of registered snowmobiles during the calendar year under determination((~~7~~, and the fuel tax rate in effect January 1, 1990)).

**NEW SECTION. Sec. 21.** (1) The Washington state interagency committee for outdoor recreation and the Washington state department of licensing shall jointly contract with an independent entity to study the sources and determine the distributions and uses of funds provided to off-road vehicle and nonhighway road recreational activities under RCW 46.09.170. The study shall analyze and determine the relative portion of the motor vehicle fuel tax revenues deposited to the general fund under RCW 46.09.170 that are attributable to vehicles operating off-road or on nonhighway roads for recreational purposes as provided in RCW 46.09.170. The study shall include the types of vehicles, the types of recreational activities, and the types of recreational facilities used.

(2) The Washington state interagency committee for outdoor recreation and the Washington state department of licensing shall jointly review the analysis and submit a report to the standing committees of the legislature, including recommendations

regarding amendments to RCW 46.09.170 to allocate revenues consistent with the relative proportion of the uses generating such revenues. In making such recommendations the committee and department of licensing shall specifically consider joint use by nonmotorized recreational users of trails funded as ORV recreational facilities. The report shall be submitted no later than September 30, 2001.

(3) The Washington state interagency committee for outdoor recreation and the department of licensing shall jointly establish a technical advisory committee composed of a cross-section of nonhighway road recreational trail users to advise the agency regarding the study and report required by this act.

(4) Funds appropriated from the nonhighway and off-road vehicle account for the purposes of this act shall be in addition to the agency general administration expenditure limitations of RCW 46.09.170(2)."

Renumber the sections consecutively and correct any internal references accordingly.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1053, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1053, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1053, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli - 38.

Voting nay: Senators Benton, Deccio, Long, Loveland, McDonald, Stevens and Swecker - 7.

Excused: Senators Fairley, Gardner, Prentice and Sellar - 4.

SUBSTITUTE HOUSE BILL NO. 1053, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2061, by House Committee on Appropriations (originally sponsored by Representatives Kenney, Dunn, Lantz, Veloria and Carlson)

Changing community college provisions.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the following amendment by Senators Bauer and Benton was adopted:

On page 2, after line 27, insert the following:

"**Sec. 3.** RCW 28C.10.084 and 1993 c 445 s 2 are each amended to read as follows:

(1) The agency shall establish, maintain, and administer a tuition recovery trust fund. All funds collected for the tuition recovery trust fund are payable to the state for the benefit and protection of any student or enrollee of a private vocational school licensed under this chapter, or, in the case of a minor, his or her parents or guardian, for purposes including but not limited to the settlement of claims related to school closures under subsection (10) of this section and the settlement of claims under RCW 28C.10.120. The fund shall be liable for settlement of claims and costs of administration but shall not be liable to pay out or recover penalties assessed under RCW 28C.10.130 or 28C.10.140. No liability accrues to the state of Washington from claims made against the fund.

(2) By June 30, 1998, a minimum operating balance of one million dollars shall be achieved in the fund and maintained thereafter. If disbursements reduce the operating balance below two hundred thousand dollars at any time before June 30, 1998, or below one million dollars thereafter, each participating entity shall be assessed a pro rata share of the deficiency created, based upon the incremental scale created under subsection (6) of this section. The agency shall adopt schedules of times and amounts for effecting payments of assessment.

(3) To be and remain licensed under this chapter each entity shall, in addition to other requirements under this chapter, make cash deposits into a tuition recovery trust fund as a means to assure payment of claims brought under this chapter.

(4) The amount of liability that can be satisfied by this fund on behalf of each individual entity licensed under this chapter shall be established by the agency, based on an incremental scale that recognizes the average amount of unearned prepaid tuition in possession of the entity. However, the minimum amount of liability for any entity shall not be less than five thousand dollars. The upper limit of liability is reestablished after any disbursements are made to settle an individual claim or class of claims.

(5) The fund's liability with respect to each participating entity commences on the date of its initial deposit into the fund and ceases one year from the date it is no longer licensed under this chapter.

(6) The agency shall adopt by rule a matrix for calculating the deposits into the fund required of each entity. Proration shall be determined by factoring the entity's share of liability in proportion to the aggregated liability of all participants under the fund by grouping such prorations under the incremental scale created by subsection (4) of this section. Expressed as a percentage of the total liability, that figure determines the amount to be contributed when factored into a fund containing one million dollars. The total amount of its prorated share, minus the amount paid for initial capitalization, shall be payable in up to twenty increments over a ten-year period, commencing with the sixth month after the entity makes its initial capitalization deposit. Additionally, the agency shall require deposits for initial capitalization, under which the amount each entity deposits is proportionate to its share of two hundred thousand dollars, employing the matrix developed under this subsection. The amount thus established shall be deposited by each applicant for initial licensing before the issuance of such license.

(7) No vested right or interests in deposited funds is created or implied for the depositor, either at any time during the operation of the fund or at any such future time that the fund may be dissolved. All funds deposited are payable to the state for the purposes described under this section. The agency shall maintain the fund, serve appropriate notices to affected entities when scheduled deposits are due, collect deposits, and make disbursements to settle claims against the fund. When the aggregated deposits total five million dollars and the history of disbursements justifies such modifications, the agency may at its own option reduce the schedule of deposits whether as to time, amount, or both and the agency may also entertain proposals from among the licensees with regard to disbursing surplus funds for such purposes as vocational scholarships.

(8) Based on annual financial data supplied by the entity the agency shall determine whether the increment assigned to that entity on the incremental scale established under subsection (6) of this section has changed. If an increase or decrease in gross annual tuition income has occurred, a corresponding change in its incremental position and contribution schedule shall be made before the date of its next scheduled deposit into the fund. Such adjustments shall only be calculated and applied annually.

(9) No deposits made into the fund by an entity are transferable. If the majority ownership interest in an entity is conveyed through sale or other means into different ownership, all contributions made to the date of transfer accrue to the fund. The new owner commences contributions under provisions applying to a new applicant, except that if ownership of an entity is transferred to an immediate family member, all tuition recovery trust fund contributions shall remain with the entity transferred, and no additional cash deposits may be required beyond the original ten-year contribution cycle.

(10) To settle claims adjudicated under RCW 28C.10.120 and claims resulting when a private vocational school ceases to provide educational services, the agency may make disbursements from the fund. Students enrolled under a training contract executed between a school and a public or private agency or business are not eligible to make a claim against the fund. In addition to the processes described for making reimbursements related to claims under RCW 28C.10.120, the following procedures are established to deal with reimbursements related to school closures:

(a) The agency shall attempt to notify all potential claimants. The unavailability of records and other circumstances surrounding a school closure may make it impossible or unreasonable for the agency to ascertain the names and whereabouts of each potential claimant but the agency shall make reasonable inquiries to secure that information from all likely sources. The agency shall then proceed to settle the claims on the basis of information in its possession. The agency is not responsible or liable for claims or for handling claims that may subsequently appear or be discovered.

(b) Thirty days after identified potential claimants have been notified, if a claimant refuses or neglects to file a claim verification as requested in such notice, the agency shall be relieved of further duty or action on behalf of the claimant under this chapter.

(c) After verification and review, the agency may disburse funds from the tuition recovery trust fund to settle or compromise the claims. However, the liability of the fund for claims against the closed entity shall not exceed the maximum amount of liability assigned to that entity under subsection (6) of this section.

(d) In the instance of claims against a closed school, the agency shall seek to recover such disbursed funds from the assets of the defaulted entity, including but not limited to asserting claims as a creditor in bankruptcy proceedings.

(11) When funds are disbursed to settle claims against a current licensee, the agency shall make demand upon the licensee for recovery. The agency shall adopt schedules of times and amounts for effecting recoveries. An entity's failure to perform subjects its license to suspension or revocation under RCW 28C.10.050 in addition to any other available remedies."

#### MOTIONS

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, on line 3 of the title, after "28B.15.100" insert "and 28C.10.084"

On motion of Senator Kohl-Welles, the rules were suspended, Second Substitute House Bill No. 2061, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2061, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2061, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Fairley and Gardner - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 2061, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 3:49 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 4:35 p.m. by President Owen.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9045, John P. Sullivan, as a member of the Marine Employees Commission, was confirmed.

#### APPOINTMENT OF JOHN P. SULLIVAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senators Hochstatter and Horn - 2.

Excused: Senators Fairley and Gardner - 2.

## MOTION

On motion of Senator Goings, gubernatorial appointment No. 9101, Henry Chiles, Jr., as Chair of the Marine Employees Commission, was confirmed.

## APPOINTMENT OF HENRY CHILES, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Fairley and Gardner - 2.

## SECOND READING

HOUSE BILL NO. 1073, by Representatives D. Schmidt and Romero (by request of Alternative Public Works Methods Oversight Committee)

Changing alternative bid processes for public hospital districts.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1073 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1073.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1073 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Fairley and Gardner - 2.

HOUSE BILL NO. 1073, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1420, by Representatives H. Sommers, Huff, Benson, Hatfield, McIntire and Wolfe (by request of State Investment Board)

Providing a procedure for the state investment board to check the criminal history of prospective appointees and employees.

The bill was read the second time.

## MOTION

On motion of Senator Shin, the rules were suspended, House Bill No. 1420 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1420.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1420 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Fairley and Gardner - 2.

HOUSE BILL NO. 1420, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2090, by House Committee on Commerce and Labor (originally sponsored by Representatives Clements, Lisk, Reardon, Cooper, McMorris, Talcott, B. Chandler and Gombosky)

Modifying and sunseting provisions related to sellers of travel.

The bill was read the second time.

## MOTION

On motion of Senator Shin, the following Committee on Commerce, Trade, Housing and Financial Institutions striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 19.138.030 and 1996 c 180 s 2 are each amended to read as follows:

A seller of travel shall not advertise that any travel services are or may be available unless he or she has, prior to the advertisement, determined that the product advertised was available at the time the advertising was placed. This determination can be made by the seller of travel either by use of an airline computer reservation system, or by written confirmation from the vendor whose program is being advertised.

It is the responsibility of the seller of travel to keep written or printed documentation of the steps taken to verify that the advertised offer was available at the time the advertising was placed. These records are to be maintained for at least ~~((two))~~ one year~~((s))~~ after the placement of the advertisement.

**Sec. 2.** RCW 19.138.040 and 1996 c 180 s 3 are each amended to read as follows:

At or prior to the time of full or partial payment for any travel services, the seller of travel shall furnish to the person making the payment a written statement conspicuously setting forth the information contained in subsections (1) through (6) of this section. ~~However, if ((the sale of travel services is made over the telephone or by other electronic media and payment is made by credit or debit card))~~ payment is made other than in person, the seller of travel shall transmit to the person making the payment the written statement required by this section within three business days of ~~((the consumer's credit or debit card authorization))~~ receipt or processing of the payment. The written statement shall contain the following information:

(1) The name and business address and telephone number of the seller of travel.

(2) The amount paid, the date of such payment, the purpose of the payment made, and an itemized statement of the balance due, if any.

(3) The registration number of the seller of travel required by this chapter.

(4) The name of the vendor with whom the seller of travel has contracted to provide travel arrangements for a consumer and all pertinent information relating to the travel as known by the seller of travel at the time of booking. The seller of travel will make known further details as soon as received from the vendor. All information will be provided with final documentation.

(5) ~~((The conditions, if any, upon which the contract between the seller of travel and the passenger may be canceled, and the rights and obligations of all parties in the event of cancellation.))~~ An advisory regarding the penalties that would be charged in the event of a cancellation or change by the customer. This may contain either: (a) The specific amount of cancellation and change penalties; or (b) the following statement: "Cancellation and change penalties apply to these arrangements. Details will be provided upon request."

(6) A statement in eight-point boldface type in substantially the following form:

"If transportation or other services are canceled by the seller of travel, all sums paid to the seller of travel for services not performed in accordance with the contract between the seller of travel and the purchaser will be refunded within thirty days of receiving the funds from the vendor with whom the services were arranged, or if the funds were not sent to the vendor, the funds shall be returned within fourteen days after cancellation by the seller of travel to the purchaser unless the purchaser requests the seller of travel to apply the money to another travel product and/or date."

**Sec. 3.** RCW 19.138.100 and 1996 c 180 s 4 are each amended to read as follows:

No person, firm, or corporation may act or hold itself out as a seller of travel unless, prior to engaging in the business of selling or advertising to sell travel services, the person, firm, or corporation registers with the director under this chapter and rules adopted under this chapter.

(1) The registration number must be conspicuously posted in the place of business and must be included in all advertisements. ~~((Any corporation which issues a class of equity securities registered under section 12 of the securities exchange act of 1934, and any subsidiary, the majority of voting stock of which is owned by such corporation including any wholly owned subsidiary of such corporation are not required to include company registration numbers in advertisements.))~~ Sellers of travel are not required to include registration numbers on institutional advertising. For the purposes of this subsection, "institutional advertising" is advertising that does not include prices or dates for travel services.

(2) The director shall issue duplicate registrations upon payment of a ~~((nominal))~~ duplicate registration fee to valid registration holders operating more than one office. The duplicate registration fee for each office shall be an amount equal to the original registration fee.

(3) No registration is assignable or transferable.

(4) If a registered seller of travel sells his or her business, when the new owner becomes responsible for the business, the new owner must comply with all provisions of this chapter, including registration.

(5) If a seller of travel is employed by or under contract as an independent contractor or an outside agent of a seller of travel who is registered under this chapter, the employee, independent contractor, or outside agent need not also be registered if:

(a) The employee, independent contractor, or outside agent is conducting business as a seller of travel in the name of and under the registration of the registered seller of travel; and

(b) All money received for travel services by the employee, independent contractor, or outside agent is collected in the name of the registered seller of travel and ~~((deposited directly into))~~ processed by the registered seller of ~~((travel's trust account))~~ travel as required under this chapter.

**Sec. 4.** RCW 19.138.120 and 1994 c 237 s 5 are each amended to read as follows:

(1) Each seller of travel shall renew its registration on or before July 1 of every ~~((other))~~ year or as otherwise determined by the director.

(2) Renewal of a registration is subject to the same provisions covering issuance, suspension, and revocation of a registration originally issued.

(3) The director may refuse to renew a registration for any of the grounds set out under RCW 19.138.130, and where the past conduct of the applicant affords reasonable grounds for belief that the applicant will not carry out the applicant's duties in accordance with law and with integrity and honesty. The director shall promptly notify the applicant in writing by certified mail of its intent to refuse to renew the registration. The registrant may, within twenty-one days after receipt of that notice or intent, request a hearing on the refusal. The director may permit the registrant to honor commitments already made to its customers, but no new commitments may be incurred, unless the director is satisfied that all new commitments are completely bonded or secured to insure that the general public is protected from loss of money paid to the registrant. It is the responsibility of the registrant to contest the decision regarding conditions imposed or registration denied through the process established by the administrative procedure act, chapter 34.05 RCW.

**Sec. 5.** RCW 19.138.130 and 1997 c 58 s 852 are each amended to read as follows:

(1) The director may deny, suspend, or revoke the registration of a seller of travel if the director finds that the applicant:

(a) Was previously the holder of a registration issued under this chapter, and the registration was revoked for cause and never reissued by the director, or the registration was suspended for cause and the terms of the suspension have not been fulfilled;

(b) Has been found guilty of a felony within the past ~~((five))~~ ten years involving moral turpitude, or of a misdemeanor concerning fraud or conversion, or suffers a judgment in a civil action involving willful fraud, misrepresentation, or conversion;

(c) Has made a false statement of a material fact in an application under this chapter or in data attached to it;

(d) Has violated this chapter or failed to comply with a rule adopted by the director under this chapter;

(e) Has failed to display the registration as provided in this chapter;

(f) Has published or circulated a statement with the intent to deceive, misrepresent, or mislead the public; or

(g) Has committed a fraud or fraudulent practice in the operation and conduct of a travel agency business, including, but not limited to, intentionally misleading advertising.

(2) If the seller of travel is found in violation of this chapter or in violation of the consumer protection act, chapter 19.86 RCW, by the entry of a judgment or by settlement of a claim, the director may revoke the registration of the seller of travel, and the director may reinstate the registration at the director's discretion.

(3) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

**Sec. 6.** RCW 19.138.140 and 1996 c 180 s 7 are each amended to read as follows:

(1) A seller of travel shall deposit in a trust account maintained in a federally insured financial institution located in Washington state, or other account approved by the director, all sums held for more than five business days that are received from a person or entity, for retail travel services offered by the seller of travel. This subsection does not apply to travel services sold by a seller of travel, when payments for the travel services are made through the airlines reporting corporation (~~((either by cash or credit or debit card sale))~~).

(2) The trust account or other approved account required by this section shall be established and maintained for the benefit of any person or entity paying money to the seller of travel. The seller of travel shall not in any manner encumber the amounts in trust and shall not withdraw money from the account except the following amounts may be withdrawn at any time:

(a) Partial or full payment for travel services to the entity directly providing the travel service;

(b) Refunds as required by this chapter;

(c) The amount of the sales commission;

(d) Interest earned and credited to the trust account or other approved account;

(e) Remaining funds of a purchaser once all travel services have been provided or once tickets or other similar documentation binding upon the ultimate provider of the travel services have been provided; or

(f) Reimbursement to the seller of travel for agency operating funds that are advanced for a customer's travel services.

(3) The seller of travel may deposit noncustomer funds into the trust account as needed in an amount equal to a deficiency resulting from dishonored customer payments made by check, draft, credit card, debit card, or other negotiable instrument.

(4) At the time of registration, the seller of travel shall file with the department the account number and the name of the financial institution at which the trust account or other approved account is held as set forth in RCW 19.138.110. The seller of travel shall notify the department of any change in the account number or location within one business day of the change.

~~((4))~~ (5) The director, by rule, may allow for the use of other types of funds or accounts only if the protection for consumers is no less than that provided by this section.

~~((5))~~ (6) The seller of travel need not comply with the requirements of this section if all of the following apply, except as exempted in subsection (1) of this section:

(a) The payment is made by credit card;

(b) The seller of travel does not deposit, negotiate, or factor the credit card charge or otherwise seek to obtain payment of the credit card charge to any account over which the seller of travel has any control; and

(c) If the charge includes transportation, the carrier that is to provide the transportation processes the credit card charge, or if the charge is only for services, the provider of services processes the credit card charges.

~~((6))~~ (7) The seller of travel need not maintain a trust account nor comply with the trust account provisions of this section if the seller of travel:

(a)(i) Files and maintains a surety bond approved by the director in an amount of not less than ten thousand nor more than fifty thousand dollars, as determined by rule by the director based on the gross income of business conducted by the seller of travel during the prior year. The bond shall be executed by the applicant as obligor by a surety company authorized to transact business in this state naming the state of Washington as obligee for the benefit of any person or persons who have suffered monetary loss by reason of the seller of travel's violation of this chapter or a rule adopted under this chapter. The bond shall be conditioned that the seller of travel will conform to and abide by this chapter and all rules adopted under this chapter, and shall reimburse any person or persons who suffer monetary loss by reason of a violation of this chapter or a rule adopted under this chapter.

(ii) The bond must be continuous and may be canceled by the surety upon the surety giving written notice to the director of the surety's intent to cancel the bond. The cancellation is effective thirty days after the notice is received by the director.

(iii) The applicant may obtain the bond directly from the surety or through other bonding arrangement as approved by the director.

(iv) In lieu of a surety bond, the applicant may, upon approval by the director, file with the director a certificate of deposit, an irrevocable letter of credit, or such other instrument as is approved by the director by rule, drawn in favor of the director for an amount equal to the required bond.

(v) Any person or persons who have suffered monetary loss by any act which constitutes a violation of this chapter or a rule adopted under this chapter may bring a civil action in court against the seller of travel and the surety upon such bond or approved alternate security of the seller of travel who committed the violation of this chapter or a rule adopted under this chapter or who employed the seller of travel who committed such violation. A civil action brought in court pursuant to the provisions of this section must be filed no later than one year following the later of the alleged violation of this chapter or a rule adopted under this chapter or completion of the travel by the customer; or

(b) Is a member in good standing in a professional association, such as the United States tour operators association or national tour association, that is approved by the director and that provides or requires a member to provide a minimum of one million dollars in errors and professional liability insurance and provides a surety bond or equivalent protection in an amount of at least two hundred fifty thousand dollars for its member companies.

(8) If the seller of travel maintains its principal place of business in another state and maintains a trust account or other approved account in that state consistent with the requirement of this section, and if that seller of travel has transacted business within the state of Washington in an amount exceeding five million dollars for the preceding year, the out-of-state trust account or other approved account may be substituted for the in-state account required under this section.

**Sec. 7.** RCW 19.138.170 and 1994 c 237 s 13 are each amended to read as follows:

The director has the following powers and duties:

(1) To adopt, amend, and repeal rules to carry out the purposes of this chapter;  
(2) To issue and renew registrations under this chapter and to deny or refuse to renew for failure to comply with this chapter;

(3) To suspend or revoke a registration for a violation of this chapter;

(4) To establish fees;

(5) Upon receipt of a complaint, to inspect and audit the books and records of a seller of travel. The seller of travel shall immediately make available to the director those books and records as may be requested at the seller of travel's place of business or at a location designated by the director. For that purpose, the director shall have full and free access to the office and places of business of the seller of travel during regular business hours. When ten or more complaints have been received by either the department or the attorney general on a seller of travel within a period of ninety days, the department shall inspect and audit books and records of the seller of travel; and

(6) To do all things necessary to carry out the functions, powers, and duties set forth in this chapter.

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

## MOTIONS

On motion of Senator Shin, the following title amendment was adopted:

On page 1, line 1 of the title, after "travel;" strike the remainder of the title and insert "and amending RCW 19.138.030, 19.138.040, 19.138.100, 19.138.120, 19.138.130, 19.138.140, and 19.138.170."

On motion of Senator Shin, the rules were suspended, Engrossed Substitute House Bill No. 2090, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2090, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2090, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senator Wojahn - 1.

Excused: Senators Fairley, Gardner and Rossi - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2090, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1442, by Representatives Edwards, Radcliff, Scott, Wolfe, Reardon, Sheahan, Lovick, Fisher, O'Brien, Santos, Romero, Kenney, Conway, Ogden, Dickerson, Haigh and Keiser

Extending protection of transit employees and customers.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the following Committee on Judiciary striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.36.031 and 1998 c 94 s 1 are each amended to read as follows:

(1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself or another person, assaults another; or

(b) Assaults a person employed as a transit operator or driver, the immediate supervisor of a transit operator or driver, a mechanic, or a security officer, by a public or private transit company or a contracted transit service provider, while that person is performing his or her official duties at the time of the assault; or

(c) Assaults a school bus driver, the immediate supervisor of a driver, a mechanic, or a security officer, employed by a school district transportation service or a private company under contract for transportation services with a school district, while the ~~((driver))~~ person is performing his or her official duties at the time of the assault; or

(d) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or

(e) Assaults a fire fighter or other employee of a fire department, county fire marshal's office, county fire prevention bureau, or fire protection district who was performing his or her official duties at the time of the assault; or

(f) With criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering; or

(g) Assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault; or

(h) Assaults a nurse, physician, or health care provider who was performing his or her nursing or health care duties at the time of the assault. For purposes of this subsection: "Nurse" means a person licensed under chapter 18.79 RCW; "physician" means a person licensed under chapter 18.57 or 18.71 RCW; and "health care provider" means a person certified under chapter 18.71 or 18.73 RCW who performs emergency medical services or a person regulated under Title 18 RCW and employed by, or contracting with, a hospital licensed under chapter 70.41 RCW.

(2) Assault in the third degree is a class C felony."

## MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 1 of the title, after "customers;" strike the remainder of the title and insert "amending RCW 9A.36.031; and prescribing penalties."

On motion of Senator Heavey, the rules were suspended, House Bill No. 1442, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1442, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1442, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheldon, B., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Wojahn - 32.

Voting nay: Senators Benton, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McDonald, Morton, Oke, Sheahan, Sheldon, T., Swecker and Zarelli - 14.

Excused: Senators Fairley, Gardner and Rossi - 3.

HOUSE BILL NO. 1442, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1849, by Representatives Kagi, Carrell, Tokuda, Boldt, Lovick, Barlean, McIntire, Edwards, Kenney and Schual-Berke

Expanding aggravating circumstances when a court may impose an exceptional sentence.

The bill was read the second time.

## MOTION

On motion of Senator Heavey, the following Committee on Judiciary striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9.94A.390 and 1997 c 52 s 4 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020 and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(j) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter as expressed in RCW 9.94A.010.

(k) The offense resulted in the pregnancy of a child victim of rape.

(l) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization."

#### MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 1 of the title, after "sentence;" strike the remainder of the title and insert "and amending RCW 9.94A.390."

On motion of Senator Heavey, the rules were suspended, House Bill No. 1849, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1849, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1849, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Fairley, Gardner and Rossi - 3.

HOUSE BILL NO. 1849, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1559, by House Committee on Transportation (originally sponsored by Representatives Fortunato, Murray and McDonald) (by request of Washington State Patrol)

Repealing redundant law on transporting explosives.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1559 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1559.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1559 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Kohl-Welles - 1.

Excused: Senators Fairley, Gardner and Rossi - 3.

SUBSTITUTE HOUSE BILL NO. 1559, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1175, by Representatives Cairnes, O'Brien, DeBolt, Dunshee, Schindler, Morris, Koster, Cooper, G. Chandler, Mulliken, Benson, Mielke, Stensen, Carrell, Ogden, Dunn and McIntire

Regulating street rods.

The bill was read the second time.

## MOTION

On motion of Senator Benton, the rules were suspended, House Bill No. 1175 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1175.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1175 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senators Haugen and Heavey - 2.

Excused: Senators Fairley and Gardner - 2.

HOUSE BILL NO. 1175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## HAPPY BIRTHDAY TO SENATOR BENTON

The President extended 'Happy Birthday' wishes to Senator Benton.

## POINT OF INQUIRY

Senator Deccio: "Senator Benton, how old are you?"

Senator Benton: "I'm forty-two today."

Senator Deccio: "Forty-two, well--"

Further debate ensued.

## POINT OF INQUIRY

Senator Snyder: "And how old are you, Senator Deccio?"

Senator Deccio: "It is none of your dammed business."

## PERSONAL PRIVILEGE

Senator Prentice: "I rise to a point of personal privilege. I simply would like for the Senate and for my colleague, Senator Benton, to know that it is a pleasure having him on my committee. All I can think is what must it have been like to have been his mother?"

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1910, by House Committee on Agriculture and Ecology (originally sponsored by Representatives G. Chandler and Anderson)

Establishing logos for substances approved for use in the production, processing, and handling of organic food.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1910 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1910.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1910 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Fairley and Gardner - 2.

SUBSTITUTE HOUSE BILL NO. 1910, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator McCaslin: "I rise to a point of personal privilege, Mr. President. This is addressed to Senator Snyder. Senator Snyder, I missed the opportunity to tell you, but looking in the little red book--you know it lists all of our birth dates--except for Senator Deccio and there is an asterisk. If you go down to the bottom of the page, it says, 'Those who do not have a date; there was no recording of birth certificates--nor was printing invented.'"

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1845, by Representatives B. Chandler, Clements, McMorris, Lisk, Conway and Wood

Providing for vocational rehabilitation benefits under industrial insurance.

The bill was read the second time.

#### MOTION

On motion of Senator Franklin, the rules were suspended, Engrossed House Bill No. 1845 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1845.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1845 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Fairley and Gardner - 2.

ENGROSSED HOUSE BILL NO. 1845, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1041, by House Committee on Capital Budget (originally sponsored by Representatives Mitchell, Murray, Kessler, O'Brien, Ogden, Lantz, Rockefeller, Hankins, Esser and Morris) (by request of Public Works Board)

Authorizing funds for public works projects.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Substitute House Bill No. 1041 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1041.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1041 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Bauer - 1.

Excused: Senators Fairley and Gardner - 2.

SUBSTITUTE HOUSE BILL NO. 1041, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2086, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Esser, Carrell, O'Brien, Constantine, Lovick, Schindler and Anderson)

Creating crimes of unlawful discharge of a laser.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 2086 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Hargrove: "Senator Heavey, how many men or in the standing army--men or women--and how much do the chairs cost?"

Senator Heavey: "There are eight hundred and thirty-two men and women in our standing army and the chairs are approximately--they are folding chairs--are approximately ten dollars apiece, times--we have to get enough to get--. This bill also deals with lasers and shooting and aiming lasers at people in the standing army and creating crimes under that. I urge your support."

## PERSONAL PRIVILEGE

Senator Patterson: "A point of personal privilege, Mr. President. There Senator Heavey goes again with his tricks. I just want to tell you Mr. President and members of the Senate that Senator Heavey has done me a great disservice this week. He has ruined the Washington State Flag for me forever. Now, everyday I sit here and look up at that flag with George Washington up there--and I have been enjoying that flag for many years--and this week Senator Heavey told me that if I looked closely at that flag, I would see that the face was actually Steve Johnson with the hair of Senator Mary Margaret Haugen.

"My point is, Mr. President, here Senator Heavey goes again. I would really urge you all to defeat this motion that he is making."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2086.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2086 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 35.

Voting nay: Senators Benton, Hochstatter, Honeyford, Johnson, McDonald, Morton, Roach, Rossi, Stevens, Swecker, West and Zarelli - 12.

Excused: Senators Fairley and Gardner - 2.

SUBSTITUTE HOUSE BILL NO. 2086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 5:39 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Friday, April 9, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

## JOURNAL OF THE SENATE

EIGHTY-EIGHTH DAY, APRIL 8, 1999

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**EIGHTY-NINTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, April 9, 1999

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, Fairley, Finkbeiner, Gardner, McDonald and Sellar. On motion of Senator Honeyford, Senator Finkbeiner was excused. On motion of Senator Franklin, Senators Fairley and Gardner were excused.

The Sergeant at Arms Color Guard consisting of Pages Todd Penman and Justin Garland, presented the Colors. Reverend Joan Anthony, pastor of St. Benedict's Episcopal Church of Olympia, offered the prayer.

MOTION

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

MOTION

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

SENATE RESOLUTION 1999-8645

By Senators Honeyford, Morton, Sheahan, Hale, McCaslin, Swecker, Stevens, Deccio, Hochstatter, Rasmussen and Fraser

WHEREAS, The Outlook Grange was the first grange in the Yakima Valley, formed in 1908, to bring farmers together to talk politics, market prices, and agriculture; and

WHEREAS, Over the years, members of Outlook Grange have raised money for local community service projects through their annual grange dinner and by selling cheeseburgers and hot dogs at the Central Washington State Fair; and

WHEREAS, In 1952, the grange helped Yakima Fire District No. 5 build a fire hall for a truck to protect nearby orchards, dairies, and farms; and

WHEREAS, The grange contributes to the local political framework by hosting candidates' nights during election season and informing its members of legislative action through state grange newsletters and legislative updates; and

WHEREAS, The Outlook Grange promotes children's literacy through sponsorship of a children's reading program at Outlook Elementary School; and

WHEREAS, Grange members hold a yearly auction and donate proceeds to the Sunnyside Special Olympics; and

WHEREAS, The families, farmers, and community members in the Yakima Valley admire Outlook Grange No. 256 for its long-time commitment to unity, liberty, and charity;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the men and women of the Outlook Grange No. 256 for their charitable giving, their nonpartisan political action, and their solid contributions to the Yakima Valley as they celebrate their ninetieth anniversary as an active local grange.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Outlook Grange No. 256, who were seated in the gallery.

MOTION

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

## SENATE RESOLUTION 1999-8661

By Senators Spanel, Haugen and Fraser

WHEREAS, The beautiful Skagit Valley is the tulip capital of the Northwest; and  
WHEREAS, Every April, the tulips are in bloom, celebrating the beginning of spring; and  
WHEREAS, The Skagit Valley Tulip Festival begins the festival season in Washington State; and  
WHEREAS, This year's sixteenth annual event will run from April 2nd through April 18th, focusing on the communities of Sedro Woolley, Burlington, Anacortes, La Conner, Mount Vernon, and Concrete; and  
WHEREAS, Jeremy Timmer and Katie Rindal were chosen as this year's Skagit Valley Tulip Festival Ambassadors;  
and  
WHEREAS, Nearly half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of this annual event, and contributing to the economy of the Skagit Valley; and  
WHEREAS, This year's visitors will be greeted by more than one thousand five hundred acres of tulips reflecting all the colors of the rainbow, by the fullness of life in the valley, and its wonderful people; and  
WHEREAS, This year's "Skagit Valley Tulip Festival" will be featured at the Canadian Tulip Festival in Ottawa, Ontario; and  
WHEREAS, Highlights of the event include the Kiwanis Annual Salmon Barbeque, the Tulip Pedal Bike Ride, the Tulip 10k Slug Run/Walk, the Downtown Mount Vernon Street Fair, and much more;  
NOW, THEREFORE, BE IT RESOLVED, That the Senate salute the six communities of the Skagit Valley, their Chambers of Commerce, Skagit Valley Tulip Festival Ambassadors, and the Tulip Festival Committee for their Skagit Valley Tulip Festival; and  
BE IT FURTHER RESOLVED, That the Senate commend the community leaders and corporate sponsors for the success of this important event and encourage citizens from across Washington State to take the time to enjoy this spectacular display; and  
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Audrey Smith, Tulip Festival Executive Director, and Jeremy Timmer and Katie Rindal, Skagit Valley Tulip Festival Ambassadors.

### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Jeremy Timmer and Katie Rindal, the Skagit Valley Tulip Festival Ambassadors, who were seated on the rostrum. Each of the young ambassadors presented tulips to the President.

### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9127, W. Elizabeth Huang, as a member of the Small Business Export Finance Assistance Center Board of Directors, was confirmed.

Senators Prentice and Shin spoke to the confirmation of W. Elizabeth Huang as a member of the Small Business Export Finance Center Board of Directors.

### APPOINTMENT OF W. ELIZABETH HUANG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senators Deccio, McDonald and Sellar - 3.

Excused: Senators Fairley, Finkbeiner and Gardner - 3.

#### MOTION

On motion of Senator Franklin, Senators Loveland and Thibaudeau were excused.

#### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9106, Juan Cotto, as a member of the Human Rights Commission, was confirmed.

Senators Prentice and Kline spoke to the confirmation of Juan Cotto as a member of the Human Rights Commission.

#### APPOINTMENT OF JUAN COTTO

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Sellar - 1.

Excused: Senators Finkbeiner, Loveland and Thibaudeau - 3.

#### MOTION

On motion of Senator Honeyford, Senator Sellar was excused.

#### MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9128, Walter T. Hubbard, as a member of the Personnel Appeals Board, was confirmed.

#### APPOINTMENT OF WALTER T. HUBBARD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Hargrove - 1.

Excused: Senators Finkbeiner, Loveland, Sellar and Thibaudeau - 4.

#### MOTIONS

On motion of Senator Hale, Senator McCaslin was excused.

On motion of Senator Honeyford, Senator Rossi was excused.

#### MOTION

On motion of Senator Franklin, Senator Bauer was excused.

#### MOTION

On motion of Senator Betti Sheldon, Gubernatorial Appointment No. 9144, Alan O. Link, as a member of the State Board for Community and Technical Colleges, was confirmed.

#### APPOINTMENT OF ALAN O. LINK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 42.

Absent: Senators Deccio and Zarelli - 2.

Excused: Senators Bauer, Loveland, McCaslin, Rossi and Sellar - 5.

#### MOTION

On motion of Senator Kline, Gubernatorial Appointment No. 9156, Greg Nickels, as a member of the Sentencing Guidelines Commission, was confirmed.

#### APPOINTMENT OF GREG NICKELS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senator Hargrove - 1.

Excused: Senators Bauer, Loveland, Rossi and Sellar - 4.

#### MOTION

On motion of Senator Thibaudeau, Gubernatorial Appointment No. 9172, Sharron Sellers, as a member of the Board of Pharmacy, was confirmed.

#### APPOINTMENT OF SHARRON SELLERS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 45.

Absent: Senator West - 1.

Excused: Senators Bauer, Rossi and Sellar - 3.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1181, by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Edwards, Romero, Radcliff, Scott, DeBolt, Cooper, Lovick, Hurst, Fisher, Kessler, Dickerson, O'Brien, Cody, Kenney, Ogden, Wood, Santos, Regala, Conway, Lantz, Rockefeller, McIntire and Stensen)

Changing provisions relating to penalties and treatment for crimes involving domestic violence.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 1181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1181.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1181 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 43.

Voting nay: Senators Hochstatter and Zarelli - 2.

Absent: Senator West - 1.

Excused: Senators Bauer, Rossi and Sellar - 3.

SUBSTITUTE HOUSE BILL NO. 1181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1199, by Representatives Lantz, Constantine, Sheahan and Carrell

Defining the jurisdiction of civil antiharassment actions.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, House Bill No. 1199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1199.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1199 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

HOUSE BILL NO. 1199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2205, by Representatives McDonald, Lovick, Carrell, Constantine and Haigh

Providing conditions for waiver of the requirement for a mandatory appearance following arrest for DUI.

The bill was read the second time.

## MOTION

On motion of Senator Heavey, the rules were suspended, House Bill No. 2205 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2205.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2205 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

HOUSE BILL NO. 2205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547, by House Committee on Local Government (originally sponsored by Representatives Mitchell, Lantz, Thomas, Dunshee, Campbell, Sullivan, Bush, Kastama, Conway, Scott, Regala, Miloscia, Fisher, McDonald and Huff)

Authorizing a sales and use tax for zoo and aquarium purposes.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute House Bill No. 1547 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Wojahn: "Senator Patterson, although Section 1 of the bill states that the local sales and use tax may be set at a rate of 'no more than one-tenth of one percent,' I understand that the Department of Revenue cannot collect a local tax of this kind in an increment of less than one-tenth of one percent. Is that correct?"

Senator Patterson: "I understand that you are correct, Senator Wojahn, and that the local tax, if approved by the voters of Pierce County, would be set at the rate of one-tenth of one percent."

Senator Wojahn: "Thank you very much."

Further debate ensued.

## POINT OF INQUIRY

Senator Roach: "Senator Patterson, I am not on the committee that reviewed this particular piece of legislation and so on the bill report, it says, 'Continued funding for these facilities from existing sources of revenue is questionable.' Obviously, that would be the reason for coming forth with the bill. Can you tell me what the existing sources currently are?"

Senator Patterson: "I hope I am correct here. Senator Wojahn will correct me if I'm not. I believe the existing sources are solely the voters that reside within the Tacoma City limits."

#### REMARKS BY SENATOR WOJAHN

Senator Wojahn: "To further clarify that, as you know, Northwest Trek is located in the perimeters of Pierce County, not within the city of Tacoma, Senator Roach. Consequently, the county is benefitting--the whole region is benefitting from the voters of the city of Tacoma. It seemed only appropriate to expand that tax base to provide that the county of Pierce supply a portion of the support for the zoo. The zoo is located in the city and Northwest Trek is located outside the city. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1547.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1547 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 42.

Voting nay: Senators Benton, Honeyford, Johnson, Sheahan, Stevens and Zarelli - 6.

Absent: Senator Swecker - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Haugen was excused.

#### SECOND READING

HOUSE BILL NO. 1413, by Representatives McMorris, Romero, Dunshee, Campbell, Haigh, D. Schmidt, Miloscia and Lambert) (by request of Washington Citizens' Commission on Salaries for Elected Officials)

Staggering the terms of the members of the Washington citizens' commission on salaries for elected officials.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1413 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1413.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1413 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton,

Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Haugen - 1.

HOUSE BILL NO. 1413, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1133, by House Committee on State Government (originally sponsored by Representatives Bush, Ogden, Talcott, Buck, D. Schmidt, DeBolt, McDonald, Sump, Parlette, Lambert, Clements, Romero, Cairnes, Quall, G. Chandler, H. Sommers, Mielke, Koster, O'Brien, Sullivan, Thomas, Barlean, Campbell, Dunn, Mulliken, Alexander and Esser)

Maintaining voter registration lists.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1133 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1133.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1133 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Absent: Senator Deccio - 1.

SUBSTITUTE HOUSE BILL NO. 1133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1827, by Representatives D. Schmidt, Romero and McMorris

Concerning printing contracts entered into by state agencies.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1827 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Franklin, Senator Loveland was excused.

## MOTION

On motion of Senator Morton, Senator Deccio was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1827.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1827 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senators McCaslin, McDonald and Morton - 3.

Excused: Senators Deccio and Loveland - 2.

HOUSE BILL NO. 1827, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1893, by House Committee on Appropriations (originally sponsored by Representatives Doumit, Mulliken, Scott, Linville and Hatfield)

Streamlining state and local permit issuance.

The bill was read the second time.

## MOTION

Senator Fraser moved that the following Committee on Environmental Quality and Water Resources striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that facilitating the environmental permit process will increase citizen satisfaction and compliance with state and local permit requirements. Lack of coordination in the processing of permit applications causes costly delays and frustration to the applicant and the public. The public deserves a clear, predictable system for land-use decisions that ensures an adequate opportunity for public participation and comment. The legislature also finds that permit processes can be improved by enabling and requiring state and local permit agencies to coordinate their permit processes to the greatest extent possible.

**Sec. 2.** RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each amended to read as follows:

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) Permits. ~~((Applications for both))~~ State and local government permit~~(s)~~ agencies should ~~((be processed))~~ coordinate and process permits in a timely and fair manner to ensure predictability for applicants.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

**Sec. 3.** RCW 58.17.095 and 1986 c 233 s 1 are each amended to read as follows:

(1) A county, city, or town may adopt an ordinance providing for the administrative review of a preliminary plat without a public hearing ~~((by adopting an ordinance providing for such administrative review))~~. The ordinance may specify a threshold number of lots in a subdivision above which a public hearing must be held, and may specify other factors which necessitate the holding of a public hearing. ~~((The administrative review process shall include the))~~

(2) If the county, city, or town has not adopted consolidated permitting procedures and time frames as provided in chapter 36.70B RCW, it shall conduct administrative review of preliminary plats consistent with the following minimum conditions:

~~((1))~~ (a) The notice requirements of RCW 58.17.090 shall be followed, except that the publication shall be made within ten days of the filing of the application. Additionally, at least ten days after the filing of the application notice both shall be: ~~((a))~~ (i) Posted on or around the land proposed to be subdivided in at least five conspicuous places designed to attract public awareness of the proposal; and ~~((b))~~ (ii) mailed to the owner of each lot or parcel of property located within at least three hundred feet of the site. The applicant shall provide the county, city, or town with a list of such property owners and their addresses. The notice shall include notification that no public hearing will be held on the application, except as provided by this section. The notice shall set out the procedures and time limitations for persons to require a public hearing and make comments.

~~((2))~~ (b) Any person shall have a period of twenty days from the date of the notice to comment upon the proposed preliminary plat. All comments received shall be provided to the applicant. The applicant has seven days from receipt of the comments to respond thereto.

~~((3))~~ (c) A public hearing on the proposed subdivision shall be held if any person files a request for a hearing with the county, city, or town within twenty-one days of the publishing of such notice. If such a hearing is requested, notice requirements for the public hearing shall be in conformance with RCW 58.17.090, and the ninety-day period for approval or disapproval of the proposed subdivision provided for in RCW 58.17.140 shall commence with the date of the filing of the request for a public hearing. Any hearing ordered under this subsection shall be conducted by the planning commission or hearings officer as required by county or city ordinance.

~~((4))~~ (d) On its own initiative within twenty-one days of the filing of the request for approval of the subdivision, the governing body, or a designated employee or official, of the county, city, or town, shall be authorized to cause a public hearing to be held on the proposed subdivision within ninety days of the filing of the request for the subdivision.

~~((5))~~ (e) If the public hearing is waived as provided in this section, the planning commission or planning agency shall complete the review of the proposed preliminary plat and transmit its recommendation to the legislative body as provided in RCW 58.17.100.

(3) If the county, city, or town has adopted consolidated permitting procedures and time frames as provided in chapter 36.70B RCW, it may conduct administrative review of preliminary plats consistent with its procedures and time frames. At a minimum, local permitting procedures and time frames related to administrative review of preliminary plats shall provide for:

(a) Notice of application by publication, posting, and mailing. All forms of notice shall include a prominent statement that no public hearing will be held on the application, except as provided by this section. All forms of notice shall clearly state procedures and time frames for persons to make comments on the proposal and request a public hearing.

(b) Written comments on the application by any person. Comments received shall be provided to the applicant, and the applicant shall be provided seven days from receipt of the comments to respond thereto.

(c) A public hearing on the application if any person files a request for a hearing within the time frame specified. If a hearing is requested, notice requirements for the public hearing and the time frame for approval or disapproval of the application shall be consistent with other local permitting procedures. Any hearing conducted under this subsection shall be conducted by the planning commission or hearing officer as required by local ordinance.

(d) A public hearing on the application if the legislative or executive branch of the county, city, or town so requests within the time frame specified.

(e) Expedited agency review and transmittal of its recommendation on the application to the legislative body of the county, city, or town, if there is no request for public hearing.

**Sec. 4.** RCW 90.60.010 and 1995 c 347 s 601 are each amended to read as follows:

The legislature hereby finds and declares:

(1) Washington's environmental protection programs have established strict standards to reduce pollution and protect the public health and safety and the environment. The single-purpose programs instituted to achieve these standards have been successful in many respects, and have produced significant gains in protecting Washington's environment in the face of substantial population growth.

(2) Continued progress to achieve the environmental standards in the face of continued population growth will require greater coordination between the single-purpose environmental programs and more efficient operation of these programs overall. Pollution must be prevented and controlled and not simply transferred to another media or another place. This goal can only be achieved by maintaining the current environmental protection standards and by greater integration of the existing programs.

(3) As the number of environmental laws and regulations have grown in Washington, so have the number of permits required of business and government. This regulatory burden has significantly added to the cost and time needed to obtain essential permits in Washington. The increasing number of individual permits and permit authorities has generated the continuing potential for conflict, overlap, and duplication between the various state, local, and federal permits.

(4) The purpose of this chapter is to institute new, efficient procedures that will assist businesses and public agencies in complying with the environmental quality laws in an expedited fashion, without reducing protection of public health and safety and the environment.

(5) Those procedures need to provide a permit process that promotes effective dialogue and ensures ease in the transfer and clarification of technical information, while preventing duplication. It is necessary that the procedures establish a process for preliminary and ongoing meetings between the applicant, the coordinating permit agency, and the participating permit agencies, but do not preclude the applicant or participating permit agencies from individually coordinating with each other.

(6) It is necessary, to the maximum extent practicable, that the procedures established in this chapter ensure that the coordinated permit agency process and applicable permit requirements and criteria are integrated and run concurrently, rather than consecutively.

(7) It is necessary to provide a reliable and consolidated source of information concerning federal, state, and local environmental and land use laws and procedures that apply to any given proposal.

(8) It is the intent of this chapter to provide an optional process by which a project proponent may obtain active coordination of all applicable regulatory and land-use permitting procedures. This process is not to replace individual laws, or diminish the substantive decision-making role of individual jurisdictions. Rather it is to provide predictability, administrative consolidation, and, where possible, consolidation of appeal processes.

(9) It is also the intent of this chapter ~~((to provide))~~ that by providing an optional coordinated permit process, measures are taken by the parties that promote the public's trust and confidence in the underlying permit process, including providing consolidated, effective, and easier opportunities for members of the public to receive information and present their views about proposed projects.

**Sec. 5.** RCW 90.60.020 and 1995 c 347 s 602 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Center" means the permit assistance center established in the ~~((commission [department]))~~ department by RCW 90.60.030.

(2) "Coordinating permit agency" means the permit agency that has the greatest overall jurisdiction over a project.

(3) "Department" means the department of ecology.

(4) "Local government" means counties, cities, and towns.

(5) "Participating permit agency" means a permit agency, other than the coordinating permit agency, that is responsible for the issuance of a permit for a project.

~~((5))~~ (6) "Parties" collectively means the coordinating permit agency, permit agency, and participating permit agency.

(7) "Permit" means any license, certificate, registration, permit, or other form of authorization required by a permit agency to engage in a particular activity.

~~((6))~~ (8) "Permit agency" means:

(a) The department of ecology, an air pollution control authority, the department of natural resources, the department of fish and wildlife, and the department of health; and

(b) Any other state or federal agency or county, city, or town that participates at the request of the permit applicant and upon the agency's agreement to be subject to this chapter.

~~((7))~~ (9) "Project" means an activity, the conduct of which requires permits from one or more permit agencies.

(10) "Small project" means a project for which the applicants do not enter into a cost reimbursement agreement as authorized by RCW 90.60.100, and the project:

(a) Will require fewer than five permits from the state permit agencies;

(b) Will employ fewer than twenty-five persons; or

(c) Estimates a completed assessed value of less than five hundred thousand dollars.

(11) "Use authorization" means a lease, material purchase, easement, permit, or other document authorizing use of state-owned aquatic lands, materials, or both.

**Sec. 6.** RCW 90.60.030 and 1997 c 429 s 35 are each amended to read as follows:

(1) The permit assistance center is established within the department. The center shall:

~~((1))~~ (a) Publish and keep current one or more handbooks containing lists and explanations of all permit laws. To the extent possible, the handbook shall include relevant local, state, federal, and tribal laws. A state agency or local government shall provide a reasonable number of copies of application forms, statutes, ordinances, rules, handbooks, and other informational material requested by the center and shall otherwise fully cooperate with the center. The center shall seek the cooperation of relevant federal agencies and tribal governments;

~~((2))~~ (b) Establish, and make known, a point of contact for distribution of the handbook and advice to the public as to its interpretation in any given case;

~~((3))~~ (c) Work closely and cooperatively with the business license center in providing efficient and nonduplicative service to the public;

~~((4))~~ (d) Seek the assignment of employees from the permit agencies (~~(listed under RCW 90.60.020(6)(a))~~) as defined in this chapter to serve on a rotating basis in staffing the center;

~~((5))~~ (e) Collect and disseminate information to public and private entities on federal, state, local, and tribal government programs that rely on private professional expertise to assist governmental agencies in project permit review; and

~~((6))~~ (f) Provide ~~(an annual)~~ a biennial report to the legislature ~~(on potential conflicts and perceived inconsistencies among existing statutes. The first report shall be submitted to the appropriate standing committees of the house of representatives and senate by December 1, 1996.)~~ that includes:

(i) Statutory and other recommendations for streamlining and coordinating environmental permitting in Washington;

(ii) Summarizes the results of the center's efforts to measure performance and outcomes over time;

(iii) Summarizes, evaluates, and makes statutory and other recommendations for improving the center's and permitting agencies' efforts to provide public notice efficiently and for promoting effective public participation in permitting processes;

(iv) Details efforts on the part of the center, the department, and the parties to promote the public's trust and confidence in the permitting process. Examples of such efforts include, but are not limited to, the development of statutory and other policies and procedures, guidance, roles, and responsibilities; and

(v) Shows revenues generated by the center's services, and the center's budget and expenditures.

(2) The department shall prioritize the expenditure of general fund moneys allotted to the center to provide a set of services to the applicants of small projects.

**NEW SECTION. Sec. 7.** A new section is added to chapter 90.60 RCW to read as follows:

The department is encouraged to establish permit assistance center offices at department regional and field offices to provide better access to the center's services in all areas of the state. Staffing for the regional permit assistance centers may be provided with funding from the state general fund and funds from other sources.

**Sec. 8.** RCW 90.60.100 and 1995 c 347 s 610 are each amended to read as follows:

(1) The ~~((coordinating permit agency))~~ parties may enter into a written cost-reimbursement agreement with the applicant to recover from the applicant the reasonable costs incurred by the ~~((coordinating permit agency))~~ parties in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing.

(2) The ~~((coordinating permit agency may recover only the costs of performing those coordinated permit services and))~~ written cost-reimbursement agreement shall be negotiated with the permit applicant ~~((in))~~ following the meeting required pursuant to RCW 90.60.070. Permit agencies may assign work to current staff, temporary staff, or technical consultants in order to carry out the work covered by the written cost-reimbursement agreement or the work remaining for the permit agency as a result of the coordinated permit process. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments.

**NEW SECTION. Sec. 9.** A new section is added to chapter 90.60 RCW to read as follows:

(1) In collaboration with local governments and state agencies the permit assistance center shall conduct a feasibility study of what might be necessary to establish an integrated permit process. In its conduct of the study, the permit assistance center may appoint technical advisory committees to advise the center and participating agencies. Meetings of the permit assistance center, state agencies, and local governments relating to this study shall be open to the public. The permit assistance center shall solicit comment from interested stakeholders. The comments received and the responses to them shall be summarized as part of the final report.

(2) The study shall consider:

(a) The role of preapplication conferences that would involve the applicant and the permit agencies;

- (b) The characteristics of a complete project application;
  - (c) Coordination of permitting and integration of processes;
  - (d) Provisions for negotiations for cost reimbursement agreements for permitting agencies;
  - (e) The types of permits that might be considered for inclusion in an integrated process;
  - (f) The potential for coordination of local appeals and state appeals;
  - (g) The potential for an integrated decision; and
  - (h) The potential for positive outcomes on performance measures identified in RCW 90.60.030.
- (3) By December 1, 1999, the permit assistance center shall submit a report to the legislature on this study.

**NEW SECTION. Sec. 10.** A new section is added to chapter 90.60 RCW to read as follows:

(1) It is the intent of this chapter to provide an interagency forum for the discussion of significant issues related to the permitting processes and use authorizations for projects that are proposed on state-owned aquatic lands where there are multiple permits, programs, and legal authorities involved.

(2) It is a goal of this chapter to encourage all agencies and local governments involved in issuing permits or granting use authorizations for a single project on state-owned aquatic lands to communicate with each other on a timely basis and early in the project review process in order to maximize coordination, facilitate problem resolution, promote the effectiveness of permit decisions, and enhance citizen understanding and involvement in the permit process. It is also a goal of this chapter that all permitting or authorizing federal and state agencies, local governments, and tribal governments be involved in coordinating their respective roles related to permits or authorizations from the outset of any review process. Tribes with fisheries interests in the project area shall also be invited to participate.

(3) For the purposes of this section, "aquatic lands" means as it is defined in RCW 79.90.010.

**NEW SECTION. Sec. 11.** A new section is added to chapter 90.60 RCW to read as follows:

(1) The applicant, a local government, or the state agency with the greatest overall jurisdiction for a project may submit a joint aquatic resource permit application to the permit assistance center if a project proposed for the use of state-owned aquatic lands requires:

- (a) A hydraulic project approval under chapter 75.20 RCW;
- (b) A wastewater discharge permit under chapter 90.48 RCW, or a federal clean water act section 401 certification; and
- (c) A substantial development permit under chapter 90.58 RCW.

(2) If the local government or state agency with the greatest overall jurisdiction is uncertain about whether all of the permits identified under subsection (1) of this section are required, it shall submit the completed form to the permit assistance center and allow the center to determine which permits are required.

(3) The permit assistance center shall facilitate a project scoping meeting including the project applicant, the department of natural resources, the department of ecology, the department of fish and wildlife, and the local governments in whose jurisdiction the project is proposed. Federal agencies and tribal governments that either issue or may require a permit, or that may require a use authorization for the project or have fishery resources that might be affected by the project, shall each be invited to name a representative to participate in the coordinated permit review process for proposed projects on state-owned aquatic lands. All participating agencies are encouraged to remain in communication for purposes of coordination throughout the permit review processes until final permit decisions are made.

(4) The purpose of the scoping meeting is to share perspectives and identify the issues and information needs of concern to each participant with regard to the proposed project, and jointly develop a strategy for coordinating permitting and issuance of use authorization issues. This project scoping process shall be concluded within sixty days of the date of receipt of the joint aquatic resource permit application by the permit assistance center.

(a) During this review, the participating agencies shall identify:

(i) The specific information needs and issues of concern and their significance to each participant with regard to the permitting processes involved;

(ii) Any statutory or regulatory conflicts that might arise relating to differing legal authorities and roles of the agencies issuing the permit or use authorization of the project;

(iii) Any state or local jurisdiction or private sector liability that might result from permitting or issuing a use authorization for the project; and

(iv) Any natural resources, including federal or state listed species, that might be adversely affected by the permitting or authorizing decision.

(b) Following this project scoping review, the outcome shall be documented in written form and furnished to the applicant, and be available to the public.

(c) Upon completion of this review, the permitting and authorizing agencies and governments shall proceed according to their respective statutes. Nothing in this section may prevent the parties from reconvening later in the course of the permitting or use authorization process.

**NEW SECTION. Sec. 12.** A new section is added to chapter 75.20 RCW to read as follows:

(1) The department shall conduct a study of the hydraulic permit program to assess the adequacy and effectiveness of the program to meet the requirements of the federal endangered species act and in providing an efficient and predictable permitting process for the public while maintaining the department's oversight of the state-wide interest in fish habitat. The study shall evaluate the potential effects of authorizing a local government to issue, enforce site-specific permits, or both, and recommend changes to the program to comply with the requirements of the federal endangered species act. The department shall provide an interim report to the legislature by January 15, 2000, and a final report on the results of the study to the legislature by December 1, 2000.

(2) The legislature encourages the department to review its hydraulic project approval program to determine the extent to which the program meets the requirements of the federal endangered species act, and to seek approval of the program under the federal endangered species act.

(3) The department shall report to the legislature on January 1, 2000, and January 1, 2001, on the status of any program submitted for review to federal agencies implementing the federal endangered species act.

**NEW SECTION. Sec. 13.** A new section is added to chapter 47.01 RCW to read as follows:

The legislature recognizes that the department is restructuring its transportation construction and maintenance programs in order to meet the requirements of the federal endangered species act, and intends to seek approval of these programs under the federal endangered species act. The legislature further recognizes that local government transportation construction and maintenance programs might benefit from approval of the department's program under the federal endangered species act. The department shall collaborate with local government in developing its strategy for compliance with the federal endangered species act for its transportation construction and maintenance programs.

The department shall report to the legislature on January 1, 2000, and January 1, 2001, on the status of any program submitted for review to federal agencies implementing the federal endangered species act.

**Sec. 14.** RCW 90.58.080 and 1995 c 347 s 305 are each amended to read as follows:

(1) Local governments shall develop or amend ~~(, within twenty-four months after the adoption of guidelines as provided in RCW 90.58.060,)~~ a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department. Except as provided in subsection (2) of this section, master programs shall be reviewed for compliance with the guidelines and adopted or amended as necessary within twenty-four months after the adoption of guidelines as provided in RCW 90.58.060.

(2) Consistent with the priority salmon recovery regions and WRIA's map, as defined in the state-wide strategy to recover salmon volume 1, page V.95, and population growth data provided by the office of financial management, the following master program development or amendment schedule applies for guidelines adopted by the department before December 31, 2000:

(a) For King, Snohomish, Pierce, Clark, and Kitsap counties and the cities and towns therein with shorelines of the state, master programs shall be reviewed for compliance with the guidelines and adopted or amended as necessary within thirty-six months after the adoption of guidelines as provided in RCW 90.58.060;

(b) For Thurston, Whatcom, Benton, Yakima, Skagit, Cowlitz, Clallam, Chelan, Mason, Lewis, Jefferson, and Okanogan counties and the cities and towns therein with shorelines of the state, master programs shall be reviewed for compliance with the guidelines and adopted or amended as necessary within forty-eight months after the adoption of guidelines as provided in RCW 90.58.060;

(c) For all other counties, cities, and towns with shorelines of the state, master programs shall be reviewed for compliance with the guidelines and adopted or amended as necessary within sixty months after the adoption of guidelines amendments as provided in RCW 90.58.060.

(3) Local governments failing to meet the schedule provided in subsection (2) of this section shall not be eligible for grant moneys from the department pursuant to implementation of this section.

**NEW SECTION. Sec. 15.** The following acts or parts of acts are each repealed:

(1) RCW 43.131.387 (Permit assistance center--Termination) and 1995 c 347 s 617; and

(2) RCW 43.131.388 (Permit assistance center--Repeal) and 1995 c 347 s 618.

**NEW SECTION. Sec. 16.** Section 15 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 29, 1999."

## MOTION

Senator Benton moved that the following amendments by Senators Benton, Morton, Tim Sheldon and Shin to the Committee on Environmental Quality and Water Resources striking amendment be considered simultaneously and be adopted:

On page 13, after line 2 of the amendment, insert the following:

"**Sec. 13.** RCW 75.20.100 and 1998 c 190 s 87 are each amended to read as follows:

(1) In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the approval of the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld.

(2)(a) Except as provided in RCW 75.20.1001, the department shall grant or deny approval of a standard permit within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section.

(b) The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life.

(c) The forty-five day requirement shall be suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection; or

(iii) The applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(d) For purposes of this section, "standard permit" means a written permit issued by the department when the conditions under subsections (3) and (5)(b) of this section are not met.

(3)(a) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources. Expedited permit requests require a complete written application as provided in subsection (2)(b) of this section and shall be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance.

(b) For the purposes of this subsection, "imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(d) The department or the county legislative authority may determine if an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists.

(4) Approval of a standard permit is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life based on sound science and applicable documentation. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent.

(5)(a) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately, upon request, oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval to protect fish life shall be established by the department and reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately, upon request, for a stream crossing during an emergency situation.

(b) For purposes of this section and RCW 75.20.103, "emergency" means an immediate threat to life, the public, property, or of environmental degradation.

(c) The department or the county legislative authority may declare and continue an emergency when one or more of the criteria under (b) of this subsection are met. The county legislative authority shall immediately notify the department if it declares an emergency under this subsection.

(6) The department shall, at the request of a county, develop five-year maintenance approval agreements, consistent with comprehensive flood control management plans adopted under the authority of RCW 86.12.200, or other watershed plan approved by a county legislative authority, to allow for work on public and private property for bank stabilization, bridge repair, removal of sand bars and debris, channel maintenance, and other flood damage repair and reduction activity under agreed-upon conditions and times without obtaining permits for specific projects.

(7) This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103.

A landscape management plan approved by the department and the department of natural resources under RCW 76.09.350(2), shall serve as a hydraulic project approval for the life of the plan if fish are selected as one of the public resources for coverage under such a plan.

(8) For the purposes of this section and RCW 75.20.103, "bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

(9) The phrase "to construct any form of hydraulic project or perform other work" does not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

This section does not apply to small scale prospecting and mining activities, which are governed by section 14 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 75.20 RCW to read as follows:

(1) Small scale prospecting and mining is exempt from the provisions of this chapter, provided that aggregate containing fish eggs or fry are not collected or processed at any time.

(2) Small scale prospecting and mining may take place landward of the ordinary high water mark of any stream at any time of the year, if such activity does not require an approved plan of operation on public lands provided for in 43 C.F.R. Sec. 3830 through 3850 or 36 C.F.R. Sec. 228 subpart A as they existed on the effective date of this section.

(3) For the purposes of this chapter, "small scale prospecting and mining" means the use of methods such as pans, sluice boxes, concentrators, and minirocker boxes for the discovery and recovery of minerals at or below the ordinary high water mark."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 14, after line 22 of the amendment, strike all of section 16 and insert the following:

"NEW SECTION. Sec. 16. Sections 13, 14, and 15 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions. Sections 13 and 14 of this act take effect immediately and section 15 of this act takes effect June 29, 1999."

Debate ensued

The President declared the question before the Senate to be the adoption of the amendments by Senators Benton, Morton, Tim Sheldon and Shin on page 13, after line 2, and page 14, after line 22, to the Committee on Environmental Quality and Water Resources striking amendment to Engrossed Second Substitute House Bill No. 1893.

The motion by Senator Benton carried and amendments to the committee striking amendment were adopted on a rising vote.

#### MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Morton to the Committee on Environmental Quality and Water Resources striking amendment be adopted:

On page 14, after line 22, insert the following:

"NEW SECTION. Sec. 16. Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser and Benton on page 14, after line 22, to the Committee on Environmental Quality and Water Resources striking amendment to Engrossed Second Substitute House Bill No. 1893.

The motion by Senator Fraser carried and the amendment to the committee striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Environmental Quality and Water Resources striking amendment to Engrossed Second Substitute House Bill No. 1893, as amended.

The committee amendment, as amended, was adopted.

#### MOTION

On motion of Senator Fraser, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "issuance;" strike the remainder of the title and insert "amending RCW 36.70A.020, 58.17.095, 90.60.010, 90.60.020, 90.60.030, 90.60.100, and 90.58.080; adding new sections to chapter 90.60 RCW; adding a new section to chapter 75.20

RCW; adding a new section to chapter 47.01 RCW; creating a new section; repealing RCW 43.131.387 and 43.131.388; providing an effective date; and declaring an emergency."

On page 14, line 32 of the title amendment, after "90.60.100," insert "75.20.100," and beginning on line 33 of the title amendment, after "90.60 RCW;" strike "adding a new section to chapter 75.20 RCW;" and insert "adding new sections to chapter 75.20 RCW;"

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Second Substitute House Bill No. 1893, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1893, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1893, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Voting nay: Senator Honeyford - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1893, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Deccio: "I rise to a point of personal privilege, Mr. President. Yesterday, in my response to Senator Snyder's question as to my age, the answer I gave was offensive and violated the standards you have set to maintain the dignity and decorum of this body. Today, I would like to apologize to Senator Snyder, whom I greatly respect. Overnight, I thought about this and imagined what my response would have generated if we were in the French or Italian Parliament. Senator Snyder and I would have come to blows, so today I would like to respond to his question as to my age as though this were the British Parliament.

"So here goes, in response to the learned honorable majority leader, I do not believe that the divulging of information pertaining to my longevity will greatly enhance your already outstanding ability as majority leader. There is no prospect that this information would inure to the benefit of our illustrious and talented president of this august body. Such information will provide no assistance to the honorable, gentle lady from the great city of Pasco to negotiate the budget with the inexperienced and under-talented members of the other body. This great knowledge would not benefit the members of this great body. Further, I believe that my response would not benefit the honorable Senators from the Fourth, Thirty-seventh, and Forty-seventh districts to enable them to grow additional cranial cover.

"Therefore, to the honorable majority leader, my response is no response. However, if this lack of knowledge concerning my longevity is causing great consternation and discomfort to the honorable majority leader, my response would be a quote from the late, great and talented French violinist Jaque Bene, 'I'm thirty-nine.'"

Debate ensued.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1894, by Representative Conway

Correcting industrial insurance benefit errors.

The bill was read the second time.

## MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed House Bill No. 1894 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1894.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1894 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

ENGROSSED HOUSE BILL NO. 1894, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

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

## MESSAGES FROM THE HOUSE

April 8, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5156, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 8, 1999

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5012,

SENATE BILL NO. 5365,

SENATE BILL NO. 5402,

SUBSTITUTE SENATE BILL NO. 5457,

SENATE BILL NO. 5614,

SUBSTITUTE SENATE BILL NO. 5615,

SENATE BILL NO. 5648,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5658,

SENATE BILL NO. 5702,

SECOND SUBSTITUTE SENATE BILL NO. 5766,

SENATE BILL NO. 5777,

SENATE BILL NO. 5829,

ENGROSSED SENATE BILL NO. 5843,

SUBSTITUTE SENATE BILL NO. 6009,

SENATE BILL NO. 6019,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6020, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 8, 1999

MR. PRESIDENT:

The House has passed:  
SENATE BILL NO. 5037,  
SENATE BILL NO. 5178,  
SUBSTITUTE SENATE BILL NO. 5191,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5195,  
SUBSTITUTE SENATE BILL NO. 5215,  
SENATE BILL NO. 5262,  
SENATE BILL NO. 5301,  
SUBSTITUTE SENATE BILL NO. 5313, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 9, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
SENATE BILL NO. 5015,  
SUBSTITUTE SENATE BILL NO. 5046,  
SUBSTITUTE SENATE BILL NO. 5047,  
SUBSTITUTE SENATE BILL NO. 5048,  
SUBSTITUTE SENATE BILL NO. 5058,  
SENATE BILL NO. 5114,  
SUBSTITUTE SENATE BILL NO. 5185,  
SENATE BILL NO. 5196,  
SUBSTITUTE SENATE BILL NO. 5197,  
SENATE BILL NO. 5198,  
SENATE BILL NO. 5202,  
SECOND SUBSTITUTE SENATE BILL NO. 5210,  
SENATE BILL NO. 5211,  
SUBSTITUTE SENATE BILL NO. 5231,  
SUBSTITUTE SENATE BILL NO. 5234,  
SENATE BILL NO. 5253,  
SUBSTITUTE SENATE BILL NO. 5274,  
SENATE BILL NO. 5347,  
SENATE BILL NO. 5442,  
SUBSTITUTE SENATE BILL NO. 5509,  
SENATE BILL NO. 5525,  
SENATE BILL NO. 5567,  
SUBSTITUTE SENATE BILL NO. 5573,  
SUBSTITUTE SENATE BILL NO. 5609,  
SUBSTITUTE SENATE BILL NO. 5651,  
SENATE BILL NO. 5652,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5668,  
SUBSTITUTE SENATE BILL NO. 5669,  
SENATE BILL NO. 5741,

SENATE BILL NO. 5772,  
SENATE BILL NO. 5806,  
SUBSTITUTE SENATE BILL NO. 5838,  
SUBSTITUTE SENATE BILL NO. 5928,  
SENATE BILL NO. 5954,  
SENATE BILL NO. 6030, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5037,  
SENATE BILL NO. 5178,  
SUBSTITUTE SENATE BILL NO. 5191,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5195,  
SUBSTITUTE SENATE BILL NO. 5215,  
SENATE BILL NO. 5262,  
SENATE BILL NO. 5301,  
SUBSTITUTE SENATE BILL NO. 5313.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5012,  
SENATE BILL NO. 5156,  
SENATE BILL NO. 5365,  
SENATE BILL NO. 5402,  
SUBSTITUTE SENATE BILL NO. 5457,  
SENATE BILL NO. 5614,  
SUBSTITUTE SENATE BILL NO. 5615,  
SENATE BILL NO. 5648,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5658,  
SENATE BILL NO. 5702,  
SECOND SUBSTITUTE SENATE BILL NO. 5766,  
SENATE BILL NO. 5777,  
SENATE BILL NO. 5829,  
ENGROSSED SENATE BILL NO. 5843,  
SUBSTITUTE SENATE BILL NO. 6009,  
SENATE BILL NO. 6019,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6020.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Mayor of the city of Shelton, Scott Hilburn, and his wife Karen, who were seated on the rostrum.

MOTION

At 10:59 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:30 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 9, 1999

MR. PRESIDENT:

The Co-Speakers have signed:

HOUSE BILL NO. 1011,  
HOUSE BILL NO. 1018,  
SUBSTITUTE HOUSE BILL NO. 1075,  
HOUSE BILL NO. 1092,  
HOUSE BILL NO. 1106,  
HOUSE BILL NO. 1139,  
SUBSTITUTE HOUSE BILL NO. 1149,  
HOUSE BILL NO. 1216,  
HOUSE BILL NO. 1221,  
SUBSTITUTE HOUSE BILL NO. 1289,  
HOUSE BILL NO. 1297,  
HOUSE BILL NO. 1372,  
HOUSE BILL NO. 1394,  
HOUSE BILL NO. 1425,  
ENGROSSED HOUSE BILL NO. 1459,  
SUBSTITUTE HOUSE BILL NO. 1490,  
HOUSE BILL NO. 1491,  
HOUSE BILL NO. 1542,  
SUBSTITUTE HOUSE BILL NO. 1560,  
HOUSE BILL NO. 1584,  
HOUSE BILL NO. 1654,  
SECOND SUBSTITUTE HOUSE BILL NO. 1686,  
HOUSE BILL NO. 1734,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1963,  
HOUSE BILL NO. 2010,  
SUBSTITUTE HOUSE BILL NO. 2054,  
SUBSTITUTE HOUSE BILL NO. 2071,  
HOUSE BILL NO. 2116,  
HOUSE BILL NO. 2181,  
HOUSE BILL NO. 2206,  
HOUSE JOINT MEMORIAL NO. 4004,  
HOUSE JOINT MEMORIAL NO. 4011,  
HOUSE JOINT MEMORIAL NO. 4014,  
HOUSE CONCURRENT RESOLUTION NO. 4408, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1011,  
HOUSE BILL NO. 1018,  
SUBSTITUTE HOUSE BILL NO. 1075,  
HOUSE BILL NO. 1092,  
HOUSE BILL NO. 1106,  
HOUSE BILL NO. 1139,  
SUBSTITUTE HOUSE BILL NO. 1149,

HOUSE BILL NO. 1216,  
HOUSE BILL NO. 1221,  
SUBSTITUTE HOUSE BILL NO. 1289,  
HOUSE BILL NO. 1297,  
HOUSE BILL NO. 1372,  
HOUSE BILL NO. 1394,  
HOUSE BILL NO. 1425,  
ENGROSSED HOUSE BILL NO. 1459,  
SUBSTITUTE HOUSE BILL NO. 1490,  
HOUSE BILL NO. 1491,  
HOUSE BILL NO. 1542,  
SUBSTITUTE HOUSE BILL NO. 1560,  
HOUSE BILL NO. 1584,  
HOUSE BILL NO. 1654,  
SECOND SUBSTITUTE HOUSE BILL NO. 1686,  
HOUSE BILL NO. 1734,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1963,  
HOUSE BILL NO. 2010,  
SUBSTITUTE HOUSE BILL NO. 2054,  
SUBSTITUTE HOUSE BILL NO. 2071,  
HOUSE BILL NO. 2116,  
HOUSE BILL NO. 2181,  
HOUSE BILL NO. 2206,  
HOUSE JOINT MEMORIAL NO. 4004,  
HOUSE JOINT MEMORIAL NO. 4011,  
HOUSE JOINT MEMORIAL NO. 4014,  
HOUSE CONCURRENT RESOLUTION NO. 4408.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1999-8667

By Senators Costa, Spanel, Franklin, Kohl-Wells and Fraser

WHEREAS, In 1916, the first case of Polio was recorded, resulting in approximately 27,000 deaths; and  
WHEREAS, Between the year of 1946 through 1952, the Polio epidemic absorbed 144,000 victims nationally; and  
WHEREAS, There are an estimated 35,000 Polio survivors in Washington State alone; and  
WHEREAS, There are currently 1.6 million Polio survivors in the United States; and  
WHEREAS, The centralized Burien Office for Polio Outreach of Washington was formed in 1995 by peer volunteers to locate and inform Polio survivors who may currently be experiencing Post Polio Syndrome; and  
WHEREAS, Many individuals are diagnosed with this disease year after year; and  
WHEREAS, The debilitating effects of Post Polio Syndrome, from severe fatigue to total body exhaustion, are often not detected until up to thirty years after the original onset of Polio; and  
WHEREAS, Post Polio Syndrome is the second most leading cause of neurological damage; and  
WHEREAS, The medical field and the Polio survivors must be able to recognize the symptoms of Post Polio Syndrome, so that they will not be prematurely disabled; and  
WHEREAS, The distribution of accurate information and educational material is a necessity in order to create awareness for this disease and its effects;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the courage and strength of all Polio survivors and the efforts of Polio Outreach of Washington to reach them.

Senators Costa, Kohl-Welles, Franklin, Thibaudeau, McDonald and Prentice spoke to Senate Resolution 1999-8667.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Burien Office for Polio Outreach of Washington, as well as polio survivors, who were seated in the gallery.

#### MOTION

At 1:43 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Monday, April 12, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

EIGHTY-NINTH DAY, APRIL 9, 1999

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#### **NINETY-SECOND DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, April 12, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Gardner, Haugen, Kline, McDonald, Rasmussen, Sellar and Stevens. On motion of Senator Deccio, Senators Finkbeiner, McDonald and Sellar were excused. On motion of Senator Honeyford, Senator Stevens was excused. On motion of Senator Franklin, Senators Haugen and Rasmussen were excused.

The Sergeant at Arms Color Guard consisting of Pages Paige Kasai Wayland and Seth Lake, presented the Colors. Chaplain Debbie Hutton from the Providence Home Care and Hospice, offered the prayer.

#### MOTION

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

#### MESSAGES FROM THE HOUSE

MR. PRESIDENT:

April 8, 1999

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 2152, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

April 9, 1999

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 2269, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

April 9, 1999

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE SENATE BILL NO. 5010,  
SUBSTITUTE SENATE BILL NO. 5030,  
ENGROSSED SENATE BILL NO. 5141,  
SENATE BILL NO. 5194,  
SENATE BILL NO. 5278,  
SENATE BILL NO. 5401,  
SENATE BILL NO. 5432,  
SUBSTITUTE SENATE BILL NO. 5495,  
ENGROSSED SENATE BILL NO. 5564,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5712,  
SUBSTITUTE SENATE BILL NO. 5746, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5010,  
SUBSTITUTE SENATE BILL NO. 5030,  
ENGROSSED SENATE BILL NO. 5141,  
SENATE BILL NO. 5194,  
SENATE BILL NO. 5278,  
SENATE BILL NO. 5401,  
SENATE BILL NO. 5432,  
SUBSTITUTE SENATE BILL NO. 5495,  
ENGROSSED SENATE BILL NO. 5564,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5712,  
SUBSTITUTE SENATE BILL NO. 5746.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2152 by House Committee on Health Care (originally sponsored by Representatives Cody, Parlette, Van Luven, Conway and Edmonds)

Concerning long-term care payment rates.

Referred to Committee on Health and Long-Term Care.

SHB 2269 by House Committee on Appropriations (originally sponsored by Representatives H. Sommers and Huff)

Establishing the professional development program.

Referred to Committee on Education.

## SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

### MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9016, Bruce W. Hilyer, as a member of the Parks and Recreation Commission, was confirmed.

### APPOINTMENT OF BRUCE W. HILYER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 27; Nays, 14; Absent, 2; Excused, 6.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Horn, Jacobsen, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 27. Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Johnson, McCaslin, Morton, Roach, Rossi, Sheahan, Swecker, West and Zarelli - 14. Absent: Senators Gardner and Kline - 2. Excused: Senators Finkbeiner, Haugen, McDonald, Rasmussen, Sellar and Stevens - 6.

### MOTIONS

On motion of Senator Honeyford, Senator Rossi was excused.

On motion of Senator Franklin, Senator Kline was excused.

### MOTION

On motion of Senator Patterson, Gubernatorial Appointment No. 9056, Rhonda Cahill, as a member of the Public Disclosure Commission, was confirmed.

### APPOINTMENT OF RHONDA CAHILL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 3; Absent, 3; Excused, 5.

Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Goings, Hale, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 38.

Voting nay: Senators Benton, Hochstatter and Zarelli - 3.

Absent: Senators Bauer, Gardner and Hargrove - 3.

Excused: Senators Finkbeiner, Haugen, Kline, Rossi and Sellar - 5.

### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9043, Susan Sellers, as a member of the Board of Trustees for Clark Community College District No. 14, was confirmed.

Senators Goings and Benton spoke to the confirmation of Susan Sellers as a member of the Board of Trustees for Clark Community College District No. 14.

#### APPOINTMENT OF SUSAN SELLERS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senators Bauer, Gardner and Horn - 3.

Excused: Senators Finkbeiner and Rossi - 2.

#### MOTION

On motion of Senator Franklin, Senators Loveland and Snyder were excused.

#### MOTION

On motion of Senator Rasmussen, Gubernatorial Appointment No. 9053, Gregory Barlow, as Adjutant General of the Military Department, was confirmed.

Senators Rasmussen, Deccio, Oke, Morton and Stevens spoke to the confirmation of Gregory Barlow as Adjutant General of the Military Department.

#### APPOINTMENT OF GREGORY BARLOW

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Finkbeiner, Loveland and Snyder - 3.

#### MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9057, Elizabeth M. Calvin, as a member of the Sentencing Guidelines Commission, was confirmed.

#### APPOINTMENT OF ELIZABETH M. CALVIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Voting nay: Senator Benton - 1.

Excused: Senators Loveland and Snyder - 2.

#### MOTION

On motion of Senator Shin, gubernatorial appointment No. 9102, Ark G. Chin, as a member of the Board of Regents for the University of Washington was confirmed.

Senators Shin and McDonald spoke to the confirmation of Ark G. Chin as a member of the Board of Regents for the University of Washington.

#### APPOINTMENT OF ARK G. CHIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2. Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Loveland and Snyder - 2.

#### MOTION

On motion of Senator Deccio, Senator Morton was excused.

#### MOTION

On motion of Senator Honeyford, Senator Finkbeiner was excused.

#### SECOND READING

HOUSE BILL NO. 1080, by Representatives Carlson, Ogden, Pennington, Dunn, Tokuda, Stensen, O'Brien, Morris, Conway, Lambert, Lantz, Wood, Rockefeller, Parlette, Esser and Lovick

Providing infectious disease testing for good Samaritans.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the following striking amendment by Senators Thibaudeau and Deccio was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that citizens who assist individuals in emergency situations perform a needed and valuable role that deserves recognition and support. The legislature further finds that emergency assistance in the form of mouth to mouth resuscitation or other emergency medical procedures resulting in the exchange of bodily fluids significantly increases the odds of being exposed to a deadly infectious disease. Some of the more life-threatening diseases that can be transferred during an emergency procedure where bodily fluids are exchanged include hepatitis A, B, and C, and human immunodeficiency virus (HIV). Individuals infected by these diseases value confidentiality regarding this information. A number of good Samaritans who perform life-saving emergency procedures such as cardiopulmonary resuscitation are unable to pay for the tests necessary for detecting infectious diseases that could have been transmitted during the emergency procedure. It is the purpose of this act to provide infectious disease testing at no cost to good Samaritans who request testing for infectious diseases after rendering emergency assistance that has brought them into contact with a bodily fluid and to further protect the testing information once obtained through confidentiality provisions.

**NEW SECTION. Sec. 2.** A new section is added to chapter 70.05 RCW to read as follows:

A person rendering emergency care or transportation, commonly known as a "Good Samaritan," as described in RCW 4.24.300 and 4.24.310, may request and receive appropriate infectious disease testing free of charge from the local health department of the county of her or his residence, if: (1) While rendering emergency care she or he came into contact with bodily fluids; and (2) she or he does not have health insurance that covers the testing. Nothing in this section requires a local health department to provide health care services beyond testing. The department shall adopt rules implementing this section.

The information obtained from infectious disease testing is subject to statutory confidentiality provisions, including those of chapters 70.24 and 70.05 RCW.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70.24 RCW to read as follows:

(1) In order to assure compliance with the protections under this chapter and the rules of the board, and to assure public confidence in the confidentiality of reported information, the department shall:

(a) Report annually to the board any incidents of unauthorized disclosure by the department, local health departments, or their employees of information protected under RCW 70.24.105. The report shall include recommendations for preventing future unauthorized disclosures and improving the system of confidentiality for reported information; and

(b) Assist health care providers, facilities that conduct tests, local health departments, and other persons involved in disease reporting to understand, implement, and comply with this chapter and the rules of the board related to disease reporting.

(2) This section is exempt from RCW 70.24.084, 70.05.070, and 70.05.120.

**Sec. 4.** RCW 70.24.084 and 1988 c 206 s 914 are each amended to read as follows:

(1) Any person aggrieved by a violation of this chapter shall have a right of action in superior court and may recover for each violation:

(a) Against any person who negligently violates a provision of this chapter, one thousand dollars, or actual damages, whichever is greater, for each violation.

(b) Against any person who intentionally or recklessly violates a provision of this chapter, ~~((two))~~ ten thousand dollars, or actual damages, whichever is greater, for each violation.

(c) Reasonable attorneys' fees and costs.

(d) Such other relief, including an injunction, as the court may deem appropriate.

(2) Any action under this chapter is barred unless the action is commenced within three years after the cause of action accrues.

(3) Nothing in this chapter limits the rights of the subject of a test for a sexually transmitted disease to recover damages or other relief under any other applicable law.

(4) Nothing in this chapter may be construed to impose civil liability or criminal sanction for disclosure of a test result for a sexually transmitted disease in accordance with any reporting requirement for a diagnosed case of sexually transmitted disease by the department or the centers for disease control of the United States public health service.

**Sec. 5.** RCW 70.05.070 and 1993 c 492 s 239 are each amended to read as follows:

The local health officer, acting under the direction of the local board of health or under direction of the administrative officer appointed under RCW 70.05.040 or 70.05.035, if any, shall:

(1) Enforce the public health statutes of the state, rules of the state board of health and the secretary of health, and all local health rules, regulations and ordinances within his or her jurisdiction including imposition of penalties authorized under RCW 70.119A.030, the confidentiality provisions in RCW 70.24.105 and rules adopted to implement those provisions, and filing of actions authorized by RCW 43.70.190;

(2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his or her jurisdiction;

(3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his or her jurisdiction;

(4) Inform the public as to the causes, nature, and prevention of disease and disability and the preservation, promotion and improvement of health within his or her jurisdiction;

(5) Prevent, control or abate nuisances which are detrimental to the public health;

(6) Attend all conferences called by the secretary of health or his or her authorized representative;

(7) Collect such fees as are established by the state board of health or the local board of health for the issuance or renewal of licenses or permits or such other fees as may be authorized by law or by the rules of the state board of health;

(8) Inspect, as necessary, expansion or modification of existing public water systems, and the construction of new public water systems, to assure that the expansion, modification, or construction conforms to system design and plans;

(9) Take such measures as he or she deems necessary in order to promote the public health, to participate in the establishment of health educational or training activities, and to authorize the attendance of employees of the local health department or individuals engaged in community health programs related to or part of the programs of the local health department.

**Sec. 6.** RCW 70.05.120 and 1993 c 492 s 241 are each amended to read as follows:

Any local health officer or administrative officer appointed under RCW 70.05.040, if any, who shall refuse or neglect to obey or enforce the provisions of chapters 70.05, 70.24, and 70.46 RCW or the rules, regulations or orders of the state board of health or who shall refuse or neglect to make prompt and accurate reports to the state board of health, may be removed as local

health officer or administrative officer by the state board of health and shall not again be reappointed except with the consent of the state board of health. Any person may complain to the state board of health concerning the failure of the local health officer or administrative officer to carry out the laws or the rules and regulations concerning public health, and the state board of health shall, if a preliminary investigation so warrants, call a hearing to determine whether the local health officer or administrative officer is guilty of the alleged acts. Such hearings shall be held pursuant to the provisions of chapter 34.05 RCW, and the rules and regulations of the state board of health adopted thereunder.

Any member of a local board of health who shall violate any of the provisions of chapters 70.05, 70.24, and 70.46 RCW or refuse or neglect to obey or enforce any of the rules, regulations or orders of the state board of health made for the prevention, suppression or control of any dangerous contagious or infectious disease or for the protection of the health of the people of this state, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars. Any physician who shall refuse or neglect to report to the proper health officer or administrative officer within twelve hours after first attending any case of contagious or infectious disease or any diseases required by the state board of health to be reported or any case suspicious of being one of such diseases, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars for each case that is not reported.

Any person violating any of the provisions of chapters 70.05, 70.24, and 70.46 RCW or violating or refusing or neglecting to obey any of the rules, regulations or orders made for the prevention, suppression and control of dangerous contagious and infectious diseases by the local board of health or local health officer or administrative officer or state board of health, or who shall leave any isolation hospital or quarantined house or place without the consent of the proper health officer or who evades or breaks quarantine or conceals a case of contagious or infectious disease or assists in evading or breaking any quarantine or concealing any case of contagious or infectious disease, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars or to imprisonment in the county jail not to exceed ninety days or to both fine and imprisonment.

**NEW SECTION. Sec. 7.** Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

#### MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 2 of the title, after "Samaritans;" strike the remainder of the title and insert "amending RCW 70.24.084, 70.05.070, and 70.05.120; adding a new section to chapter 70.05 RCW; adding a new section to chapter 70.24 RCW; creating a new section; prescribing penalties; and declaring an emergency."

On motion of Senator Thibaudeau, the rules were suspended, House Bill No. 1080, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1080, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1080, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Finkbeiner, Loveland and Morton - 3.

HOUSE BILL NO. 1080, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1238, by Representatives Conway, Clements, Wood, McMorris and Hurst

Appointing a temporary member to the board of industrial insurance appeals due to illness of a board member.

The bill was read the second time.

#### MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1238 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1238.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1238 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Finkbeiner - 1.

HOUSE BILL NO. 1238, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senators McAuliffe and Prentice were excused.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1006, by House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, O'Brien, Benson, Radcliff, Quall, Mitchell, Dickerson, Cairnes, Hurst, Alexander and Lambert)

Revising sentencing options for drug and alcohol offenders.

The bill was read the second time.

#### MOTION

On motion of Senator Costa, the following Committee on Human Services and Corrections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9.94A.030 and 1998 c 290 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time or imposed pursuant to RCW 9.94A.120 (6), (8), or (10) served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(12) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

(13) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(14) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.

(15) "Department" means the department of corrections.

(16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(17) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(18) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(19) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(20) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(21) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(22) "First-time offender" means any person who is convicted of a felony (a) not classified as a violent offense or a sex offense under this chapter, or (b) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or flunitrazepam classified in Schedule IV, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(23) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(24) "Nonviolent offense" means an offense which is not a violent offense.

(25) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(26) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

(27) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (27)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under subsection (27)(b)(i) only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under subsection (27)(b)(i) only when the offender was eighteen years of age or older when the offender committed the offense.

(28) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(29) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(30) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(31) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, manslaughter in the first degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(32) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(33) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(34) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(35) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(36) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(37) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(38) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, drive-by shooting, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(39) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (33) of this section are not eligible for the work crew program.

(40) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(41) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(42) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

**NEW SECTION. Sec. 2.** A new section is added to chapter 9.94A RCW to read as follows:

(1) Where the court finds that the offender has a chemical dependency that has contributed to his or her offense, the court may, as a condition of the sentence and subject to available resources, order the offender to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which the offender has been convicted and reasonably necessary or beneficial to the offender and the community in rehabilitating the offender.

(2) This section applies to sentences which include any term other than, or in addition to, a term of total confinement, including suspended sentences.

**Sec. 3.** RCW 9.94A.110 and 1998 c 260 s 2 are each amended to read as follows:

Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing.

Unless specifically waived by the court, the court shall order the department to complete a chemical dependency screening report before imposing a sentence upon a defendant who has been convicted of a violation of the uniform controlled substances act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW where the court finds that the offender has a chemical dependency that has contributed to his or her offense. In addition, the court shall, at the time of plea or conviction, order the department to complete a presentence report before imposing a sentence upon a defendant

who has been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. If the court determines that the defendant may be a mentally ill person as defined in RCW 71.24.025, although the defendant has not established that at the time of the crime he or she lacked the capacity to commit the crime, was incompetent to commit the crime, or was insane at the time of the crime, the court shall order the department to complete a presentence report before imposing a sentence.

The court shall consider the presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed.

If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

**Sec. 4.** RCW 9.94A.120 and 1998 c 260 s 3 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(6)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of ~~((the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes.))~~ a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4);

(ii) The offender has no current or prior convictions for a ~~((felony))~~ sex offense or violent offense in this state, another state, or the United States; ~~((and))~~

(iii) For a violation of the uniform controlled substances act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance; and

(iv) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order.

(b) If the ~~((midpoint of the))~~ standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections. ~~((If the midpoint of the standard range is twenty-four months or less, no more than three months of the sentence may be served in a work release status.))~~

The court shall also impose ~~((one year of concurrent community custody and community supervision that))~~;

(i) The remainder of the midpoint of the standard range as a term of community custody which must include appropriate ~~((outpatient))~~ substance abuse treatment~~((,))~~ in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services;

(ii) Crime-related prohibitions including a condition not to use illegal controlled substances~~((,))~~; and

(iii) A requirement to submit to urinalysis or other testing to monitor that status.

The court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

~~((i))~~ (A) Devote time to a specific employment or training;

~~((ii))~~ (B) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

~~((iii))~~ (C) Report as directed to a community corrections officer;

~~((iv))~~ (D) Pay all court-ordered legal financial obligations;

~~((v))~~ (E) Perform community service work;

~~((vi))~~ (F) Stay out of areas designated by the sentencing judge;

(G) Such other conditions as the court may require such as affirmative conditions.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, ~~((the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney.))~~ a violation hearing shall be held by the ~~((court))~~ department unless waived by the offender. If the ~~((court))~~ department finds that conditions have been willfully violated, the ~~((court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by the court))~~ offender may be reclassified to serve the remaining balance of the original sentence.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(e) An offender who fails to complete the special drug offender sentencing alternative program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing judge and shall be subject to all rules relating to earned early release time. An offender who violates any conditions of supervision as defined by the department shall be sanctioned. Sanctions may include, but are not limited to, reclassifying the offender to serve the unexpired term of his or her sentence as ordered by the sentencing judge. If an offender is reclassified to serve the unexpired term of his or her sentence, the offender shall be subject to all rules relating to earned early release time.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sex offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section;

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (I) Devote time to a specific employment or occupation;
  - (II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
  - (III) Report as directed to the court and a community corrections officer;
  - (IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or
  - (V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime; and
- (C) Sex offenders sentenced under this special sex offender sentencing alternative are not eligible to accrue any earned early release time while serving a suspended sentence.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody.

(v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection.

(vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(vii) Except as provided in (a)(viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

(ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment.

(b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(9)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988,

the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
- (ii) The offender shall work at department of corrections-approved education, employment, and/or community service;
- (iii) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
- (iv) The offender shall pay supervision fees as determined by the department of corrections;
- (v) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement; and

(vi) The offender shall submit to affirmative acts necessary to monitor compliance with the orders of the court as required by the department.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

- (i) The offender shall remain within, or outside of, a specified geographical boundary;
- (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;
- (iii) The offender shall participate in crime-related treatment or counseling services;
- (iv) The offender shall not consume alcohol;
- (v) The offender shall comply with any crime-related prohibitions; or
- (vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section.

(c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(11) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(12) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered unless the superior court extends the criminal judgment an additional ten years. If the legal financial obligations including crime victims' assessments are not paid during the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years as provided in RCW 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(13) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(14) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions of the department of corrections. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed.

(a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(b) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. The conditions authorized under this subsection (14)(b) may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of a sex offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) of this section.

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(15) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(16) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(17) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(18) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(19) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(20) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(21) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(22) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

**Sec. 5.** RCW 9.94A.137 and 1995 1st sp.s. c 19 s 20 are each amended to read as follows:

(1)(a) An offender is eligible to be sentenced to a work ethic camp if the offender:

(i) Is sentenced to a term of total confinement of not less than ~~((sixteen))~~ twelve months and one day or more than thirty-six months; ~~((and))~~

(ii) Has no current or prior convictions for any sex offenses or for violent offenses ~~((other than drug offenses for manufacturing, possession, delivery, or intent to deliver a controlled substance)); and~~

(iii) Is not currently subject to a sentence for, or being prosecuted for, a violation of the uniform controlled substances act or a criminal solicitation to commit such a violation under chapter 9A.28 or 69.50 RCW.

(b) The length of the work ethic camp shall be at least one hundred twenty days and not more than one hundred eighty days. ~~((Because of the conversion ratio, earned early release time shall not accrue to offenders who successfully complete the program.))~~

(2) If the sentencing judge determines that the offender is eligible for the work ethic camp and is likely to qualify under subsection (3) of this section, the judge shall impose a sentence within the standard range and may recommend that the offender serve the sentence at a work ethic camp. ~~((The sentence shall provide that if the offender successfully completes the program, the department shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp confinement to three days of total standard confinement.))~~ In sentencing an offender to the work ethic camp, the court shall specify: (a) That upon completion of the work ethic camp the offender shall be released on community custody for any remaining time of total confinement; (b) the applicable conditions of supervision on community custody status as required by RCW 9.94A.120(9)(b) and authorized by RCW 9.94A.120(9)(c); and (c) that violation of the conditions may result in a return to total confinement for the balance of the offender's remaining time of confinement.

(3) The department shall place the offender in the work ethic camp program, subject to capacity, unless: (a) The department determines that the offender has physical or mental impairments that would prevent participation and completion of the program; (b) the department determines that the offender's custody level prevents placement in the program; ~~((or))~~ (c) the offender refuses to agree to the terms and conditions of the program; (d) the offender has been found by the United States attorney general to be subject to a deportation detainer or order; or (e) the offender has participated in the work ethic camp program in the past.

(4) An offender who fails to complete the work ethic camp program, who is administratively terminated from the program, or who otherwise violates any conditions of supervision, as defined by the department, shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing judge and shall be subject to all rules relating to earned early release time.

(5) During the last two weeks prior to release from the work ethic camp program the department shall provide the offender with comprehensive transition training.

**Sec. 6.** RCW 9.94A.380 and 1988 c 157 s 4 and 1988 c 155 s 3 are each reenacted and amended to read as follows:

Alternatives to total confinement are available for offenders with sentences of one year or less. These alternatives include the following sentence conditions that the court may order as substitutes for total confinement:

(1) One day of partial confinement may be substituted for one day of total confinement;

(2) In addition, for offenders convicted of nonviolent offenses only, eight hours of community service may be substituted for one day of total confinement, with a maximum conversion limit of two hundred forty hours or thirty days. Community service

hours must be completed within the period of community supervision or a time period specified by the court, which shall not exceed twenty-four months, pursuant to a schedule determined by the department; and

(3) For offenders convicted of nonviolent and nonsex offenses, the court may authorize county jails to convert jail confinement to an available county supervised community option and may require the offender to perform affirmative conduct pursuant to section 2 of this act.

For sentences of nonviolent offenders for one year or less, the court shall consider and give priority to available alternatives to total confinement and shall state its reasons in writing on the judgment and sentence form if the alternatives are not used.

**NEW SECTION. Sec. 7.** The legislature recognizes the utility of drug court programs in reducing recidivism and assisting the courts by diverting potential offenders from the normal course of criminal trial proceedings.

**NEW SECTION. Sec. 8.** A new section is added to chapter 10.01 RCW to read as follows:

(1) The superior and district courts of Washington may establish drug court programs to accept offenders that have been diverted by the courts from the normal course of prosecution for drug offenses.

(2) Pursuant to this section, "drug court" is defined as a program that meets the criteria set forth in section 9 of this act.

**NEW SECTION. Sec. 9.** A new section is added to chapter 2.28 RCW to read as follows:

(1) Counties may establish and operate drug courts.

(2) For the purposes of this section, "drug court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing offenders by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

(3) Any jurisdiction that seeks a state appropriation to fund a drug court program must first:

(a) Exhaust all federal funding received from the office of national drug control policy that is available to support the operations of its drug court and associated services; and

(b) Match, on a dollar-for-dollar basis, state moneys allocated for drug court programs with local resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for drug court operations and associated services.

**NEW SECTION. Sec. 10.** A new section is added to chapter 70.96A RCW to read as follows:

The department shall contract with counties operating drug courts and counties in the process of implementing new drug courts for the provision of drug and alcohol treatment services.

**NEW SECTION. Sec. 11.** The department of corrections must develop criteria for successful completion of the special drug offender sentencing alternative program by December 31, 1999.

**NEW SECTION. Sec. 12.** The Washington state institute for public policy, in consultation with the sentencing guidelines commission shall evaluate the impact of implementing the drug offender options provided for in RCW 9.94A.120(6). The commission shall submit a final report to the legislature by December 1, 2004. The report shall describe the changes in sentencing practices related to the use of punishment options for drug offenders and include the impact of sentencing alternatives on state prison populations, the savings in state resources, the effectiveness of drug treatment services, and the impact on recidivism rates.

**NEW SECTION. Sec. 13.** If specific funding for the purposes of sections 7 through 12 of this act, referencing sections 7 through 12 of this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, sections 7 through 12 of this act are null and void.

**NEW SECTION. Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

## MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 2 of the title, after "alcohol;" strike the remainder of the title and insert "amending RCW 9.94A.030, 9.94A.110, 9.94A.120, and 9.94A.137; reenacting and amending RCW 9.94A.380; adding a new section to chapter 9.94A RCW; adding a new section to chapter 10.01 RCW; adding a new section to chapter 2.28 RCW; adding a new section to chapter 70.96A RCW; creating new sections; and prescribing penalties."

On motion of Senator Costa, the rules were suspended, Engrossed Second Substitute House Bill No. 1006, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1006, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1006, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 43. Voting nay: Senators Benton, Roach and Zarelli - 3. Excused: Senators Finkbeiner, McAuliffe and Prentice - 3. ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1006, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1485, by House Committee on Capital Budget (originally sponsored by Representatives Barlean and Anderson)

Selling the Whidbey Island game farm.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1485 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1485.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1485 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senator Roach - 1.

Absent: Senator Hargrove - 1.

Excused: Senators Finkbeiner, McAuliffe and Prentice - 3.

SUBSTITUTE HOUSE BILL NO. 1485, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1152, by Representatives McMorris, G. Chandler, Linville and Cooper (by request of Department of Agriculture)

Regulating private applicator licenses.

The bill was read the second time.

#### MOTION

On motion of Senator Goings, the rules were suspended, House Bill No. 1152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1152.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1152 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Rossi - 1.

Excused: Senators Finkbeiner, McAuliffe and Prentice - 3.

HOUSE BILL NO. 1152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8408, by Senator Bauer

Creating a commission to address the renovation of the Washington State Legislative Building.

The concurrent resolution was read the second time.

#### MOTIONS

On motion of Senator Bauer, the following amendment was adopted:

On page 1, line 11, after "its" strike "71st" and insert "72nd"

On motion of Senator Bauer, the rules were suspended, Engrossed Senate Concurrent Resolution No. 8408 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Concurrent Resolution No. 8408.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 8408 and the concurrent resolution passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald,

Morton, Oke, Patterson, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Snyder - 1.

Excused: Senators Finkbeiner, McAuliffe, Prentice and Rossi - 4.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8408, having received the constitutional majority, was declared passed.

MOTION

At 11:25 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:06 p.m. by President Owen.

MOTION

There being no objection, on motion of Senator Betti Sheldon, the Transportation Subcommittee will be granted permission to meet during the session.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1999-8664

By Senator Loveland

WHEREAS, On March 13, 1999, the Blue Devils from Walla Walla High School won the State Boys' 4A Basketball Championship for the first time in forty-seven years; and

WHEREAS, The team from Washington's Onion Capital earned its way to the finals after beating three of the state's top-four ranked teams; and

WHEREAS, The Walla Walla players exemplify the very best in student sports by working together on the court, playing basketball with patience, skill, and teamwork; and

WHEREAS, The Tacoma Dome championship venue rang with the echos of cheering fans who traveled 270 miles to support their team; and

WHEREAS, These student-athletes achieved their championship goal by understanding and practicing the values of community, mutual support, and collective effort; and

WHEREAS, Under the leadership of head coach Jim Thacker, a man who has been at Walla Walla High School for twenty-three years, the athletes learned the importance of discipline, goal-setting, leadership, fitness, and pride;

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate honor and give tribute to the achievement reached by the student-athletes and coaches at Walla Walla High School — the 1999 Boys' 4A State Basketball Champions.

BE IT FURTHER RESOLVED, That the Secretary of the Senate do hereby immediately transmit a copy of this resolution to Walla Walla High School.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

### MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9103, Charlotte Coker, as a member of the Human Rights Commission, was confirmed.

### APPOINTMENT OF CHARLOTTE COKER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 6; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Wojahn - 42. Absent: Senators Deccio, Fairley, Hale, Snyder, Thibaudeau and Zarelli - 6. Excused: Senator Finkbeiner - 1.

### SECOND READING

HOUSE BILL NO. 1378, by Representatives Veloria, Dunn, Morris, Kastama, Van Luven, Ogden, Kenney, Bush, Santos, Fortunato, Hurst, Edwards, O'Brien, McDonald and Keiser

Regulating manufactured and mobile home landlord-tenant relations.

The bill was read the second time.

### MOTION

Senator Winsley moved that the following Committee on Commerce, Trade, Housing and Financial Institutions striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 59.20.010 and 1977 ex.s. c 279 s 1 are each amended to read as follows:

This chapter shall be known and may be cited as the "Manufactured/Mobile Home Landlord-Tenant Act".

**Sec. 2.** RCW 59.20.030 and 1998 c 118 s 1 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" as it relates to a mobile home, manufactured home, or park model owned by a tenant in a mobile home park, mobile home park cooperative, or mobile home park subdivision or tenancy in a mobile home lot means the tenant has defaulted in rent and by absence and by words or actions reasonably indicates the intention not to continue tenancy;

(2) "Landlord" means the owner of a mobile home park and includes the agents of a landlord;

(3) "Manufactured home" means a single-family dwelling built according to the United States department of housing and urban development manufactured home construction and safety standards act, which is a national preemptive building code. A manufactured home also: (a) Includes plumbing, heating, air conditioning, and electrical systems; (b) is built on a permanent chassis; and (c) can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported, or when installed on the site is three hundred twenty square feet or greater;

(4) "Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States department of housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the United States department of housing and urban development manufactured home construction and safety act;

(5) "Mobile home lot" means a portion of a mobile home park or manufactured housing community designated as the location of one mobile home, manufactured home, or park model and its accessory buildings, and intended for the exclusive use as a primary residence by the occupants of that mobile home, manufactured home, or park model;

((4)) (6) "Mobile home park" or "manufactured housing community" means any real property which is rented or held out for rent to others for the placement of two or more mobile homes manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy;

~~((5))~~ (7) "Mobile home park cooperative" or "manufactured housing cooperative" means real property consisting of common areas and two or more lots held out for placement of mobile homes, manufactured homes, or park models in which both the individual lots and the common areas are owned by an association of shareholders which leases or otherwise extends the right to occupy individual lots to its own members;

~~((6))~~ (8) "Mobile home park subdivision" or "manufactured housing subdivision" means real property, whether it is called a subdivision, condominium, or planned unit development, consisting of common areas and two or more lots held for placement of mobile homes, manufactured homes, or park models in which there is private ownership of the individual lots and common, undivided ownership of the common areas by owners of the individual lots;

~~((7))~~ (9) "Park model" means a recreational vehicle intended or used for permanent or semi-permanent installation and habitation;

(10) "Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot;

~~((8))~~ (11) "Tenant" means any person, except a transient, who rents a mobile home lot;

~~((9))~~ (12) "Transient" means a person who rents a mobile home lot for a period of less than one month for purposes other than as a primary residence;

~~((10))~~ (13) "Occupant" means any person, including a live-in care provider, other than a tenant, who occupies a mobile home, manufactured home, or park model and mobile home lot.

**Sec. 3.** RCW 59.20.040 and 1997 c 86 s 2 are each amended to read as follows:

This chapter shall regulate and determine legal rights, remedies, and obligations arising from any rental agreement between a landlord and a tenant regarding a mobile home lot and including specified amenities within the mobile home park, mobile home park cooperative, or mobile home park subdivision, where the tenant has no ownership interest in the property or in the association which owns the property, whose uses are referred to as a part of the rent structure paid by the tenant. All such rental agreements shall be unenforceable to the extent of any conflict with any provision of this chapter. Chapter 59.12 RCW shall be applicable only in implementation of the provisions of this chapter and not as an alternative remedy to this chapter which shall be exclusive where applicable: PROVIDED, That the provision of RCW 59.12.090, 59.12.100, and 59.12.170 shall not apply to any rental agreement included under the provisions of this chapter. RCW 59.18.055 and 59.18.370 through 59.18.410 shall be applicable to any action of forcible entry or detainer or unlawful detainer arising from a tenancy under the provisions of this chapter, except when a mobile home, manufactured home, or park model or a tenancy in a mobile home lot is abandoned. Rentals of mobile homes, manufactured homes, or park models themselves are governed by the Residential Landlord-Tenant Act, chapter 59.18 RCW.

**Sec. 4.** RCW 59.20.050 and 1981 c 304 s 37 are each amended to read as follows:

(1) No landlord may offer a mobile home lot for rent to anyone without offering a written rental agreement for a term of one year or more. No landlord may offer to anyone any rental agreement for a term of one year or more for which the monthly rental is greater, or the terms of payment or other material conditions more burdensome to the tenant, than any month-to-month rental agreement also offered to such tenant or prospective tenant. Anyone who desires to occupy a mobile home lot for other than a term of one year or more may have the option to be on a month-to-month basis but must waive, in writing, the right to such one year or more term: PROVIDED, That annually, at any anniversary date of the tenancy the tenant may require that the landlord provide a written rental agreement for a term of one year. No landlord shall allow a mobile home, manufactured home, or park model to be moved into a mobile home park in this state until a written rental agreement has been signed by and is in the possession of the parties: PROVIDED, That if the landlord allows the tenant to move a mobile home, manufactured home, or park model into a mobile home park without obtaining a written rental agreement for a term of one year or more, or a written waiver of the right to a one-year term or more, the term of the tenancy shall be deemed to be for one year from the date of occupancy of the mobile home lot;

(2) The requirements of subsection (1) of this section shall not apply if:

(a) The mobile home park or part thereof has been acquired or is under imminent threat of condemnation for a public works project, or

(b) An employer-employee relationship exists between a landlord and tenant;

(3) The provisions of this section shall apply to any tenancy upon expiration of the term of any oral or written rental agreement governing such tenancy.

**Sec. 5.** RCW 59.20.060 and 1990 c 174 s 1 and 1990 c 169 s 1 are each reenacted and amended to read as follows:

(1) Any mobile home space tenancy regardless of the term, shall be based upon a written rental agreement, signed by the parties, which shall contain:

(a) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized in a billing to the tenant;

- (b) Reasonable rules for guest parking which shall be clearly stated;
- (c) The rules and regulations of the park;
- (d) The name and address of the person who is the landlord, and if such person does not reside in the state there shall also be designated by name and address a person who resides in the county where the mobile home park is located who is authorized to act as agent for the purposes of service of notices and process. If no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered the agent;
- (e) The name and address of any party who has a secured interest in the mobile home, manufactured home, or park model;
- (f) A forwarding address of the tenant or the name and address of a person who would likely know the whereabouts of the tenant in the event of an emergency or an abandonment of the mobile home, manufactured home, or park model;
- (g)(i) A covenant by the landlord that, except for acts or events beyond the control of the landlord, the mobile home park will not be converted to a land use that will prevent the space that is the subject of the lease from continuing to be used for its intended use for a period of three years after the beginning of the term of the rental agreement;
- (ii) A rental agreement may, in the alternative, contain a statement that the park may be sold or otherwise transferred at any time with the result that subsequent owners may close the mobile home park, or that the landlord may close the park at any time after the required notice. The covenant or statement required by this subsection must appear in print that is larger than the other text of the lease and must be set off by means of a box, blank space, or comparable visual device;  
The requirements of this subsection shall apply to tenancies initiated after April 28, 1989.
- (h) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement;
- (i) A listing of the utilities, services, and facilities which will be available to the tenant during the tenancy and the nature of the fees, if any, to be charged;
- (j) A description of the boundaries of a mobile home space sufficient to inform the tenant of the exact location of the tenant's space in relation to other tenants' spaces;
- (k) A statement of the current zoning of the land on which the mobile home park is located; and
- (l) A statement of the expiration date of any conditional use, temporary use, or other land use permit subject to a fixed expiration date that is necessary for the continued use of the land as a mobile home park.
- (2) Any rental agreement executed between the landlord and tenant shall not contain any provision:
  - (a) Which allows the landlord to charge a fee for guest parking unless a violation of the rules for guest parking occurs: PROVIDED, That a fee may be charged for guest parking which covers an extended period of time as defined in the rental agreement;
  - (b) Which authorizes the towing or impounding of a vehicle except upon notice to the owner thereof or the tenant whose guest is the owner of the vehicle;
  - (c) Which allows the landlord to alter the due date for rent payment or increase the rent: (i) During the term of the rental agreement if the term is less than one year, or (ii) more frequently than annually if the term is for one year or more: PROVIDED, That a rental agreement may include an escalation clause for a pro rata share of any increase in the mobile home park's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also provides for a pro rata reduction in rent or other charges in the event of a reduction in real property taxes or utility assessments or charges, below the base year: PROVIDED FURTHER, That a rental agreement for a term exceeding one year may provide for annual increases in rent in specified amounts or by a formula specified in such agreement;
  - (d) By which the tenant agrees to waive or forego rights or remedies under this chapter;
  - (e) Allowing the landlord to charge an "entrance fee" or an "exit fee";
  - (f) Which allows the landlord to charge a fee for guests: PROVIDED, That a landlord may establish rules charging for guests who remain on the premises for more than fifteen days in any sixty-day period;
  - (g) By which the tenant agrees to waive or forego homestead rights provided by chapter 6.13 RCW. This subsection shall not prohibit such waiver after a default in rent so long as such waiver is in writing signed by the husband and wife or by an unmarried claimant and in consideration of the landlord's agreement not to terminate the tenancy for a period of time specified in the waiver if the landlord would be otherwise entitled to terminate the tenancy under this chapter; or
  - (h) By which, at the time the rental agreement is entered into, the landlord and tenant agree to the selection of a particular arbitrator.

**Sec. 6.** RCW 59.20.070 and 1993 c 66 s 16 are each amended to read as follows:

A landlord shall not:

(1) Deny any tenant the right to sell such tenant's mobile home, manufactured home, or park model within a park or require the removal of the mobile home, manufactured home, or park model from the park because of the sale thereof. Requirements for the transfer of the rental agreement are in RCW 59.20.073;

(2) Restrict the tenant's freedom of choice in purchasing goods or services but may reserve the right to approve or disapprove any exterior structural improvements on a mobile home space: PROVIDED, That door-to-door solicitation in the mobile home park may be restricted in the rental agreement. Door-to-door solicitation does not include public officials or candidates for public office meeting or distributing information to tenants in accordance with subsection (4) of this section;

(3) Prohibit meetings by tenants of the mobile home park to discuss mobile home living and affairs, including political caucuses or forums for or speeches of public officials or candidates for public office, or meetings of organizations that represent the interest of tenants in the park, held in any of the park community or recreation halls if these halls are open for the use of the tenants, conducted at reasonable times and in an orderly manner on the premises, nor penalize any tenant for participation in such activities;

(4) Prohibit a public official or candidate for public office from meeting with or distributing information to tenants in their individual mobile homes, manufactured homes, or park models, nor penalize any tenant for participating in these meetings or receiving this information;

(5) Evict a tenant, terminate a rental agreement, decline to renew a rental agreement, increase rental or other tenant obligations, decrease services, or modify park rules in retaliation for any of the following actions on the part of a tenant taken in good faith:

(a) Filing a complaint with any state, county, or municipal governmental authority relating to any alleged violation by the landlord of an applicable statute, regulation, or ordinance;

(b) Requesting the landlord to comply with the provision of this chapter or other applicable statute, regulation, or ordinance of the state, county, or municipality;

(c) Filing suit against the landlord for any reason;

(d) Participation or membership in any homeowners association or group;

(6) Charge to any tenant a utility fee in excess of actual utility costs or intentionally cause termination or interruption of any tenant's utility services, including water, heat, electricity, or gas, except when an interruption of a reasonable duration is required to make necessary repairs;

(7) Remove or exclude a tenant from the premises unless this chapter is complied with or the exclusion or removal is under an appropriate court order; or

(8) Prevent the entry or require the removal of a mobile home, manufactured home, or park model for the sole reason that the mobile home has reached a certain age. Nothing in this subsection shall limit a landlords' right to exclude or expel a mobile home, manufactured home, or park model for any other reason, including but not limited to violations of applicable fire and safety standards provided such action conforms to chapter 59.20 RCW or any other statutory provision.

**Sec. 7.** RCW 59.20.073 and 1993 c 66 s 17 are each amended to read as follows:

(1) Any rental agreement shall be assignable by the tenant to any person to whom he or she sells or transfers title to the mobile home, manufactured home, or park model.

(2) A tenant who sells a mobile home, manufactured home, or park model within a park shall notify the landlord in writing of the date of the intended sale and transfer of the rental agreement at least fifteen days in advance of such intended transfer and shall notify the buyer in writing of the provisions of this section. The tenant shall verify in writing to the landlord payment of all taxes, rent, and reasonable expenses due on the mobile home, manufactured home, or park model and mobile home lot.

(3) The landlord shall notify the selling tenant, in writing, of a refusal to permit transfer of the rental agreement at least seven days in advance of such intended transfer.

(4) The landlord may require the mobile home, manufactured home, or park model to meet applicable fire and safety standards.

~~(5)~~ (5) The landlord shall approve or disapprove of the assignment of a rental agreement on the same basis that the landlord approves or disapproves of any new tenant, and any disapproval shall be in writing. Consent to an assignment shall not be unreasonably withheld.

~~((5))~~ (6) Failure to notify the landlord in writing, as required under subsection (2) of this section; or failure of the new tenant to make a good faith attempt to arrange an interview with the landlord to discuss assignment of the rental agreement; or failure of the current or new tenant to obtain written approval of the landlord for assignment of the rental agreement, shall be grounds for disapproval of such transfer.

**Sec. 8.** RCW 59.20.074 and 1990 c 169 s 2 are each amended to read as follows:

(1) A secured party who has a security interest in a mobile home, manufactured home, or park model that is located within a mobile home park and who has a right to possession of the mobile home, manufactured home, or park model under RCW 62A.9-503, shall be liable to the landlord from the date the secured party receives written notice by certified mail, return receipt requested,

for rent for occupancy of the mobile home space under the same terms the tenant was paying prior to repossession, and any other reasonable expenses incurred after the receipt of the notice, until disposition of the mobile home, manufactured home, or park model under RCW 62A.9-504. The notice of default by a tenant must state the amount of rent and the amount and nature of any reasonable expenses that the secured party is liable for payment to the landlord. The notice must also state that the secured party will be provided a copy of the rental agreement previously signed by the tenant and the landlord upon request.

(2) This section shall not affect the availability of a landlord's lien as provided in chapter 60.72 RCW.

(3) As used in this section, "security interest" shall have the same meaning as this term is defined in RCW 62A.1-201, and "secured party" shall have the same meaning as this term is defined in RCW 62A.9-105.

(4) For purposes of this section, "reasonable expenses" means any routine maintenance and utility charges for which the tenant is liable under the rental agreement.

(5) Any rent or other reasonable expenses owed by the secured party to the landlord pursuant to this section shall be paid to the landlord prior to the removal of the mobile home, manufactured home, or park model from the mobile home park.

(6) If a secured party who has a secured interest in a mobile home, manufactured home, or park model that is located in a mobile home park becomes liable to the landlord pursuant to this section, then the relationship between the secured party and the landlord shall be governed by the rental agreement previously signed by the tenant and the landlord unless otherwise agreed, except that the term of the rental agreement shall convert to a month-to-month tenancy. No waiver is required to convert the rental agreement to a month-to-month tenancy. Either the landlord or the secured party may terminate the month-to-month tenancy upon giving written notice of thirty days or more. The secured party and the landlord are not required to execute a new rental agreement. Nothing in this section shall be construed to be a waiver of any rights by the tenant.

**Sec. 9.** RCW 59.20.075 and 1984 c 58 s 3 are each amended to read as follows:

Initiation by the landlord of any action listed in RCW 59.20.070((4)) (5) within one hundred twenty days after a good faith and lawful act by the tenant or within one hundred twenty days after any inspection or proceeding of a governmental agency resulting from such act, shall create a rebuttable presumption affecting the burden of proof, that the action is a reprisal or retaliatory action against the tenant: PROVIDED, That if the court finds that the tenant made a complaint or report to a governmental authority within one hundred twenty days after notice of a proposed increase in rent or other action in good faith by the landlord, there is a rebuttable presumption that the complaint or report was not made in good faith: PROVIDED FURTHER, That no presumption against the landlord shall arise under this section, with respect to an increase in rent, if the landlord, in a notice to the tenant of increase in rent, specifies reasonable grounds for said increase, which grounds may include a substantial increase in market value due to remedial action under this chapter.

**Sec. 10.** RCW 59.20.080 and 1998 c 118 s 2 are each amended to read as follows:

(1) A landlord shall not terminate or fail to renew a tenancy of a tenant or the occupancy of an occupant, of whatever duration except for one or more of the following reasons:

(a) Substantial violation, or repeated or periodic violations of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant or for violation of the tenant's duties as provided in RCW 59.20.140. The tenant shall be given written notice to cease the rule violation immediately. The notice shall state that failure to cease the violation of the rule or any subsequent violation of that or any other rule shall result in termination of the tenancy, and that the tenant shall vacate the premises within fifteen days: PROVIDED, That for a periodic violation the notice shall also specify that repetition of the same violation shall result in termination: PROVIDED FURTHER, That in the case of a violation of a "material change" in park rules with respect to pets, tenants with minor children living with them, or recreational facilities, the tenant shall be given written notice under this chapter of a six month period in which to comply or vacate;

(b) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(c) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate;

(d) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobile homes, manufactured homes, or park models or mobile home, manufactured homes, or park model living within a reasonable time after the tenant's receipt of notice of such noncompliance from the appropriate governmental agency;

(e) Change of land use of the mobile home park including, but not limited to, conversion to a use other than for mobile homes, manufactured homes, or park models or conversion of the mobile home park to a mobile home park cooperative or mobile home park subdivision: PROVIDED, That the landlord shall give the tenants twelve months' notice in advance of the effective date of such change, except that for the period of six months following April 28, 1989, the landlord shall give the tenants eighteen months' notice in advance of the proposed effective date of such change;

(f) Engaging in "criminal activity." "Criminal activity" means a criminal act defined by statute or ordinance that threatens the health, safety, or welfare of the tenants. A park owner seeking to evict a tenant or occupant under this subsection need not

produce evidence of a criminal conviction, even if the alleged misconduct constitutes a criminal offense. Notice from a law enforcement agency of criminal activity constitutes sufficient grounds, but not the only grounds, for an eviction under this subsection. Notification of the seizure of illegal drugs under RCW 59.20.155 is evidence of criminal activity and is grounds for an eviction under this subsection. The requirement that any tenant or occupant register as a sex offender under RCW 9A.44.130 is grounds for eviction under this subsection. If criminal activity is alleged to be a basis of termination, the park owner may proceed directly to an unlawful detainer action;

(g) The tenant's application for tenancy contained a material misstatement that induced the park owner to approve the tenant as a resident of the park, and the park owner discovers and acts upon the misstatement within one year of the time the resident began paying rent;

(h) If the landlord serves a tenant three fifteen-day notices within a twelve-month period to comply or vacate for failure to comply with the material terms of the rental agreement or park rules. The applicable twelve-month period shall commence on the date of the first violation;

(i) Failure of the tenant to comply with obligations imposed upon tenants by applicable provisions of municipal, county, and state codes, statutes, ordinances, and regulations, including chapter 59.20 RCW. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days;

(j) The tenant engages in disorderly or substantially annoying conduct upon the park premises that results in the destruction of the rights of others to the peaceful enjoyment and use of the premises. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days;

(k) The tenant creates a nuisance that materially affects the health, safety, and welfare of other park residents. The landlord shall give the tenant written notice to cease the conduct that constitutes a nuisance immediately. The notice must state that failure to cease the conduct will result in termination of the tenancy and that the tenant shall vacate the premises in five days;

(l) Any other substantial just cause that materially affects the health, safety, and welfare of other park residents. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days; or

(m) Failure to pay rent by the due date provided for in the rental agreement three or more times in a twelve-month period, commencing with the date of the first violation, after service of a five-day notice to comply or vacate.

(2) Within five days of a notice of eviction as required by subsection (1)(a) of this section, the landlord and tenant shall submit any dispute to mediation. The parties may agree in writing to mediation by an independent third party or through industry mediation procedures. If the parties cannot agree, then mediation shall be through industry mediation procedures. A duty is imposed upon both parties to participate in the mediation process in good faith for a period of ten days for an eviction under subsection (1)(a) of this section. It is a defense to an eviction under subsection (1)(a) of this section that a landlord did not participate in the mediation process in good faith.

(3) Chapters 59.12 and 59.18 RCW govern the eviction of recreational vehicles from mobile home parks except park models as defined in RCW 59.20.030(9).

**Sec. 11.** RCW 59.20.130 and 1993 c 66 s 20 are each amended to read as follows:

It shall be the duty of the landlord to:

(1) Comply with codes, statutes, ordinances, and administrative rules applicable to the mobile home park;

(2) Maintain the common premises and prevent the accumulation of stagnant water and to prevent the detrimental effects of moving water when such condition is not the fault of the tenant;

(3) Keep any shared or common premises reasonably clean, sanitary, and safe from defects to reduce the hazards of fire or accident;

(4) Keep all common premises of the mobile home park, and vacant mobile home lots, not in the possession of tenants, free of weeds or plant growth noxious and detrimental to the health of the tenants and free from potentially injurious or unsightly objects and condition;

(5) Exterminate or make a reasonable effort to exterminate rodents, vermin, or other pests dangerous to the health and safety of the tenant whenever infestation exists on the common premises or whenever infestation occurs in the interior of a mobile home, manufactured home, or park model as a result of infestation existing on the common premises;

(6) Maintain and protect all utilities provided to the mobile home, manufactured home, or park model in good working condition. Maintenance responsibility shall be determined at that point where the normal mobile home, manufactured home, or park model utilities "hook-ups" connect to those provided by the landlord or utility company;

(7) Respect the privacy of the tenants and shall have no right of entry to a mobile home, manufactured home, or park model without the prior written consent of the occupant, except in case of emergency or when the occupant has abandoned the

mobile home, manufactured home, or park model. Such consent may be revoked in writing by the occupant at any time. The ownership or management shall have a right of entry upon the land upon which a mobile home, manufactured home, or park model is situated for maintenance of utilities, to insure compliance with applicable codes, statutes, ordinances, administrative rules, and the rental agreement and the rules of the park, and protection of the mobile home park at any reasonable time or in an emergency, but not in a manner or at a time which would interfere with the occupant's quiet enjoyment. The ownership or management shall make a reasonable effort to notify the tenant of their intention of entry upon the land which a mobile home, manufactured home, or park model is located prior to entry;

(8) Allow tenants freedom of choice in the purchase of goods and services, and not unreasonably restrict access to the mobile home park for such purposes;

(9) Maintain roads within the mobile home park in good condition; and

(10) Notify each tenant within five days after a petition has been filed by the landlord for a change in the zoning of the land where the mobile home park is located and make a description of the change available to the tenant.

A landlord shall not have a duty to repair a defective condition under this section, nor shall any defense or remedy be available to the tenant under this chapter, if the defective condition complained of was caused by the conduct of the tenant, the tenant's family, invitee, or other person acting under the tenant's control, or if a tenant unreasonably fails to allow the landlord access to the property for purposes of repair.

**Sec. 12.** RCW 59.20.135 and 1994 c 30 s 1 are each amended to read as follows:

(1) The legislature finds that some mobile home park owners transfer the responsibility for the upkeep of permanent structures within the mobile home park to the park tenants. This transfer sometimes occurs after the permanent structures have been allowed to deteriorate. Many mobile home parks consist entirely of senior citizens who do not have the financial resources or physical capability to make the necessary repairs to these structures once they have fallen into disrepair. The inability of the tenants to maintain permanent structures can lead to significant safety hazards to the tenants as well as to visitors to the mobile home park. The legislature therefore finds and declares that it is in the public interest and necessary for the public health and safety to prohibit mobile home park owners from transferring the duty to maintain permanent structures in mobile home parks to the tenants.

(2) A mobile home park owner is prohibited from transferring responsibility for the maintenance or care of permanent structures within the mobile home park to the tenants of the park. A provision within a rental agreement or other document transferring responsibility for the maintenance or care of permanent structures within the mobile home park to the park tenants is void.

(3) A "permanent structure" for purposes of this section includes the clubhouse, carports, storage sheds, or other permanent structure. A permanent structure does not include structures built or affixed by a tenant. A permanent structure includes only those structures that were provided as amenities to the park tenants.

(4) Nothing in this section shall be construed to prohibit a park owner from requiring a tenant to maintain his or her mobile home, manufactured home, or park model or yard. Nothing in this section shall be construed to prohibit a park owner from transferring responsibility for the maintenance or care of permanent structures within the mobile home park to an organization of park tenants or to an individual park tenant when requested by the tenant organization or individual tenant.

**Sec. 13.** RCW 59.20.145 and 1993 c 152 s 1 are each amended to read as follows:

A tenant in a mobile home park may share his or her mobile home, manufactured home, or park model with any person over eighteen years of age, if that person is providing live-in home health care or live-in hospice care to the tenant under an approved plan of treatment ordered by the tenant's physician. The live-in care provider is not considered a tenant of the park and shall have no rights of tenancy in the park. Any agreement between the tenant and the live-in care provider does not change the terms and conditions of the rental agreement between the landlord and the tenant. The live-in care provider shall comply with the rules of the mobile home park, the rental agreement, and this chapter. The landlord may not charge a guest fee for the live-in care provider.

**Sec. 14.** RCW 59.20.150 and 1979 ex.s. c 186 s 10 are each amended to read as follows:

(1) Any notice required by this chapter to be given to a tenant shall be served on behalf of the landlord: (a) By delivering a copy personally to the tenant; or (b) ~~((if the tenant is absent from the mobile home, by leaving a copy at the mobile home with some person of suitable age and discretion and by sending a copy through the mail addressed to the tenant's place of residence; or (c)))~~ if the tenant is absent from the mobile home ~~((and a person of suitable age and discretion cannot be found to leave a copy with, then)),~~ manufactured home, or park model by affixing a copy of the notice in a conspicuous place on the mobile home, manufactured home, or park model and also sending a copy through the mail addressed to the tenant at the tenant's last known address.

(2) Any notice required by this chapter to be given to the landlord shall be served by the tenant in the same manner as provided for in subsection (1) of this section, or by mail to the landlord at such place as shall be expressly provided in the rental agreement.

(3) The landlord shall state in any notice of eviction required by RCW 59.20.080(1) as now or hereafter amended the specific reason for eviction in a clear and concise manner.

**Sec. 15.** RCW 59.20.170 and 1979 ex.s. c 186 s 12 are each amended to read as follows:

(1) All moneys paid to the landlord by the tenant as a deposit as security for performance of the tenant's obligations in a rental agreement shall promptly be deposited by the landlord in a trust account, maintained by the landlord for the purpose of holding such security deposits for tenants of the landlord, in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in Washington. Except as provided in subsection (2) of this section, unless otherwise agreed in writing, the landlord shall be entitled to receipt of interest paid on such trust account deposits. The landlord shall provide the tenant with a written receipt for the deposit and shall provide written notice of the name and address and location of the depository and any subsequent change thereof. If during a tenancy the status of landlord is transferred to another, any sums in the deposit trust account affected by such transfer shall simultaneously be transferred to an equivalent trust account of the successor landlord, and the successor landlord shall promptly notify the tenant of the transfer and of the name, address and location of the new depository. The tenant's claim to any moneys paid under this section shall be prior to that of any creditor of the landlord, including a trustee in bankruptcy or receiver, even if such moneys are commingled.

(2) All moneys paid, in excess of two months' rent on the mobile home lot, to the landlord by the tenant as a deposit as security for performance of the tenant's obligations in a rental agreement shall be deposited into an interest-bearing trust account for the particular tenant. The interest accruing on the deposit in the account, minus fees charged to administer the account, shall be paid to the tenant on an annual basis. All other provisions of subsection (1) of this section shall apply to deposits under this subsection.

**Sec. 16.** RCW 59.20.210 and 1984 c 58 s 8 are each amended to read as follows:

(1) If at any time during the tenancy, the landlord fails to carry out any of the duties imposed by RCW 59.20.130, and notice of the defect is given to the landlord pursuant to RCW 59.20.200, the tenant may submit to the landlord or the landlord's designated agent by certified mail or in person at least two bids to perform the repairs necessary to correct the defective condition from licensed or registered persons, or if no licensing or registration requirement applies to the type of work to be performed, from responsible persons capable of performing such repairs. Such bids may be submitted to the landlord at the same time as notice is given pursuant to RCW 59.20.200.

(2) If the landlord fails to commence repair of the defective condition within a reasonable time after receipt of notice from the tenant, the tenant may contract with the person submitting the lowest bid to make the repair, and upon the completion of the repair and an opportunity for inspection by the landlord or the landlord's designated agent, the tenant may deduct the cost of repair from the rent in an amount not to exceed the sum expressed in dollars representing one month's rental of the tenant's mobile home space in any calendar year. When, however, the landlord is required to begin remedying the defective condition within thirty days under RCW 59.20.200, the tenant cannot contract for repairs for at least fifteen days following receipt of bids by the landlord. The total costs of repairs deducted by the tenant in any calendar year under this subsection shall not exceed the sum expressed in dollars representing one month's rental of the tenant's mobile home space.

(3) Two or more tenants shall not collectively initiate remedies under this section. Remedial action under this section shall not be initiated for conditions in the design or construction existing in a mobile home park before June 7, 1984.

(4) The provisions of this section shall not:

(a) Create a relationship of employer and employee between landlord and tenant; or

(b) Create liability under the worker's compensation act; or

(c) Constitute the tenant as an agent of the landlord for the purposes of ~~((RCW 60.04.010 and 60.04.040))~~ mechanics' and materialmen's liens under chapter 60.04 RCW.

(5) Any repair work performed under this section shall comply with the requirements imposed by any applicable code, statute, ordinance, or rule. A landlord whose property is damaged because of repairs performed in a negligent manner may recover the actual damages in an action against the tenant.

(6) Nothing in this section shall prevent the tenant from agreeing with the landlord to undertake the repairs in return for cash payment or a reasonable reduction in rent, the agreement to be between the parties, and this agreement does not alter the landlord's obligations under this chapter.

**Sec. 17.** RCW 59.20.220 and 1984 c 58 s 9 are each amended to read as follows:

(1) If a court or an arbitrator determines that:

(a) A landlord has failed to carry out a duty or duties imposed by RCW 59.20.130; and

(b) A reasonable time has passed for the landlord to remedy the defective condition following notice to the landlord under RCW 59.20.200 or such other time as may be allotted by the court or arbitrator; the court or arbitrator may determine the diminution in rental value of the property due to the defective condition and shall render judgment against the landlord for the rent paid in excess of such diminished rental value from the time of notice of such defect to the time of decision and any costs of repair done

pursuant to (~~section 4 of this act~~) RCW 59.20.210 for which no deduction has been previously made. Such decisions may be enforced as other judgments at law and shall be available to the tenant as a set-off against any existing or subsequent claims of the landlord.

The court or arbitrator may also authorize the tenant to contract to make further corrective repairs. The court or arbitrator shall specify a time period in which the landlord may make such repairs before the tenant may contract for such repairs. Such repairs shall not exceed the sum expressed in dollars representing one month's rental of the tenant's mobile home space in any one calendar year.

(2) The tenant shall not be obligated to pay rent in excess of the diminished rental value of the mobile home space until such defect or defects are corrected by the landlord or until the court or arbitrator determines otherwise.

**NEW SECTION. Sec. 18.** A new section is added to chapter 35.21 RCW to read as follows:

(1) A city or town shall transmit a copy of any permit issued to a tenant or the tenant's agent for a mobile home, manufactured home, or park model installation in a mobile home park to the landlord.

(2) A city or town shall transmit a copy of any permit issued to a person engaged in the business of moving or installing a mobile home, manufactured home, or park model in a mobile home park to the tenant and the landlord.

(3) As used in this section:

(a) "Landlord" has the same meaning as in RCW 59.20.030;

(b) "Mobile home park" has the same meaning as in RCW 59.20.030;

(c) "Mobile or manufactured home installation" has the same meaning as in RCW 43.63B.010; and

(d) "Tenant" has the same meaning as in RCW 59.20.030.

**NEW SECTION. Sec. 19.** A new section is added to chapter 35A.21 RCW to read as follows:

(1) A code city shall transmit a copy of any permit issued to a tenant or the tenant's agent for a mobile home, manufactured home, or park model installation in a mobile home park to the landlord.

(2) A code city shall transmit a copy of any permit issued to a person engaged in the business of moving or installing a mobile home, manufactured home, or park model in a mobile home park to the tenant and the landlord.

(3) As used in this section:

(a) "Landlord" has the same meaning as in RCW 59.20.030;

(b) "Mobile home park" has the same meaning as in RCW 59.20.030;

(c) "Mobile or manufactured home installation" has the same meaning as in RCW 43.63B.010; and

(d) "Tenant" has the same meaning as in RCW 59.20.030.

**NEW SECTION. Sec. 20.** A new section is added to chapter 36.01 RCW to read as follows:

(1) A county shall transmit a copy of any permit issued to a tenant or the tenant's agent for a mobile home, manufactured home, or park model installation in a mobile home park to the landlord.

(2) A county shall transmit a copy of any permit issued to a person engaged in the business of moving or installing a mobile home, manufactured home, or park model in a mobile home park to the tenant and the landlord.

(3) As used in this section:

(a) "Landlord" has the same meaning as in RCW 59.20.030;

(b) "Mobile home park" has the same meaning as in RCW 59.20.030;

(c) "Mobile or manufactured home installation" has the same meaning as in RCW 43.63B.010; and

(d) "Tenant" has the same meaning as in RCW 59.20.030.

**NEW SECTION. Sec. 21.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

## MOTION

On motion of Senator Winsley, the following amendments by Senators Winsley, Sheahan, Hale, Shin, Prentice, Tim Sheldon, and Goings to the Committee on Commerce, Trade, Housing and Financial Institutions striking amendment were considered simultaneously and were adopted:

On page 21, line 14 of the amendment, strike "This act is" and insert "Sections 1 through 20 of this act are"

On page 21, line 16 of the amendment, strike "takes" and insert "take"

On page 21, after line 17 of the amendment, insert the following:

**"NEW SECTION. Sec. 22.** The purpose of this chapter is to establish a certification program for managers of mobile home parks.

**NEW SECTION. Sec. 23.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advisory council" means the advisory council on mobile home park manager training and certification created in section 28 of this act.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

(4) "Mobile home park" has the same meaning as in RCW 59.20.030.

(5) "Mobile home park management" means those actions, functions, or duties related to the management of a mobile home park.

(6) "Mobile home park manager" means a person who performs mobile home park management duties and is required to be certified under this chapter to perform mobile home park management services and includes resident owners of mobile home parks who perform management duties.

**NEW SECTION. Sec. 24.** (1) A person shall not manage a mobile home park in this state for any mobile home park with more than twenty-five mobile home lots until a certificate of registration certifying him or her as a mobile home park manager has been issued to him or her by the director in accordance with this chapter.

(2) A corporation, partnership, trust, association, sole proprietor, or other like organization may engage in the business of mobile home park management without being certified if it employs, retains, or contracts with certified natural persons who are registered mobile home park managers subject to this act in the direct supervision of the entities engaging in the business of mobile home park management.

**NEW SECTION. Sec. 25.** (1) The director shall not issue an initial certificate of registration to any person to act as a mobile home park manager until that person has:

(a) Executed a written application on a form prescribed by the director, subscribed and sworn to by the applicant;

(b) Attended and completed a department-approved training course for mobile home park managers;

(c) Passed an examination approved by the department which demonstrates that the applicant has a fundamental knowledge of the mobile home landlord-tenant act under chapter 59.20 RCW; and

(d) Paid to the director a fee as prescribed in section 29 of this act.

(2) Certificates of registration are effective on the date issued by the department and must be renewed annually.

(3) A certificate of registration may be renewed annually provided the applicant provides evidence of continuing education as approved by the department. This evidence must be submitted with an application to renew certification. A maximum of four hours of continuing education annually may be required by the department for renewal of certification.

(4) As of the effective date of this section, mobile home park managers may present a verification of having successfully completed a training course conducted by a state-wide trade association of mobile home parks, which will satisfy the initial training requirement for one year and entitle the park manager to certification for that year.

**NEW SECTION. Sec. 26.** The department shall contract with a state-wide trade association exclusively representing mobile home park owners for the delivery of training courses required by this chapter. The trade association may charge a fee for delivery of the training courses. The department, in consultation with the advisory council created under section 28 of this act, shall approve the curriculum of the training program.

**NEW SECTION. Sec. 27.** (1) The department, in consultation with the advisory council created in section 28 of this act, shall administer, coordinate, and enforce this chapter, develop the examination of applicants, and be responsible for the granting of certificates to qualified persons.

(2) The department is authorized to adopt rules that are necessary to implement, enforce, and interpret this chapter.

**NEW SECTION. Sec. 28.** (1) There is created an advisory council on mobile home park manager training and certification. The council shall consist of four members as follows: Two members of the council shall be residents of mobile home parks and two members shall be owners of mobile home parks. The resident members of the council shall be selected from nominees submitted by the mobile home owners of America. The park owner members of the council shall be selected from nominees submitted by the manufactured housing communities of Washington. The director shall appoint the members for terms of two years. The advisory council shall select a chair from its members for a two-year term.

(2) Members of the council shall serve without compensation but are entitled to receive reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The functions of the advisory council are to:

(a) Review, evaluate, and advise the department concerning revisions and adoption of rules affecting certification of mobile home park managers and the fees to be charged under section 29 of this act; and

(b) Develop, review, revise, and approve, in consultation with the department, the program for certification of mobile home park managers.

(4) The advisory council shall meet at the call of its chair, at the request of a majority of its membership, at the request of the department, or at such times as are prescribed by rule.

(5) The department shall provide adequate staff support to the advisory council to assist it in fulfilling its duties.

NEW SECTION. Sec. 29. The department shall charge fees for its actual costs in the implementation of sections 26, 27, and 28 of this act. The department shall set fees by rule.

NEW SECTION. Sec. 30. A violation of this chapter is a class 1 civil infraction under chapter 7.80 RCW.

NEW SECTION. Sec. 31. Sections 24 and 25 of this act take effect July 1, 2000.

NEW SECTION. Sec. 32. If any provision of sections 22 through 31 of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 33. Sections 22 through 32 of this act constitute a new chapter in Title 18 RCW."

The President declared the question before the Senate to be the adoption of the Committee on Commerce, Trade, Housing and Financial Institutions striking amendment, as amended.

The committee striking amendment, as amended, was adopted.

## MOTIONS

On motion of Senator Winsley, the following title amendments were considered simultaneously and were adopted:

On line 2 of the title, after "relations;" strike the remainder the title and insert "amending RCW 59.20.010, 59.20.030, 59.20.040, 59.20.050, 59.20.070, 59.20.073, 59.20.074, 59.20.075, 59.20.080, 59.20.130, 59.20.135, 59.20.145, 59.20.150, 59.20.170, 59.20.210, and 59.20.220; reenacting and amending RCW 59.20.060; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; providing an effective date; and declaring an emergency."

On page 21, line 27 of the title amendment, strike "providing an effective date;" and insert "adding a new chapter to Title 18 RCW; prescribing penalties; providing effective dates;"

On motion of Senator Winsley, the rules were suspended, House Bill No. 1378, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Long: "Senator Winsley, in the amendment that you added, if someone has managed a park for a number of years, do they still have to go through this process?"

Senator Winsley: "They would already be certified by the industry. The industry--"

Senator Long: "They would already be certified?"

Senator Winsley: "The industry, in most cases, already certifies--to bring into those parks where they hire managers that aren't certified. In most cases, your local large parks have good management and they are certifying their own people. So, this takes care of those who are left--"

Senator Long: "Thank you."

## POINT OF INQUIRY

Senator Sellar: "Senator Winsley, just to verify, take somebody who has run a park for--has thirty or forty-- they ran a park for twenty years and everything seems to be going well. Unless they get certified, they can't continue to operate their park?"

Senator Winsley: "Certainly they can, but their managers, in the future, will have to be certified. How many units, did you say?"

Senator Sellar: "Let's say forty units or something. It is an owner/manager deal. A lot of these are owner/manager. But, that owner has to go through a certification process now?"

Senator Winsley: "But, the industry puts it on."

Senator Sellar: "But, it is still something that he has been doing for twenty years and--"

Senator Winsley: "How do you know he's not certified now? He or she?"

Senator Sellar: "I would assume that many of them are not."

Senator Winsley: "Some are and some aren't."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1378, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1378, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 32.

Voting nay: Senators Hargrove, Hochstatter, Honeyford, Johnson, Long, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, West and Zarelli - 16.

Excused: Senator Deccio - 1.

HOUSE BILL NO. 1378, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1569, by House Committee on Appropriations (originally sponsored by Representatives Keiser, Talcott, Schual-Berke, Carlson, Quall and Regala)

Establishing an excellence in mathematics grant program.

The bill was read the second time.

#### MOTION

Senator McAuliffe moved that the following Committee on Education striking amendment not be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the purpose of Washington's accountability system is to improve student learning and student achievement of the essential academic learning standards. The legislature finds that only thirty-one percent of students who took the 1998 fourth grade Washington assessment of student learning met the standard for proficiency in mathematics. The legislature also finds that only twenty percent of students who took the seventh grade trial assessment met the standard for proficiency in mathematics. The legislature finds that the accountability system is designed to help schools, school districts, and the superintendent of public instruction decide how best to improve student performance.

**NEW SECTION. Sec. 2.** A new section is added to Title 28A RCW to read as follows:

(1) In providing assistance to school districts, to the extent funds are available or appropriated, the superintendent of public instruction shall analyze the results of the Washington assessment of student learning. The superintendent of public instruction shall use the analysis in designing how to best use state-level assistance programs, assistance through educational service districts, summer institutes, and any curriculum specialists. The superintendent may focus assistance on specific grade levels, schools, and subject matter for a specific school year.

(2) In developing state-level assistance programs, the use of curriculum specialists, assistance programs through educational service districts, and summer institutes for the 1999-2000 and 2000-01 school year, the superintendent of public instruction shall place appropriate emphasis on programs to enhance teaching skills in mathematics. The superintendent shall look at providing training in teaching methods that have proven results gathered through empirical research.

(3) The office of the superintendent of public instruction, through the center for the improvement of student learning, may contract with an independent contractor to conduct and disseminate a literature review of best practices in mathematics instruction and staff development in elementary and middle schools state-wide and nationally.

**NEW SECTION. Sec. 3.** A new section is added to Title 28A RCW to read as follows:

Schools and school districts, when developing student learning improvement plans under section 401 of Substitute Senate Bill No. 5418 or section 301 of Second Substitute House Bill No. 1462, shall assess whether or not the plans provide for improving instruction in mathematics if a significant number of students performed below standard on one or more mathematics assessments. In making this determination, districts shall:

(1) Document whether or not the current instructional model or the instructional model that the school or district intends to implement has proven results gathered through empirical research; and

(2) Determine whether a significant number of students are not achieving mathematics proficiency at grade level, as measured by the fourth grade assessment, the seventh grade assessment, or both. If the fourth grade assessment results are not available, the school may use the results of the third grade norm-referenced standardized achievement test under RCW 28A.230.190."

The President declared the question before the Senate to be the motion by Senator McAuliffe to not adopt the Committee on Education striking amendment to Substitute House Bill No. 1569.

The motion by Senator McAuliffe carried and the committee striking amendment was not adopted.

## MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Finkbeiner be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the purpose of Washington's accountability system is to improve student learning and student achievement of the essential academic learning standards. The legislature finds that only thirty-one percent of students who took the 1998 fourth grade Washington assessment of student learning met the standard for proficiency in mathematics. The legislature also finds that only twenty percent of students who took the seventh grade trial assessment met the standard for proficiency in mathematics. The legislature intends to identify best practices in mathematics instruction for current and prospective mathematics teachers in the elementary and middle grades, and to provide training opportunities for teachers in using those instructional methods to help students in the classroom.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The excellence in mathematics training program is established to improve the mathematics performance of elementary, middle and junior high school students. The purpose of the program is to improve students' proficiency in mathematics by enhancing teachers' skills in using teaching methods that have been proven to be effective based upon empirical research. The program shall be administered by the office of the superintendent of public instruction.

(2) The superintendent of public instruction, to the extent funds are appropriated, shall establish training programs in mathematics instruction and assessment for educators working with elementary, middle, and junior high school students. The programs shall be designed to prepare educators to select and implement appropriate instructional strategies and effective programs to improve mathematics instruction. Funds, to the extent funds are appropriated, shall be used to develop training programs and to provide the training to the educators both through institutes and in the classroom during the school year. In selecting educators to participate in the program, the superintendent shall give priority to educators from schools and schools districts in which a significant portion of the students performed below standard on one or more mathematics assessments."

## MOTION

Senator Benton moved that the following amendments by Senators Benton, Swecker and Johnson to the striking amendment by Senators McAuliffe and Finkbeiner be considered simultaneously and be adopted:

On page 1, beginning on line 7 of the amendment, after "**Sec. 1.**", strike all material through "standards." on line 9.

On page 1, beginning on line 14 of the amendment, after "mathematics." strike all material through "classroom." on line 19.

On page 1, after line 19 of the amendment, insert the following:

**"Sec. 2.** RCW 28A.400.200 and 1997 c 141 s 2 are each amended to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a)(i) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a baccalaureate degree and zero years of service;

(ii) For certificated instructional staff hired with zero years of service specifically assigned to teaching duties that include the subjects of math or science or both and at least a 3.5 grade point average at the time of their graduation from a college or university, there shall be a five thousand dollar bonus paid as follows: Two thousand dollars upon completion of the first year of teaching; one thousand dollars upon completion of the second year of teaching; one thousand dollars upon completion of the third year of teaching; and one thousand dollars upon completion of the fourth year of teaching; and

(b) Salaries for certificated instructional staff with a masters degree shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a masters degree and zero years of service;

(3)(a) The actual average salary paid to basic education and special education certificated instructional staff shall not exceed the district's average basic education and special education program certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(b) Fringe benefit contributions for basic education and special education certificated instructional staff shall be included as salary under (a) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education and special education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education and special education programs.

(4) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, additional responsibilities, or incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350 and 28A.400.275 and 28A.400.280."

Renumber the sections consecutively and correct any internal references accordingly.

#### POINT OF ORDER

Senator McAuliffe: "Mr. President, I rise to a point of order. I raise the question of scope and object on the amendments by Senators Benton, Swecker and Johnson to the striking amendment. These amendments change the bill to be a bonus for teachers on a salary schedule that is not within the scope of this bill, which has to do with training programs for math."

Further debate ensued.

#### MOTION

On motion of Senator Goings, further consideration of Substitute House Bill No. 1569 was deferred.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477, by House Committee on Appropriations (originally sponsored by Representatives Haigh, Bush, Talcott, Linville, Santos and Edmonds) (by request of Board of Education)

Revising school district organization provisions.

The bill was read the second time.

#### MOTION

Senator McAuliffe moved that the following Committee on Education striking amendment not be adopted:  
Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) Under the constitutional framework and the laws of the state of Washington, the governance structure for the state's public common school system is comprised of the following bodies: The legislature, the governor, the superintendent of public instruction, the state board of education, the educational service district boards of directors, and local school district boards of directors. The respective policy and administrative roles of each body are determined by the state Constitution and statutes.

(2) Local school districts are political subdivisions of the state and the organization of such districts, including the powers, duties, and boundaries thereof, may be altered or abolished by laws of the state of Washington.

#### **PART 1 PURPOSE AND POLICY**

**NEW SECTION. Sec. 101. PURPOSE--POLICY.** (1) It is the purpose of this chapter to:

(a) Incorporate into a single, comprehensive, school district organization law all essential provisions governing:

(i) The formation and establishment of new school districts;

(ii) The alteration of the boundaries of existing districts; and

(iii) The adjustment of the assets and liabilities of school districts when changes are made under this chapter; and

(b) Establish methods and procedures whereby changes in the school district system may be brought about by the people concerned and affected.

(2) It is the state's policy that decisions on proposed changes in school district organization should be made, whenever possible, by negotiated agreement between the affected school districts. If the districts cannot agree, the decision shall be made by the regional committees on school district organization, based on the committees' best judgment, taking into consideration the following factors and factors under section 402 of this act:

(a) A balance of local petition requests and the needs of the state-wide community at large in a manner that advances the best interest of public education in the affected school districts and communities, the educational service district, and the state;

(b) Responsibly serving all of the affected citizens and students by contributing to logical service boundaries and recognizing a changing economic pattern within the educational service districts of the state;

(c) Enhancing the educational opportunities of pupils in the territory by reducing existing disparities among the affected school districts' ability to provide operating and capital funds through an equitable adjustment of the assets and liabilities of the affected districts;

(d) Promoting a wiser use of public funds through improvement in the school district system of the educational service districts and the state; and

(e) Other criteria or considerations as may be established in rule by the state board of education.

(3) It is neither the intent nor purpose of this chapter to apply to organizational changes and the procedure therefor relating to capital fund aid by nonhigh school districts as provided for in chapter 28A.540 RCW.

#### **PART 2 GENERAL PROVISIONS**

**NEW SECTION. Sec. 201. REORGANIZATION OF DISTRICTS.** (1) A new school district may be formed comprising contiguous territory lying in either a single county or in two or more counties. The new district may comprise:

(a) Two or more whole school districts;

(b) Parts of two or more school districts; and/or

(c) Territory that is not a part of any school district if such territory is contiguous to the district to which it is transferred.

(2) The boundaries of existing school districts may be altered:

(a) By the transfer of territory from one district to another district;

(b) By the consolidation of one or more school districts with one or more school districts; or

(c) By the dissolution and annexation to a district of a part or all of one or more other districts or of territory that is not a part of any school district: PROVIDED, That such territory shall be contiguous to the district to which it is transferred or annexed.

(3) Territory may be transferred or annexed to or consolidated with an existing school district without regard to county boundaries.

**NEW SECTION. Sec. 202.** A new section is added to chapter 28A.300 RCW to read as follows:

**CLASSIFICATION--NUMBERING SYSTEM--CHANGE OF CLASSIFICATION.** (1) The superintendent of public instruction is responsible for the classification and numbering system of school districts.

(2) Any school district in the state that has a student enrollment in its public schools of two thousand pupils or more, as shown by evidence acceptable to the educational service district superintendent and the superintendent of public instruction, is a school district of the first class. Any other school district is a school district of the second class.

(3) Whenever the educational service district superintendent finds that the classification of a school district should be changed, and upon the approval of the superintendent of public instruction, the educational service district superintendent shall make an order in conformity with his or her findings and alter the records of his or her office accordingly. Thereafter, the board of directors of the district shall organize in the manner provided by law for the organization of the board of a district of the class to which the district then belongs.

(4) Notwithstanding any other provision of chapter 43, Laws of 1975, the educational service district superintendent, with the concurrence of the superintendent of public instruction, may delay approval of a change in classification of any school district for a period not exceeding three years when, in fact, the student enrollment of the district within any such time period does not exceed ten percent, either in a decrease or increase thereof.

**NEW SECTION. Sec. 203. CONFLICTING OR INCORRECTLY DESCRIBED SCHOOL DISTRICT BOUNDARIES--CHANGES.** In case the boundaries of any of the school districts are conflicting or incorrectly described, the educational service district board of directors, after due notice and a public hearing, shall change, harmonize, and describe them and shall so certify, with a complete transcript of boundaries of all districts affected, such action to the state board for its approval or revision. Upon receipt of notification of state board action, the educational service district superintendent shall transmit to the county legislative authority of the county or counties in which the affected districts are located a complete transcript of the boundaries of all districts affected.

**NEW SECTION. Sec. 204. DISTRICT BOUNDARY CHANGES--SUBMISSION TO COUNTY AUDITOR.** (1) Any district boundary changes shall be submitted to the county auditor by the educational service district superintendent within thirty days after the changes have been approved in accordance with this chapter. The superintendent shall submit both legal descriptions and maps.

(2) Any boundary changes submitted to the county auditor after the fourth Monday in June of odd-numbered years does not take effect until the following calendar year.

**NEW SECTION. Sec. 205. EFFECT OF CHANGES--EXISTING PROVISIONS NOT AFFECTED.** (1) Any proposed change in school district organization initiated before the effective date of this act shall be considered under the laws and rules in effect before the effective date of this act. This act applies to any proposed change in school district organization initiated on or after the effective date of this act.

(2) For purposes of this section, "initiated" means the filing of a petition, the motion of a school board, or the report of an educational service district. This section does not preclude the filing of a new petition on or after the effective date of this act where the same or a similar proposal was filed before the effective date of this act.

### **PART 3 REGIONAL COMMITTEES ON SCHOOL DISTRICT ORGANIZATION**

**NEW SECTION. Sec. 301. REGIONAL COMMITTEES--POWERS AND DUTIES.** The powers and duties of each regional committee are to:

(1) Hear and approve or disapprove proposals for changes in the organization and extent of school districts in the educational service districts when a hearing on a proposal has been requested under section 401 of this act;

(2) Act on notices and proposals from the educational service district under section 501 of this act;

(3) Make an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness and excess tax levies as otherwise authorized under this section, as to the old school districts and the new district or districts, if any, involved in or affected by a proposed change in the organization and extent of the school districts;

(4) Make an equitable adjustment of the bonded indebtedness outstanding against any of the old and new districts whenever in its judgment such adjustment is advisable, as to all of the school districts involved in or affected by any change heretofore or hereafter effected;

(5) Provide that territory transferred from a school district by a change in the organization and extent of school districts shall either remain subject to, or be relieved of, any one or more excess tax levies that are authorized for the school district under RCW 84.52.053 before the effective date of the transfer of territory from the school district;

(6) Provide that territory transferred to a school district by a change in the organization and extent of school districts shall either be made subject to, or be relieved of, any one or more excess tax levies that are authorized for the school district under RCW 84.52.053 before the effective date of the transfer of territory to the school district;

(7) Establish the date by which a committee-approved transfer of territory shall take effect;

(8) Hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new school district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in RCW 28A.315.290 or 28A.315.320 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter. Three members of the regional committee or two members of the committee and the educational service district superintendent may be designated by the committee to hold any public hearing that the committee is required to hold. The regional committee shall cause notice to be given, at least ten days prior to the date appointed for any such hearing, in one or more newspapers of general circulation within the geographical boundaries of the school districts affected by the proposed change or adjustment. In addition notice may be given by radio and television, or either thereof, when in the committee's judgment the public interest will be served thereby; and

(9) Prepare and submit to the superintendent of public instruction from time to time or, upon his or her request, reports and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities.

**NEW SECTION. Sec. 302. POWERS AND DUTIES OF STATE BOARD.** The powers and duties of the state board with respect to this chapter shall be:

(1) To aid regional committees in the performance of their duties by furnishing them with plans of procedure, standards, data, maps, forms, and other necessary materials and services essential to a study and understanding of the problems of school district organization in their respective educational service districts.

(2) To hear appeals as provided in section 402 of this act.

**NEW SECTION. Sec. 303. ANNUAL TRAINING.** To the extent funds are appropriated, the superintendent of public instruction, in cooperation with the educational service districts and the Washington state school directors' association, shall conduct an annual training meeting for the regional committees, state board members, educational service district superintendents, and local school district superintendents and boards of directors. Training may also be provided upon request

#### **. PART 4 TRANSFER OF TERRITORY**

**NEW SECTION. Sec. 401. TRANSFER OF TERRITORY--REQUIREMENTS--RESPONSIBILITIES OF SCHOOL DISTRICT BOARD OF DIRECTORS.** (1) A proposed change in school district organization by transfer of territory from one school district to another may be initiated by a petition in writing presented to the educational service district superintendent:

(a) Signed by at least ten percent of the registered voters residing in the territory proposed to be transferred; or

(b) Signed by a majority of the members of the board of directors of one of the districts affected by a proposed transfer of territory.

(2) The petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory.

(3) The educational service district superintendent shall not complete any transfer of territory under this section that involves ten percent or more of the common school student population of the entire district from which the transfer is proposed, unless the educational service district superintendent has first called and held a special election of the voters of the entire school district from which the transfer of territory is proposed. The purpose of the election is to afford those voters an opportunity to approve or reject the proposed transfer. A simple majority shall determine approval or rejection.

(4) The state board may establish rules limiting the frequency of petitions that may be filed pertaining to territory included in whole or in part in a previous petition.

(5) Upon receipt of the petition, the educational service district superintendent shall notify in writing the affected districts that:

(a) Each school district board of directors, whether or not initiating a proposed transfer of territory, is required to enter into negotiations with the affected district or districts;

(b) In the case of a citizen-initiated petition, the affected districts must negotiate on the entire proposed transfer of territory;

(c) The districts have ninety calendar days in which to agree to the proposed transfer of territory;

(d) The districts may request and shall be granted by the educational service district superintendent one thirty-day extension to try to reach agreement; and

(e) Any district involved in the negotiations may at any time during the ninety-day period notify the educational service district superintendent in writing that agreement will not be possible.

(6) If the negotiating school boards cannot come to agreement about the proposed transfer of territory, the educational service district superintendent, if requested by the affected districts, shall appoint a mediator. The mediator has thirty days to work with the affected school districts to see if an agreement can be reached on the proposed transfer of territory.

(7) If the affected school districts cannot come to agreement about the proposed transfer of territory, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, either district may file with the educational service district superintendent a written request for a hearing by the regional committee.

(8) If the affected school districts cannot come to agreement about the proposed transfer of territory initiated by citizen petition, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, the district in which the citizens who filed the petition reside shall file with the educational service district superintendent a written request for a hearing by the regional committee, unless a majority of the citizen petitioners request otherwise.

(9) Upon receipt of a notice under subsection (7) or (8) of this section, the educational service district superintendent shall notify the chair of the regional committee in writing within ten days.

(10) Costs incurred by school districts under this section shall be reimbursed by the state from such funds as are appropriated for this purpose.

**NEW SECTION. Sec. 402. TRANSFER OF TERRITORY--REGIONAL COMMITTEE--RESPONSIBILITIES.** (1) The chair of the regional committee shall schedule a hearing on the proposed transfer of territory at a location in the educational service district within sixty calendar days of being notified under section 401 (7) or (8) of this act.

(2) Within thirty calendar days of the hearing under subsection (1) of this section, or final hearing if more than one is held by the committee, the committee shall issue its written findings and decision to approve or disapprove the proposed transfer of territory. The educational service district superintendent shall transmit a copy of the committee's decision to the superintendents of the affected school districts within ten calendar days.

(3) In carrying out the purposes of section 101 of this act and in making decisions as authorized under section 301(1) of this act, the regional committee shall base its judgment upon whether and to the extent the proposed change in school district organization complies with section 101(2) of this act and rules adopted by the state board under chapter 34.05 RCW.

(4) State board rules under subsection (3) of this section shall provide for giving consideration to all of the following:

(a) The annual school performance reports required under RCW 28A.320.205 in the affected districts and improvement of the educational opportunities of pupils in the territory proposed for a change in school district organization;

(b) The safety and welfare of pupils. For the purposes of this subsection, "safety" means freedom or protection from danger, injury, or damage and "welfare" means a positive condition or influence regarding health, character, and well being;

(c) The history and relationship of the property affected to the students and communities affected, including, for example, inclusion within a single school district, for school attendance and corresponding tax support purposes, of entire master planned communities that were or are to be developed pursuant to an integrated commercial and residential development plan with over one thousand dwelling units;

(d) Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school; and

(e) All funding sources of the affected districts, equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.

(5)(a)(i) A petitioner or school district may appeal a decision by the regional committee to approve a change in school district organization to the state board based on the claim that the regional committee failed to follow the applicable statutory and regulatory procedures or acted in an arbitrary and capricious manner. Any such appeal shall be based on the record and the appeal must be filed within thirty days of the final decision of the regional committee.

(ii) If the state board finds that all applicable procedures were not followed or that the regional committee acted in an arbitrary and capricious manner, it shall refer the matter back to the regional committee with an explanation of the board's findings. The regional committee shall rehear the proposal.

(iii) If the state board finds that all applicable procedures were followed or that the regional committee did not act in an arbitrary and capricious manner, depending on the appeal, the educational service district shall be notified and directed to implement the changes.

(b) Any school district or citizen petitioner affected by a final decision of the regional committee may seek judicial review of the committee's decision in accordance with RCW 34.05.570.

**NEW SECTION. Sec. 403. TRANSFER OF TERRITORY--APPROVAL OF PROPOSED TRANSFER--ORDER.** (1) Upon receipt by the educational service district superintendent of a written agreement by two or more school districts to the transfer of territory between the affected districts, the superintendent shall make an order establishing all approved changes involving the

alteration of the boundaries of the affected districts. The order shall also establish all approved terms of the equitable adjustment of assets and liabilities involving the affected districts. The superintendent shall certify his or her action to each county auditor, each county treasurer, each county assessor, and the superintendents of all school districts affected by the action.

(2) Upon receipt by the educational service district superintendent of a written order by the regional committee approving the transfer of territory between two or more school districts, the superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of the affected districts. The order may not be implemented before the period of appeal authorized under section 402(5)(a)(i) of this act has ended. The order shall also establish all approved terms of the equitable adjustment of assets and liabilities involving the affected districts. The superintendent shall certify his or her action to each county auditor, each county treasurer, each county assessor, and the superintendents of all school districts affected by the action.

## **PART 5 DISSOLUTION AND ANNEXATION OF TERRITORY**

NEW SECTION. Sec. 501. DISSOLUTION AND ANNEXATION OF CERTAIN DISTRICTS--ANNEXATION OF NONDISTRICT PROPERTY. In case any school district has an average enrollment of fewer than five kindergarten through eighth grade pupils during the preceding school year or has not made a reasonable effort to maintain, during the preceding school year at least the minimum term of school required by law, the educational service district superintendent shall report that fact to the regional committee, which committee shall dissolve the school district and annex the territory thereof to some other district or districts. For the purposes of this section, in addition to any other finding, "reasonable effort" shall be deemed to mean the attempt to make up whatever days are short of the legal requirement by conducting of school classes on any days to include available holidays, though not to include Saturdays and Sundays, prior to June 15th of that year. School districts operating an extended school year program, most commonly implemented as a 45-15 plan, shall be deemed to be making a reasonable effort. In the event any school district has suffered any interruption in its normal school calendar due to a strike or other work stoppage or slowdown by any of its employees that district shall not be subject to this section. In case any territory is not a part of any school district, the educational service district superintendent shall present to the regional committee a proposal for the annexation of the territory to some contiguous district or districts.

## **PART 6 CONSOLIDATION OF TERRITORY**

NEW SECTION. Sec. 601. CONSOLIDATION--PETITION. (1) A proposed change in school district organization by consolidation of territory from two or more school districts to form a new school district may be initiated by:

(a) A written petition presented to the educational service district superintendent signed by ten or more registered voters residing:

(i) In each whole district and in each part of a district proposed to be included in any single new district; or  
(ii) In the territory of a proposed new district that comprises a part of only one or more districts and approved by the boards of directors of the affected school districts;

(b) A written petition presented to the educational service district superintendent signed by ten percent or more of the registered voters residing in such affected areas or area without the approval of the boards of directors of the affected school districts.

(2) The petition shall state the name and number of each district involved in or affected by the proposal to form the new district and shall describe the boundaries of the proposed new district. No more than one petition for consolidation of the same two school districts or parts thereof shall be considered during a school fiscal year.

(3) The educational service district superintendent may not complete any consolidation of territory under this section unless he or she has first called and held a special election of the voters of the affected districts to afford those voters an opportunity to approve or reject the proposed consolidation. A simple majority shall determine approval or rejection.

(4) If a proposed change in school district organization by consolidation of territory has been approved under this section, the educational service district superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of the affected districts. The order shall also establish all approved terms of the equitable adjustment of assets and liabilities involving the affected districts. The superintendent shall certify his or her action to each county auditor, each county treasurer, each county assessor, and the superintendents of all school districts affected by the action.

## **PART 7 ADJUSTMENT OF ASSETS AND LIABILITIES--**

## **BONDED INDEBTEDNESS--SPECIAL ELECTIONS**

**NEW SECTION. Sec. 701.** ADJUSTMENT OF ASSETS AND LIABILITIES. In determining an equitable adjustment of assets and liabilities, the negotiating school districts and the regional committee shall consider the following factors:

- (1) The number of school age children residing in each school district and in each part of a district involved or affected by the proposed change in school district organization;
- (2) The assessed valuation of the property located in each school district and in each part of a district involved or affected by the proposed change in school district organization;
- (3) The purpose for which the bonded indebtedness of any school district involved or affected by the proposed change in school district organization was incurred;
- (4) The history and relationship of the property affected to the students and communities affected by the proposed change in school district organization;
- (5) Additional burdens to the districts affected by the proposed change in school district organization as a result of the proposed organization;
- (6) The value, location, and disposition of all improvements located in the school districts involved or affected by the proposed change in school district organization;
- (7) The consideration of all other sources of funding; and
- (8) Any other factors that in the judgment of the school districts or regional committee are important or essential to the making of an equitable adjustment of assets and liabilities.

**NEW SECTION. Sec. 702.** ADJUSTMENT OF INDEBTEDNESS. (1) The fact of the issuance of bonds by a school district, heretofore or hereafter, does not prevent changes in the organization and extent of school districts, regardless of whether or not such bonds or any part thereof are outstanding at the time of change.

- (2) In case of any change:
  - (a) The bonded indebtedness outstanding against any school district involved in or affected by such change shall be adjusted equitably among the old school districts and the new district or districts, if any, involved or affected; and
  - (b) The property and other assets and the liabilities other than bonded indebtedness of any school district involved in or affected by any such change shall also be adjusted in the manner and to the effect provided for in this section, except if all the territory of an old school district is included in a single new district or is annexed to a single existing district, in which event the title to the property and other assets and the liabilities other than bonded indebtedness of the old district vests in and becomes the assets and liabilities of the new district or of the existing district, as applicable.

**NEW SECTION. Sec. 703.** ADJUSTMENT OF BONDED INDEBTEDNESS--SPECIAL ELECTIONS. If adjustments of bonded indebtedness are made between or among school districts in connection with the alteration of the boundaries of the school districts under this chapter, the order of the educational service district superintendent establishing the terms of adjustment of bonded indebtedness shall provide and specify:

- (1) In every case where bonded indebtedness is transferred from one school district to another school district:
  - (a) That such bonded indebtedness is assumed by the school district to which it is transferred;
  - (b) That thereafter such bonded indebtedness shall be the obligation of the school district to which it is transferred;
  - (c) That, if the terms of adjustment so provide, any bonded indebtedness thereafter incurred by such transferee school district through the sale of bonds authorized before the date its boundaries were altered shall be the obligation of such school district including the territory added thereto; and
  - (d) That taxes shall be levied thereafter against the taxable property located within such school district as it is constituted after its boundaries were altered, the taxes to be levied at the times and in the amounts required to pay the principal of and the interest on the bonded indebtedness assumed or incurred, as the same become due and payable.
- (2) In computing the debt limitation of any school district from which or to which bonded indebtedness has been transferred, the amount of transferred bonded indebtedness at any time outstanding:
  - (a) Shall be an offset against and deducted from the total bonded indebtedness, if any, of the school district from which the bonded indebtedness was transferred; and
  - (b) Shall be deemed to be bonded indebtedness solely of the transferee school district that assumed the indebtedness.
- (3) In every case where adjustments of bonded indebtedness do not provide for transfer of bonded indebtedness from one school district to another school district:
  - (a) That the existing bonded indebtedness of each school district, the boundaries of which are altered and any bonded indebtedness incurred by each such school district through the sale of bonds authorized before the date its boundaries were altered is the obligation of the school district in its reduced or enlarged form, as the case may be; and

(b) That taxes shall be levied thereafter against the taxable property located within each such school district in its reduced or enlarged form, as the case may be, at the times and in the amounts required to pay the principal of and interest on such bonded indebtedness as the same become due and payable.

(4) If a change in school district organization approved by the regional committee concerns a proposal to form a new school district or a proposal for adjustment of bonded indebtedness involving an established school district and one or more former school districts now included therein pursuant to a vote of the people concerned, a special election of the voters residing within the territory of the proposed new district, or of the established district involved in a proposal for adjustment of bonded indebtedness as the case may be, shall be held for the purpose of affording those voters an opportunity to approve or reject such proposals as concern or affect them.

(5) In a case involving both the question of the formation of a new school district and the question of adjustment of bonded indebtedness, the questions may be submitted to the voters either in the form of a single proposition or as separate propositions, whichever seems expedient to the educational service district superintendent. When the regional committee has passed appropriate resolutions for the questions to be submitted and the educational service district superintendent has given notice thereof to the county auditor, the special election shall be called and conducted, and the returns canvassed as in regular school district elections.

**NEW SECTION. Sec. 704. NOTICE OF ELECTIONS.** Notice of special elections as provided for in section 703 of this act shall be given by the county auditor as provided in RCW 29.27.080. The notice of election shall state the purpose for which the election has been called and contain a description of the boundaries of the proposed new district and a statement of any terms of adjustment of bonded indebtedness on which to be voted.

**NEW SECTION. Sec. 705. VOTE--DETERMINATION--ORDER--CERTIFICATION.** (1) If a special election is held to vote on a proposal or alternate proposals to form a new school district, the votes cast by the registered voters in each component district shall be tabulated separately. Any such proposition shall be considered approved only if it receives a majority of the votes cast in each separate district voting thereon.

(2) If a special election is held to vote on a proposal for adjustment of bonded indebtedness, the entire vote cast by the registered voters of the proposed new district or of the established district as the case may be shall be tabulated. Any such proposition shall be considered approved if sixty percent or more of all votes cast thereon are in the affirmative.

(3) In the event of approval of a proposition or propositions voted on at a special election, the educational service district superintendent shall:

(a) Make an order establishing such new school district or such terms of adjustment of bonded indebtedness or both, as were approved by the registered voters and shall also order such other terms of adjustment, if there are any, of property and other assets and of liabilities other than bonded indebtedness as have been approved by the state council; and

(b) Certify his or her action to the county and school district officials specified in section 403 of this act. The educational service district superintendent may designate, with the approval of the superintendent of public instruction, a name and number different from that of any component thereof, but must designate the new district by name and number different from any other district in existence in the county.

(4) The educational service district superintendent shall fix as the effective date of any order or orders he or she is required to make by this chapter, the date specified in the order of final approval of any change in the organization and extent of school districts or of any terms of adjustment of the assets and liabilities of school districts subject, for taxing purposes, to the redrawing of taxing district boundaries under RCW 84.09.030, by the regional committee.

(5) Upon receipt of certification under this section, the superintendent of each school district that is included in the new district shall deliver to the superintendent of the new school district those books, papers, documents, records, and other materials pertaining to the territory transferred.

**NEW SECTION. Sec. 706. REJECTION OF PROPOSAL--PROCEDURE.** If a proposal for the formation of a new school district and for adjustment of bonded indebtedness, or either, is rejected by the registered voters at a special election, the matter is terminated.

**NEW SECTION. Sec. 707. CORPORATE EXISTENCE--PAYMENT OF BONDED INDEBTEDNESS--LEVY AUTHORITY.** (1) Each school district involved in or affected by any change made in the organization and extent of school districts under this chapter retains its corporate existence insofar as is necessary for the purpose, until the bonded indebtedness outstanding against it on and after the effective date of the change has been paid in full. This section may not be construed to prevent, after the effective date of the change, such adjustments of bonded indebtedness as are provided for in this chapter.

(2) The county legislative authority shall provide, by appropriate levies on the taxable property of each school district, for the payment of the bonded indebtedness outstanding against it after any of the changes or adjustments under this chapter have been effected.

(3) In case any such changes or adjustments involve a joint school district, the tax levy for the payment of any bonded indebtedness outstanding against the joint district, after the changes or adjustments are effected, shall be made and the proceeds thereof shall be transmitted, credited, and paid out in conformity with the provisions of law applicable to the payment of the bonded indebtedness of joint school districts.

**Sec. 708.** RCW 36.70A.035 and 1997 c 429 s 9 are each amended to read as follows:

(1) The public participation requirements of this chapter shall include notice procedures that are reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, school districts, and organizations of proposed amendments to comprehensive plans and development regulation. Examples of reasonable notice provisions include:

- (a) Posting the property for site-specific proposals;
- (b) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located or that will be affected by the proposal;
- (c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
- (d) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and
- (e) Publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

(2)(a) Except as otherwise provided in (b) of this subsection, if the legislative body for a county or city chooses to consider a change to an amendment to a comprehensive plan or development regulation, and the change is proposed after the opportunity for review and comment has passed under the county's or city's procedures, an opportunity for review and comment on the proposed change shall be provided before the local legislative body votes on the proposed change.

(b) An additional opportunity for public review and comment is not required under (a) of this subsection if:

- (i) An environmental impact statement has been prepared under chapter 43.21C RCW for the pending resolution or ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement;
- (ii) The proposed change is within the scope of the alternatives available for public comment;
- (iii) The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;
- (iv) The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or
- (v) The proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.

(3) This section is prospective in effect and does not apply to a comprehensive plan, development regulation, or amendment adopted before July 27, 1997.

## PART 8 MISCELLANEOUS PROVISIONS

**NEW SECTION. Sec. 801.** The following acts or parts of acts are each repealed:

- (1) RCW 28A.305.150 (Classification, numbering system of school districts--Rules and regulations for) and 1971 c 54 s 1 & 1969 ex.s. c 223 s 28A.04.130;;
- (2) RCW 28A.315.010 (Purpose) and 1990 c 33 s 292 & 1969 ex.s. c 223 s 28A.57.010;
- (3) RCW 28A.315.030 (County regional committee members--Assignment of committee member position numbers) and 1993 c 416 s 1, 1990 c 33 s 294, & 1985 c 385 s 30;
- (4) RCW 28A.315.110 (Regional committees--Powers and duties) and 1991 c 288 s 2;
- (5) RCW 28A.315.120 (Regional committees--Recommendations--Standards) and 1990 c 33 s 299, 1985 c 385 s 10, & 1969 ex.s. c 223 s 28A.57.055;
- (6) RCW 28A.315.130 (Changing conflicting or incorrectly described school district boundaries) and 1985 c 385 s 11 & 1971 ex.s. c 282 s 26;
- (7) RCW 28A.315.140 (Powers and duties of state board, generally) and 1990 c 33 s 300, 1987 c 100 s 2, 1985 c 385 s 12, & 1969 ex.s. c 223 s 28A.57.060;
- (8) RCW 28A.315.150 (Action upon board's report) and 1990 c 33 s 301, 1985 c 385 s 13, 1975 1st ex.s. c 275 s 84, 1969 ex.s. c 176 s 121, & 1969 ex.s. c 223 s 28A.57.070;
- (9) RCW 28A.315.160 (Adjustment of bonded indebtedness--Special election in certain cases) and 1985 c 385 s 14, 1975 1st ex.s. c 275 s 85, 1969 ex.s. c 176 s 122, & 1969 ex.s. c 223 s 28A.57.075;

(10) RCW 28A.315.170 (Notice of election--Contents) and 1990 c 33 s 302, 1985 c 385 s 15, 1975 1st ex.s. c 275 s 86, 1971 c 48 s 26, & 1969 ex.s. c 223 s 28A.57.080;

(11) RCW 28A.315.180 (Vote, how determined--ESD superintendent's order--Certification--Effective date) and 1990 c 33 s 303, 1985 c 385 s 16, 1975 1st ex.s. c 275 s 87, 1969 ex.s. c 176 s 123, & 1969 ex.s. c 223 s 28A.57.090;

(12) RCW 28A.315.190 (Procedure upon rejection of proposal) and 1985 c 385 s 17 & 1969 ex.s. c 223 s 28A.57.100;

(13) RCW 28A.315.200 (Personnel and supplies to be furnished by state superintendent--Expenses reimbursed) and 1990 c 33 s 304, 1985 c 385 s 18, & 1969 ex.s. c 223 s 28A.57.110;

(14) RCW 28A.315.230 (Classes of districts--Change of classification) and 1991 c 116 s 25, 1990 c 33 s 306, & 1975-'76 2nd ex.s. c 15 s 3;

(15) RCW 28A.315.240 (Classes of districts--Change of classification--Delay of authorized) and 1975 c 43 s 35;

(16) RCW 28A.315.250 (City or town districts) and 1997 c 47 s 1, 1985 c 385 s 19, 1975 1st ex.s. c 275 s 90, 1969 ex.s. c 176 s 126, & 1969 ex.s. c 223 s 28A.57.150;

(17) RCW 28A.315.260 (Reorganization of districts by transfer of territory or annexation) and 1969 ex.s. c 223 s 28A.57.160;

(18) RCW 28A.315.270 (Petition for reorganization--Conditions) and 1985 c 385 s 20, 1982 c 191 s 1, 1975 1st ex.s. c 275 s 91, 1969 ex.s. c 176 s 127, & 1969 ex.s. c 223 s 28A.57.170;

(19) RCW 28A.315.280 (Transfer of territory--By petition--By ESD superintendent--When election required) and 1985 c 385 s 21, 1975 1st ex.s. c 275 s 92, 1969 ex.s. c 176 s 128, & 1969 ex.s. c 223 s 28A.57.180;

(20) RCW 28A.315.290 (Annexation of district bounded on three sides by high school district) and 1985 c 385 s 22, 1975 1st ex.s. c 275 s 93, 1969 ex.s. c 176 s 129, & 1969 ex.s. c 223 s 28A.57.190;

(21) RCW 28A.315.300 (Single school district for certain United States military reservations--Mandated) and 1990 c 33 s 307 & 1972 ex.s. c 63 s 1;

(22) RCW 28A.315.310 (Single school district for certain United States military reservations--Procedure--Limitations) and 1990 c 33 s 308, 1985 c 385 s 23, & 1972 ex.s. c 63 s 2;

(23) RCW 28A.315.320 (Dissolution and annexation of certain districts--Annexation of nondistrict property) and 1985 c 385 s 24 & 1975-'76 2nd ex.s. c 15 s 4;

(24) RCW 28A.315.330 (Adjustment of indebtedness--Basis) and 1969 ex.s. c 223 s 28A.57.210;

(25) RCW 28A.315.340 (Corporate existence retained to pay bonded indebtedness--Tax levies--Joint school districts) and 1969 ex.s. c 223 s 28A.57.220; and

(26) RCW 28A.315.900 (Proceedings as of July 28, 1985--Effect of 1985 c 385) and 1990 c 33 s 329 & 1985 c 385 s 38.

**NEW SECTION. Sec. 802.** (1) RCW 28A.315.020 and 28A.315.220 are recodified as new sections in chapter 28A.315 RCW, to be codified in Part 2 of this act before section 201.

(2) RCW 28A.315.210 is recodified as a new section in chapter 28A.315 RCW, to be codified after section 707 of this act.

(3) RCW 28A.315.690, 28A.315.700, 28A.315.710, and 28A.315.720, are recodified as new sections in chapter 28A.315 RCW, to be codified after section 205 of this act.

(4) RCW 28A.315.040, 28A.315.050, 28A.315.060, 28A.315.070, 28A.315.080, 28A.315.090, and 28A.315.100 are recodified as new sections in chapter 28A.315 RCW, to be codified in Part 3 of this act after section 301 of this act.

**NEW SECTION. Sec. 803.** The following sections are each recodified as a new chapter in Title 28A RCW:

RCW 28A.315.350

RCW 28A.315.360

RCW 28A.315.370

RCW 28A.315.380

RCW 28A.315.390

RCW 28A.315.400

RCW 28A.315.410

RCW 28A.315.420

RCW 28A.315.430

RCW 28A.315.440

**NEW SECTION. Sec. 804.** The following sections are each recodified as a new chapter in Title 28A RCW:

RCW 28A.315.450

RCW 28A.315.650

RCW 28A.315.470

RCW 28A.315.480

RCW 28A.315.490

RCW 28A.315.500  
RCW 28A.315.530  
RCW 28A.315.510  
RCW 28A.315.520  
RCW 28A.315.540

**NEW SECTION. Sec. 805.** The following sections are each recodified as a new chapter in Title 28A RCW:

RCW 28A.315.570  
RCW 28A.315.460  
RCW 28A.315.600

RCW 28A.315.610  
RCW 28A.315.620  
RCW 28A.315.630  
RCW 28A.315.670  
RCW 28A.315.680  
RCW 28A.315.550

**NEW SECTION. Sec. 806.** The following sections are each recodified as a new chapter in Title 28A RCW:

RCW 28A.315.560  
RCW 28A.315.580  
RCW 28A.315.590  
RCW 28A.315.593  
RCW 28A.315.660  
RCW 28A.315.597  
RCW 28A.315.640

**NEW SECTION. Sec. 807.** MORATORIUM ON PETITIONS. The state board may, at its discretion, declare a moratorium on new petitions until such time as the rules have been adopted to implement chapter . . . , Laws of 1999 (this act). The state board shall adopt emergency rules necessary to begin consideration of changes initiated after the effective date of this act.

**NEW SECTION. Sec. 808.** PART HEADINGS AND SECTION CAPTIONS NOT LAW. Part headings and section captions used in this act are not any part of the law.

**NEW SECTION. Sec. 809.** Sections 1, 101, 201, 203 through 205, 301 through 303, 401 through 403, 501, 601, 701 through 707, 807, and 808 of this act are each added to chapter 28A.315 RCW."

The President declared the question before the Senate to be the motion by Senator McAuliffe to not adopt the Committee on Education striking amendment to Engrossed Second Substitute House Bill No. 1477.

The motion by Senator McAuliffe carried and the committee striking amendment was not adopted.

#### MOTION

On motion of Senator McAuliffe, the following amendment was adopted:

On page 8, line 1, after "TRAINING." strike "the" and insert "To the extent funds are appropriated, the"

#### MOTION

Senator Tim Sheldon moved that the following amendment be adopted:

On page 12, after line 12, insert the following:

**"Sec. 404.** RCW 28A.400.300 and 1997 c 13 s 10 are each amended to read as follows:

Every board of directors, unless otherwise specially provided by law, shall:

- (1) Employ for not more than one year, and for sufficient cause discharge all certificated and classified employees;
- (2) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or classified qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and, emergencies for both certificated and classified employees, and with such compensation as the board of

directors prescribe: PROVIDED, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury and emergencies as follows:

- (a) For such persons under contract with the school district for a full year, at least ten days;
- (b) For such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;
- (c) For certificated and classified employees, annual leave with compensation for illness, injury, and emergencies shall be granted and accrue at a rate not to exceed twelve days per year; provisions of any contract in force on June 12, 1980, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;
- (d) Compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;
- (e) Leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days for the purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up to a maximum of the number of contract days agreed to in a given contract, but not greater than one year. Such accumulated time may be taken at any time during the school year or up to twelve days per year may be used for the purpose of payments for unused sick leave((-));
- (f) Sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;
- (g) Any leave for injury or illness accumulated up to a maximum of forty-five days shall be creditable as service rendered for the purpose of determining the time at which an employee is eligible to retire, if such leave is taken it may not be compensated under the provisions of RCW 28A.400.210 and 28A.310.490;
- (h) Accumulated leave under this proviso shall be transferred to and from one district to another, the office of superintendent of public instruction and offices of educational service district superintendents and boards, to and from such districts and such offices;
- (i) Leave accumulated by a person in a district prior to leaving said district may, under rules and regulations of the board, be granted to such person when the person returns to the employment of the district; and

(j) For sick leave the board of directors may require a signed statement from a licensed health care provider that any absence was due to illness or injury. If an employee uses sick leave to engage in a strike or work stoppage, the employee may not receive sick leave benefits during the time the employee engages in the strike or work stoppage.

When any certificated or classified employee leaves one school district within the state and commences employment with another school district within the state, the employee shall retain the same seniority, leave benefits and other benefits that the employee had in his or her previous position: PROVIDED, That classified employees who transfer between districts after July 28, 1985, shall not retain any seniority rights other than longevity when leaving one school district and beginning employment with another. If the school district to which the person transfers has a different system for computing seniority, leave benefits, and other benefits, then the employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service."

#### POINT OF ORDER

Senator McAuliffe: "Mr. President, I rise to a point of order. I raise the question of scope and object of the amendment by Senator Tim Sheldon. The original bill establishes school district boundaries and the amendment goes beyond the scope and object, because it applies to teacher compensation."

Further debate ensued.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Engrossed Second Substitute House Bill No. 1477 was deferred.

#### MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused

## SECOND READING

HOUSE BILL NO. 1422, by Representatives H. Sommers, Huff, Benson, Hatfield and McIntire (by request of State Investment Board)

Authorizing the state investment board to directly order actions relating to securities.

The bill was read the second time.

## MOTION

On motion of Senator Shin, the rules were suspended, House Bill No. 1422 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1422.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1422 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Deccio and Thibaudeau - 2.

HOUSE BILL NO. 1422, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

## SECOND READING

HOUSE BILL NO. 2052, by Representatives Barlean, Keiser, Benson and Hatfield (by request of Attorney General Gregoire)

Regulating service contracts.

The bill was read the second time.

## MOTION

On motion of Senator Shin, the rules were suspended, House Bill No. 2052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2052.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2052 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe,

McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Deccio, McCaslin and Thibaudeau - 3.

HOUSE BILL NO. 2052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1673, by House Committee on State Government (originally sponsored by Representatives Lambert, O'Brien, Thomas and Sullivan)

Penalizing false political advertising.

The bill was read the second time.

## MOTION

On motion of Senator Gardner, the following Committee on State and Local Government striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The Washington supreme court in a case involving a ballot measure, *State v. 119 Vote No! Committee*, 135 Wn.2d 618 (1998), found the statute that prohibits persons from sponsoring, with actual malice, political advertising containing false statements of material fact to be invalid under the First Amendment to the United States Constitution.

(2) The legislature finds that a review of the opinions indicates that a majority of the supreme court may find valid a statute that limited such a prohibition on sponsoring with actual malice false statements of material fact in a political campaign to statements about a candidate in an election for public office.

(3) It is the intent of the legislature to amend the current law to provide protection for candidates for public office against false statements of material fact sponsored with actual malice.

**Sec. 2.** RCW 42.17.530 and 1988 c 199 s 2 are each amended to read as follows:

(1) It is a violation of this chapter for a person to sponsor with actual malice:

(a) Political advertising that contains a false statement of material fact about a candidate for public office. However, this subsection (1)(a) does not apply to statements about a candidate made by the candidate or the candidate's agent;

(b) Political advertising that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent;

(c) Political advertising that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement.

(2) Any violation of this section shall be proven by clear and convincing evidence."

## MOTIONS

On motion of Senator Gardner, the following title amendment was adopted:

On line 1 of the title, after "advertising;" strike the remainder of the title and insert "amending RCW 42.17.530; and creating a new section."

On motion of Senator Gardner, the rules were suspended, Substitute House Bill No. 1673, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1673, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1673, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, Winsley and Wojahn - 41.

Voting nay: Senators Hochstatter, Johnson, McDonald, Sellar, Swecker, West and Zarelli - 7.

Excused: Senator Deccio - 1.

SUBSTITUTE HOUSE BILL NO. 1673, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1777, by House Committee on State Government (originally sponsored by Representatives B. Chandler, Schindler, McMorris, Dunshee, Romero and Lantz)

Defining technical assistance documents.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1777 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1777.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1777 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senators Brown, Finkbeiner and Hargrove - 3.

Excused: Senators Deccio and Thibaudeau - 2.

SUBSTITUTE HOUSE BILL NO. 1777, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1224, by House Committee on Commerce and Labor (originally sponsored by Representatives Hurst, Conway, Campbell, Cairnes, Kessler, Clements, McIntire and Ogden)

Requiring a permanent anchor for worker fall protection.

The bill was read the second time.

## MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 1224 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1224.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1224 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Shin, Snyder, Spanel, Winsley, Wojahn and Zarelli - 35.

Voting nay: Senators Hochstatter, Horn, Johnson, McCaslin, McDonald, Morton, Sellar, Sheahan, Sheldon, T., Stevens, Swecker and West - 12.

Excused: Senators Deccio and Thibaudeau - 2.

SUBSTITUTE HOUSE BILL NO. 1224, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Honeyford, Senator McDonald was excused.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1007, by Representatives Ballasiotes, O'Brien, Radcliff, Benson, Quall, Mitchell, Cairnes and Morris

Changing provisions relating to counterfeited intellectual property.

The bill was read the second time.

## MOTION

On motion of Senator Kline, the following Committee on Judiciary striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 9.16 RCW to read as follows:

A violation of RCW 9.16.030 or 9.16.040 is a class C felony if:

- (1) The violation involves the manufacture, production, or distribution of items bearing counterfeit marks; and
- (2) The defendant knew or should have known that the counterfeit items, by their intended use, endangered the health or safety of others.

**Sec. 2.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as follows:

### TABLE 2 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV Aggravated Murder 1 (RCW 10.95.020)  
XIV Murder 1 (RCW 9A.32.030)  
    Homicide by abuse (RCW 9A.32.055)  
    Malicious explosion 1 (RCW 70.74.280(1))  
XIII Murder 2 (RCW 9A.32.050)  
    Malicious explosion 2 (RCW 70.74.280(2))

- Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
  - Assault of a Child 1 (RCW 9A.36.120)
  - Rape 1 (RCW 9A.44.040)
  - Rape of a Child 1 (RCW 9A.44.073)
  - Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
- XI Rape 2 (RCW 9A.44.050)
  - Rape of a Child 2 (RCW 9A.44.076)
  - Manslaughter 1 (RCW 9A.32.060)
- X Kidnapping 1 (RCW 9A.40.020)
  - Child Molestation 1 (RCW 9A.44.083)
  - Malicious explosion 3 (RCW 70.74.280(3))
  - Over 18 and deliver heroin, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
  - Leading Organized Crime (RCW 9A.82.060(1)(a))
  - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
  - Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
- IX Assault of a Child 2 (RCW 9A.36.130)
  - Robbery 1 (RCW 9A.56.200)
  - Explosive devices prohibited (RCW 70.74.180)
  - Malicious placement of an explosive 2 (RCW 70.74.270(2))
  - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
  - Controlled Substance Homicide (RCW 69.50.415)
  - Sexual Exploitation (RCW 9.68A.040)
  - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
  - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
  - Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 88.12.029)
- VIII Arson 1 (RCW 9A.48.020)
  - Promoting Prostitution 1 (RCW 9A.88.070)
  - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
  - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
  - Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
  - Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))
  - Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)
  - Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
  - Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 88.12.029)
  - Manslaughter 2 (RCW 9A.32.070)
- VII Burglary 1 (RCW 9A.52.020)
  - Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
  - Homicide by Watercraft, by disregard for the safety of others (RCW 88.12.029)
  - Introducing Contraband 1 (RCW 9A.76.140)
  - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
  - Child Molestation 2 (RCW 9A.44.086)
  - Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Involving a minor in drug dealing (RCW 69.50.401(f))

Drive-by Shooting (RCW 9A.36.045)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

VI Bribery (RCW 9A.68.010)

Rape of a Child 3 (RCW 9A.44.079)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Incest 1 (RCW 9A.64.020(1))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))

Intimidating a Judge (RCW 9A.72.160)

Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))

Theft of a Firearm (RCW 9A.56.300)

V Persistent prison misbehavior (RCW 9.94.070)

Criminal Mistreatment 1 (RCW 9A.42.020)

Abandonment of dependent person 1 (RCW 9A.42.060)

Rape 3 (RCW 9A.44.060)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Child Molestation 3 (RCW 9A.44.089)

Kidnapping 2 (RCW 9A.40.030)

Extortion 1 (RCW 9A.56.120)

Incest 2 (RCW 9A.64.020(2))

Perjury 1 (RCW 9A.72.020)

Extortionate Extension of Credit (RCW 9A.82.020)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))

Sexually Violating Human Remains (RCW 9A.44.105)

Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))

Possession of a Stolen Firearm (RCW 9A.56.310)

IV Residential Burglary (RCW 9A.52.025)

Theft of Livestock 1 (RCW 9A.56.080)

Robbery 2 (RCW 9A.56.210)

Assault 2 (RCW 9A.36.021)

Escape 1 (RCW 9A.76.110)

Arson 2 (RCW 9A.48.030)

Commercial Bribery (RCW 9A.68.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Malicious Harassment (RCW 9A.36.080)

Threats to Bomb (RCW 9.61.160)

Willful Failure to Return from Furlough (RCW 72.66.060)

Hit and Run--Injury Accident (RCW 46.52.020(4))

Hit and Run with Vessel--Injury Accident (RCW 88.12.155(3))

Vehicular Assault (RCW 46.61.522)

Assault by Watercraft (RCW 88.12.032)

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))

- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
  - Counterfeiting (section 1 of this act)
- III Criminal Gang Intimidation (RCW 9A.46.120)
  - Criminal Mistreatment 2 (RCW 9A.42.030)
  - Abandonment of dependent person 2 (RCW 9A.42.070)
  - Extortion 2 (RCW 9A.56.130)
  - Unlawful Imprisonment (RCW 9A.40.040)
  - Assault 3 (RCW 9A.36.031)
  - Assault of a Child 3 (RCW 9A.36.140)
  - Custodial Assault (RCW 9A.36.100)
  - Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
  - Harassment (RCW 9A.46.020)
  - Promoting Prostitution 2 (RCW 9A.88.080)
  - Willful Failure to Return from Work Release (RCW 72.65.070)
  - Burglary 2 (RCW 9A.52.030)
  - Introducing Contraband 2 (RCW 9A.76.150)
  - Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
  - Patronizing a Juvenile Prostitute (RCW 9.68A.100)
  - Escape 2 (RCW 9A.76.120)
  - Perjury 2 (RCW 9A.72.030)
  - Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
  - Intimidating a Public Servant (RCW 9A.76.180)
  - Tampering with a Witness (RCW 9A.72.120)
  - Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
  - Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
  - Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
    - Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
  - Theft of livestock 2 (RCW 9A.56.080)
  - Securities Act violation (RCW 21.20.400)
- II Unlawful Practice of Law (RCW 2.48.180)
  - Malicious Mischief 1 (RCW 9A.48.070)
  - Possession of Stolen Property 1 (RCW 9A.56.150)
  - Theft 1 (RCW 9A.56.030)
  - Class B Felony Theft of Rental, Leased, or Lease-purchased Property (RCW 9A.56.096(4))
  - Trafficking in Insurance Claims (RCW 48.30A.015)
  - Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
  - Health Care False Claims (RCW 48.80.030)
  - Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
  - Possession of phencyclidine (PCP) (RCW 69.50.401(d))
  - Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
  - Computer Trespass 1 (RCW 9A.52.110)
  - Escape from Community Custody (RCW 72.09.310)
- I Theft 2 (RCW 9A.56.040)
  - Class C Felony Theft of Rental, Leased, or Lease-purchased Property (RCW 9A.56.096(4))
  - Possession of Stolen Property 2 (RCW 9A.56.160)
  - Forgery (RCW 9A.60.020)
  - Taking Motor Vehicle Without Permission (RCW 9A.56.070)
  - Vehicle Prowl 1 (RCW 9A.52.095)

Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)  
Malicious Mischief 2 (RCW 9A.48.080)  
Reckless Burning 1 (RCW 9A.48.040)  
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)  
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))  
False Verification for Welfare (RCW 74.08.055)  
Forged Prescription (RCW 69.41.020)  
Forged Prescription for a Controlled Substance (RCW 69.50.403)  
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))

**Sec. 3.** RCW 9.94A.440 and 1996 c 93 s 2 are each amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years; and
- (ii) Most members of society act as if it were no longer in existence; and
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimis Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

- (i) Conviction of the new offense would not merit any additional direct or collateral punishment;
- (ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and
- (iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

- (i) Conviction of the new offense would not merit any additional direct or collateral punishment;
- (ii) Conviction in the pending prosecution is imminent;
- (iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and
- (iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

- (i) Assault cases where the victim has suffered little or no injury;
- (ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120(8).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

#### CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

##### CRIMES AGAINST PERSONS

Aggravated Murder

1st Degree Murder

2nd Degree Murder

1st Degree Kidnaping

1st Degree Assault

1st Degree Assault of a Child

1st Degree Rape

1st Degree Robbery

1st Degree Rape of a Child

1st Degree Arson

2nd Degree Kidnaping

2nd Degree Assault

2nd Degree Assault of a Child

2nd Degree Rape

2nd Degree Robbery

1st Degree Burglary

1st Degree Manslaughter

2nd Degree Manslaughter

1st Degree Extortion

Indecent Liberties

Incest

2nd Degree Rape of a Child

Vehicular Homicide

Vehicular Assault

3rd Degree Rape

3rd Degree Rape of a Child

1st Degree Child Molestation

2nd Degree Child Molestation

3rd Degree Child Molestation

2nd Degree Extortion

1st Degree Promoting Prostitution

Intimidating a Juror  
Communication with a Minor  
Intimidating a Witness  
Intimidating a Public Servant  
Bomb Threat (if against person)  
3rd Degree Assault  
3rd Degree Assault of a Child  
Unlawful Imprisonment  
Promoting a Suicide Attempt  
Riot (if against person)  
Counterfeiting (if a violation of section 1 of this act)

#### CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson  
1st Degree Escape  
2nd Degree Burglary  
1st Degree Theft  
1st Degree Perjury  
1st Degree Introducing Contraband  
1st Degree Possession of Stolen Property  
Bribery  
Bribing a Witness  
Bribe received by a Witness  
Bomb Threat (if against property)  
1st Degree Malicious Mischief  
2nd Degree Theft  
2nd Degree Escape  
2nd Degree Introducing Contraband  
2nd Degree Possession of Stolen Property  
2nd Degree Malicious Mischief  
1st Degree Reckless Burning  
Taking a Motor Vehicle without Authorization  
Forgery  
2nd Degree Perjury  
2nd Degree Promoting Prostitution  
Tampering with a Witness  
Trading in Public Office  
Trading in Special Influence  
Receiving/Granting Unlawful Compensation  
Bigamy  
Eluding a Pursuing Police Vehicle  
Willful Failure to Return from Furlough  
Escape from Community Custody  
Riot (if against property)  
Thefts of Livestock

#### ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge

(1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (a) Will significantly enhance the strength of the state's case at trial; or
- (b) Will result in restitution to all victims.

(2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

- (a) Charging a higher degree;

(b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

#### GUIDELINES/COMMENTARY:

##### Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (2) The completion of necessary laboratory tests; and
- (3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

##### Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (1) Probable cause exists to believe the suspect is guilty; and
- (2) The suspect presents a danger to the community or is likely to flee if not apprehended; or
- (3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

##### Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (1) Polygraph testing;
- (2) Hypnosis;
- (3) Electronic surveillance;
- (4) Use of informants.

##### Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

##### Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions."

## MOTIONS

On motion of Senator Kline, the following title amendment was adopted:

On page 1, line 1 of the title, after "counterfeiting," strike the remainder of the title and insert "amending RCW 9.94A.440; reenacting and amending RCW 9.94A.320; adding a new section to chapter 9.16 RCW; and prescribing penalties."

On motion of Senator Kline, the rules were suspended, Engrossed House Bill No. 1007, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1007, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1007, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe,

McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Deccio, McDonald and Thibaudeau - 3.

ENGROSSED HOUSE BILL NO. 1007, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1158, by House Committee on State Government (originally sponsored by Representatives Ogden, DeBolt, Cooper, Ericksen and Mielke)

Collecting information from truck, tractor, or trailer intelligent information systems.

The bill was read the second time.

#### MOTION

On motion of Senator Gardner, the rules were suspended, Substitute House Bill No. 1158 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1158.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1158 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Snyder - 1.

Excused: Senators Deccio, McDonald and Thibaudeau - 3.

SUBSTITUTE HOUSE BILL NO. 1158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1324, by House Committee on Transportation (originally sponsored by Representatives Fisher, K. Schmidt, Mitchell and Hankins) (by request of Department of Transportation)

Planning for transportation safety and security.

The bill was read the second time.

#### MOTION

On motion of Senator Gardner, the rules were suspended, Substitute House Bill No. 1324 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1324.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1324 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senators Roach and Snyder - 2.

Excused: Senators Deccio, McDonald and Thibaudeau - 3.

SUBSTITUTE HOUSE BILL NO. 1324, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1282, by House Committee on State Government (originally sponsored by Representatives Romero, Buck, Miloscia, Linville, Dickerson, Regala and Wolfe) (by request of Commissioner of Public Lands Belcher)

Authorizing state agencies to offer incentives to state employees to relocate from one part of the state to another.

The bill was read the second time.

## MOTION

On motion of Senator Fairley, the following Committee on Labor and Workforce Development amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that recruiting and retaining a highly qualified work force is essential to deliver high quality public programs. One factor that impairs recruitment or transfer of public employees is the housing cost differential between the rural and urban areas of the state. This housing cost differential can cause state employees to decline promotional or transfer opportunities if the costs associated with such moves are not compensated.

Therefore, the legislature finds that it is in the interest of the citizens of the state of Washington to authorize an employing agency to offer assistance to state employees to relocate from one part of the state to another. This assistance is referred to as relocation compensation and is commonplace with private and federal government employers.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.03 RCW to read as follows:

An agency may, within existing resources, authorize lump sum relocation compensation when it determines it is necessary to successfully recruit and retain qualified candidates who will have to make a domiciliary move in order to accept the position. It is lawful for a state office, commission, department, or institution to, within existing resources, authorize lump sum relocation compensation as authorized by rule under chapter 41.06 RCW and in accordance with the provisions of chapter 43.88 RCW. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation.

**Sec. 3.** RCW 41.06.150 and 1996 c 319 s 2 are each amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (7) Transfers;
- (8) Sick leaves and vacations;
- (9) Hours of work;

(10) Layoffs when necessary and subsequent reemployment, both according to seniority;

(11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position.

(a) The board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW.

(b) Beginning July 1, 1995, through June 30, 1997, in addition to the requirements of (a) of this subsection:

(i) The board may approve the implementation of salary increases resulting from adjustments to the classification plan during the 1995-97 fiscal biennium only if:

(A) The implementation will not result in additional net costs and the proposed implementation has been approved by the director of financial management in accordance with chapter 43.88 RCW;

(B) The implementation will take effect on July 1, 1996, and the total net cost of all such actions approved by the board for implementation during the 1995-97 fiscal biennium does not exceed the amounts specified by the legislature specifically for this purpose; or

(C) The implementation is a result of emergent conditions. Emergent conditions are defined as emergency situations requiring the establishment of positions necessary for the preservation of the public health, safety, or general welfare, which do not exceed \$250,000 of the moneys identified in section 718(2), chapter 18, Laws of 1995 2nd sp. sess.

(ii) The board shall approve only those salary increases resulting from adjustments to the classification plan if they are due to documented recruitment and retention difficulties, salary compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than 7.5 percent.

(iii) Adjustments made to the higher education hospital special pay plan are exempt from (b)(i) through (ii) of this subsection.

(c) Reclassifications, class studies, and salary adjustments to be implemented during the 1997-99 and subsequent fiscal biennia are governed by (a) of this subsection and RCW 41.06.152;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;

(19) Optional lump sum relocation compensation approved by the agency director, whenever it is reasonably necessary that a person make a domiciliary move in accepting a transfer or other employment with the state. An agency must provide lump sum compensation within existing resources. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation from the person;

(20) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

~~((20))~~ (21) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

~~((21))~~ (22) Assuring persons who are or have been employed in classified positions before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

~~((22))~~ (23) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables."

## MOTIONS

On motion of Senator Fairley, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 41.06.150; adding a new section to chapter 43.03 RCW; and creating a new section."

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 1282, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1282, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1282, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senators Hochstatter and Morton - 2.

Absent: Senator Hargrove - 1.

Excused: Senators Deccio, McDonald and Thibaudeau - 3.

SUBSTITUTE HOUSE BILL NO. 1282, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562, by House Committee on Transportation (originally sponsored by Representatives Scott, Mulliken and G. Chandler)

Changing provisions relating to the adoption of regulations by airport operators.

The bill was read the second time.

## MOTION

On motion of Senator Gardner, the following Committee on Transportation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 14.08.122 and 1987 c 254 s 2 are each amended to read as follows:

An airport operator may adopt all regulations necessary for rental and use of airport facilities and for the expeditious collection of airport charges. The regulations may also establish procedures for the enforcement of these regulations by the airport operator. The regulations shall include the following:

(1) Procedures authorizing airport personnel to take reasonable measures including, but not limited to, the use of chains, ropes, and locks to secure aircraft within the airport facility so that the aircraft are in the possession and control of the airport operator and cannot be removed from the airport. These procedures may be used if an owner hangaring or parking an aircraft at the airport fails, after being notified that charges are owing and of the owner's right to contest that such charges are owing, to pay the airport charges owed ~~((and the account is at least sixty days delinquent))~~ or to commence legal proceedings. Notification shall be by registered mail to the owner at his or her last known address. In the case of an aircraft where an owner's address cannot be determined or obtained after reasonable effort, the airport operator need not give such notice prior to securing the aircraft. At the time of securing the aircraft, an authorized airport employee shall attach to the aircraft a readily visible notice and shall make a reasonable attempt to send a copy of the notice to the owner at his or her last known address by registered mail, return receipt requested, and ~~((a))~~ an additional copy of the notice by first class mail. The notice shall be of a reasonable size and shall contain the following information:

- (a) The date and time the notice was attached;
- (b) A reasonable description of the aircraft;
- (c) The identity of the authorized employee;
- (d) The amount of airport charges owing;
- (e) A statement that if the account is not paid in full within ~~((one hundred eighty))~~ ninety days from the time the notice was attached the aircraft may be sold at public auction to satisfy the airport charges;
- (f) ~~((The time and place of sale;~~
- ~~((g)))~~ A statement of the owner's right to commence legal proceedings to contest the charges owing and to have the aircraft released upon posting of an adequate cash bond or other security; and
- ~~((h)))~~ (g) The address and telephone number where additional information may be obtained concerning the release of the aircraft.

(2) Procedures authorizing airport personnel at their discretion to ~~((place))~~ move aircraft ~~((#))~~ to an area within the airport operator's control or for storage with private persons under the airport operator's control as bailees of the airport facility. ~~((Reasonable))~~ Costs of any such procedure shall be paid by the aircraft's owner.

(3) If an aircraft is secured under subsection (1) of this section or moved under conditions authorized ~~((under))~~ by subsection (2) of this section the owner who is obligated for hangaring or parking or other airport charges may regain possession of the aircraft by:

(a) Making arrangements satisfactory with the airport operator for the immediate removal of the aircraft from the airport's hangar, or making arrangements for authorized parking; and

(b) By making payment to the airport operator of all airport charges or by posting with the airport operator a sufficient cash bond or other security acceptable to such operator, to be held in trust by the airport operator pending written agreement of the parties with respect to payment by the aircraft owner of the amount owing, or pending resolution of charges in a civil action in a court of competent jurisdiction. Upon written agreement or judicial resolution, the trust shall terminate and the airport operator shall receive so much of the bond or other security as is necessary to satisfy the agreement, or any judgment, costs, and interest as may be awarded to the airport operator. The balance shall be refunded immediately to the owner at the owner's last known address by registered mail, return receipt requested. The airport operator shall send to the owner by first class mail a notice that the balance of funds was forwarded to him or her by registered mail, return receipt requested.

(4) If an aircraft parked or hangared at an airport is abandoned, the airport operator may authorize the public sale of the aircraft by authorized personnel to the highest and best bidder for cash as follows:

(a) If an aircraft has been secured by the airport operator under subsection (1) of this section and is not released to the owner under the bonding provisions of this section within ~~((one hundred eighty))~~ ninety days after notifying or attempting to notify the owner under subsection (1) of this section, or in all other cases, for ~~((one hundred eighty))~~ ninety days after the airport operator secures the aircraft, the aircraft shall be conclusively presumed to have been abandoned by the owner;

(b) Before the aircraft is sold, the owner of the aircraft shall be given at least twenty days' notice of sale by registered mail, return receipt requested, if the name and address of the owner are known, and the notice of sale shall be published at least once, more than ten but less than twenty days before the sale, in a newspaper of general circulation in the county in which the airport is located. The notice shall include the name of the aircraft, if any, its aircraft identification number, the last known owner and address, the time and place of sale, the amount of airport charges that will be owing at the time of sale, a reasonable description of the aircraft to be sold and a statement that the airport operator may bid all or part of its airport charges at the sale and may become a purchaser at the sale;

(c) Before the aircraft is sold, any person seeking to redeem an impounded aircraft under this section may commence a lawsuit in the superior court of the county in which the aircraft was impounded, to contest the validity of the impoundment or the amount of airport charges owing. Such lawsuit must be commenced within ten days of the date the notification was provided under subsection (1) of this section, or the right to a hearing is waived and the owner is liable for any airport charges owing the airport operator. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs;

(d) The proceeds of a sale under this section shall first be applied to payment of airport charges owed. The balance, if any, shall be deposited with the department of revenue to be held in trust for the owner or owners and lienholders for a period of one year. If more than one owner appears on the aircraft title, and/or if any liens appear on the title, the department must, if a claim is made, interplead the balance into a court of competent jurisdiction for distribution. The department may release the balance to the legal owner provided that the claim is made within one year of sale and only one legal owner and no lienholders appear on the title. If no valid claim is made within one year of the date of sale, the excess funds from the sale shall be deposited in the aircraft search and rescue, safety, and education account created in RCW 47.68.236. If the sale is for a sum less than the applicable airport charges, the airport operator is entitled to assert a claim against the aircraft owner or owners for the deficiency;

(e) In the event that no one purchases the aircraft at a sale, or that the aircraft is not removed from the premises or other arrangements are not made within ten days of the sale, title to the aircraft shall revert to the airport operator.

(5) The regulations authorized under this section shall be enforceable only if:

(a) The airport operator has had its tariff and/or regulations, including any and all regulations authorizing the impoundment of an aircraft that is the subject of delinquent airport charges, conspicuously posted at the airport manager's office at all times.

(b) All impounding remedies available to the airport operator are included in any written contract for airport charges between an airport operator and an aircraft owner; and

~~((c))~~ (c) All rules and regulations authorized under this section are adopted either pursuant to chapter 34.05 RCW, or by resolution of the appropriate legislative authority, as applicable.

**Sec. 2.** RCW 47.68.250 and 1998 c 188 s 1 are each amended to read as follows:

Every aircraft shall be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of ~~((four))~~ eight dollars shall be charged for each such registration and each annual renewal thereof.

Possession of the appropriate effective federal certificate, permit, rating, or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by Title 82 RCW for the privilege of using the aircraft within this state during the year for which the registration is sought, and payment of the registration fee required by this section shall be the only requisites for registration of an aircraft under this section.

The registration fee imposed by this section shall be payable to and collected by the secretary. The fee for any calendar year must be paid during the month of January, and shall be collected by the secretary at the time of the collection by him or her of the said excise tax. If the secretary is satisfied that the requirements for registration of the aircraft have been met, he or she shall thereupon issue to the owner of the aircraft a certificate of registration therefor. The secretary shall pay to the state treasurer the registration fees collected under this section, which registration fees shall be credited to the aeronautics account in the transportation fund.

It shall not be necessary for the registrant to provide the secretary with originals or copies of federal certificates, permits, ratings, or licenses. The secretary shall issue certificates of registration, or such other evidences of registration or payment of fees as he or she may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences.

The provisions of this section shall not apply to:

- (1) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;
- (2) An aircraft registered under the laws of a foreign country;
- (3) An aircraft which is owned by a nonresident and registered in another state: PROVIDED, That if said aircraft shall remain in and/or be based in this state for a period of ninety days or longer it shall not be exempt under this section;
- (4) An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;
- (5) An aircraft owned by the commercial manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;
- (6) An aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW;
- (7) An aircraft based within the state that is in an unairworthy condition, is not operated within the registration period, and has obtained a written exemption issued by the secretary.

The secretary shall be notified within one week of any change in ownership of a registered aircraft. The notification shall contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the secretary, the registration of that aircraft may be canceled by the secretary, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

A municipality or port district that owns, operates, or leases an airport, as defined in RCW 47.68.020, with the intent to operate, shall require from an aircraft owner proof of aircraft registration or proof of intent to register an aircraft as a condition of leasing or selling tiedown or hangar space for an aircraft. The airport shall inform the lessee or purchaser of the tiedown or hangar space of the state law requiring registration and direct the person to comply with the state law if the person has not already done so. The airport may lease or sell tiedown or hangar space to owners of nonregistered aircraft after presenting them with the appropriate state registration forms. It is then the responsibility of the lessee or purchaser to register the aircraft. The airport shall report to the department's aviation division at the end of each month, the names, addresses, and "N" numbers of those aircraft owners not yet registered.

**Sec. 3.** RCW 82.48.100 and 1965 ex.s. c 173 s 28 are each amended to read as follows:

This chapter shall not apply to:

Aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which are not engaged in carrying persons or property for commercial purposes;

Aircraft registered under the laws of a foreign country;

Aircraft which are owned by a nonresident and registered in another state: PROVIDED, That if any such aircraft shall remain in and/or be based in this state for a period of ninety days or longer it shall not be exempt under this section;

Aircraft engaged principally in commercial flying which constitutes interstate or foreign commerce; and aircraft owned by the manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

Aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW;

Aircraft owned by a nonresident of this state if the aircraft is kept at an airport in this state and that airport is jointly owned or operated by a municipal corporation or other governmental entity of this state and a municipal corporation or other governmental entity of another state, and the owner or operator of the aircraft provides the department with proof that the owner or operator has paid all taxes, license fees, and registration fees required by the state in which the owner or operator resides."

#### MOTIONS

On motion of Senator Gardner, the following title amendment was adopted:

On page 1, line 2 of the title, after "charges;" strike the remainder of the title and insert "and amending RCW 14.08.122, 47.68.250, and 82.48.100."

On motion of Senator Gardner, the rules were suspended, Engrossed Substitute House Bill No. 1562, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1562, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1562, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senators Honeyford, Rossi and Stevens - 3.

Absent: Senator West - 1.

Excused: Senators Deccio, McDonald and Thibaudeau - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8409, by Senators Goings, Oke, Shin, Gardner, Swecker, Roach, B. Sheldon, Snyder, McCaslin, McAuliffe, Franklin, Rasmussen and Eide

Creating a Joint Select Committee on Veterans and Military Affairs.

The concurrent resolution was read the second time.

#### MOTION

On motion of Senator Goings, the rules were suspended, Senate Concurrent Resolution No. 8409 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8409.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8409 and the concurrent resolution passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Winsley, Wojahn and Zarelli - 46.

Absent: Senator West - 1.

Excused: Senators Deccio and Thibaudeau - 2.

SENATE CONCURRENT RESOLUTION. 8409, having received the constitutional majority, was declared passed.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1935, by House Committee on appropriations (originally sponsored by Representatives Tokuda, Boldt, Ogden, Schual-Berke, Lovick, Kessler, Kenney, Rockefeller, Murray, Scott, Edmonds, Conway, Kagi, Santos, Poulsen, Veloria and Lantz)

Adjusting eligibility for early childhood assistance programs.

The bill was read the second time.

## MOTION

Senator McAuliffe moved that the following Committee on Education striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 28A.215.110 and 1994 c 166 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908.

(1) "Advisory committee" means the advisory committee under RCW 28A.215.140.

(2) "Department" means the department of community, trade, and economic development.

(3) "Eligible child" means a child not eligible for kindergarten whose family income is at or below one hundred thirty percent of the federal poverty level, as published annually by the federal department of health and human services, and includes a child whose family is eligible for public assistance, and who is not a participant in a federal or state program providing comprehensive services and may include children who are eligible under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the early childhood program. Priority for enrollment shall be given to children from families with the lowest income or to eligible children from families with multiple needs.

(4) "Approved programs" means those state-supported education and special assistance programs which are recognized by the department of community, trade, and economic development as meeting the minimum program rules adopted by the department to qualify under RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908 and are designated as eligible for funding by the department under RCW 28A.215.160 and 28A.215.180.

(5) "Comprehensive" means an assistance program that focuses on the needs of the child and includes education, health, and family support services.

(6) "Family support services" means providing opportunities for parents to:

- (a) Actively participate in their child's early childhood program;
- (b) Increase their knowledge of child development and parenting skills;
- (c) Further their education and training;
- (d) Increase their ability to use needed services in the community;
- (e) Increase their self-reliance."

## MOTION

Senator Benton moved that the following amendment by Senators Benton, Deccio and Finkbeiner to the Committee on Education striking amendment be adopted

On page 1, line 33 of the amendment, after "28A.215.180." insert "To be eligible as an approved program, the program must:

- (a) Have an annual program review by the department in addition to program self-evaluations:

- (b) Respond to parental concerns; and  
(c) Provide an outreach program to identify children from families with the lowest income."

#### POINT OF ORDER

Senator McAuliffe: "Mr. President, a point of order. I raise the question of scope and object on the amendment by Senators Benton, Deccio and Finkbeiner to the Committee on Education striking amendment. In Substitute House Bill No. 1935, the Early Childhood Assistance Program family income eligibility requirement is raised two hundred and thirty percent of the federal poverty level. The Community Trade and Economic Department review requested in the amendment changes the scope and object of this bill. I ask that you consider that as out of the scope and object and out of compliance with the original bill."

Further debate ensued.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute House Bill No. 1935 was deferred.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1569 and the pending amendments by Senators Benton, Swecker and Johnson on page 1, lines 7, 14 and 19, to the striking amendment by Senators McAuliffe and Finkbeiner deferred earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator McAuliffe to the scope and object of the amendments by Senators Benton, Swecker and Johnson on page 1, lines 7, 14, and 19, to the striking amendment by Senators McAuliffe and Finkbeiner, the President finds that Substitute House Bill No. 1569 is a measure which provides grants to schools and school districts for the purpose of establishing training models to enhance the skills of math teachers.

"The amendments by Senators Benton, Swecker and Johnson would provide bonuses to new math and science teachers. The amendments in no way concern the grant program established in the bill.

"The President, therefore, finds that the amendments do change the scope and object of the bill and the point of order is well taken."

The amendments by Senators Benton, Swecker and Johnson on page 1, lines 7, 14, and 19, to the striking amendment by Senators McAuliffe and Finkbeiner to Substitute House Bill No. 1569 were ruled out of order.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Finkbeiner to Substitute House Bill No. 1569.

The motion by Senator McAuliffe carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 1 of the title, strike the remainder of the title and insert" adding a new section to chapter 28A.300 RCW, and creating a new section."

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1569, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1569, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1569, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Deccio and Thibaudeau - 2.

SUBSTITUTE HOUSE BILL NO. 1569, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Second Substitute House Bill No. 1477 and the pending amendment by Senator Tim Sheldon on page 12, after line 12, deferred earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator McAuliffe to the scope and object of amendment by Senator Tim Sheldon on page 12, after line 12, the President finds that Engrossed Second Substitute House Bill No. 1477 is a measure which deals solely and exclusively with the organization of school districts.

"The amendment by Senator Tim Sheldon would do two things: (1) require that school employees provide a statement from a licensed health care provider in order to take sick leave; and (2) prohibit school employees who take sick leave to engage in a strike from receiving sick leave benefits during the time of the strike. The amendment in no way concerns school district organization.

"The President, therefore, finds that the amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Tim Sheldon on page 12, after line 12, to Engrossed Second Substitute House Bill No. 1477 was ruled out of order.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute House Bill No. 1477, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1477, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1477, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Excused: Senator Deccio - 1. ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1407, by House Committee on Judiciary (originally sponsored by Representatives Lambert, Benson, Dickerson, Sheahan, Tokuda, Hurst, G. Chandler, Mulliken, Boldt, Koster, Schindler, Ogden, Dunn and Kessler)

Changing adoption provisions.

The bill was read the second time.

#### MOTION

On motion of Senator Costa, the following Committee on Human and Services and Corrections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 26.33.170 and 1988 c 203 s 1 are each amended to read as follows:

(1) An agency's, the department's, or a legal guardian's consent to adoption may be dispensed with if the court determines by clear, cogent and convincing evidence that the proposed adoption is in the best interests of the adoptee.

(2) An alleged father's, birth parent's, or parent's consent to adoption may be dispensed with if the court finds that the proposed adoption is in the best interests of the adoptee and:

(a) The alleged father, birth parent, or parent has been found guilty of rape under chapter 9A.44 RCW or incest under RCW 9A.64.020, where the adoptee was the victim of the rape or incest; or

(b) The alleged father, birth parent, or parent has been found guilty of rape under chapter 9A.44 RCW or incest under RCW 9A.64.020, where the other parent of the adoptee was the victim of the rape or incest and the adoptee was conceived as a result of the rape or incest.

(3) Nothing in this section shall be construed to eliminate the notice provisions of this chapter.

**NEW SECTION. Sec. 2.** A new section is added to chapter 13.34 RCW to read as follows:

In those cases where an alleged father, birth parent, or parent has indicated his or her intention to make a voluntary adoption plan for the child and has agreed to the termination of his or her parental rights, the department shall follow the wishes of the alleged father, birth parent, or parent regarding the proposed adoptive placement of the child, if the court determines that the adoption is in the best interest of the child, and the prospective adoptive parents chosen by the alleged father, birth parent, or parent are properly qualified to adopt in compliance with the standards in this chapter and chapter 26.33 RCW. If the department has filed a termination petition, an alleged father's, birth parent's, or parent's preferences regarding the proposed adoptive placement of the child shall be given consideration.

**Sec. 3.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is related to the child as defined in RCW 74.15.020(~~(4)(a)~~) (2)(a) and with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(i) There is no parent or guardian available to care for such child;  
(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;  
(iii) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds: (a) Termination is recommended by the supervising agency; (b) termination is in the best interests of the child; and (c) that because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interest of the child. In determining whether aggravated circumstances exist by clear, cogent, and convincing evidence, the court shall consider one or more of the following:

(i) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(ii) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(iii) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(iv) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(v) Conviction of the parent of attempting, soliciting, or conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of this subsection;

(vi) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(vii) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. ((Sec.)) Sec. 1903), the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;

(viii) An infant under three years of age has been abandoned as defined in RCW 13.34.030(4)(a);

(ix) The mother has given birth to three or more drug-affected infants, resulting in the department filing a petition under section 23 of this act;

(x) Conviction of the parent of a sex offense under chapter 9A.44 RCW or incest under RCW 9A.64.020 when the child is born of the offense.

(3) If reasonable efforts are not ordered under subsection (2) of this section a permanency (~~(plan-planning))~~ planning hearing shall be held within thirty days. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

(4) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; and independent living, if appropriate and if the child is age sixteen or older. Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(5) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(7) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;  
(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and  
(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.  
(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

**NEW SECTION. Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

#### MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 1 of the title, after "adoption;" strike the remainder of the title and insert "amending RCW 26.33.170; reenacting and amending RCW 13.34.130; and adding a new section to chapter 13.34 RCW."

On motion of Senator Costa, the rules were suspended, Engrossed Substitute House Bill No. 1407, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1407, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1407, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Deccio - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1407, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Prentice was excused.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2085, by House Committee on Appropriations (originally sponsored by Representatives Quall, Talcott, Haigh, Carlson, Santos, Linville, Cox, Kessler, Morris, Murray, McDonald, O'Brien, Anderson, Thomas, Ogden, Poulsen, Rockefeller, Lovick, Kenney, Wolfe, Stensen, Schual-Berke, Tokuda, Ruderman, Keiser, Wood, Constantine and Lantz)

Creating programs addressing disruptive students in regular classrooms.

The bill was read the second time.

#### MOTION

Senator McAuliffe moved that the following Committee on Education striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that disruptive students can significantly impede effective teaching and learning in the classroom. Training in effective strategies for handling disruptive students will help principals, teachers, and other

staff gain additional skills to provide a classroom environment that is conducive to teaching and learning. Schools and school districts should be encouraged to provide staff with the training necessary to respond to disruptions effectively.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.415 RCW to read as follows:

(1) To the extent funds are appropriated, the superintendent of public instruction shall conduct professional development institutes to provide opportunities for teachers, principals, and other school staff to learn effective research-based strategies for handling disruptive students. The institutes shall be conducted during the summer of 2000. The training institutes shall emphasize methods for handling disruptions in regular classrooms and how to design and implement alternative learning settings and programs that have been proven to be effective in providing for the educational needs of students who exhibit frequent and prolonged disruptive behavior when placed in a regular classroom setting.

(2) The superintendent may enter into contracts with public or private entities that provide training in effective research-based methods for dealing with disruptive students. In developing the institutes, the superintendent shall work with school staff who have had experience working effectively with disruptive students. The institutes shall be open to teams of teachers, principals, and other school staff from each school district choosing to participate. However, as a condition of participating in the institutes, school district teams shall be required to develop during or immediately following the institute a district plan for carrying out the purposes of this section. Elementary schools and junior high and middle schools in districts that send teams to participate in institutes conducted under this section are encouraged to formulate school building-level plans for addressing the educational needs of disruptive students and the needs of students and teachers in the regular classrooms for an orderly and disciplined environment that is optimally conducive to learning. Individual participants in the institutes shall agree to provide assistance as needed to other school staff in their school building or school district, consistent with their other normal duties.

(3) Beginning with the 1999-2000 school year, elementary and junior high schools are encouraged to provide staff from both the regular education and special education programs opportunities to work together to share successful practices for managing disruptive students."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment to Engrossed Second Substitute House Bill No. 2085.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 2 of the title, after "classrooms;" strike the remainder of the title and insert "adding a new section to chapter 28A.415 RCW; and creating a new section."

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute House Bill No. 2085, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2085, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2085, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Voting nay: Senators Hochstatter, Morton and Zarelli - 3.

Excused: Senator Prentice - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2085, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1935 and the pending amendment by Senators Benton, Deccio and Finkbeiner on page 1, line 33, to the Committee on Education striking amendment, deferred earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator McAuliffe to the scope and object of amendment by Senators Benton, Deccio and Finkbeiner on page 1, line 33, to the Committee on Education striking amendment, the President finds that Substitute House Bill No. 1935 is a measure which expands participation in the early childhood assistance program.

"The amendment by Senators Benton, Deccio and Finkbeiner would provide additional standards of accountability and priority in the expanded program.

"The President, therefore, finds that the amendment to the committee amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senators Benton, Deccio and Finkbeiner on page 1, line 33, to the Committee on Education striking amendment to Substitute House Bill No. 1935 was ruled in order.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute House Bill No. 1935 was deferred.

#### SECOND READING

HOUSE BILL NO. 1699, by Representatives Parlette, Cody, Schoesler, Barlean, Esser, Edmonds and Van Luven

Establishing continuing education for dentists.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the following Committee on Health and Long-Term Care striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 18.32.002 and 1994 sp.s. c 9 s 201 are each amended to read as follows:

The legislature finds that the health and well-being of the people of this state are of paramount importance.

The legislature further finds that the conduct of members of the dental profession licensed to practice dentistry in this state plays a vital role in preserving the health and well-being of the people of the state.

The legislature further finds that requiring continuing dental education for all licensed dentists in the state is an important component of providing high quality dentistry for the people of this state.

The legislature further finds that there is no effective means of handling disciplinary proceedings against members of the dental profession licensed in this state when such proceedings are necessary for the protection of the public health.

Therefore, the legislature declares its intention to exercise the police power of the state to protect the public health, to promote the welfare of the state, and to provide a commission to act as a disciplinary and regulatory body for the members of the dental profession licensed to practice dentistry in this state.

It is the purpose of the commission established in RCW 18.32.0351 to regulate the competency and quality of professional health care providers under its jurisdiction by establishing, monitoring, and enforcing qualifications for licensure, continuing education, consistent standards of practice, continuing competency mechanisms, and discipline. Rules, policies, and procedures developed by the commission must promote the delivery of quality health care to the residents of the state.

**Sec. 2.** RCW 18.32.0357 and 1994 sp.s. c 9 s 207 are each amended to read as follows:

The commission shall elect officers each year. Meetings of the commission are open to the public, except the commission may hold executive sessions to the extent permitted by chapter 42.30 RCW. The secretary of health shall furnish such secretarial, clerical, and other assistance as the commission may require.

A majority of the commission members appointed and serving constitutes a quorum for the transaction of commission business. The affirmative vote of a majority of a quorum of the commission is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

The commission may appoint members of panels consisting of not less than three members. A quorum for transaction of any business shall be a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission.

The members of the commission are immune from suit in an action, civil or criminal, based upon its disciplinary proceedings or other official acts performed in good faith as members of the commission.

The commission may, whenever the workload of the commission requires, request that the secretary appoint pro tempore members. While serving as members pro tempore persons have all the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses, of the commission.

The commission shall prepare or determine the nature of the examinations for applicants to practice dentistry.

The commission shall establish continuing dental education requirements.

The attorney general shall advise the commission and represent it in all legal proceedings.

**Sec. 3.** RCW 18.32.180 and 1996 c 191 s 16 are each amended to read as follows:

Every person licensed to practice dentistry in this state shall renew his or her license and comply with administrative procedures, administrative requirements, continuing education requirements, and fees as provided in RCW 43.70.250 and 43.70.280. The commission, in its sole discretion, may permit the applicant to be licensed without examination, and with or without conditions, if it is satisfied that the applicant meets all the requirements for licensure in this state and is competent to engage in the practice of dentistry.

NEW SECTION. **Sec. 4.** The continuing education requirements of RCW 18.32.180 apply to licenses renewed after July 1, 2001."

## MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 1 of the title, after "dentists;" strike the remainder of the title and insert "amending RCW 18.32.002, 18.32.0357, and 18.32.180; and creating a new section."

On motion of Senator Thibaudeau, the rules were suspended, House Bill No. 1699, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1699, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1699 as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

HOUSE BILL NO. 1699, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1864, by House Committee on Health Care (originally sponsored by Representatives Cody, Boldt, Campbell, Wood and Koster)

Providing for the registration of surgical technologists.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 1864 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1864.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1864 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 45.

Voting nay: Senators Benton, Stevens, Swecker and Zarelli - 4.

SUBSTITUTE HOUSE BILL NO. 1864, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1069, by House Committee on Appropriations (originally sponsored by Representatives Scott, Mulliken and O'Brien)

Authorizing the forensic investigations council to make expenditures to assist in investigations of multiple deaths.

The bill was read the second time.

#### MOTION

On motion of Senator Loveland, the rules were suspended, Substitute House Bill No. 1069 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1069.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1069 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

#### SECOND READING

HOUSE BILL NO. 1495, by Representative Fisher

Regarding refunding bonds.

The bill was read the second time.

#### MOTION

On motion of Senator Loveland, the rules were suspended, House Bill No. 1495 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1495.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1495 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Rossi - 1.

HOUSE BILL NO. 1495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

During the final negotiations on the Senate Transportation Budget in the wings of the Senate, I missed my name on the roll call for Substitute House Bill No. 1623, as amended by the Senate. I would have voted 'yes.'

SENATOR DON BENTON, 17th District

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1623, by House Committee on Finance (originally sponsored by Representatives Haigh, Cairnes, Reardon and Thomas) (by request of Department of Revenue)

Updating the tax code by making administrative clarifications, correcting oversights, and deleting obsolete references.

The bill was read the second time.

#### MOTION

On motion of Senator Johnson, the following amendment by Senators Johnson and Loveland was adopted:

On page 17, beginning on line 26, strike all of section 19 and insert the following:

**"Sec. 19.** RCW 83.100.020 and 1998 c 292 s 401 are each amended to read as follows:

As used in this chapter:

- (1) "Decedent" means a deceased individual;
- (2) "Department" means the department of revenue, the director of that department, or any employee of the department exercising authority lawfully delegated to him by the director;
- (3) "Federal credit" means (a) for a transfer, the maximum amount of the credit for state taxes allowed by section 2011 of the Internal Revenue Code; and (b) for a generation-skipping transfer, the maximum amount of the credit for state taxes allowed by section 2604 of the Internal Revenue Code;

- (4) "Federal return" means any tax return required by chapter 11 or 13 of the Internal Revenue Code;
- (5) "Federal tax" means (a) for a transfer, a tax under chapter 11 of the Internal Revenue Code; and (b) for a generation-skipping transfer, the tax under chapter 13 of the Internal Revenue Code;
- (6) "Generation-skipping transfer" means a "generation-skipping transfer" as defined and used in section 2611 of the Internal Revenue Code;
- (7) "Gross estate" means "gross estate" as defined and used in section 2031 of the Internal Revenue Code;
- (8) "Nonresident" means a decedent who was domiciled outside Washington at his death;
- (9) "Person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity and, to the extent permitted by law, any federal, state, or other governmental unit or subdivision or agency, department, or instrumentality thereof;
- (10) "Person required to file the federal return" means any person required to file a return required by chapter 11 or 13 of the Internal Revenue Code, such as the personal representative of an estate; or a transferor, trustee, or beneficiary of a generation-skipping transfer; or a qualified heir with respect to qualified real property, as defined and used in section 2032A(c) of the Internal Revenue Code;
- (11) "Property" means (a) for a transfer, property included in the gross estate; and (b) for a generation-skipping transfer, all real and personal property subject to the federal tax;
- (12) "Resident" means a decedent who was domiciled in Washington at time of death;
- (13) "Transfer" means "transfer" as used in section 2001 of the Internal Revenue Code, or a disposition or cessation of qualified use as defined and used in section 2032A(c) of the Internal Revenue Code;
- (14) "Trust" means "trust" under Washington law and any arrangement described in section 2652 of the Internal Revenue Code; and
- (15) "Internal Revenue Code" means, for the purposes of this chapter and RCW 83.110.010, the United States Internal Revenue Code of 1986, as amended or renumbered on January 1, (~~(1998)~~) 1999.

**Sec. 20.** RCW 11.02.005 and 1998 c 292 s 117 are each amended to read as follows:

When used in this title, unless otherwise required from the context:

- (1) "Personal representative" includes executor, administrator, special administrator, and guardian or limited guardian and special representative.
- (2) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the deceased or the estate.
- (3) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to the intestate, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the number of persons who survive the intestate who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the intestate but who left issue surviving the intestate; each share of a deceased person in the nearest degree shall be divided among those of the deceased person's issue who survive the intestate and have no ancestor then living who is in the line of relationship between them and the intestate, those more remote in degree taking together the share which their ancestor would have taken had he or she survived the intestate. Posthumous children are considered as living at the death of their parent.
- (4) "Issue" includes all the lawful lineal descendants of the ancestor and all lawfully adopted children.
- (5) "Degree of kinship" means the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.
- (6) "Heirs" denotes those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on the decedent's death intestate.
- (7) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person.
- (8) "Will" means an instrument validly executed as required by RCW 11.12.020.
- (9) "Codicil" means a will that modifies or partially revokes an existing earlier will. A codicil need not refer to or be attached to the earlier will.
- (10) "Guardian" or "limited guardian" means a personal representative of the person or estate of an incompetent or disabled person as defined in RCW 11.88.010 and the term may be used in lieu of "personal representative" wherever required by context.
- (11) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context.

(12) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever required by context.

(13) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context.

(14) "Trustee" means an original, added, or successor trustee and includes the state, or any agency thereof, when it is acting as the trustee of a trust to which chapter 11.98 RCW applies.

(15) "Nonprobate asset" means those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under a written instrument or arrangement other than the person's will. "Nonprobate asset" includes, but is not limited to, a right or interest passing under a joint tenancy with right of survivorship, joint bank account with right of survivorship, payable on death or trust bank account, transfer on death security or security account, deed or conveyance if possession has been postponed until the death of the person, trust of which the person is grantor and that becomes effective or irrevocable only upon the person's death, community property agreement, individual retirement account or bond, or note or other contract the payment or performance of which is affected by the death of the person. "Nonprobate asset" does not include: A payable-on-death provision of a life insurance policy, annuity, or other similar contract, or of an employee benefit plan; a right or interest passing by descent and distribution under chapter 11.04 RCW; a right or interest if, before death, the person has irrevocably transferred the right or interest, the person has waived the power to transfer it or, in the case of contractual arrangement, the person has waived the unilateral right to rescind or modify the arrangement; or a right or interest held by the person solely in a fiduciary capacity. For the definition of "nonprobate asset" relating to revocation of a provision for a former spouse upon dissolution of marriage or declaration of invalidity of marriage, RCW 11.07.010(5) applies. For the definition of "nonprobate asset" relating to revocation of a provision for a former spouse upon dissolution of marriage or declaration of invalidity of marriage, see RCW 11.07.010(5). For the definition of "nonprobate asset" relating to testamentary disposition of nonprobate assets, see RCW 11.11.010(7).

(16) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended or renumbered on January 1, ~~((1998))~~ 1999.

Words that import the singular number may also be applied to the plural of persons and things.

Words importing the masculine gender only may be extended to females also.

**NEW SECTION. Sec. 21.** The following acts or parts of acts are each repealed:

(1) RCW 84.36.353 (Property owned or used for sheltered workshops for handicapped--Shelter workshop defined) and 1998 c 311 s 22 & 1970 ex.s. c 81 s 2; and

(2) RCW 84.36.485 (Cogeneration facilities--Claims for exemption--Forms--Verification--Administrative rules) and 1979 ex.s. c 191 s 9."

Renumber the sections consecutively and correct any internal references accordingly.

## MOTIONS

On motion of Senator Johnson, the following title amendment was adopted:

On page 1, line 5 of the title, after "84.36.350," strike "and" and on line 5, after "84.36.383" insert ", 83.100.020, and 11.02.005"

On motion of Senator Johnson, the rules were suspended, Substitute House Bill No. 1623, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1623, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1623, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Benton - 1.

Excused: Senator Rossi - 1.

SUBSTITUTE HOUSE BILL NO. 1623, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1432, by Representatives Stensen, G. Chandler, Linville, Koster, Cooper, Dunshee, Reardon and Wood

Expanding the powers and duties of the dairy commission.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the following Committee on Agriculture and Rural Economic Development amendment was adopted:

On page 2, beginning on line 15, strike all material through "matters." on line 19 and insert the following:

"(10) Participate in federal and state agency hearings, meetings, and other proceedings relating to the regulation of the production, manufacture, distribution, sale, or use of dairy products, to provide educational meetings and seminars for the dairy industry on such matters, and to expend commission funds for such activities."

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1432, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1432, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1432, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

HOUSE BILL NO. 1432, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1013, by House Committee on Higher Education (originally sponsored by Representatives Carlson, Radcliff, Dunn and Sheahan)

Changing the goals and priorities for grants under the Washington fund for innovation and quality education program.

The bill was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1013 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1013.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1013 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1013, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1729, by House Committee on Appropriations (originally sponsored by Representatives Kenney, Carlson, Lantz, Quall, Skinner, Reardon, Gombosky, Edwards, Anderson, Veloria, Edmonds, Dunn, Stensen, McIntire, Kagi, Conway, Regala, Lovick, D. Schmidt, Ogden, Keiser, Dickerson and Santos)

Creating the Washington teacher training pilot program.

The bill was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Second Substitute House Bill No. 1729 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1729.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1729 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 48.

Voting nay: Senator Zarelli - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1729, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1462, by House Committee on Appropriations (originally sponsored by Representatives Quall, Talcott, Haigh, Wensman, Stensen, Ogden, Santos, O'Brien, Rockefeller, Regala, Sullivan, Linville, Lantz, Lovick, Doumit, Reardon, Cooper, Scott, Dickerson, Kessler, Hatfield, Gombosky, Murray, Carlson, McIntire, Hurst, Edwards, Conway, Wood, Morris, Keiser, Fisher, Schual-Berke, Dunshee, D. Schmidt and Kenney)

Changing school accountability and assistance provisions.

The bill was read the second time.

#### MOTION

Senator McAuliffe moved that the following Committee on Education striking amendment not be adopted:  
Strike everything after the enacting clause and insert the following:

#### "INTENT

**NEW SECTION. Sec. 1. INTENT.** The legislature finds that the purpose of Washington's accountability system is to improve student learning and student achievement of the essential academic learning requirement standards so that each individual student will be given the opportunity to become a responsible citizen and successfully live, learn, and work in the twenty-first century. To achieve this purpose, the accountability system should be based on continuous improvement at all levels of Washington's education system and on a fundamental principle that all students have access to curriculum and instruction that is aligned to the standards.

The legislature further finds that the accountability system should rely on local responsibility and leadership. Districts and schools should be expected to improve and be evaluated based on their improvement over time. Districts should recognize exceptional progress and work closely with struggling schools. The state should provide technical assistance and expertise where needed.

The legislature further finds that the accountability system must be simple to use and understand. Consequences must be predictable and fair. Differences among students, schools, and districts should be recognized and respected as the system is implemented. There should be a balance of each student's right to privacy and the public's right to know the overall levels of learning and achievement at the school, district, and state levels. In addition, the accountability system should be continuously reviewed and improved as more is learned about how schools operate to meet the learning needs of Washington's students.

#### PART 1 OVERSIGHT OF THE ACCOUNTABILITY SYSTEM

**NEW SECTION. Sec. 101. COMPOSITION OF THE COMMISSION.** (1) The Washington commission on academic achievement is hereby established. The primary purpose of the commission is to provide oversight of the accountability system.

(2) The commission shall include one member of the state board of education, the superintendent of public instruction, and seven members appointed by the governor. All appointments shall be made by July 1, 1999. The governor shall appoint a chair from the commission members, and fill any vacancies in gubernatorial appointments that may occur. Gubernatorial and state board appointees shall serve for a term of four years. However, four of the initial seven gubernatorial appointments and the state board appointee shall serve two-year terms. Appointees may be reappointed to serve more than one term. The state board of education shall fill any vacancies of the state board of education appointment that may occur. Of the appointments made by the governor, one shall be from a list of names submitted by the superintendent of public instruction. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the racial and ethnic diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational improvement and accountability, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

**NEW SECTION. Sec. 102. DUTIES OF THE COMMISSION.** (1) For purposes of state-wide accountability, the commission shall:

(a) Establish goals for other content and grade levels as the commission deems appropriate to improve student learning when assessments in the other content areas and other grade levels are required to be administered state-wide. In setting high school goals, the commission shall consider the percent of students achieving a certificate of mastery and a reduction in dropout rates. The commission may revise the state-wide accountability goals as necessary;

(b) Develop criteria for deciding when it is appropriate for the commission to make recommendations to the superintendent about interventions, assistance, and recognition;

(c) Review data and make recommendations to the superintendent of public instruction about school districts requiring school assistance, recognition, and intervention;

(d) Submit recommendations to the superintendent of public instruction about appropriate interventions, assistance, and recognition;

(e) Annually review the reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and recommend to the superintendent of public instruction needed improvements;

(f) Hear concerns about interventions;

(g) Recommend changes to the superintendent and the legislature regarding accountability policy and legislation, as necessary;

(h) Report annually by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission;

(i) By December 1, 2000, and by December 31st annually thereafter, report to the education committees of the house of representatives and the senate on the progress that has been made in achieving the reading goal, and on the setting of goals and progress in achieving goals in the other content areas and at other grade levels; and

(j) Make recommendations to the legislature and take other actions necessary or desirable to help students meet the student learning goals.

(2) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

(3) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

(4) The commission may hire an executive director and staff to perform the duties in support of the activities of the commission. The office of the superintendent of public instruction shall provide administrative oversight and be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

(5) The commission may adopt rules as necessary to carry out its duties.

(6) Members of the commission shall be reimbursed for per diem and travel expenses as provided in RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 103. RECOGNITION.** (1) The commission on academic achievement annually shall make recommendations to the superintendent of public instruction on school districts and schools that should be recognized based on the results of the Washington assessment of student learning. The commission shall develop the criteria for selecting districts and schools for recognition. Recognition shall be given to schools and school districts that have achieved exceptional growth:

(a) As measured by an increase in the percent of students meeting standards. The level of achievement required for recognition shall be based on the achievement goals established by the legislature and the commission on academic achievement under RCW 28A.630.887 (as recodified by this act);

(b) As measured by an improvement index that measures improvement in all levels of the assessment; and

(c) Despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index.

(2) When determining the baseline year or years for recognizing individual schools, the commission may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate.

**NEW SECTION. Sec. 104. INTERVENTION.** (1) Improved student learning depends on the initiative of educators, parents, and students in each school, the school's local community, and state support. Schools should take responsibility for their own improvement while also having access to assistance from school districts, educational service districts, and the state.

(2) School districts have primary responsibility for intervening in schools with large numbers of students who are not achieving the essential academic learning requirements. In some cases, school district intervention may not prove successful. Beginning in the 2001-02 school year, continuing levels of low achievement in elementary schools in which there is little or no improvement shall trigger an evaluation by the commission on academic achievement. The purpose of the evaluation is to decide whether to initiate additional state-level assistance. For middle and high schools, the evaluation shall occur three years after assessments are required state-wide. When making recommendations to the superintendent of public instruction regarding additional state-level assistance, the commission on academic achievement shall use multiple sources of information including:

(a) The results of the Washington assessment of student learning;

(b) Student achievement evidence from district or other state assessments;

(c) The level of improvement in student achievement over time;

(d) Student mobility and poverty;

(e) Attendance and dropout rates;

- (f) Graduation rates and posthigh school indicators;
- (g) Percent of students in special programs; and
- (h) Other factors presented by individual districts or schools.

(3) If the commission on academic achievement, after considering the factors in subsection (2) of this section, finds that the district's efforts have failed to improve student achievement over a reasonable period of time, the commission may recommend to the superintendent of public instruction that the superintendent intervene in the school district. The superintendent of public instruction may intervene in the school district and take appropriate corrective actions.

## PART 2 ACCOUNTABILITY GOALS

**Sec. 201.** RCW 28A.630.887 and 1998 c 319 s 101 are each amended to read as follows:

~~((f))~~ By December 15, 1998, each school district board of directors shall:

~~((a))~~ (1) Select the reading standard results on either the 1997 or 1998 fourth grade Washington assessment of student learning as the school district's initial baseline reading standard. Districts may select the 1997 results only if all of the elementary schools with fourth grade students administered the assessment;

~~((b))~~ (2) Establish a three-year, district-wide goal to increase, by the end of the 2000-01 school year, the percentage of students who meet or exceed the reading standard on the fourth grade Washington assessment of student learning. The ~~((three-year))~~ 2000-01 percentage increase goal may not be less than the district's total percentage of students who did not meet the baseline reading standard multiplied by twenty-five percent;

~~((c))~~ (3) Specify the annual district-wide percentage improvement increments to meet the ~~((three-year))~~ 2000-01 goal; and

~~((d))~~ (4) Direct each elementary school to establish a three-year goal for its fourth grade students, subject to approval by the board. The aggregate of the elementary school goals must meet or exceed the district-wide goals established by the board.

~~((2))~~ Each school district board of directors shall:

~~(a)~~ Report biannually to parents in writing and to the community in a public meeting the following information:

~~(i)~~ District-wide and school-level three-year goals;

~~(ii)~~ Student performance relative to the goals; and

~~(iii)~~ District-wide and school-level plans to achieve the reading goal in kindergarten through fourth grade, including grade-level expectations, curriculum and instruction, parental or guardian involvement, and resources available to parents and guardians to help students meet the reading standard;

~~(b)~~ Report annually to the superintendent of public instruction and in a news release to the local media the district's progress toward meeting the district-wide and school-level goals; and

~~(c)~~ Include the reported information in each school's annual school performance report under RCW 28A.320.205.

~~(3)~~ By December 1, 2000, the superintendent of public instruction shall report to the education committees of the house of representatives and the senate on the progress that has been made in achieving the three-year reading goal, and provide recommendations to the legislature on setting reading goals for the next three years.

~~(4)~~ This section expires July 1, 2006.)

## PART 3 REPORTING RESULTS

**Sec. 301.** RCW 28A.630.889 and 1998 c 319 s 301 are each amended to read as follows:

(1) By September 10, 1998, and by September 10th each year thereafter, the superintendent of public instruction shall:

(a) Report to the public, schools, school districts, and the legislature on the results of the ~~((fourth grade))~~ Washington assessment of student learning; and

(b) Post individual school results of the ~~((fourth grade))~~ Washington assessment of student learning on the superintendent of public instruction's internet world-wide web site.

(2) The reports shall include the assessment results by school and school district, and include changes over time.

Results shall be reported in two ways:

(a) The percent of students meeting the standards; and

(b) A learning improvement index that shows changes in student performance within the different levels of student learning reported on the Washington assessment of student learning.

(3) Data regarding the different characteristics of schools, such as poverty levels, percent of English as a second language students, drop-out rates, attendance, percent of students in special education, and student mobility shall also be reported so that districts and schools can learn from the improvement efforts of other schools and districts with similar characteristics.

(4) To protect the privacy of students, the results of schools and districts that test fewer than ten students in a grade level shall not be reported. In addition, in order to ensure that results are reported accurately, the superintendent of public instruction shall maintain the confidentiality of state-wide data files until the superintendent determines that the data are complete and accurate.

(5) The superintendent of public instruction shall monitor the percentage and number of special education and limited English-proficient students exempted from taking the assessments by schools and school districts to ensure the exemptions are in compliance with exemption guidelines.

~~((2) This section expires July 1, 2006.)~~

**NEW SECTION. Sec. 302. DISTRICT REPORTS.** (1) Each school district board of directors shall:

(a) Annually report to parents and to the community in a public meeting and twice annually report in writing the following information:

(i) District-wide and school-level three-year goals;  
(ii) Student performance relative to the goals; and  
(iii) District-wide and school-level plans to achieve the reading goal in kindergarten through fourth grade, including curriculum and instruction, parental or guardian involvement, and resources available to parents and guardians to help students meet the reading standard;

(b) Report annually in a news release to the local media the district's progress toward meeting the district-wide and school-level goals; and

(c) Include the school-level goals, student performance relative to the goals, and a summary of school-level plans to achieve the goals in each school's annual school performance report under RCW 28A.320.205. This shall be considered one of the twice-annual written reports required in (a) of this subsection.

(2) Schools and school districts in which ten or fewer students are eligible to be assessed in a grade level are not required to establish or report numerical improvement goals and performance relative to the goals, but are required to report to parents and the community their plans to improve reading achievement in kindergarten through fourth grade as required in subsection (1)(a)(iii) of this section.

**Sec. 303.** RCW 28A.320.205 and 1993 c 336 s 1006 are each amended to read as follows:

(1) Beginning with the 1994-95 school year, to provide the local community and electorate with access to information on the educational programs in the schools in the district, each school shall publish annually a school performance report and deliver the report to each parent with children enrolled in the school and make the report available to the community served by the school. The annual performance report shall be in a form that can be easily understood and be used by parents, guardians, and other members of the community who are not professional educators to make informed educational decisions. As data from the assessments in RCW 28A.630.885 (as recodified by this act) becomes available, the annual performance report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under RCW 28A.150.210, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years and shall ~~((project goals in performance categories))~~ include school level goals under RCW 28A.630.887 (as recodified by this act), student performance relative to the goals, and information regarding school-level plans to achieve the goals.

(2) The annual performance report shall include, but not be limited to: A brief statement of the mission of the school and the school district; enrollment statistics including student demographics; expenditures per pupil for the school year; a summary of student scores on all mandated tests; a concise annual budget report; student attendance, graduation, and dropout rates; information regarding the use and condition of the school building or buildings; a brief description of ~~((the restructuring))~~ learning improvement plans for the school; and an invitation to all parents and citizens to participate in school activities.

(3) The superintendent of public instruction shall develop by June 30, 1994, a model report form, which shall also be adapted for computers, that schools may use to meet the requirements of subsections (1) and (2) of this section.

#### **PART 4 ASSISTANCE FOR SCHOOLS AND DISTRICTS**

**NEW SECTION. Sec. 401. ACCOUNTABILITY IMPLEMENTATION FUNDS.** (1) To the extent funds are appropriated, the office of the superintendent of public instruction annually shall allocate accountability implementation funds to school districts.

The purposes of the funds are to provide time for teachers and other certificated instructional staff and classified staff to: Develop and update student learning improvement plans; implement curriculum materials and instructional strategies; provide staff professional development to implement the selected curricula and instruction; develop and implement assessment strategies and training in assessment scoring; and fund other activities intended to improve student learning for all students, including students with diverse needs. Activities funded by the allocations shall be consistent with the school or district improvement plan, designed to improve the ability of teachers and other instructional certificated and classified staff to assist students in meeting the essential academic learning requirements, and designed to achieve state and local accountability goals. Activities funded by the allocations shall be designed to protect the teachers' instructional time with students and minimize the use of substitute teachers.

(2) Schools receiving funds shall develop, update as needed, and keep on file a school student learning improvement plan to achieve the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The plan shall describe how the accountability implementation funds will be used to accomplish the requirements of this section. The plan shall be made available to the public and to others upon request.

(3) To the extent funds are appropriated, the state schools for the deaf and blind are eligible to receive allocations under this section.

(4) The superintendent of public instruction may adopt timelines and rules as necessary under chapter 34.05 RCW to administer the program, and require that schools and districts submit reports regarding the use of the funds.

**NEW SECTION. Sec. 402. HELPING CORPS.** (1) In order to increase the availability and quality of technical assistance state-wide, the superintendent of public instruction, subject to available funding, shall employ regional school improvement coordinators and school improvement specialists to provide assistance to schools and districts. The regional coordinators and specialists shall be hired by and work under the direction of a state-wide school improvement coordinator. The improvement specialists shall serve on a rotating basis from one to three years and shall not be permanent employees of the superintendent of public instruction.

(2) The school improvement coordinators and specialists shall provide the following:

(a) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(b) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments;

(c) Consultation concerning curricula that aligns with the essential academic learning requirements, the Washington assessment of student learning, and meets the needs of diverse learners;

(d) Assistance in the identification and implementation of research-based instructional practices;

(e) Staff training that emphasizes effective instructional strategies and classroom-based assessment;

(f) Assistance in developing and implementing family and community involvement programs; and

(g) Other assistance to schools and school districts intended to improve student learning.

**Sec. 403.** RCW 28A.300.130 and 1996 c 273 s 5 are each amended to read as follows:

(1) Expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, to the extent funds are appropriated, shall establish the center for the improvement of student learning. The primary purpose of the center is to provide assistance and advice to parents, school board members, educators, and the public regarding strategies for assisting students in learning the essential academic learning requirements pursuant to RCW

28A.630.885 (as recodified by this act). The center shall work in conjunction with the commission on ~~((student learning))~~ academic achievement, educational service districts, ~~((and))~~ institutions of higher education, and education, parent, community, and business organizations.

(2) The center, in conjunction with other staff in the office of the superintendent of public instruction, shall:

(a) Serve as a clearinghouse for the completed work and activities of the commission on ~~((student learning))~~ academic achievement;

(b) Serve as a clearinghouse for information regarding successful educational ~~((restructuring))~~ improvement and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational ~~((restructuring))~~ improvement initiatives in Washington schools and districts;

(c) Provide best practices research and advice that can be used to help schools develop and implement: Programs and practices to improve ~~((reading))~~ instruction of the essential academic learning requirements under section 501 of this act; systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and every student in the school district; ~~((school))~~ comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

(d) Develop and distribute, in conjunction with the commission on ~~((student learning))~~ academic achievement, parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;

(e) Identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

(f) Develop and maintain an internet web site to increase the availability of information, research, and other materials;

(g) Take other actions to increase public awareness of the importance of parental and community involvement in education;

~~((g))~~ (h) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available ~~((under RCW 28A.305.140))~~ and the broadened school board powers under RCW 28A.320.015;

~~((h))~~ (i) Provide training and consultation services, including conducting regional summer institutes;

~~((i))~~ (j) Address methods for improving the success rates of certain ethnic and racial student groups; and

~~((j))~~ (k) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction, after consultation with the commission on ~~((student learning))~~ academic achievement, shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. ~~((The superintendent shall contract out with community-based organizations to meet the provisions of subsection (2)(d) and (e) of this section.))~~ In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

~~((5) The superintendent shall report annually to the commission on student learning on the activities of the center.)~~

## PART 5 TRANSFER OF DUTIES AND MATERIALS

NEW SECTION. Sec. 501. SUPERINTENDENT OF PUBLIC INSTRUCTION'S DUTIES FOR STANDARDS AND ASSESSMENTS. (1) The superintendent of public instruction shall identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210 to develop student assessments and implement the accountability recommendations of the commission on academic achievement.

(2) The superintendent of public instruction shall periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements.

(3) The superintendent of public instruction shall maintain and continue to develop and revise a state-wide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures. Performance standards for determining if a student has successfully completed an assessment shall be determined by the superintendent.

(4) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(5) The assessments in reading, writing, mathematics, and communications are required at the elementary level, beginning with the 1997-98 school year and for middle and secondary levels beginning with the 2000-01 school year. The assessment for middle and high school in science shall be required beginning with the 2000-01 school year. The superintendent shall develop timelines for the remaining assessments in history, civics, geography, arts, health, fitness, and science at the elementary, middle, and high school level, to the extent the legislature has not adopted timelines in statute. However the assessments shall be completed not later than the 2003-04 school year and shall be required in the 2007-08 school year. The assessments shall not be implemented if the legislature takes action to delay or prevent implementation of the assessment system and the essential academic learning requirements.

(6) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(7) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(8) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(9) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(10) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

**NEW SECTION. Sec. 502.** COMMISSION ON STUDENT LEARNING--TRANSFER OF POWERS. (1) Beginning July 1, 1999, the powers, duties, and functions of the commission on student learning are transferred to the commission on academic achievement or to the superintendent of public instruction as appropriate under the transfer of duties made from the commission on student learning to the commission on academic achievement or the superintendent of public instruction under this act. All references to the commission on student learning in the Revised Code of Washington shall be construed to mean the commission on academic achievement when addressing the duties, activities, or functions regarding the accountability system under this act. All references to the commission on student learning in the Revised Code of Washington shall be construed to mean the superintendent of public instruction when addressing the duties, activities, or functions regarding the essential academic learning requirements, the standards, or the assessments addressed under this act.

(2) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission on student learning shall be delivered to the custody of the commission on academic achievement or the superintendent of public instruction, as appropriate. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the commission on student learning shall be made available to the commission on academic achievement or the superintendent of public instruction, as appropriate.

(3) The transfer of the powers, duties, functions, and personnel of the commission on student learning shall not affect the validity of any act performed before the effective date of this section.

## **PART 6 MISCELLANEOUS**

**NEW SECTION. Sec. 601.** CONSOLIDATED PLANNING. The superintendent of public instruction, in consultation with school district personnel, shall consolidate and streamline the planning, application, and reporting requirements for major state and federal categorical and grant programs. The superintendent also shall take actions to increase the use of online electronic applications and reporting.

**NEW SECTION. Sec. 602.** SLIGS. RCW 28A.300.138 (Student learning improvement grants) and 1994 c 245 s 1 & 1993 c 336 s 301 are each repealed.

**NEW SECTION. Sec. 603.** REPEALERS. The following acts or parts of acts are each repealed:

(1) 1998 c 225 s 3 (uncodified);

(2) 1995 c 209 s 3 (uncodified); and

(3) 1995 c 209 s 2 & 1992 c 141 s 203 (uncodified).

**NEW SECTION. Sec. 604.** PART HEADINGS AND SECTION CAPTIONS NOT LAW. Part headings and section captions used in this act are not any part of the law.

**NEW SECTION. Sec. 605.** NEW ACCOUNTABILITY CHAPTER CREATED. Sections 101 through 104, 302, 401, 402, 501, and 502 of this act constitute a new chapter in Title 28A RCW.

**NEW SECTION. Sec. 606.** RECODIFICATIONS. RCW 28A.630.887, 28A.630.889, 28A.320.205, 28A.630.885, 28A.630.883, 28A.630.945, 28A.630.950, 28A.630.951, 28A.630.952, 28A.630.953, and 28A.630.954 are each recodified as new sections in the chapter created in section 605 of this act.

**NEW SECTION. Sec. 607.** EMERGENCY CLAUSE. Sections 101, 502, and 603 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

**NEW SECTION. Sec. 608.** SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

The President declared the question before the Senate to be the motion by Senator McAuliffe to not adopt the Committee on Education striking amendment to Second Substitute House Bill No. 1462.

The motion by Senator McAuliffe carried and the committee striking amendment was not adopted.

#### MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe, Eide and Finkbeiner be adopted:

Strike everything after the enacting clause and insert the following:

#### "INTENT

**NEW SECTION. Sec. 1.** INTENT. The legislature finds that the purpose of Washington's accountability system is to improve student learning and student achievement of the essential academic learning requirement standards so that each individual student will be given the opportunity to become a responsible citizen and successfully live, learn, and work in the twenty-first century. To achieve this purpose, the accountability system should be based on continuous improvement at all levels of Washington's education system and on a fundamental principle that all students have access to curriculum and instruction that is aligned to the standards.

The legislature further finds that the accountability system should rely on local responsibility and leadership. Districts and schools should be expected to improve and be evaluated based on their improvement over time. Districts should recognize exceptional progress and work closely with struggling schools. The state should provide technical assistance and expertise where needed.

The legislature further finds that the accountability system must be simple to use and understand. Consequences must be predictable and fair. Differences among students, schools, and districts should be recognized and respected as the system is implemented. There should be a balance of each student's right to privacy and the public's right to know the overall levels of learning and achievement at the school, district, and state levels. In addition, the accountability system should be continuously reviewed and improved as more is learned about how schools operate to meet the learning needs of Washington's students.

#### PART 1 OVERSIGHT OF THE ACCOUNTABILITY SYSTEM

**NEW SECTION. Sec. 101.** COMPOSITION OF THE COMMISSION. (1) The Washington commission on academic achievement is hereby established. The primary purpose of the commission is to provide oversight of the accountability system.

(2) The commission shall include one member of the state board of education, the superintendent of public instruction, and seven members appointed by the governor. All appointments shall be made by July 1, 1999. The governor shall appoint a chair from the commission members, and fill any vacancies in gubernatorial appointments that may occur. Gubernatorial and state board appointees shall serve for a term of four years. However, four of the initial seven gubernatorial appointments and the state board appointee shall serve two-year terms. Appointees may be reappointed to serve more than one term. The state board of education shall fill any vacancies of the state board of education appointment that may occur. Of the appointments made by the governor, one shall be from a list of names submitted by the superintendent of public instruction. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the racial and ethnic diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be

qualified individuals who are supportive of educational improvement and accountability, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

**NEW SECTION. Sec. 102. DUTIES OF THE COMMISSION.** (1) For purposes of state-wide accountability, the commission shall:

(a) Establish goals for reading, writing, communications, and mathematics at the appropriate grade level as the commission deems appropriate to improve student learning when assessments in reading, writing, communications, and mathematics are required to be administered state-wide. In setting high school goals, the commission shall consider the percent of students achieving a certificate of mastery and a reduction in dropout rates. The commission may revise the state-wide accountability goals as necessary. The commission shall adopt the goals by rule. Before adopting or revising the rules, the commission shall present the goals to the education committees of the senate and the house of representatives for review and comment;

(b) Develop criteria for deciding when it is appropriate for the commission to make recommendations to the superintendent about assistance and recognition;

(c) Review data and make recommendations to the superintendent of public instruction about school districts requiring school assistance and recognition;

(d) Submit recommendations to the superintendent of public instruction about appropriate assistance and recognition;

(e) Develop recommendations to the legislature about criteria for deciding when it is appropriate for the commission to make recommendations for interventions and recommendations for appropriate types of interventions.

(f) Annually review the reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and recommend to the superintendent of public instruction needed improvements;

(g) Recommend changes to the superintendent and the legislature regarding accountability policy and legislation, as necessary;

(h) Report annually by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission;

(i) By December 1, 2000, and by December 31st annually thereafter, report to the education committees of the house of representatives and the senate on the progress that has been made in achieving the goals, and on the setting of goals and progress in achieving goals; and

(j) Make recommendations to the legislature and take other actions necessary or desirable to help students meet the student learning goals.

(2) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

(3) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

(4) The commission may hire an executive director and staff to perform the duties in support of the activities of the commission. The office of the superintendent of public instruction shall provide administrative oversight and be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

(5) Members of the commission shall be reimbursed for per diem and travel expenses as provided in RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 103. RECOGNITION.** (1) The commission on academic achievement annually shall make recommendations to the superintendent of public instruction on school districts and schools that should be recognized based on the results of the Washington assessment of student learning. The commission shall develop the criteria for selecting districts and schools for recognition. Recognition shall be given to schools and school districts that have achieved exceptional growth:

(a) As measured by an increase in the percent of students meeting standards. The level of achievement required for recognition shall be based on the achievement goals established by the legislature and the commission on academic achievement under RCW 28A.630.887 (as recodified by this act);

(b) As measured by an improvement index that measures improvement in all levels of the assessment; and

(c) Despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index.

(2) When determining the baseline year or years for recognizing individual schools, the commission may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate.

**NEW SECTION. Sec. 104. INTERVENTION.** (1) Improved student learning depends on the initiative of educators, parents, and students in each school, the school's local community, and state support. Schools should take responsibility for their own improvement while also having access to assistance from school districts, educational service districts, and the state.

(2) School districts have primary responsibility for intervening in schools with large numbers of students who are not achieving the essential academic learning requirements. In some cases, school district intervention may not prove successful. Beginning in the 2001-02 school year, continuing levels of low achievement in elementary schools in which there is little or no improvement shall trigger an evaluation by the commission on academic achievement. The purpose of the evaluation is to decide whether to initiate additional state-level assistance. For middle and high schools, the evaluation shall occur three years after assessments are required state-wide. When making recommendations to the superintendent of public instruction regarding additional state-level assistance, the commission on academic achievement shall use multiple sources of information including:

- (a) The results of the Washington assessment of student learning;
- (b) Student achievement evidence from district or other state assessments;
- (c) The level of improvement in student achievement over time;
- (d) Student mobility and poverty;
- (e) Attendance and dropout rates;
- (f) Graduation rates and posthigh school indicators;
- (g) Percent of students in special programs; and
- (h) Other factors presented by individual districts or schools.

## PART 2 ACCOUNTABILITY GOALS

**Sec. 201.** RCW 28A.630.887 and 1998 c 319 s 101 are each amended to read as follows:

~~((f))~~ By December 15, 1998, each school district board of directors shall:

~~((a))~~ (1) Select the reading standard results on either the 1997 or 1998 fourth grade Washington assessment of student learning as the school district's initial baseline reading standard. Districts may select the 1997 results only if all of the elementary schools with fourth grade students administered the assessment;

~~((b))~~ (2) Establish a three-year, district-wide goal to increase, by the end of the 2000-01 school year, the percentage of students who meet or exceed the reading standard on the fourth grade Washington assessment of student learning. The ~~((three-year))~~ 2000-01 percentage increase goal may not be less than the district's total percentage of students who did not meet the baseline reading standard multiplied by twenty-five percent;

~~((c))~~ (3) Specify the annual district-wide percentage improvement increments to meet the ~~((three-year))~~ 2000-01 goal; and

~~((d))~~ (4) Direct each elementary school to establish a three-year goal for its fourth grade students, subject to approval by the board. The aggregate of the elementary school goals must meet or exceed the district-wide goals established by the board.

~~((2))~~ Each school district board of directors shall:

~~(a)~~ Report biannually to parents in writing and to the community in a public meeting the following information:

~~(i)~~ District-wide and school-level three-year goals;

~~(ii)~~ Student performance relative to the goals; and

~~(iii)~~ District-wide and school-level plans to achieve the reading goal in kindergarten through fourth grade, including grade-level expectations, curriculum and instruction, parental or guardian involvement, and resources available to parents and guardians to help students meet the reading standard;

~~(b)~~ Report annually to the superintendent of public instruction and in a news release to the local media the district's progress toward meeting the district-wide and school-level goals; and

~~(c)~~ Include the reported information in each school's annual school performance report under RCW 28A.320.205.

~~(3)~~ By December 1, 2000, the superintendent of public instruction shall report to the education committees of the house of representatives and the senate on the progress that has been made in achieving the three-year reading goal, and provide recommendations to the legislature on setting reading goals for the next three years.

~~(4)~~ This section expires July 1, 2006.)

## PART 3

## REPORTING RESULTS

**Sec. 301.** RCW 28A.630.889 and 1998 c 319 s 301 are each amended to read as follows:

(1) By September 10, 1998, and by September 10th each year thereafter, the superintendent of public instruction shall:

(a) Report to the public, schools, school districts, and the legislature on the results of the ~~((fourth-grade))~~ Washington assessment of student learning; and

(b) Post individual school results of the ~~((fourth-grade))~~ Washington assessment of student learning on the superintendent of public instruction's internet world-wide web site.

(2) The reports shall include the assessment results by school and school district, and include changes over time.

Results shall be reported in two ways:

(a) The percent of students meeting the standards; and

(b) A learning improvement index that shows changes in student performance within the different levels of student learning reported on the Washington assessment of student learning.

(3) Data regarding the different characteristics of schools, such as poverty levels, percent of English as a second language students, drop-out rates, attendance, percent of students in special education, and student mobility shall also be reported so that districts and schools can learn from the improvement efforts of other schools and districts with similar characteristics.

(4) To protect the privacy of students, the results of schools and districts that test fewer than ten students in a grade level shall not be reported. In addition, in order to ensure that results are reported accurately, the superintendent of public instruction shall maintain the confidentiality of state-wide data files until the superintendent determines that the data are complete and accurate.

(5) The superintendent of public instruction shall monitor the percentage and number of special education and limited English-proficient students exempted from taking the assessments by schools and school districts to ensure the exemptions are in compliance with exemption guidelines.

~~((2) This section expires July 1, 2006.))~~

**NEW SECTION. Sec. 302.** DISTRICT REPORTS. (1) Each school district board of directors shall:

(a) Annually report to parents and to the community in a public meeting and twice annually report in writing the following information:

(i) District-wide and school-level three-year goals;

(ii) Student performance relative to the goals; and

(iii) District-wide and school-level plans to achieve the reading goal in kindergarten through fourth grade, including curriculum and instruction, parental or guardian involvement, and resources available to parents and guardians to help students meet the reading standard;

(b) Report annually in a news release to the local media the district's progress toward meeting the district-wide and school-level goals; and

(c) Include the school-level goals, student performance relative to the goals, and a summary of school-level plans to achieve the goals in each school's annual school performance report under RCW 28A.320.205. This shall be considered one of the twice-annual written reports required in (a) of this subsection.

(2) Schools and school districts in which ten or fewer students are eligible to be assessed in a grade level are not required to establish or report numerical improvement goals and performance relative to the goals, but are required to report to parents and the community their plans to improve reading achievement in kindergarten through fourth grade as required in subsection (1)(a)(iii) of this section.

**Sec. 303.** RCW 28A.320.205 and 1993 c 336 s 1006 are each amended to read as follows:

(1) Beginning with the 1994-95 school year, to provide the local community and electorate with access to information on the educational programs in the schools in the district, each school shall publish annually a school performance report and deliver the report to each parent with children enrolled in the school and make the report available to the community served by the school. The annual performance report shall be in a form that can be easily understood and be used by parents, guardians, and other members of the community who are not professional educators to make informed educational decisions. As data from the assessments in RCW 28A.630.885 (as recodified by this act) becomes available, the annual performance report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under RCW 28A.150.210, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years and shall ~~((project goals in performance categories))~~ include school level goals under RCW 28A.630.887 (as recodified by this act), student performance relative to the goals, and information regarding school-level plans to achieve the goals.

(2) The annual performance report shall include, but not be limited to: A brief statement of the mission of the school and the school district; enrollment statistics including student demographics; expenditures per pupil for the school year; a summary of student scores on all mandated tests; a concise annual budget report; student attendance, graduation, and dropout rates; information regarding the use and condition of the school building or buildings; a brief description of ~~((the restructuring))~~ learning improvement plans for the school; and an invitation to all parents and citizens to participate in school activities.

(3) The superintendent of public instruction shall develop by June 30, 1994, a model report form, which shall also be adapted for computers, that schools may use to meet the requirements of subsections (1) and (2) of this section.

#### **PART 4 ASSISTANCE FOR SCHOOLS AND DISTRICTS**

**NEW SECTION. Sec. 401. ACCOUNTABILITY IMPLEMENTATION FUNDS.** (1) To the extent funds are appropriated, the office of the superintendent of public instruction annually shall allocate accountability implementation funds to school districts. The purposes of the funds are to provide time for teachers and other certificated instructional staff and classified staff to: Develop and update student learning improvement plans; implement curriculum materials and instructional strategies; provide staff professional development to implement the selected curricula and instruction; develop and implement assessment strategies and training in assessment scoring; and fund other activities intended to improve student learning for all students, including students with diverse needs. Activities funded by the allocations shall be consistent with the school or district improvement plan, designed to improve the ability of teachers and other instructional certificated and classified staff to assist students in meeting the essential academic learning requirements, and designed to achieve state and local accountability goals. Activities funded by the allocations shall be designed to protect the teachers' instructional time with students and minimize the use of substitute teachers.

(2) Schools receiving funds shall develop, update as needed, and keep on file a school student learning improvement plan to achieve the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The plan shall describe how the accountability implementation funds will be used to accomplish the requirements of this section. The plan shall be made available to the public and to others upon request.

(3) To the extent funds are appropriated, the state schools for the deaf and blind are eligible to receive allocations under this section.

(4) The superintendent of public instruction may adopt timelines and rules as necessary under chapter 34.05 RCW to administer the program, and require that schools and districts submit reports regarding the use of the funds.

**NEW SECTION. Sec. 402. HELPING CORPS.** (1) In order to increase the availability and quality of technical assistance state-wide, the superintendent of public instruction, subject to available funding, shall employ regional school improvement coordinators and school improvement specialists to provide assistance to schools and districts. The regional coordinators and specialists shall be hired by and work under the direction of a state-wide school improvement coordinator. The improvement specialists shall serve on a rotating basis from one to three years and shall not be permanent employees of the superintendent of public instruction.

(2) The school improvement coordinators and specialists shall provide the following:

(a) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(b) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments;

(c) Consultation concerning curricula that aligns with the essential academic learning requirements, the Washington assessment of student learning, and meets the needs of diverse learners;

(d) Assistance in the identification and implementation of research-based instructional practices;

(e) Staff training that emphasizes effective instructional strategies and classroom-based assessment;

(f) Assistance in developing and implementing family and community involvement programs; and

(g) Other assistance to schools and school districts intended to improve student learning.

**Sec. 403.** RCW 28A.300.130 and 1996 c 273 s 5 are each amended to read as follows:

(1) Expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, to the extent funds are appropriated, shall establish the center for the improvement of student learning. The primary purpose of the center is to provide assistance and advice to parents, school board members, educators, and the public regarding strategies for assisting students in learning the essential academic learning requirements pursuant to RCW 28A.630.885 (as recodified by this act). The center shall work in

conjunction with the commission on ~~((student learning))~~ academic achievement, educational service districts, ~~((and))~~ institutions of higher education, and education, parent, community, and business organizations.

(2) The center, in conjunction with other staff in the office of the superintendent of public instruction, shall:

(a) Serve as a clearinghouse for the completed work and activities of the commission on ~~((student learning))~~ academic achievement;

(b) Serve as a clearinghouse for information regarding successful educational ~~((restructuring))~~ improvement and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational ~~((restructuring))~~ improvement initiatives in Washington schools and districts;

(c) Provide best practices research and advice that can be used to help schools develop and implement: Programs and practices to improve ~~((reading))~~ instruction of the essential academic learning requirements under section 501 of this act; systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and every student in the school district; ~~((school))~~ comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

(d) Develop and distribute, in conjunction with the commission on ~~((student learning))~~ academic achievement, parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;

(e) Identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

(f) Develop and maintain an internet web site to increase the availability of information, research, and other materials;

(g) Take other actions to increase public awareness of the importance of parental and community involvement in education;

~~((g))~~ (h) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available ~~((under RCW 28A.305.140))~~ and the broadened school board powers under RCW 28A.320.015;

~~((h))~~ (i) Provide training and consultation services, including conducting regional summer institutes;

~~((i))~~ (j) Address methods for improving the success rates of certain ethnic and racial student groups; and

~~((j))~~ (k) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction, after consultation with the commission on ~~((student learning))~~ academic achievement, shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. ~~((The superintendent shall contract out with community-based organizations to meet the provisions of subsection (2)(d) and (e) of this section.))~~ In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

~~((5) The superintendent shall report annually to the commission on student learning on the activities of the center.)~~

## PART 5 TRANSFER OF DUTIES AND MATERIALS

NEW SECTION. Sec. 501. SUPERINTENDENT OF PUBLIC INSTRUCTION'S DUTIES FOR STANDARDS AND ASSESSMENTS. (1) The superintendent of public instruction shall identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210 to develop student assessments and implement the accountability recommendations of the commission on academic achievement.

(2) The superintendent of public instruction shall periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the

maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements.

(3) The superintendent of public instruction shall maintain and continue to develop and revise a state-wide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures. Performance standards for determining if a student has successfully completed an assessment shall be determined by the superintendent.

(4) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(5) The assessments in reading, writing, mathematics, and communications are required at the elementary level, beginning with the 1997-98 school year and for middle and secondary levels beginning with the 2000-01 school year. The assessment for middle and high school in science shall be required beginning with the 2000-01 school year. The superintendent shall develop timelines for the remaining assessments in history, civics, geography, arts, health, fitness, and science at the elementary, middle, and high school level, to the extent the legislature has not adopted timelines in statute. However the assessments shall be completed not later than the 2003-04 school year and shall be required in the 2007-08 school year. The assessments shall not be implemented if the legislature takes action to delay or prevent implementation of the assessment system and the essential academic learning requirements.

(6) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(7) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(8) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(9) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(10) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

**NEW SECTION. Sec. 502. COMMISSION ON STUDENT LEARNING--TRANSFER OF POWERS.** (1) Beginning July 1, 1999, the powers, duties, and functions of the commission on student learning are transferred to the commission on academic achievement or to the superintendent of public instruction as appropriate under the transfer of duties made from the commission on student learning to the commission on academic achievement or the superintendent of public instruction under this act. All references to the commission on student learning in the Revised Code of Washington shall be construed to mean the commission on academic achievement when addressing the duties, activities, or functions regarding the accountability system under this act. All references to the commission on student learning in the Revised Code of Washington shall be construed to mean the superintendent of public instruction when addressing the duties, activities, or functions regarding the essential academic learning requirements, the standards, or the assessments addressed under this act.

(2) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission on student learning shall be delivered to the custody of the commission on academic achievement or the superintendent of public instruction, as appropriate. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the commission on student learning shall be made available to the commission on academic achievement or the superintendent of public instruction, as appropriate.

(3) The transfer of the powers, duties, functions, and personnel of the commission on student learning shall not affect the validity of any act performed before the effective date of this section.

## **PART 6 MISCELLANEOUS**

**NEW SECTION. Sec. 601. CONSOLIDATED PLANNING.** The superintendent of public instruction, in consultation with school district personnel, shall consolidate and streamline the planning, application, and reporting requirements for major state and federal categorical and grant programs. The superintendent also shall take actions to increase the use of online electronic applications and reporting.

**NEW SECTION. Sec. 602. SLIGS.** RCW 28A.300.138 (Student learning improvement grants) and 1994 c 245 s 1 & 1993 c 336 s 301 are each repealed.

**NEW SECTION. Sec. 603.** REPEALERS. The following acts or parts of acts are each repealed:

- (1) 1998 c 225 s 3 (uncodified);
- (2) 1995 c 209 s 3 (uncodified); and
- (3) 1995 c 209 s 2 & 1992 c 141 s 203 (uncodified).

**NEW SECTION. Sec. 604.** PART HEADINGS AND SECTION CAPTIONS NOT LAW. Part headings and section captions used in this act are not any part of the law.

**NEW SECTION. Sec. 605.** NEW ACCOUNTABILITY CHAPTER CREATED. Sections 101 through 104, 302, 401, 402, 501, and 502 of this act constitute a new chapter in Title 28A RCW.

**NEW SECTION. Sec. 606.** RECODIFICATIONS. RCW 28A.630.887, 28A.630.889, 28A.320.205, 28A.630.885, 28A.630.883, 28A.630.945, 28A.630.950, 28A.630.951, 28A.630.952, 28A.630.953, and 28A.630.954 are each recodified as new sections in the chapter created in section 605 of this act.

**NEW SECTION. Sec. 607.** EMERGENCY CLAUSE. Sections 101, 502, and 603 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

**NEW SECTION. Sec. 608.** SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

#### MOTION

Senator Benton moved that the following amendment to the striking amendment by Senators McAuliffe, Eide and Finkbeiner be adopted:

On page 4, after line 37, insert the following:

**"RECOGNITION OF STUDENTS IN HONORS AND ADVANCED PLACEMENT CLASSES**

**"Sec. 104.** RCW 28A.305.220 and 1984 c 178 s 1 are each amended to read as follows:

(1) The state board of education shall develop for use by all public school districts a standardized high school transcript. The state board of education shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) When determining standardized grade points under subsection (1) of this section, the state board of education shall adopt a weighting system for grades earned in honors and advanced placement classes to provide recognition for students participating in those classes.

(3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 4, after line 37, to the striking amendment by Senators McAuliffe, Eide and Finkbeiner to Second Substitute House Bill No. 1462.

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted.

#### MOTION

Senator Johnson moved that the following amendments by Senators Johnson, McDonald and Finkbeiner to the striking amendment by Senators McAuliffe, Eide and Finkbeiner be considered simultaneously and be adopted:

On page 5, after line 28, insert the following:

**"NEW SECTION. Sec. 105.** A new section is added to chapter 41.06 RCW to read as follows: If an elementary school does not meet or exceed the goals set in section 201(4) of this act, upon the request of the student's parent or guardian the school district must transfer the student to a successful public school within the district which has meet such goals. If the school district fails to transfer the student, the student shall be granted an opportunity scholarship. The amount of the opportunity scholarship

shall be \$4,000 for tuition at an approved private school, which the student or the student's parent or guardian has chosen to redeem the scholarship. The only acceptable use of the opportunity scholarship funds is application towards the cost of tuition at an approved private school. A single scholarship cannot extend beyond one school year. However, students may apply for a scholarship in consecutive school years. The superintendent of public instruction shall adopt rules under chapter 34.50 RCW to implement this act."

On page 16, line 19, after "through", strike "104" and insert "105".

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

#### POINT OF INQUIRY

Senator Winsley: "Senator Johnson, on line nine, it says, 'meet such goals.' Do you mean, 'which has met such goals?'"

Senator Johnson: "Do you see two 'e's' in there? Well, strike one."

Further debate ensued.

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

#### POINT OF ORDER

Senator Goings: "A point of order, Mr. President. I rise to suggest that the amendments by Senators Johnson, McDonald and Finkbeiner change the scope and object of the underlying bill."

#### REPLY BY THE PRESIDENT

President Owen: "I'm sorry, Senator Goings, but it appears that we are in the process of a vote and you cannot interrupt a vote."

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Johnson, McDonald and Finkbeiner on page 5, after line 28, and page 16, line 19, to the striking amendment by Senators McAuliffe, Eide and Finkbeiner to Second Substitute House Bill No. 1462.

#### ROLL CALL

The Secretary called the roll and the amendments to the striking amendment were not adopted by the following vote:

Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 22.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 27.

#### MOTION

Senator Hochstatter moved that the following amendment to the striking amendment by Senators McAuliffe, Eide and Finkbeiner be adopted:

On page 13, after line 21, insert the following:

**"NEW SECTION. Sec. 404.** A new section is added to chapter 41.06 RCW to read as follows: If a work stoppage of two or fewer days occurs within any public school, the school days may not be rescheduled. The school district shall be exempt from the one hundred eighty day minimum annual school term required by RCW 28A.150.220, and the school district's budget shall be adjusted accordingly."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hochstatter on page 13, after line 21, to the striking amendment by Senators McAuliffe, Eide and Finkbeiner to Second Substitute House Bill No. 1462.

The motion by Senator Hochstatter failed and the amendment to the striking amendment was not adopted.

#### MOTION

Senator Tim Sheldon moved that the following amendment to the striking amendment by Senators McAuliffe, Eide and Finkbeiner be adopted:

On page 13, after line 25 of the amendment, insert the following:

**"Sec. 501.** RCW 28A.400.300 and 1997 c 13 s 10 are each amended to read as follows:

Every board of directors, unless otherwise specially provided by law, shall:

(1) Employ for not more than one year, and for sufficient cause discharge all certificated and classified employees;

(2) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or classified qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and, emergencies for both certificated and classified employees, and with such compensation as the board of directors prescribe: PROVIDED, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury and emergencies as follows:

(a) For such persons under contract with the school district for a full year, at least ten days;

(b) For such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) For certificated and classified employees, annual leave with compensation for illness, injury, and emergencies shall be granted and accrue at a rate not to exceed twelve days per year; provisions of any contract in force on June 12, 1980, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(d) Compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(e) Leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days for the purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up to a maximum of the number of contract days agreed to in a given contract, but not greater than one year. Such accumulated time may be taken at any time during the school year or up to twelve days per year may be used for the purpose of payments for unused sick leave((-);

(f) Sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(g) Any leave for injury or illness accumulated up to a maximum of forty-five days shall be creditable as service rendered for the purpose of determining the time at which an employee is eligible to retire, if such leave is taken it may not be compensated under the provisions of RCW 28A.400.210 and 28A.310.490;

(h) Accumulated leave under this proviso shall be transferred to and from one district to another, the office of superintendent of public instruction and offices of educational service district superintendents and boards, to and from such districts and such offices;

(i) Leave accumulated by a person in a district prior to leaving said district may, under rules and regulations of the board, be granted to such person when the person returns to the employment of the district; and

(j) For sick leave the board of directors may require a signed statement from a licensed health care provider that any absence was due to illness or injury. If an employee uses sick leave to engage in a strike or work stoppage, the employee may not receive sick leave benefits during the time the employee engages in the strike or work stoppage.

When any certificated or classified employee leaves one school district within the state and commences employment with another school district within the state, the employee shall retain the same seniority, leave benefits and other benefits that the employee had in his or her previous position: PROVIDED, That classified employees who transfer between districts after July 28, 1985, shall not retain any seniority rights other than longevity when leaving one school district and beginning employment with another. If the school district to which the person transfers has a different system for computing seniority, leave benefits, and other benefits, then the employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service."

Renumber the remaining sections consecutively and correct any internal references accordingly.

#### POINT OF ORDER

Senator McAuliffe: "A point of order, Mr. President. I raise the question of the scope and object of this amendment by Senator Tim Sheldon. The original bill establishes a commission on accountability for education reform and restructuring. That commission is an oversight commission to improve student learning in the state of Washington. It has oversight ability and it may set goals. The amendment by Senator Tim Sheldon expands the scope of this bill into teacher's salaries and I contend that that expands the scope."

Debate ensued.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Second Substitute House Bill No. 1462 was deferred.

#### MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 9, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5734 with the following amendment(s):

On page 3, beginning on line 4, strike everything through line 7, and insert the following:

"The legislature declares that the sixteenth day of April shall be recognized as Mother Joseph day and the fourth day of September as Marcus Whitman day, but neither shall be considered legal holidays for any purpose.", and the same are herewith transmitted.

Dean R. Foster, Co-Chief Clerk

Timothy A. Martin, Co-Chief Clerk

#### MOTION

Senator Bauer moved that the Senate concur in the House amendment to Senate Bill No. 5734.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bauer to concur in the House amendment to Senate Bill No. 5734.

The motion by Senator Bauer carried and the Senate concurred in the House amendment to Senate Bill No. 5734.

#### MOTION

On motion of Senator Betti Sheldon, Senator Brown was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5734, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5734, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Excused: Senator Brown - 1. SENATE BILL NO. 5734, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 5:39 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Tuesday, April 13, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-SECOND DAY, APRIL 12, 1999

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

**NINETY-THIRD DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Tuesday, April 13, 1999

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Costa, Finkbeiner, Gardner, Long, Sellar, Tim Sheldon and Thibaudeau. On motion of Senator Franklin, Senators Brown, Costa and Thibaudeau were excused. On motion of Senator Deccio, Senator Sellar was excused. On motion of Senator Honeyford, Senator Long was excused.

The Sergeant at Arms Color Guard consisting of Pages Amanda Weber and Noah Black, presented the Colors. Chaplain Luann McBride, from the Providence Sound Home Care and Hospice, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

April 12, 1999

SHB 1165 Prime Sponsor, House Committee on Capital Budget: Making appropriations and authorizing expenditures for capital improvements. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

April 12, 1999

SHB 1166 Prime Sponsor, House Committee on Capital Budget: Issuing general obligation bonds. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn.

April 12, 1999

ESHB 1991 Prime Sponsor, House Committee on Capital Budget: Consolidating statutes that authorize the board of regents of the University of Washington to control university property. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

**MOTION**

On motion of Senator Betti Sheldon, the rules were suspended and Substitute House Bill No. 1165, Substitute House Bill No. 1166, and Engrossed Substitute House Bill No. 1991 were advanced to second reading and placed on the second reading calendar.

#### INTRODUCTION AND FIRST READING

SB 6096 by Senators Patterson, Hale, Snyder, Haugen and Rasmussen (by request of Governor Locke)

AN ACT Relating to the department of community, trade, and economic development; amending RCW 43.330.020, 43.63A.021, 43.330.040, 43.330.050, 43.330.070, 43.330.125, 43.330.135, 43.63A.066, 43.63A.115, 43.63A.125, 43.63A.155, 43.63A.245, 43.63A.247, 43.63A.260, 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.440, 43.63A.460, 43.63A.600, 43.330.152, 43.330.155, 43.330.156, 43.330.904, 43.63A.230, 43.330.065, 43.330.080, 43.31.057, 43.31.093, 43.31.205, 43.31.409, 43.31.422, 43.31.504, 43.31.522, 43.31.524, 43.31.641, 43.31.830, 43.31.840, 43.31.855, 43.31.857, 43.31.960, 43.17.065, 19.02.050, 24.46.010, 28B.20.283, 28B.20.289, 28B.20.293, 28B.30.537, 28B.50.262, 28B.65.040, 28B.65.050, 28B.65.060, 28B.109.020, 28C.04.440, 28C.04.460, 28C.18.060, 36.01.120, 36.110.030, 43.07.360, 43.21A.510, 43.21A.515, 43.21A.612, 43.23.035, 43.160.020, 43.160.115, 43.160.180, 43.163.020, 43.163.120, 43.168.020, 43.168.031, 43.170.020, 43.172.011, 43.210.030, 43.210.050, 43.210.060, 43.330.092, 43.330.094, 50.67.030, 50.72.030, 70.95.265, 70.95.810, 70.95H.007, 70.95H.050, 76.09.030, 76.56.020, 77.12.710, 81.80.450, 88.12.275, 41.06.070, 41.06.072, 43.06.115, 43.17.020, 43.160.030, 43.163.060, 47.39.090, 47.76.230, 50.38.030, and 80.50.030; reenacting and amending RCW 43.17.010; adding new sections to chapter 43.330 RCW; adding new sections to chapter 43.31 RCW; creating new sections; recodifying RCW 43.31.855, 43.31.857, 43.63A.021, 43.63A.066, 43.63A.067, 43.63A.105, 43.63A.115, 43.63A.125, 43.63A.150, 43.63A.155, 43.63A.190, 43.63A.215, 43.63A.240, 43.63A.245, 43.63A.247, 43.63A.249, 43.63A.260, 43.63A.265, 43.63A.270, 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.420, 43.63A.440, 43.63A.460, 43.63A.465, 43.63A.4651, 43.63A.470, 43.63A.475, 43.63A.480, 43.63A.485, 43.63A.490, 43.63A.500, 43.63A.510, 43.63A.550, 43.63A.600, 43.63A.610, 43.63A.620, 43.63A.630, 43.63A.640, 43.63A.650, 43.63A.660, 43.63A.670, 43.63A.680, 43.63A.720, 43.63A.725, 43.63A.730, 43.63A.735, 43.63A.740, 43.63A.900, 43.63A.901, 43.63A.902, 43.63A.903, 43.330.145, 43.330.152, 43.330.155, 43.330.156, 43.63A.075, 43.63A.230, 43.63A.700, 43.63A.710, 43.63A.715, 43.330.060, 43.330.065, 43.330.080, 43.330.090, 43.330.092, 43.330.094, 43.330.095, 43.330.096, 43.63A.690, and 43.330.904; repealing RCW 43.330.005, 43.330.007, 43.330.010, 43.330.900, and 43.31.800; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on State and Local Government.

#### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9143, Patrick H. Lepley, as a member of the Horse Racing Commission, was confirmed.

Senators Prentice and Roach spoke to the confirmation of Patrick H. Lepley as a member of the Horse Racing Commission.

#### APPOINTMENT OF PATRICK H. LEPLEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excuse, 5.

Voting yea: Senators Bauer, Benton, Deccio, Eide, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 41.

Absent: Senators Finkbeiner, Gardner, and Sheldon T. - 3.

Excused: Senators Brown, Costa, Long, Sellar and Thibaudeau - 5.

#### MOTION

On motion of Senator Franklin, Senator Loveland was excused.

MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9050, Roger Yockey, as a member of the Board of Trustees for Cascadia Community College District No. 30, was confirmed.

APPOINTMENT OF ROGER YOCKEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Eide, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senators Finkbeiner and Gardner - 2.

Excused: Senators Costa, Long, Loveland and Sellar - 4.

MOTION

On motion of Senator West, Senator Finkbeiner was excused.

MOTION

On motion of Senator Franklin, Senators Gardner and Prentice were excused.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9083, Cyrus R. Vance, Jr., as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF CYRUS R. VANCE, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Eide, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Costa, Finkbeiner, Gardner, Long, Loveland, Prentice and Sellar - 7.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1113, by House Committee on Health Care (originally sponsored by Representatives Campbell, Cody and Boldt)

Revising provisions relating to occupational therapy.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 1113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1113.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1113 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Eide, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Costa, Finkbeiner, Gardner, Long, Loveland and Prentice - 6.

SUBSTITUTE HOUSE BILL NO. 1113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## STATEMENT FOR THE JOURNAL

During intense negotiations on the Transportation Budget, in the wings of the Senate, I missed the roll call on Engrossed Substitute House Bill No. 1514. I would have voted 'yes.'

SENATOR DON BENTON, Seventeenth District

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514, by House Committee on Judiciary (originally sponsored by Representatives Kastama and Wolfe)

Changing provisions relating to modification of a parenting plan or custody order.

The bill was read the second time.

## MOTION

On motion of Senator Heavey, the following Committee on Judiciary striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.09.260 and 1991 c 367 s 9 are each amended to read as follows:

(1) Except as otherwise provided in subsections (4), (5), (7), and (9) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child.

(2) In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan;

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

(3) A conviction of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial change of circumstances for the purposes of this section.

(4) The court may reduce or restrict contact between the nonprimary residential parent and a child if it finds that the reduction or restriction would serve and protect the best interests of the child using the criteria in RCW 26.09.191.

(5) The court may order adjustments to the residential aspects of a parenting plan upon a showing of a substantial change in circumstances of either parent or of the child, and without consideration of the factors set forth in subsection (2) of this section, if the proposed modification is only a(=

~~(a) Modification in the dispute resolution process; or~~

~~(b) Minor modification in the residential schedule that~~

~~(i) Does not change the residence the child is scheduled to reside in the majority of the time; and  
(ii) Does not exceed twenty-four full days in a calendar year or five full days in a calendar month; or  
(iii) Is based on a change of residence or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow))~~ minor modification in the residential schedule that does not change the residence the child is scheduled to reside in the majority of the time and:

(a) Does not exceed twenty-four full days in a calendar year; or

(b) Is based on a change of residence or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow; or

(c) Does not result in a schedule that exceeds ninety overnights per year in total, if the court finds that the decree of dissolution or parenting plan does not provide reasonable time with the nonprimary residential parent at the time the petition for modification is filed, and further, the court finds that it is in the best interests of the child to increase residential time with the nonprimary residential parent in excess of the residential time period in (a) of this subsection. However, any motion under this subsection (5)(c) is subject to the factors established in subsection (2) of this section if the party bringing the motion has previously been granted a modification under this same subsection within twenty-four months of the current motion. Relief granted under this section shall not be the sole basis for adjusting or modifying child support.

(6) A nonprimary residential parent whose residential time with the child is subject to limitations pursuant to RCW 26.09.191 (2) or (3) may not seek expansion of residential time under subsection (5)(c) of this section unless that parent demonstrates a substantial change in circumstances specifically related to the basis for the limitation.

(7) If a nonprimary residential parent voluntarily fails to exercise residential time for an extended period, that is, one year or longer, the court upon proper motion may make adjustments to the parenting plan in keeping with the best interests of the minor child.

(8) A nonprimary parent who is required by the existing parenting plan to complete evaluations, treatment, parenting, or other classes may not seek expansion of residential time under subsection (5)(c) of this section unless that parent has fully complied with such requirements.

(9) The court may order adjustments to any of the nonresidential aspects of a parenting plan upon a showing of a substantial change of circumstances of either parent or of a child, and the adjustment is in the best interest of the child. Adjustments ordered under this section may be made without consideration of the factors set forth in subsection (2) of this section.

~~((5))~~ (10) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party."

## MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 2 of the title, after "decree;" strike the remainder of the title and insert "and amending RCW 26.09.260."

On motion of Senator Heavey, the rules were suspended, Engrossed Substitute House Bill No. 1514, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1514, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1514, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Deccio, Eide, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senators Brown and Fairley - 2.

Absent: Senator Benton - 1.

Excused: Senators Costa, Gardner, Long and Loveland - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1067, by Representatives O'Brien and Ballasiotes

Amending statutory double jeopardy provisions.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Engrossed House Bill No. 1067 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1067.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1067 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 46.

Voting nay: Senator Zarelli - 1.

Excused: Senators Gardner and Loveland - 2.

ENGROSSED HOUSE BILL NO. 1067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1222, by House Committee on Capital Budget (originally sponsored by Representatives Ogden, Mitchell, Lantz, Murray, Constantine, Hankins and O'Brien)

Creating a competitive grant program to assist nonprofit organizations with capital projects.

The bill was read the second time.

#### MOTION

Senator Bauer moved that the following Committee on Ways and Means striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.63A RCW to read as follows:

(1) A competitive grant program to assist nonprofit organizations in acquiring, constructing, or rehabilitating performing arts, art museums, and cultural facilities is created.

(2)(a) The department shall submit a list of recommended performing arts, art museum projects, and cultural organization projects eligible for funding to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. The list, in priority order, shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed four million dollars. The department may provide an additional alternate project list which shall not exceed five hundred thousand dollars.

(b) The department shall establish a competitive process to prioritize applications for state assistance as follows:

(i) The department shall conduct a state-wide solicitation of project applications from nonprofit organizations, local governments, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee, including a representative from the state arts commission, using objective criteria. The evaluation and ranking process shall also consider local community support for projects and an examination of existing assets that applicants may apply to projects.

(ii) The department may establish the amount of state grant assistance for individual project applications but the amount shall not exceed twenty percent of the estimated total capital cost or actual cost of a project, whichever is less. The remaining portions of the project capital cost shall be a match from nonstate sources. The nonstate match may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department is authorized to set matching requirements for individual projects. State

assistance may be used to fund separate definable phases of a project if the project demonstrates adequate progress and has secured the necessary match funding.

(iii) The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the department shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

**Sec. 2.** RCW 27.34.330 and 1995 c 182 s 2 are each amended to read as follows:

The Washington state historical society shall establish a competitive process to solicit proposals for and prioritize heritage capital projects for potential funding in the state capital budget. The society shall adopt rules governing project eligibility and evaluation criteria. Application for funding of specific projects may be made to the society by local governments, public development authorities, nonprofit corporations, tribal governments, and other entities, as determined by the society. The society, with the advice of leaders in the heritage field, including but not limited to representatives from the office of the secretary of state, the eastern Washington state historical society, and the state office of archaeology and historic preservation, shall establish and submit a prioritized list of heritage capital projects to ~~((be recommended to the governor and the legislature by September 1st of each even-numbered year, beginning in 1996. The prioritized list shall be developed through open and public meetings. The governor and the legislature shall consider the prioritized list of heritage projects as a guide for appropriating funds to heritage capital projects beginning with the 1997-99 biennium and thereafter))~~ the governor and the legislature in the society's biennial capital budget request. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed four million dollars. The department may provide an additional alternate project list which shall not exceed five hundred thousand dollars. The prioritized list shall be developed through open and public meetings and the amount of state funding shall not exceed thirty-three percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the society shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

**Sec. 3.** RCW 43.63A.125 and 1997 c 374 s 2 are each amended to read as follows:

~~((If the legislature provides an appropriation to))~~ (1) The department shall establish a competitive process to solicit proposals for and prioritize projects that assist nonprofit organizations in acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential social services~~((, the legislature may direct the department of community, trade, and economic development to))~~.

(2) The department shall establish a competitive process to prioritize applications for the assistance as follows:

~~((1))~~ (a) The department shall conduct a state-wide solicitation of project applications from local governments, nonprofit organizations, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. At a minimum, applicants must demonstrate that the requested assistance will increase the efficiency or quality of the social services it provides to citizens. The evaluation and ranking process shall also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section shall not exceed twenty-five percent of the total cost of the project. The nonstate portion of the total project cost may include~~((, but is not limited to, land, facilities))~~ cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

~~((2))~~ (b) The department shall submit a prioritized list of recommended projects to the~~((legislature by November 1st following the effective date of the appropriation))~~ governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. For the 1999-2001 biennium, the department shall conduct a solicitation and ranking process, as described in (a) of this subsection, for projects to be funded by appropriations provided for this program in the 1999-2001 capital budget. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed four million dollars. The department may provide an additional alternate project list which shall not exceed five hundred thousand dollars. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

~~((3))~~ (c) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities shall be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

~~((4) The department shall develop model contract provisions for compliance with subsection (3) of this section and shall distribute its recommendations to the appropriate legislative committees, the office of financial management, and to all state agencies which provide capital grants to nonstate entities.))~~

NEW SECTION. Sec. 4. Section 1 of this act, RCW 27.34.330, and 43.63A.125 shall expire June 30, 2007."

## MOTION

On motion of Senator Brown, the following amendment to the Committee on Ways and Means striking amendment was adopted on a rising vote:

On page 5, after line 7 of the committee amendment, insert the following:

"**Sec. 5.** RCW 80.36.005 and 1993 c 249 s 1 are each amended to read as follows:

~~((As used in this chapter))~~ The definitions in this section apply throughout RCW 80.36.410 through 80.36.475, unless the context  
~~((indicates))~~ clearly requires otherwise((;)).

(1) "Community action agency" means local community action agencies or local community service agencies designated by the department of community, trade, and economic development under chapter 43.63A RCW.

(2) "Community service voice mail" means a computerized telephone answering service with the capabilities described in RCW 80.36.420(4).

(3) "Department" means the department of social and health services.

**Sec. 6.** RCW 80.36.410 and 1987 c 229 s 3 are each amended to read as follows:

(1) The legislature finds that universal telephone service is an important policy goal of the state. The legislature further finds that:  
(a) Recent changes in the telecommunications industry, such as federal access charges, raise concerns about the ability of low-income persons to continue to afford access to local exchange telephone service; and (b) many low-income persons do not have a permanent residence in which to receive local exchange telephone service.

(2) Therefore, the legislature finds that: (a) It is in the public interest to take steps to mitigate the effects of these changes on low-income persons; and (b) advances in telecommunications technologies, such as community service voice mail, provide new and economically efficient ways to secure many of the benefits of universal service to low-income persons who are not customers of local exchange telephone service.

**Sec. 7.** RCW 80.36.420 and 1990 c 170 s 2 are each amended to read as follows:

The Washington telephone assistance program shall be available to ~~((participants))~~ eligible clients of department programs ~~((set forth in RCW 80.36.470))~~ and community action agency services, except that clients of community action agency services shall be eligible only for the community service voice mail described in subsection (4) of this section. Assistance shall consist of the following components:

(1) A discount on service connection fees of fifty percent or more as set forth in RCW 80.36.460.

(2) A waiver of deposit requirements on local exchange service, as set forth in RCW 80.36.460.

(3) A discounted flat rate service for local exchange service, which shall be subject to the following conditions:

(a) The commission shall establish a single telephone assistance rate for all local exchange companies operating in the state of Washington. The telephone assistance rate shall include any federal end user access charges and any other charges necessary to obtain local exchange service.

(b) The commission shall, in establishing the telephone assistance rate, consider all charges for local exchange service, including federal end user access charges, mileage charges, extended area service, and any other charges necessary to obtain local exchange service.

(c) The telephone assistance rate shall only be available to eligible customers subscribing to the lowest available local exchange flat rate service, where the lowest local exchange flat rate, including any federal end user access charges and any other charges necessary to obtain local exchange service, is greater than the telephone assistance rate. Low-income senior citizens sixty years of age and older and other low-income persons identified by the department as medically needy shall, where single-party service is available, be provided with single-party service as the lowest available local exchange flat rate service.

(d) The cost of providing the service shall be paid, to the maximum extent possible, by a waiver of all or part of the federal end user access charge and, to the extent necessary, from the telephone assistance fund created by RCW 80.36.430.

(4) A community service voice mailbox that provides recipients with: (a) An individually assigned telephone number; (b) the ability to record a personal greeting; and (c) a secure private security code to retrieve messages. The community service voice mailbox may also include a toll-free line through which recipients can access their community service voice mailboxes at no charge.

**Sec. 8.** RCW 80.36.430 and 1990 c 170 s 3 are each amended to read as follows:

(1) The Washington telephone assistance program shall be funded by a telephone assistance excise tax on all switched access lines and by funds from any federal government or other programs for this purpose. Switched access lines are defined in RCW 82.14B.020. The telephone assistance excise tax shall be applied equally to all residential and business access lines not to exceed fourteen cents per month. The

telephone assistance excise tax shall be separately identified on each ratepayer's bill as the "Washington telephone assistance program." All money collected from the telephone assistance excise tax shall be transferred to a telephone assistance fund administered by the department.

(2) ~~The department shall be the fund administrator for local exchange companies, and the department of community, trade, and economic development shall be the fund administrator for community action agencies.~~ Local exchange companies and community action agencies shall bill ~~(the)~~ their fund administrator for their expenses incurred in offering the telephone assistance program, including administrative and program expenses.

(3) The department shall disburse the money to the local exchange companies and to the department of community, trade, and economic development, except that the total amount of funds that may be paid annually to the department of community, trade, and economic development shall not exceed ten percent of the total annual telephone assistance fund revenues collected. The department is exempted from having to conclude a contract with local exchange companies in order to effect this reimbursement. The department of community, trade, and economic development shall disburse the money to the community action agencies.

(4) The ~~((department))~~ fund administrators shall recover ~~((its))~~ their administrative costs from the fund. The ~~((department))~~ fund administrator may specify by rule the range and extent of administrative and program expenses that will be reimbursed to local exchange companies or community action agencies.

**Sec. 9.** RCW 80.36.440 and 1990 c 170 s 4 are each amended to read as follows:

(1) The commission ~~((and))~~, the department, and the department of community, trade, and economic development may adopt any rules necessary to implement RCW 80.36.410 through 80.36.470.

(2) The rules relating to community service voice mail shall identify funding priorities that extend the benefits of community service voice mail to the greatest number of eligible clients. Within available resources, funding shall be made available for: (a) Deployment of new community service voice mail systems, including costs for start-up and installation, staff to train participating agencies, and maintaining program data; (b) installation of toll-free lines through which recipients of existing community service voice mail can access their community service voice mailboxes at no charge; (c) expansion of the capacity of existing community service voice mail; and (d) payment for continuing and expanding telephone services of existing community service voice mail, including maintenance expenses, operating expenses, and administrative expenses. The rules may require community action agencies to match up to fifty percent of the funds received from the telephone assistance program or to demonstrate the acquisition of in-kind contributions from local exchange companies or vendors of community service voice mail hardware or software.

**Sec. 10.** RCW 80.36.450 and 1993 c 249 s 2 are each amended to read as follows:

The Washington telephone assistance program shall be limited to one residential access line per eligible household for services provided by local exchange companies or to one community service voice mailbox per eligible person for services provided by community action agencies.

**Sec. 11.** RCW 80.36.460 and 1990 c 170 s 5 are each amended to read as follows:

(1) Local exchange companies shall file tariffs with the commission which waive deposits on local exchange service for eligible subscribers and which establish a fifty percent discount on service connection fees for eligible subscribers. Part or all of the remaining fifty percent of service connection fees may be paid by funds from federal government or other programs for this purpose. The commission or other appropriate agency shall make timely application for any available federal funds. The remaining portion of the connection fee to be paid by the subscriber shall be expressly payable by installment fees spread over a period of months. A subscriber may, however, choose to pay the connection fee in a lump sum. Costs associated with the waiver and discount shall be accounted for separately and recovered from the telephone assistance fund. Eligible subscribers shall be allowed one waiver of a deposit and one discount on service connection fees per year.

(2) Community action agencies may not charge recipients for community service voice mail.

**Sec. 12.** RCW 80.36.470 and 1990 c 170 s 6 are each amended to read as follows:

(1) Adult recipients of department-administered programs for the financially needy which provide continuing financial or medical assistance, food stamps, or supportive services to persons in their own homes are eligible for participation in the telephone assistance program. The department shall notify the participants of their eligibility.

(2) Adult clients of community action agency services are eligible for participation in the community service voice mail of the telephone assistance program if they do not reside in a residence with local exchange telephone service or do not have a reliable means of directly receiving telephone calls or messages.

**Sec. 13.** RCW 80.36.475 and 1990 c 170 s 7 are each amended to read as follows:

The department shall report to the ~~((energy and utilities))~~ committees of the house of representatives and the senate with jurisdiction over telecommunications services by December 1 of each year on the status of the Washington telephone assistance program. The report shall include the number of participants by qualifying ~~((social service))~~ department or community action agency programs receiving benefits from the telephone assistance program and the type of benefits participants receive. The report shall also include a description of the geographical distribution of participants, the program's annual revenue and expenditures, and any recommendations for legislative action.

NEW SECTION. **Sec. 14.** RCW 80.36.005 is recodified as a new section in chapter 80.36 RCW to be codified immediately before RCW 80.36.410.

NEW SECTION. Sec. 15. Sections 6 through 12 of this act expire June 30, 2003."

The President declared the question before the Senate to be the adoption of Committee on Ways and Means striking amendment, as amended, to Substitute House Bill No. 1222.

The committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Bauer, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "amending RCW 27.34.330 and 43.63A.125; adding a new section to chapter 43.63A RCW; and providing an expiration date."

On page 5, line 12 of the committee amendment, after "insert" strike the remainder of the title, and insert "amending RCW 27.34.330, 43.63A.125, 80.36.005, 80.36.410, 80.36.420, 80.36.430, 80.36.440, 80.36.450, 80.36.460, 80.36.470, and 80.36.475; adding a new section to chapter 43.63A RCW; adding a new section to chapter 80.36 RCW; recodifying RCW 80.36.005; and providing an expiration date."

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 1222, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute House Bill No. 1222, as amended by the Senate, was deferred.

#### SECOND READING

HOUSE BILL NO. 1831, by Representatives Ogden, Thomas, Lantz, Carlson, H. Sommers, Keiser, Dunshee, Lambert, Quall, O'Brien, Cody, Kenney, Dunn, Santos, Schual-Berke, Lovick, Edmonds, Wood, Haigh, Rockefeller, Conway, Stensen, Dickerson, Kessler, Hurst and Esser

Requiring adoption of rules for certain construction management techniques.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that certain construction management techniques will improve the effectiveness of construction and operation of new school buildings, and that such techniques, including value engineering, constructibility reviews, building commissioning, and professional construction management, will provide better value to the taxpayers by reducing construction costs, improving building operations, improving the building environment for the occupants, and reducing future replacement costs.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.525 RCW to read as follows:

(1) The state board of education shall adopt rules for appropriate use of the following construction management techniques: Value engineering, constructibility review, building commissioning, and construction management. Rules adopted under this section shall:

- (a) Define each technique as it applies to school buildings;
- (b) Describe the scope of work for each technique;
- (c) Define the timing for implementing each technique in the construction process;
- (d) Determine the appropriate size of projects for the use of each technique; and
- (e) Determine standards for qualification and performance for each technique.

(2) Except as provided in rules adopted under subsection (1)(d) of this section, in allocating state moneys provided under this chapter, the state board of education shall include in funding for each project, at the state matching percentage, the cost of each of the construction management techniques listed in subsection (1) of this section.

(3) When assigning priority and allocating state funds for construction of common school facilities, the state board of education shall consider the adequacy of the construction management techniques used by a district and the compliance with the rules adopted under subsection (1) of this section.

(4) Except as provided in rules adopted under subsection (1)(d) of this section, the construction management techniques in subsection (1) of this section shall be used on each project submitted for approval by the state board of education.

(5)(a) School districts applying for state assistance for school facilities shall:

(i) Cause value engineering, constructibility review, and building commissioning to be performed by contract with a professional firm specializing in those construction management techniques; and

(ii) Contract or employ personnel to perform professional construction management.

(b) All recommendations from the value engineering and constructibility review construction techniques for a school project shall be presented to the school district's board of directors for acceptance or rejection. If the board of directors rejects a recommendation it shall provide a statement explaining the reasons for rejecting the recommendation and include the statement in the application for state assistance to the state board of education.

(6) The office of the superintendent of public instruction shall provide:

(a) An information and training program for school districts on the use of the construction management techniques; and

(b) Consulting services to districts on the benefits and best uses of these construction management techniques.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void."

#### MOTIONS

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 2 of the title, after "construction;" strike the remainder of the title and insert "adding a new section to chapter 28A.525 RCW; and creating new sections."

On motion of Senator Bauer, the rules were suspended, House Bill No. 1831, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1831, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1831, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Loveland - 1.

HOUSE BILL NO. 1831, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1832, by Representatives Ogden, Thomas, Lantz, Cairnes, Keiser, Carlson, Talcott, H. Sommers, Lambert, Dunshee, Quall, O'Brien, Cody, Dunn, Santos, Schual-Berke, Lovick, Edmonds, Wood, Haigh, Rockefeller, Conway, Stensen, Dickerson, Tokuda, Kessler, Hurst and Esser

Authorizing the use of nonvoter-approved debt for school construction and repair.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that current law authorizes school districts to use nonvoter-approved debt to acquire real or personal property but not to construct or repair school district property. It is the intent of the legislature to authorize school districts to use nonvoter-approved debt, within existing debt limits, to finance the acquisition, remodel, and repair of school facilities.

**Sec. 2.** RCW 28A.530.080 and 1991 c 114 s 1 are each amended to read as follows:

In addition to the authority granted under RCW 28A.530.010, a school district may contract indebtedness for any purpose specified in RCW 28A.530.010 (2), (4), and (5) or for the purpose of purchasing any real or personal property, or property rights, in connection with the exercise of any powers or duties which it is now or hereafter authorized to exercise, and issue bonds, notes, or other evidences of indebtedness therefor without a vote of the qualified electors of the district, subject to the limitations on indebtedness set forth in RCW 39.36.020(3). Such bonds, notes, or other evidences of indebtedness shall be issued and sold in accordance with chapter 39.46 RCW, and the proceeds thereof shall be deposited in the capital projects fund, the transportation vehicle fund, or the general fund, as applicable."

#### MOTIONS

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 1 of the title, after "indebtedness;" strike the remainder of the title and insert "amending RCW 28A.530.080; and creating a new section."

On motion of Senator Bauer, the rules were suspended, Engrossed House Bill No. 1832, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1832, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1832, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Loveland - 1.

ENGROSSED HOUSE BILL NO. 1832, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1222, as amended by the Senate, deferred on third reading earlier today.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1222, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1222, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 28.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West and Zarelli - 21.

SUBSTITUTE HOUSE BILL NO. 1222, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Loveland was excused.

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

There being no objection, the Senate resumed consideration of Second Substitute House Bill No. 1462, and the pending amendment by Senator Tim Sheldon on page 13, after line 25, to the striking amendment by Senators McAuliffe, Eide and Finkbeiner, deferred April 12, 1999.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator McAuliffe to the scope and object of the amendment by Senator Tim Sheldon on page 13, after line 25 to the striking amendment by Senators McAuliffe, Eide and Finkbeiner, the President finds that Second Substitute House Bill No. 1462 is a measure which adopts several provisions relating to accountability for student performance in the K-12 education system, including (1) creating an accountability commission; (2) requiring reporting of assessment results; (3) providing technical assistance to schools to implement accountability and to improve student learning; and (4) setting accountability goals.

"The amendment by Senator Tim Sheldon would permit school boards to adopt policies to: (1) require that school employees provide a statement from a licensed health care provider in order to take sick leave; and (2) prohibit school employees who take sick leave to engage in a strike from receiving sick leave benefits during the time of the strike. The amendment does not concern accountability for student performance.

"The President, therefore, finds that the amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Tim Sheldon on page 13, after line 25, to the striking amendment by Senators McAuliffe, Eide and Finkbeiner to Second Substitute House Bill No. 1462 was ruled out of order.

#### MOTIONS

On motion of Senator Finkbeiner, the following amendment by Senators Finkbeiner and McAuliffe to the striking amendment by Senators McAuliffe, Eide and Finkbeiner was adopted:

On page 2, line 9, after "governor" insert "with the consent of the senate"

On motion of Senator Finkbeiner, the following amendment by Senators Finkbeiner and McAuliffe to the striking amendment by Senators McAuliffe, Eide and Finkbeiner was adopted:

On page 2, line 36, after "state-wide." strike all material through "rates." on page 3, line 1

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe, Eide and Finkbeiner, as amended, to Second Substitute House Bill No. 1462.

The striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 1 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 28A.630.887, 28A.630.889, 28A.320.205, and 28A.300.130; adding a new chapter to Title 28A RCW; creating new sections; recodifying RCW 28A.630.887, 28A.630.889, 28A.320.205, 28A.630.885, 28A.630.883, 28A.630.945, 28A.630.950, 28A.630.951, 28A.630.952, 28A.630.953, and 28A.630.954; repealing RCW 28A.300.138; repealing 1998 c 225 s 3 (uncodified); repealing 1995 c 209 s 3 (uncodified); repealing 1995 c 209 s 2 and 1992 c 141 s 203 (uncodified); and declaring an emergency."

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 1462, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1462, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1462, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 40.

Voting nay: Senators Benton, Hochstatter, Johnson, Morton, Roach, Stevens, Swecker and Zarelli - 8.

Excused: Senator Loveland - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1462, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1833, by Representatives Thomas, Lantz, Carlson, Keiser, Cairnes, H. Sommers, Talcott, Ogden, Quall, Dunshee, O'Brien, Murray, Cody, Pflug, Dunn, Santos, Schual-Berke, Lovick, Edmonds, Wood, Haigh, Rockefeller, Conway, Stensen, Dickerson, Kessler and Esser

Authorizing school districts to use 63-20 financing with nonprofit organizations.

The bill was read the second time.

## MOTION

On motion of Senator Bauer, the following Committee on Ways and Means striking amendment was adopted:

On page 1, strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.335.170 and 1990 c 33 s 360 are each amended to read as follows:

The board of directors of any school district may enter into contracts for their respective districts (~~((for periods not exceeding five years in duration))~~) with public and private persons, organizations, and entities for the following purposes:

(1) To rent or lease building space(~~(s)~~) and portable buildings(~~(, security systems, computers and other equipment))~~ for periods not exceeding ten years in duration;

(2) To rent security systems, computers, and other equipment or to have maintained and repaired security systems, computers, and other equipment for periods not exceeding five years in duration; and

(3) To provide pupil transportation services for periods not exceeding five years in duration.

No school district may enter into a contract for pupil transportation unless it has notified the superintendent of public instruction that, in the best judgment of the district, the cost of contracting will not exceed the projected cost of operating its own pupil transportation.

The budget of each school district shall identify that portion of each contractual liability incurred pursuant to this section extending beyond the fiscal year by amount, duration, and nature of the contracted service and/or item in accordance with rules and regulations of the superintendent of public instruction adopted pursuant to RCW 28A.505.140 and 28A.310.330.

The provisions of this section shall not have any effect on the length of contracts for school district employees specified by RCW 28A.400.300 and 28A.405.210."

## MOTIONS

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, on line 1 of the title, after "schools;" strike the remainder of the title and insert "and amending RCW 28A.335.170."

On motion of Senator Bauer, the rules were suspended, House Bill No. 1833, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1833, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1833, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Goings - 1.

Excused: Senator Loveland - 1.

HOUSE BILL NO. 1833, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1668, by Representatives McDonald, Kagi, Boldt, Tokuda, Dickerson and Santos

Providing foster parents with first aid/CPR and HIV/AIDS training.

The bill was read the second time.

#### MOTION

On motion of Senator Costa, the rules were suspended, Substitute House Bill No. 1668 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1668.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1668 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senators Deccio and Goings - 2.

SUBSTITUTE HOUSE BILL NO. 1668, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1744, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Schoesler and G. Chandler)

Changing lake outflow regulation.

The bill was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1744 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1744.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1744 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1744, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1642, by Representatives Grant and Mastin

Changing surface water permit and rights provisions.

The bill was read the second time.

## MOTION

On motion of Senator Loveland, the following Committee on Environmental Quality and Water Resources striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 90.03 RCW to read as follows:

The legislature intends to allow modification of the point of diversion in a water right permit when such a modification will provide both environmental benefits and water supply benefits and nothing in section 2 of this act is to be construed as allowing any other change or transfer of a right to the use of surface water which has not been applied to a beneficial use.

**NEW SECTION. Sec. 2.** A new section is added to chapter 90.03 RCW to read as follows:

The department may approve a change of the point of diversion prescribed in a permit to appropriate water for a beneficial use to a point of diversion that is located downstream and is an existing approved intake structure with capacity to transport the additional diversion, if the ownership, purpose of use, season of use, and place of use of the permit remain the same.

This section may not be construed as limiting in any manner whatsoever other authorities of the department under RCW 90.03.380 or other changes that may be approved under RCW 90.03.380 under authorities existing before the effective date of this section.

**Sec. 3.** RCW 90.03.030 and 1987 c 109 s 68 are each amended to read as follows:

Any person may convey any water which he or she may have a right to use along any of the natural streams or lakes of this state, but not so as to raise the water thereof above ordinary highwater mark, without making just compensation to persons injured thereby; but due allowance shall be made for evaporation and seepage, the amount of such seepage to be determined by the department, upon the application of any person interested. Water conveyed under this section may be conveyed to an approved intake structure located in a neighboring state in order to accomplish an approved modification of the point of diversion in a permit to appropriate water for a beneficial use, if approval of the neighboring state is documented to the satisfaction of the department."

## MOTIONS

On motion of Senator Loveland, the follow title amendment was adopted:

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "amending RCW 90.03.030; and adding new sections to chapter 90.03 RCW."

On motion of Senator Loveland, the rules were suspended, House Bill No. 1642, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1642, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1642, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

HOUSE BILL NO. 1642, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1463, by Representatives Mitchell, Fisher, K. Schmidt, Ogden, Mielke, Haigh and Schual-Berke

Adjusting deadlines for reports to the secretary of transportation.

The bill was read the second time.

#### MOTION

On motion of Senator Goings, the rules were suspended, House Bill No. 1463 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1463.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1463 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senators Finkbeiner, and Sheldon, T. - 2.

HOUSE BILL NO. 1463, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1321, by Representatives Ericksen, Fisher, K. Schmidt, Mitchell, Rockefeller, Carrell and McDonald; by request of Department of Transportation and Washington State Patrol

Requiring stops at intersections with nonfunctioning signal lights.

The bill was read the second time.

#### MOTION

On motion of Senator Goings, the rules were suspended, House Bill No. 1321 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1321.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1321 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

HOUSE BILL NO. 1321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:59 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:06 p.m. by President Owen.

#### MOTION

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

#### MESSAGES FROM THE HOUSE

April 12, 1999

MR. PRESIDENT:

The House has passed:  
SECOND SUBSTITUTE SENATE BILL NO. 5102 ,  
SUBSTITUTE SENATE BILL NO. 5745, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

April 12, 1999

MR. PRESIDENT:

The House has passed:  
SENATE BILL NO. 5021,  
SENATE BILL NO. 5105,  
SENATE BILL NO. 5122,  
SENATE BILL NO. 5233,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5348,  
SUBSTITUTE SENATE BILL NO. 5352,  
SENATE BILL NO. 5606,  
ENGROSSED SENATE BILL NO. 5798, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

April 12, 1999

MR. PRESIDENT:

The House has passed:  
SENATE BILL NO. 5986,  
SENATE BILL NO. 5987,  
SUBSTITUTE SENATE BILL NO. 6012,  
SUBSTITUTE SENATE BILL NO. 6052,

SUBSTITUTE SENATE BILL NO. 6063, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5734.

SIGNED BY THE PRESIDENT

The President signed:  
SECOND SUBSTITUTE SENATE BILL NO. 5102,  
SUBSTITUTE SENATE BILL NO. 5745.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5021,  
SENATE BILL NO. 5105,  
SENATE BILL NO. 5122,  
SENATE BILL NO. 5233,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5348,  
SUBSTITUTE SENATE BILL NO. 5352,  
SENATE BILL NO. 5606,  
ENGROSSED SENATE BILL NO. 5798.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5986,  
SENATE BILL NO. 5987,  
SUBSTITUTE SENATE BILL NO. 6012,  
SUBSTITUTE SENATE BILL NO. 6052,  
SUBSTITUTE SENATE BILL NO. 6063.

MOTIONS

On motion of Senator Franklin, Senator Fraser was excused.  
On motion of Senator Honeyford, Senator Rossi was excused.

MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Betti Sheldon, Gubernatorial Appointment No. 9171, Doug Sayan, as a member of the Board of Trustees for Olympic Community College District No. 3, was confirmed.

## APPOINTMENT OF DOUG SAYAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 7; Excused, 2.

Voting yea: Senators Bauer, Costa, Deccio, Eide, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 40.

Absent: Senators Benton, Brown, Fairley, Finkbeiner, McDonald, Sellar, and Sheldon, T. - 7.

Excused: Senators Fraser and Rossi - 2.

### MOTION

On motion of Senator Franklin, Senator Fairley was excused.

### SECOND READING

ENGROSSED HOUSE BILL NO. 1749, by Representatives Dickerson, McDonald, Lantz and Koster

Revising eligibility requirements for deferred disposition.

The bill was read the second time.

### MOTION

Senator Costa moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.40.127 and 1997 c 338 s 21 are each amended to read as follows:

(1) A juvenile is eligible for deferred disposition unless he or she:

- (a) Is charged with a sex or violent offense;
- (b) Has a criminal history which includes any felony; or
- (c) Has a prior deferred disposition or deferred adjudication; or
- (d) Has two or more diversions; or
- (e) Has two or more gross misdemeanors or misdemeanors.

(2) The juvenile court may, upon motion at least fourteen days before commencement of trial and, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, continue the case for disposition for a period not to exceed one year from the date the juvenile is found guilty. The court shall consider whether the offender and the community will benefit from a deferred disposition before deferring the disposition.

(3) Any juvenile who agrees to a deferral of disposition shall:

- (a) Stipulate to the admissibility of the facts contained in the written police report;
- (b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition if the juvenile fails to comply with terms of supervision; and
- (c) Waive the following rights to: (i) A speedy disposition; and (ii) call and confront witnesses.

The adjudicatory hearing shall be limited to a reading of the court's record.

(4) Following the stipulation, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile.

(5) Any juvenile granted a deferral of disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution under RCW 13.40.190 shall be a condition of community supervision under this section.

(6) A parent who signed for a probation bond has the right to notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety of any failure to comply. A surety shall notify the court of the juvenile's failure to comply with the probation bond. The state shall bear the burden to prove, by a preponderance of the evidence, that the juvenile has failed to comply with the terms of community supervision.

(7) A juvenile's lack of compliance shall be determined by the judge upon written motion by the prosecutor or the juvenile's juvenile court community supervision counselor. If a juvenile fails to comply with terms of supervision, the court shall enter an order of disposition.

(8) At any time following deferral of disposition the court may, following a hearing, continue the case for an additional one-year period for good cause.

(9) At the conclusion of the period set forth in the order of deferral and upon a finding by the court of full compliance with conditions of supervision and payment of full restitution, the respondent's conviction shall be vacated and the court shall dismiss the case with prejudice.

**Sec. 2.** RCW 13.40.020 and 1997 c 338 s 10 are each amended to read as follows:

For the purposes of this chapter:

(1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(2) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(3) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(6) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(8) "Department" means the department of social and health services;

(9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of

representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community service; or (d) \$0-\$500 fine;

(17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(18) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(22) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(23) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(24) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(27) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(29) "Violent offense" means a violent offense as defined in RCW 9.94A.030.

(30) "Youth court" means a program under the supervision of the juvenile court.

**Sec. 3.** RCW 13.40.080 and 1997 c 338 s 70 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by the victim;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed; and

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas.

(3) Notwithstanding the provisions of subsection (2) of this section, youth courts are not limited to the conditions imposed by subsection (2) of this section in imposing sanctions on juveniles pursuant to section 9 of this act.

(4) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the diversionary unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

~~((4))~~ (5)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the diveree.

(b) If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection ~~((4))~~ (5)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may not require the juvenile to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

~~((5))~~ (6) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

~~((6))~~ (7) Diverees and potential diverees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No diveree may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded

by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the diveree;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the diveree has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the diveree was diverted:

(i) In juvenile court if the diveree is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the diveree is eighteen years of age or older.

~~((7))~~ (8) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

~~((8))~~ (9) The diversion unit shall be responsible for advising a diveree of his or her rights as provided in this chapter.

~~((9))~~ (10) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

~~((10))~~ (11) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020~~((9))~~ (7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

~~((11))~~ (12) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The juvenile's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

~~((12))~~ (13) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. When a diversionary unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

~~((13))~~ (14) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020~~((9))~~ (7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversionary unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

~~((14))~~ (15) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

~~((15))~~ (16) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

~~((16))~~ (17) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

**NEW SECTION. Sec. 4.** A new section is added to chapter 13.40 RCW to read as follows:

Youth courts provide a diversion for cases involving juvenile offenders, in which participants, under the supervision of an adult coordinator, may serve in various capacities within the program, acting in the role of jurors, lawyers, bailiffs, clerks, and judges. Youths who appear before youth courts are youths eligible for diversion pursuant to RCW 13.40.070 (6) and (7). Youth courts have no jurisdiction except as provided for in this act. Youth courts are diversion units and not courts established under Article IV of the state Constitution.

**NEW SECTION. Sec. 5.** A new section is added to chapter 13.40 RCW to read as follows:

(1) The office of the administrator for the courts shall encourage the juvenile courts to work with cities and counties to implement, expand, or use youth court programs for juveniles who commit diversion-eligible offenses, civil, or traffic infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

(a) Are developed using the guidelines for creating and operating teen court programs developed by the American probation and parole association teen courts project;

(b) Target offenders age eight through seventeen; and

(c) Emphasize the following principles:

(i) Youth must be held accountable for their problem behavior;

(ii) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;

(iii) Youth must develop skills to resolve problems with their peers more effectively; and

(iv) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

(2) Youth court programs may be established by law enforcement entities, municipal courts, district courts, juvenile probation departments, private nonprofit organizations, and schools, under the supervision of juvenile court.

**NEW SECTION. Sec. 6.** A new section is added to chapter 13.40 RCW to read as follows:

(1) Youth courts have authority over juveniles ages eight through seventeen who:

(a) Along with their parent, guardian, or legal custodian, voluntarily and in writing request youth court involvement;

(b) Admit they have committed the offense they are referred for;

(c) Along with their parent, guardian, or legal custodian, waive any privilege against self-incrimination concerning the offense; and

(d) Along with their parent, guardian, or legal custodian, agree to comply with the youth court disposition of the case.

(2) Youth courts shall not exercise authority over youth who are under the continuing jurisdiction of the juvenile court for law violations, including a youth with a matter pending before the juvenile court but which has not yet been adjudicated.

(3) Youth courts may decline to accept a youth for youth court disposition for any reason and may terminate a youth from youth court participation at any time.

(4) A youth or his or her parent, guardian, or legal custodian may withdraw from the youth court process at any time.

(5) Youth courts shall give any victims of a juvenile the opportunity to be notified, present, and heard in any youth court proceeding.

**NEW SECTION. Sec. 7.** A new section is added to chapter 13.40 RCW to read as follows:

Youth court may not notify the juvenile court of satisfaction of conditions until all ordered restitution has been paid.

**NEW SECTION. Sec. 8.** A new section is added to chapter 13.40 RCW to read as follows:

Every youth appearing before a youth court shall be accompanied by his or her parent, guardian, or legal custodian.

**NEW SECTION. Sec. 9.** A new section is added to chapter 13.40 RCW to read as follows:

(1) Youth court dispositional options include those delineated in RCW 13.40.080, and may also include:

(a) Participating in law-related education classes, appropriate counseling, treatment, or other education programs;

(b) Providing periodic reports to the youth court;

(c) Participating in mentoring programs;

(d) Serving as a participant in future youth court proceedings;

(e) Writing apology letters; or

(f) Writing essays.

(2) Youth courts shall not impose a term of confinement or detention. Youth courts may require that the youth pay reasonable fees to participate in youth court and in classes, counseling, treatment, or other educational programs that are the disposition of the youth court.

(3) A youth court disposition shall be completed within one hundred eighty days from the date of referral.

(4) Pursuant to RCW 13.40.080(1), a youth court disposition shall be reduced to writing and signed by the youth and his or her parent, guardian, or legal custodian accepting the disposition terms.

(5) Youth court shall notify the juvenile court upon successful or unsuccessful completion of the disposition.

(6) Youth court shall notify the prosecutor or probation counselor of a failure to successfully complete the youth court disposition.

**NEW SECTION. Sec. 10.** A new section is added to chapter 13.40 RCW to read as follows:

A youth court may require that a youth pay a nonrefundable fee, not exceeding thirty dollars, to cover the costs of administering the program. The fee may be reduced or waived for a participant. Fees shall be paid to and accounted for by the youth court.

**NEW SECTION. Sec. 11.** A new section is added to chapter 28A.320 RCW to read as follows:

Local school boards may provide for school credit for participation as a member of a youth court as defined in RCW 13.40.020.

**Sec. 12.** RCW 13.40.250 and 1997 c 338 s 36 are each amended to read as follows:

A traffic or civil infraction case involving a juvenile under the age of sixteen may be diverted in accordance with the provisions of this chapter or filed in juvenile court.

(1) If a notice of a traffic or civil infraction is filed in juvenile court, the juvenile named in the notice shall be afforded the same due process afforded to adult defendants in traffic infraction cases.

(2) A monetary penalty imposed upon a juvenile under the age of sixteen who is found to have committed a traffic or civil infraction may not exceed one hundred dollars. At the juvenile's request, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the prevailing state minimum wage per hour.

(3) A diversion agreement entered into by a juvenile referred pursuant to this section shall be limited to thirty hours of community service, or educational or informational sessions.

(4) Traffic or civil infractions referred to a youth court pursuant to this section are subject to the conditions imposed by section 9 of this act.

(5) If a case involving the commission of a traffic or civil infraction or offense by a juvenile under the age of sixteen has been referred to a diversion unit, an abstract of the action taken by the diversion unit may be forwarded to the department of licensing in the manner provided for in RCW 46.20.270(2).

**Sec. 13.** RCW 46.63.040 and 1984 c 258 s 137 are each amended to read as follows:

(1) All violations of state law, local law, ordinance, regulation, or resolution designated as traffic infractions in RCW 46.63.020 may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal court has the authority to hear and determine traffic infractions pursuant to this chapter.

(3) Any city or town with a municipal court may contract with the county to have traffic infractions committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine traffic infractions pursuant to this chapter.

(5) Any district or municipal court may, with the consent of the juvenile court, refer juveniles age sixteen or seventeen to a youth court, as defined in RCW 13.40.020, for traffic infractions.

(6) The boards of regents of the state universities, and the boards of trustees of the regional universities and of The Evergreen State College have the authority to hear and determine traffic infractions under RCW 28B.10.560."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Costa to Engrossed House Bill No. 1749.

The motion by Senator Costa carried and the striking amendment was adopted.

## MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 1 of the title, after "disposition;" strike the remainder of the title and insert "amending RCW 13.40.127, 13.40.020, 13.40.080, 13.40.250, and 46.63.040; adding new sections to chapter 13.40 RCW; and adding a new section to chapter 28A.320 RCW."

On motion of Senator Costa, the rules were suspended, Engrossed House Bill No. 1749, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1749, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1749, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senators McDonald, Sellar, Sheldon and T. - 3.

Excused: Senators Fairley, Fraser and Rossi - 3.

ENGROSSED HOUSE BILL NO. 1749, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1935 and the pending amendment by Senators Benton, Deccio and Finkbeiner on page 1, line 33, to the Committee on Education striking amendment, deferred April 12, 1999, after the President ruled that the amendment to the striking amendment was in order.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton, Deccio and Finkbeiner on page 1, line 33, to the Committee on Education striking amendment to Substitute House Bill No. 1935.

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained

Further debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Thank you, Senator Benton. I just wondered if you could--to help me get a little perspective here--name one other state program that we audit at a price tag of somewhere between five hundred thousand to a million dollars a year that we audit on a yearly basis. If you could just give me the names of, maybe, two or three other programs that we audit in this way, then I would be much more comfortable with your amendment."

Senator Benton: "Thank you, Senator Patterson. I am happy to respond to that. This body passed a bill just two sessions ago that spent nearly seven hundred thousand dollars auditing the Department of Transportation. So, we do audits all the time. As you know, the State Auditor's office budget is extensive. They run audits all the time. Unfortunately, they do not audit these programs. If you read the language, it doesn't ask for an audit. It says, 'An annual program review.' The amendment offered in committee, for further clarification Senator Patterson, called for a formal program review. Senator Patterson, I am responding to your question."

Senator Patterson: "I'm listening."

Senator Benton: "Okay. So, based on input from members of the committee, I removed the word, 'formal,' because I thought that was too much. So, this amendment specifically asks for an annual program review, not a formal review. There is a difference, a very extensive difference, in terms of a formal review. It simply goes down saying, 'Do these guidelines mean that?' I don't know who came up with this figure, but it sounds like bloated numbers to me to review guidelines to see if they are being met."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Benton, Deccio and Finkbeiner on page 1, line 33, to the Committee on Education striking amendment to Substitute House Bill No. 1935.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 22.

Voting nay: Senators Bauer, Brown, Costa, Eide, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 26.

Excused: Senator Fairley - 1.

#### MOTION

Senator Kohl-Welles moved that the following amendment on page 2, after line 8, by Senators Kohl-Welles, Benton, Brown and McAuliffe to the Committee on Education striking amendment be withdrawn:

On page 2, after line 8 of the amendment, insert the following:

**"NEW SECTION. Sec. 2.** The joint legislative audit and review committee shall conduct a performance audit of the early childhood education and assistance program and report its findings to the education committees of the legislature by December 31, 2000.

This section expires January 1, 2001."

#### MOTION

Senator Benton, as a sponsor of the amendment, moved that the amendment on page 2, after line 8, to the Committee on Education striking amendment be adopted.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles, Benton, McAuliffe and Brown on page 2, after line 8, to the Committee on Education striking amendment to Substitute House Bill No. 1935.

The amendment to the committee amendment was not adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment to Substitute House Bill No. 1935.

The committee striking amendment was adopted.

#### MOTIONS

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "and amending RCW 28A.215.110."

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1935, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### CALL FOR THE PREVIOUS QUESTION

Senators Wojahn, Loveland and McAuliffe called for the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1935, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1935, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 34.

Voting nay: Senators Benton, Finkbeiner, Hargrove, Hochstatter, Honeyford, Johnson, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens and Zarelli - 14.

Excused: Senator Fairley - 1.

SUBSTITUTE HOUSE BILL NO. 1935, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1233, by Representatives Edmonds, Sheahan and Constantine

Determining the net value of a homestead exemption.

The bill was read the second time.

#### MOTION

Senator Heavey moved that the following Committee on Judiciary striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 6.13.010 and 1993 c 200 s 1 are each amended to read as follows:

(1) The homestead consists of real or personal property that the owner uses as a residence. In the case of a dwelling house or mobile home, the homestead consists of the dwelling house or the mobile home in which the owner resides or intends to reside, with appurtenant buildings, and the land on which the same are situated and by which the same are surrounded, or improved or unimproved land owned with the intention of placing a house or mobile home thereon and residing thereon. A mobile home may be exempted under this chapter whether or not

it is permanently affixed to the underlying land and whether or not the mobile home is placed upon a lot owned by the mobile home owner. Property included in the homestead must be actually intended or used as the principal home for the owner.

(2) As used in this chapter, the term "owner" includes but is not limited to a purchaser under a deed of trust, mortgage, or real estate contract.

(3) As used in this chapter, the term "net value" means market value less all liens and encumbrances senior to the judgment being executed upon and not including the judgment being executed upon.

**Sec. 2.** RCW 6.13.150 and 1987 c 442 s 215 are each amended to read as follows:

If, from the report, it appears to the court that the value of the homestead, less liens and encumbrances senior to the judgment being executed upon and not including the judgment being executed upon, exceeds the homestead exemption and the property can be divided without material injury and without violation of any governmental restriction, the court may, by an order, direct the appraiser to set off to the owner so much of the land, including the residence, as will amount in net value to the homestead exemption, and the execution may be enforced against the remainder of the land.

**Sec. 3.** RCW 6.13.160 and 1987 c 442 s 216 are each amended to read as follows:

If, from the report, it appears to the court that the appraised value of the homestead property, less liens and encumbrances senior to the judgment being executed upon and not including the judgment being executed upon, exceeds the amount of the homestead exemption and the property is not divided, the court must make an order directing its sale under the execution. The order shall direct that at such sale no bid may be received unless it exceeds the amount of the homestead exemption."

#### MOTION

On motion of Senator Heavey, the following amendment by Senators Heavey, Benton and Johnson to the Committee on Judiciary striking amendment was adopted:

On page 2, after line 12, insert the following:

**"Sec. 4.** RCW 6.13.030 and 1993 c 200 s 2 are each amended to read as follows:

A homestead may consist of lands, as described in RCW 6.13.010, regardless of area, but the homestead exemption amount shall not exceed the lesser of (1) the total net value of the lands, mobile home, improvements, and other personal property, as described in RCW 6.13.010, or (2) the sum of ~~((thirty))~~ **forty** thousand dollars in the case of lands, mobile home, and improvements, or the sum of fifteen thousand dollars in the case of other personal property described in RCW 6.13.010, except where the homestead is subject to execution, attachment, or seizure by or under any legal process whatever to satisfy a judgment in favor of any state for failure to pay that state's income tax on benefits received while a resident of the state of Washington from a pension or other retirement plan, in which event there shall be no dollar limit on the value of the exemption."

The President declared the question before the Senate to be the adoption of the Committee on Judiciary striking amendment, as amended to House Bill No. 1233.

The motion by Senator Heavey carried and the committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Heavey, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "exemption;" strike the remainder of the title and insert "and amending RCW 6.13.010, 6.13.150, and 6.13.160."

On page 2, line 18 of the title amendment, strike "and 6.13.160" and insert "6.13.160, and 6.13.030"

On motion of Senator Heavey, the rules were suspended, House Bill No. 1233, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1233, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1233, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton,

Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Fairley - 1.

HOUSE BILL NO. 1233, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Long was excused.

#### SECOND READING

HOUSE BILL NO. 1741, by Representatives Fortunato, Lovick and Thomas (by request of Department of Revenue)

Simplifying tax reporting by revising the active nonreporting threshold so that it parallels the small business credit.

The bill was read the second time.

#### MOTION

Senator Brown moved that the following amendment by Senators Brown and Hochstatter be adopted:

On page 2, after line 16, insert the following:

**"NEW SECTION. Sec. 2.** It is the intent of the legislature to allow the department of revenue to increase its ability to provide timely and cost-effective service to taxpayers.

**Sec. 3.** RCW 82.32.080 and 1997 c 156 s 3 are each amended to read as follows:

Payment of the tax may be made by uncertified check under such regulations as the department shall prescribe, but, if a check so received is not paid by the bank on which it is drawn, the taxpayer, by whom such check is tendered, shall remain liable for payment of the tax and for all legal penalties, the same as if such check had not been tendered.

Payment of the tax shall be made by electronic funds transfer, as defined in RCW 82.32.085, if the amount of the tax due in a calendar year is one million eight hundred thousand dollars or more. The department may by rule provide for tax thresholds between two hundred forty thousand dollars and one million eight hundred thousand dollars for mandatory use of electronic funds transfer. All taxes administered by this chapter are subject to this requirement except the taxes authorized by chapters 82.14A, 82.14B, 82.24, 82.27, 82.29A, and 84.33 RCW. It is the intent of this section to require electronic funds transfer for those taxes reported on the department's combined excise tax return or any successor return.

A return or remittance which is transmitted to the department by United States mail shall be deemed filed or received on the date shown by the post office cancellation mark stamped upon the envelope containing it, except as otherwise provided in this chapter. The department is authorized to allow electronic filing of returns or remittances from any taxpayer. A return or remittance which is transmitted to the department electronically shall be deemed filed or received according to procedures set forth by the department.

The department, for good cause shown, may extend the time for making and filing any return, and may grant such reasonable additional time within which to make and file returns as it may deem proper, but any permanent extension granting the taxpayer a reporting date without penalty more than ten days beyond the due date, and any extension in excess of thirty days shall be conditional on deposit with the department of an amount to be determined by the department which shall be approximately equal to the estimated tax liability for the reporting period or periods for which the extension is granted. In the case of a permanent extension or a temporary extension of more than thirty days the deposit shall be deposited within the state treasury with other tax funds and a credit recorded to the taxpayer's account which may be applied to taxpayer's liability upon cancellation of the permanent extension or upon reporting of the tax liability where an extension of more than thirty days has been granted.

The department shall review the requirement for deposit at least annually and may require a change in the amount of the deposit required when it believes that such amount does not approximate the tax liability for the reporting period or periods for which the extension is granted.

The department shall keep full and accurate records of all funds received and disbursed by it. Subject to the provisions of RCW 82.32.105 and 82.32.350, the department shall apply the payment of the taxpayer first against penalties and interest, and then upon the tax, without regard to any direction of the taxpayer.

The department may refuse to accept any return which is not accompanied by a remittance of the tax shown to be due thereon. When such return is not accepted, the taxpayer shall be deemed to have failed or refused to file a return and shall be subject to the procedures

provided in RCW 82.32.100 and to the penalties provided in RCW 82.32.090. The above authority to refuse to accept a return shall not apply when a return is timely filed and a timely payment has been made by electronic funds transfer."

Renumber the remaining sections and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Brown and Hochstatter on page 2, after line 16, to House Bill No. 1741.

The motion by Senator Brown carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Brown, the following title amendment was adopted:

On page 1, on line 3 of the title, after "RCW 82.32.045" insert "and RCW 82.32.080; creating a new section"

On motion of Senator Goings, the rules were suspended, House Bill No. 1741, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1741, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1741, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Fairley - 1.

HOUSE BILL NO. 1741, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1677, by House Committee on Agriculture and Ecology (originally sponsored by Representatives B. Chandler, Grant, G. Chandler, Linville, Mastin, Delvin and Parlette)

Changing irrigation district provisions.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the following Committee on Agriculture and Rural Economic Development amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 87.03 RCW to read as follows:

(1) Any irrigation district organized under this chapter may, for compensation, reimbursement, or otherwise, within limits established by the state Constitution, assist the owners of land receiving water distributed by the irrigation district or discharging, with the district's approval, water from the land into irrigation district-maintained facilities to finance, acquire, install, lease, and use equipment, fixtures, programs, and systems to conserve, improve, preserve, and efficiently use the land, water delivered by the irrigation district, or water discharged from the land into irrigation district-maintained facilities. Assistance may include, but is not limited to, grants, loans, and financing to purchase, lease, install, and use approved conservation, improvement, and preservation equipment, fixtures, programs, and systems. The equipment, fixtures, programs, and systems may be leased, purchased, or installed by a private business, the owner of the land, or the irrigation district. "Conserve," "improve," and "preserve" as used in this section, include enhancing the quality of water delivered by the irrigation district or discharged from the land into irrigation district-maintained facilities.

(2) The district may charge the owner and the land if district money or credit is used or extended to provide the assistance in subsection (1) of this section. The district's board of directors may also levy and fix assessments, rates, tolls, and charges and collect them from all persons for whom, and all land on which, district money or credit is provided, or the board may require landowner repayment for landowner assistance by assessments, charges, rates, or tolls in the same manner as provided by RCW 87.03.445.

**NEW SECTION. Sec. 2.** A new section is added to chapter 87.03 RCW to read as follows:

(1) Purchases of any materials, supplies, or equipment by the district shall be based on competitive bids except as provided in RCW 87.03.435 and 39.04.280. A formal sealed bid procedure shall be used as standard procedure for the purchases made by irrigation districts. However, the board may by resolution adopt a policy to waive formal sealed bidding procedures for purchases of any materials, supplies, or equipment for an amount set by the board not to exceed ten thousand dollars for each purchase.

(2) The directors may by resolution adopt a policy to use the process provided in RCW 39.04.190 for purchases of materials, supplies, or equipment when the estimated cost is between the amount established by the board under subsection (1) of this section and a maximum amount set by resolution adopted by the board for purchases up to fifty thousand dollars exclusive of sales tax."

#### MOTIONS

On motion of Senator Rasmussen, the following title amendment was adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "and adding new sections to chapter 87.03 RCW."

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1677, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1677, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1677, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1677, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Swecker was excused.

#### SECOND READING

HOUSE BILL NO. 1549, by Representatives G. Chandler, Linville, Mastin, Schoesler, Koster and Fortunato

Requiring the department of ecology to extend the time for work under a permit if water use has been prevented or restricted due to federal or state laws.

The bill was read the second time.

#### MOTION

Senator Fraser moved that the following Committee on Environmental Quality and Water Resources striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.03.320 and 1997 c 445 s 3 are each amended to read as follows:

Actual construction work shall be commenced on any project for which permit has been granted within such reasonable time as shall be prescribed by the department, and shall thereafter be prosecuted with diligence and completed within the time prescribed by the department. The department, in fixing the time for the commencement of the work, or for the completion thereof and the application of the water to the beneficial use prescribed in the permit, shall take into consideration the cost and magnitude of the project and the engineering and physical features to be encountered, and shall allow such time as shall be reasonable and just under the conditions then existing, having due regard for the public welfare and public interests affected (~~and, for good cause shown, it~~). For good cause shown, the department shall extend the time or times fixed as aforesaid, and shall grant such further period or periods as may be reasonably necessary, having due regard to the good faith of the applicant and the public interests affected. Good cause includes prevention or restriction of water use by operation of federal laws for the time or times fixed for commencing work, completing work, and applying water to beneficial use otherwise authorized under a water right permit issued for a federal reclamation project. In fixing construction schedules and the time, or extension of time, for application of water to beneficial use for municipal water supply purposes, the department shall also take into consideration the term and amount of financing required to complete the project, delays that may result from planned and existing conservation and water use efficiency measures implemented by the public water system, and the supply needs of the public water system's service area, consistent with an approved comprehensive plan under chapter 36.70A RCW, or in the absence of such a plan, a county-approved comprehensive plan under chapter 36.70 RCW or a plan approved under chapter 35.63 RCW, and related water demand projections prepared by public water systems in accordance with state law. An existing comprehensive plan under chapter 36.70A or 36.70 RCW, plan under chapter 35.63 RCW, or demand projection may be used. If the terms of the permit or extension thereof, are not complied with the department shall give notice by registered mail that such permit will be canceled unless the holders thereof shall show cause within sixty days why the same should not be so canceled. If cause is not shown, the permit shall be canceled."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Environmental Quality and Water Resources striking amendment to House Bill No. 1549.

The motion by Senator Fraser carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 2 of the title, after "permits;" strike the remainder of the title and insert "and amending RCW 90.03.320."

On motion of Senator Fraser, the rules were suspended, House Bill No. 1549, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1549, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1549, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Swecker - 1.

HOUSE BILL NO. 1549, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Loveland was excused.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245, by House Committee on State Government (originally sponsored by Representatives Morris, Dunn and Rockefeller) (by request of Department of Community, Trade, and Economic Development)

Exempting certain financial and proprietary information from public disclosure.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute House Bill No. 1245 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1245.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1245 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, West, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senators Heavey and Thibaudeau - 2.

Excused: Senators Loveland and Swecker - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1251, by House Committee on State Government (originally sponsored by Representatives Miloscia, Ericksen, O'Brien, Cooper, D. Schmidt, Bush, Esser, Kessler, Poulsen, McIntire, Lambert, H. Sommers, Wood, Conway, Rockefeller, Fortunato and Lantz) (by request of Governor Locke)

Eliminating and consolidating boards, commissions, and programs.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1251.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1251 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke,

Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Loveland, Swecker and Thibaudeau - 3.

SUBSTITUTE HOUSE BILL NO. 1251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1871, by House Committee on Appropriations (originally sponsored by Representatives Linville, Ericksen, Regala, Reardon, Buck, Cooper, Clements and G. Chandler)

Creating the salmon stamp programs.

The bill was read the second time.

## MOTION

Senator Jacobsen moved that the following Committee on Natural Resources, Parks and Recreation striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that salmon recovery in Washington state will involve everyone and will require funds to accomplish recovery measures. Several species of salmon in Washington are, or are expected to be, listed as threatened or endangered under the federal endangered species act. At present, these species include chinook, chum, bull trout and coho. To bring attention to the importance of the recovery of salmon and their place in Washington's heritage, raise funds for salmon recovery projects, and involve citizens of all ages, the Washington salmon stamp and Washington junior salmon stamp programs are created.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout sections 2 through 7 of this act unless the context clearly requires otherwise.

- (1) "Salmon" means all species of the genus *Oncorhynchus*, dolly varden trout, bull trout, cutthroat trout, and steelhead trout.
- (2) "Department" means the department of fish and wildlife.
- (3) "Committee" means the salmon stamp selection committee created in section 5 of this act.
- (4) "Stamp" means the stamp created under the Washington salmon stamp program and the Washington junior salmon stamp program, created in sections 2 through 7 of this act.

**NEW SECTION. Sec. 3.** (1) The Washington salmon stamp program is created in the department. The purpose of the program is the creation of a stamp that will portray a salmonid species native to Washington and will be used for stamps, prints, and posters that can be sold in a wide range of prices and editions to appeal to citizens and collectors interested in supporting salmon restoration. The proceeds from the sale of the Washington salmon stamp shall be used for protection, preservation, and restoration of salmonid habitat in Washington.

(2) Every year the department will announce competition, open to all Washington artists, for the creation of the year's Washington salmon stamp. The department will market the stamp and prints through a wide distribution method including web sites, license sites, and at public events.

(3) The winning artist will receive a monetary award and a certain number of artist proof prints.

**NEW SECTION. Sec. 4.** (1) The Washington junior salmon stamp program is created in the department. The purpose of the program is the creation of a stamp that will portray a salmonid species native to Washington and will be used for stamps, prints, and posters that can be sold in a wide range of prices and editions to appeal to citizens and collectors interested in supporting salmon restoration.

(2) Every year the department will announce a competition for the Washington junior salmon stamp program among Washington K-12 students. The top winner will receive a scholarship award.

**NEW SECTION. Sec. 5.** The salmon stamp selection committee is created. The committee is comprised of five individuals selected by the governor who will judge and select the winning entrant for the Washington salmon stamp program and Washington junior salmon stamp program. The governor will select names from a collection of names forwarded from the department and from the state arts commission in the following categories: Artist, not competing in the salmon stamp program; art collector; fish biologist; printer; and public school teacher.

**NEW SECTION. Sec. 6.** All receipts from the salmon stamp program created under sections 2 through 7 of this act must be deposited into the regional fisheries enhancement salmonid recovery account created under RCW 75.50.125, except that an amount equal to the department's cost of accomplishing the program shall be deposited into the wildlife fund. The department shall report biennially to the legislature on the amount of money the salmon stamp program has generated.

NEW SECTION. **Sec. 7.** The department is granted the authority to establish by rule the method for selecting appropriate designs for the Washington salmon stamp program and Washington junior salmon stamp program. The stamp shall be designed and produced in accordance with department rules.

**Sec. 8.** RCW 75.50.125 and 1997 c 389 s 3 are each amended to read as follows:

The regional fisheries enhancement salmonid recovery account is created in the state treasury. All receipts from federal sources and moneys from state sources specified by law must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the ~~((sole))~~ purposes of fisheries enhancement and habitat restoration by regional fisheries enhancement groups, and this act.

NEW SECTION. **Sec. 9.** Sections 2 through 7 of this act are each added to chapter 77.12 RCW."

## MOTION

On motion of Senator Rossi, the following amendment by Senators Rossi, Jacobsen, Haugen, Patterson and Hochstatter to the Committee on Natural Resources, Parks and Recreation striking was adopted:

On page 3, after line 16, insert the following:

"NEW SECTION. **Sec. 10.** A new section is added to chapter 46.16 RCW to read as follows:

The department, the Washington state patrol, and the department of fish and wildlife shall jointly create, design, and issue a special salmon license plate that may be used in lieu of regular or personalized license plates for motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates will observe the importance of salmonid to Washington state and help fund the restoration of salmon and steelhead species listed under the federal Endangered Species Act.

NEW SECTION. **Sec. 11.** A new section is added to chapter 75.46 RCW to read as follows:

The salmon species enrichment license fees account is created in the state treasury. All receipts from salmon species enrichment license fees, less the administration and collection costs incurred by the department under RCW 46.16.313 (6) and (7) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the preservation, protection, perpetuation, education, and enhancement of salmon species.

NEW SECTION. **Sec. 12.** A new section is added to chapter 75.46 RCW to read as follows:

(1) On an annual basis, the department of fish and wildlife shall solicit, from the public and private sector, proposed salmon preservation, protection, perpetuation, education, and enhancement projects and prioritize projects it recommends for funding from the salmon species enrichment license fees account by giving preference to projects that:

- (a) Provide a greater benefit to salmon recovery;
- (b) Will be implemented in a more critical area;
- (c) Are the most cost-effective;
- (d) Have the greatest matched or in-kind funding; and
- (e) Will be implemented by a sponsor with a successful record of implementation.

(2) In selecting such projects, the department shall attempt to assure a geographical balance in assigning priorities to projects.

(3) On an annual basis, the department shall report to the legislature on its selection process and the projects recommended for funding. The legislature, in its sole discretion, shall select and make appropriations for salmon preservation, protection, perpetuation, education, and enhancement projects from the salmon species enrichment license fees account.

(4) The department may adopt rules necessary to implement this section.

**Sec. 13.** RCW 46.16.313 and 1997 c 291 s 8 are each amended to read as follows:

(1) The department may establish a fee for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c), as existing before amendment by section 5, chapter 291, Laws of 1997, in an amount calculated to offset the cost of production of the special license plates and the administration of this program. Until December 31, 1997, the fee shall not exceed thirty-five dollars, but effective with vehicle registrations due or to become due on January 1, 1998, the department may adjust the fee to no more than forty dollars. This fee is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

~~(2) ((Until December 31, 1997, in addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.~~

~~(3) Effective with vehicle registrations due or to become due on January 1, 1998,))~~ In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a collegiate license plate shall pay an initial fee of forty dollars. The

department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

~~((4) Effective with annual renewals due or to become due on January 1, 1999,)) (3) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.~~

~~((5)) (4) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.~~

~~((6) Effective with annual renewals due or to become due on January 1, 1999,)) (5) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.~~

(6) Effective with vehicle registrations due or to become due on January 1, 2000, in addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a salmon license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The department shall remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the salmon species enrichment license fees account.

(7) Effective with annual renewals due or to become due on January 1, 2000, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a salmon license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The department shall remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the salmon species enrichment license fees account.

**Sec. 14.** RCW 46.16.233 and 1997 c 291 s 2 are each amended to read as follows:

Except for those license plates issued under RCW 46.16.305(1) before January 1, 1987, under RCW 46.16.305(3), under section 1 of this act, and to commercial vehicles with a gross weight in excess of twenty-six thousand pounds, effective with vehicle registrations due or to become due on January 1, 2001, all vehicle license plates must be issued on a standard background, as designated by the department. Additionally, to ensure maximum legibility and reflectivity, the department shall periodically provide for the replacement of license plates. Frequency of replacement shall be established in accordance with empirical studies documenting the longevity of the reflective materials used to make license plates.

**Sec. 15.** RCW 46.16.290 and 1997 c 291 s 4 are each amended to read as follows:

In any case of a valid sale or transfer of the ownership of any vehicle, the right to the certificates properly transferable therewith, except as provided in RCW 46.16.280, and to the vehicle license plates passes to the purchaser or transferee. It is unlawful for the holder of such certificates, except as provided in RCW 46.16.280, or vehicle license plates to fail, neglect, or refuse to endorse the certificates and deliver the vehicle license plates to the purchaser or transferee. If the sale or transfer is of a vehicle licensed by the state or any county, city, town, school district, or other political subdivision entitled to exemption as provided by law, or, if the vehicle is licensed with personalized plates, amateur radio operator plates, medal of honor plates, disabled person plates, disabled veteran plates, prisoner of war plates, salmon plates, or other special license plates issued under RCW 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, the vehicle license plates therefor shall be retained and may be displayed upon a vehicle obtained in replacement of the vehicle so sold or transferred."

The President declared the question before the Senate to be the adoption of the Committee on Natural Resources, Parks and Recreation striking amendment, as amended, to Second Substitute House Bill No. 1871.

The motion by Senator Jacobsen carried and the committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Jacobsen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "stamps;" strike the remainder of the title and insert "amending RCW 75.50.125; adding new sections to chapter 77.12 RCW; and creating a new section."

On page 3, on line 20 of the title amendment, after "stamps" strike the remainder of the title amendment and insert "and salmon species enrichment license plates; amending RCW 75.50.125, 46.16.313, 46.16.233, and 46.16.290; adding a new section to chapter 46.16 RCW; adding new sections to chapter 77.12 RCW; adding new sections to chapter 75.46 RCW; and creating a new section."

On motion of Senator Jacobsen, the rules were suspended, Second Substitute House Bill No. 1871, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1871, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1871, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Loveland and Swecker - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1871, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Deccio, Senator Hale was excused.

#### MOTION

On motion of Senator Franklin, Senator Patterson was excused.

#### SECOND READING

HOUSE BILL NO. 1050, by Representatives Conway and Clements (by request of Department of Labor and Industries)

Relieving the department of labor and industries of the duties of coal mine inspection.

The bill was read the second time.

#### MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1050 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1050.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1050 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton,

Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Hale, Loveland, Patterson and Swecker - 4.

HOUSE BILL NO. 1050, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

#### MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143, by House Committee on Appropriations (originally sponsored by Representatives O'Brien, Ballasiotes, Tokuda, Cairnes, Lovick, Kagi, Koster, Constantine, K. Schmidt, Kastama, Fisher, Quall, Kenney, Veloria, Eickmeyer, Kessler, Lantz, Ogden, Murray, Lambert, Dunn, Rockefeller and Conway)

Authorizing deductions from inmate funds.

The bill was read the second time.

#### MOTION

Senator Hargrove moved that the following Committee on Human Services and Corrections striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 72.09.480 and 1998 c 261 s 2 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply to this section.

(a) "Cost of incarceration" means the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department, based on the average per inmate costs established by the department and the office of financial management.

(b) "Minimum term of confinement" means the minimum amount of time an inmate will be confined in the custody of the department, considering the sentence imposed and adjusted for the total potential earned early release time available to the inmate.

(2) When an inmate, except as provided in subsection (6) of this section, receives any funds in addition to his or her wages or gratuities, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

(3) The amount deducted from an inmate's funds under subsection (2) of this section shall not exceed the department's total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

(4) The deductions required under subsection (2) of this section shall not apply to funds received by the department on behalf of an offender for payment of one fee-based education or vocational program that is associated with an inmate's work program or a placement decision made by the department under RCW 72.09.460 to prepare an inmate for work upon release.

(5) The deductions required under subsection (2) of this section shall not apply to any money received by the department, on behalf of an inmate, from family or other outside sources for the payment of postage expenses. Money received under this subsection may only be used for the payment of postage expenses and may not be transferred to any other account or purpose. Money that remains unused in the inmate's postage fund at the time of release shall be subject to the deductions outlined in subsection (2) of this section.

(6) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds in addition to his or her gratuities, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation and twenty percent to the department to contribute to the cost of incarceration.

(7) The secretary shall deposit inmate savings account funds deducted pursuant to this section and RCW 72.09.111 into an interest bearing account and each inmate shall receive the interest on his or her account at a rate not less than the passbook savings rate. The interest earned on an inmate savings account shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

**Sec. 2.** RCW 72.09.111 and 1994 sp.s. c 7 s 534 are each amended to read as follows:

(1) The secretary shall deduct from the gross wages or gratuities of each inmate working in correctional industries work programs, taxes and legal financial obligations. The secretary shall develop a formula for the distribution of offender wages and gratuities.

(a) The formula shall include the following minimum deductions from class I gross wages and from all others earning at least minimum wage:

- (i) Five percent to the public safety and education account for the purpose of crime victims' compensation;
- (ii) Ten percent to a department personal inmate savings account; and
- (iii) Twenty percent to the department to contribute to the cost of incarceration.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

- (i) Five percent to the public safety and education account for the purpose of crime victims' compensation;
- (ii) Ten percent to a department personal inmate savings account; and
- (iii) Fifteen percent to the department to contribute to the cost of incarceration.

(c) The formula shall include the following minimum deduction from class IV gross gratuities: Five percent to the department to contribute to the cost of incarceration.

(d) The formula shall include the following minimum deductions from class III gratuities: Five percent for the purpose of crime victims' compensation.

Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under (a)(ii) or (b)(ii) of this subsection.

The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the time of his or her release from confinement, unless the secretary determines that an emergency exists for the inmate, at which time the funds can be made available to the inmate in an amount determined by the secretary. The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

In the event that the offender worker's wages or gratuity is subject to garnishment for support enforcement, the crime victims' compensation, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

(2) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

(3) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs (~~until December 31, 2000, and thereafter all such funds shall be deposited in the general fund~~).

(4) The expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

(a) Not later than June 30, 1995, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(b) Not later than June 30, 1996, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(c) Not later than June 30, 1997, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(d) Not later than June 30, 1998, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(e) Not later than June 30, 1999, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(f) Not later than June 30, 2000, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994.

(5) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources."

## MOTION

Senator Kohl-Welles moved that the following amendments by Senators Kohl-Welles, Long, Costa and Hargrove to the Committee on Human Services and Corrections striking amendment be considered simultaneously and be adopted:

On page 1, after line 20, insert the following:

"(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree."

On page 1, after line 35, insert the following:

"An inmate may, prior to the completion of the fee-based education or vocational program authorized under this subsection, apply to a person designated by the secretary for permission to make a change in his or her program. The secretary, or his or her designee, may approve the application based solely on the following criteria: (a) The inmate has been transferred to another institution by the department for reasons unrelated to education or a change to a higher security classification and the offender's current program is unavailable in the offender's new placement; (b) the inmate entered an academic program as an undeclared major and wishes to declare a major. No inmate may apply for more than one change to his or her major and receive the exemption from deductions specified in this subsection; (c) the educational or vocational institution is terminating the inmate's current program; or (d) the offender's training or education has demonstrated that the current program is not the appropriate program to assist the offender to achieve a placement decision made by the department under RCW 72.09.460 to prepare the inmate for work upon release."

## POINT OF INQUIRY

Senator Zarelli: "Senator Kohl-Welles, would this amendment, in any way, provide for an exemption for inmate's education concerning the withheld monies--what the underlying bill deals with?"

Senator Kohl-Welles: "Senator Zarelli, I am not sure exactly what you are asking, but right now in statute, we have an exemption for one educational program and we are not sure what that means, in terms of program. This would clarify that definition."

Senator Zarelli: "Thank you."

The President declared the question before the Senate to be the adoption of the amendments by Senators Kohl-Welles, Long, Costa and Hargrove on page 1, after line 20, and page 1, after line 35, to the Committee on Human Services and Corrections striking amendment to Engrossed Second Substitute House Bill No. 1143.

The motion by Senator Kohl-Welles carried and the amendments to the committee striking amendment were adopted.

## MOTION

On motion of Senator Hargrove, the following amendments by Senators Hargrove and Long to the Committee on Human Services and Corrections striking amendments were considered simultaneously and were adopted:

On page 2, line 16 of the amendment, after "(7)", strike everything through "savings rate," on line 19

On page 2, line 20 of the amendment, after "account" insert "created as a result of the plan in section 3 of this act"

On page 4, after line 36 of the amendment, insert the following:

"NEW SECTION. Sec. 3. The secretary of corrections shall prepare a plan for depositing inmate savings account funds into an interest bearing account. The plan shall assume that the funds shall be deposited into a commingled account for all inmates and that the interest shall be paid in a manner pro rata to the inmate's share of the total deposits. The secretary shall present the plan to the governor and the legislature not later than December 1, 1999. The plan shall minimize the costs of administering the account and the inmates shall receive interest at a rate not less than the passbook savings rate."

## MOTION

Senator Sheahan moved that the following amendment by Senators Sheahan, Johnson, Long, Costa, Hargrove and Goings to the Committee on Human Services and Corrections striking amendment be adopted:

On page 4, after line 36 of the amendment, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 70.48 RCW to read as follows:

A governing unit may require that each person who is booked at a city, county, or regional jail pay a fee of ten dollars to the sheriff's department of the county or police chief of the city in which the jail is located. The fee is payable immediately from any money then possessed by the person being booked, or any money deposited with the sheriff's department or city jail administration on the person's behalf. If the person has no funds at the time of booking or during the period of incarceration, the sheriff or police chief may notify the court in the county or

city where the charges related to the booking are pending, and may request the assessment of the fee. Unless the person is held on other criminal matters, if the person is not charged, is acquitted, or if all charges are dismissed, the sheriff or police chief shall return the fee to the person at the last known address listed in the booking records."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sheahan, Johnson, Long, Costa, Hargrove and Goings on page 4, after line 36, to the Committee on Human Services and Corrections striking amendment to Engrossed Second Substitute House Bill No. 1143.

The motion by Senator Sheahan carried and the amendment to the committee striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Human Services and Corrections striking amendment, as amended, to Engrossed Second Substitute House Bill No. 1143.

The committee striking amendment, as amended, was adopted.

#### MOTION

On motion of Senator Zarelli, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "funds;" strike the remainder of the title and insert "and amending RCW 72.09.480 and 72.09.111."

On page 5, line 5 of the amendment, after "insert" strike the remainder of the title amendment and insert "amending RCW 72.09.480 and 72.09.111; and adding a new section to chapter 70.48 RCW."

On page 5, line 5 of the title amendment, before "amending" strike "and" and after "72.09.111" insert "; and creating a new section"

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute House Bill No. 1143, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1143, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1143, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Deccio, Hale, Loveland, Patterson, Swecker and Thibaudeau - 6.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1154, by Representatives Cooper, Delvin, Edmonds, Conway, Wood, Dunshee, Gombosky, Doumit, Hatfield, Kenney and Cody

Eliminating the time limit on regular tax levies for medical care and services.

The bill was read the second time.

#### MOTION

Senator Goings moved that the following striking amendment by Senators Goings, Swecker, McCaslin, Benton, Fraser, Costa, Roach, Haugen, Snyder and Zarelli be adopted:

On page 1, strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.52.069 and 1995 c 318 s 9 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, urban emergency medical service district, or fire protection district.

(2) A taxing district may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the taxing district (~~(in each year for six consecutive years when specifically authorized so to do)~~). The tax shall be imposed (a) each year for six consecutive years, (b) each year for ten consecutive years, or (c) permanently. A tax levy under this section must be specifically authorized by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total number of voters voting in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 29.30.111. A taxing district shall not submit to the voters at the same election multiple propositions to impose a levy under this section.

(3) A taxing district imposing a permanent levy under this section shall provide for separate accounting of expenditures of the revenues generated by the levy. The taxing district shall maintain a statement of the accounting which shall be updated at least every two years and shall be available to the public upon request at no charge.

(4) A taxing district imposing a permanent levy under this section shall provide for a referendum procedure to apply to the ordinance or resolution imposing the tax. This referendum procedure shall specify that a referendum petition may be filed at any time with a filing officer, as identified in the ordinance or resolution. Within ten days, the filing officer shall confer with the petitioner concerning form and style of the petition, issue the petition an identification number, and secure an accurate, concise, and positive ballot title from the designated local official. The petitioner shall have thirty days in which to secure the signatures of not less than fifteen percent of the registered voters of the taxing district, as of the last general election, upon petition forms which contain the ballot title and the full text of the measure to be referred. The filing officer shall verify the sufficiency of the signatures on the petition and, if sufficient valid signatures are properly submitted, shall certify the referendum measure to the next election within the taxing district if one is to be held within one hundred eighty days from the date of filing of the referendum petition, or at a special election to be called for that purpose in accordance with RCW 29.13.020.

The referendum procedure provided in this subsection shall be exclusive in all instances for any taxing district imposing the tax under this section and shall supersede the procedures provided under all other statutory or charter provisions for initiative or referendum which might otherwise apply.

~~((3))~~ (5) Any tax imposed under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

~~((4))~~ (6) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a county levies less than fifty cents per thousand dollars of the assessed value of property, then any other taxing district may levy a tax under this section equal to the difference between the rate of the levy by the county and fifty cents: PROVIDED FURTHER, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the amount of the taxing district levy within the county shall be reduced, when the combined levies exceed fifty cents. Whenever a tax is levied county-wide, the service shall, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no county-wide levy proposal may be placed on the ballot without the approval of the legislative authority of each city exceeding fifty thousand population within the county: AND PROVIDED FURTHER, That this section and RCW 36.32.480 shall not prohibit any city or town from levying an annual excess levy to fund emergency medical services: AND PROVIDED, FURTHER, That if a county proposes to impose tax levies under this section, no other ballot proposition authorizing tax levies under this section by another taxing district in the county may be placed before the voters at the same election at which the county ballot proposition is placed: AND PROVIDED FURTHER, That any taxing district emergency medical service levy that is limited in duration and that is authorized subsequent to a county emergency medical service levy that is limited in duration, shall expire concurrently with the county emergency medical service levy.

~~((5))~~ (7) The limitations in RCW 84.52.043 shall not apply to the tax levy authorized in this section.

~~((6))~~ (8) If a ballot proposition approved under subsection (2) of this section did not impose the maximum allowable levy amount authorized for the taxing district under this section, any future increase up to the maximum allowable levy amount must be specifically authorized by the voters in accordance with subsection (2) of this section at a general or special election.

(9) The limitation in RCW 84.55.010 shall not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

**Sec. 2.** RCW 29.30.111 and 1984 c 131 s 3 are each amended to read as follows:

(1) The ballot proposition authorizing a taxing district to impose the regular property tax levies authorized in RCW 36.69.145, 67.38.130, or 84.52.069 shall contain in substance the following:

"Shall the . . . . . (insert the name of the taxing district) be authorized to impose regular property tax levies of . . . . . (insert the maximum rate) or less per thousand dollars of assessed valuation for each of . . . . . (insert the maximum number of years allowable) consecutive years?

Yes

No

Each voter shall indicate either "Yes" or "No" on his or her ballot in accordance with the procedures established under this title.

(2) The ballot proposition authorizing a taxing district to impose a permanent regular tax levy under RCW 84.52.069 shall contain the following:

"Shall the . . . . . (insert the name of the taxing district) be authorized to impose a PERMANENT regular property levy of . . . . . (insert the maximum rate) or less per thousand dollars of assessed valuation?"

Yes . . . . .

No . . . . .

NEW SECTION. Sec. 3. This act applies to levies authorized after the effective date of this section."

#### POINT OF INQUIRY

Senator Eide: "Senator Goings, taxing districts currently provide more information than is required on the ballot title. Does this amendment change that?"

Senator Goings: "No, the amendment provides the foundation of the ballot title. It lists the items that must be stated. Taxing districts may continue to provide more information to the voters than is required."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Goings, Swecker, McCaslin, Benton, Fraser, Costa, Roach, Haugen, Snyder and Zarelli to House Bill No. 1154.

The motion by Senator Goings carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Goings, the following title amendment was adopted:

On page 1, on line 2 of the title, after "services;" strike the remainder of the title and, insert "amending RCW 84.52.069 and 29.30.111; and creating a new section."

On motion of Senator Goings, the rules were suspended, House Bill No. 1154, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1154, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1154, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Deccio, Hale, Patterson and Thibaudeau - 4.

HOUSE BILL NO. 1154, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senators Jacobsen and Loveland were excused.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1263, by Representatives Sheahan, Constantine, McDonald and Kastama

Regulating process and fees of district and municipal courts.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, Engrossed House Bill No. 1263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1263.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1263 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Wojahn - 42.

Voting nay: Senator Zarelli - 1.

Excused: Senators Deccio, Hale, Jacobsen, Loveland, Patterson and Thibaudeau - 6.

ENGROSSED HOUSE BILL NO. 1263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator McAuliffe was excused.

MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

MOTION

On motion of Senator Fraser, Senator Prentice was excused.

SECOND READING

HOUSE BILL NO. 1554, by Representatives Murray, McDonald, Constantine, Mitchell, Dickerson, Ballasiotes, Scott, Radcliff, Poulsen and Romero (by request of Washington State Patrol)

Clarifying status of HOV lane violations as traffic infractions.

The bill was read the second time.

MOTION

On motion of Senator Goings, the rules were suspended, House Bill No. 1554 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1554.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1554 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 6; Absent, 1; Excused, 9.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, McDonald, Morton, Oke, Rasmussen, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, West, Winsley and Wojahn - 33.

Voting nay: Senators Benton, Finkbeiner, Roach, Rossi, Stevens and Zarelli - 6.

Absent: Senator Hargrove - 1.

Excused: Senators Deccio, Hale, Jacobsen, Loveland, McAuliffe, McCaslin, Patterson, Prentice and Thibaudeau - 9.

HOUSE BILL NO. 1554, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Johnson served notice that he would move to reconsider the vote by which House Bill No. 1554 passed the Senate.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1212, by House Committee on Transportation (originally sponsored by Representatives Eickmeyer, Clements, Mielke, Benson, Veloria, Haigh, O'Brien, Doumit, Murray, Anderson, Conway, Constantine, Fisher, Hatfield, Dunshee, H. Sommers and Kenney)

Extending certain drivers' licenses for out-of-state licensees.

The bill was read the second time.

#### MOTION

On motion of Senator Goings, the rules were suspended, Substitute House Bill No. 1212 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1212.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1212 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Deccio, Jacobsen, Loveland and McAuliffe - 4.

SUBSTITUTE HOUSE BILL NO. 1212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Hargrove was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1992, by House Committee on Health Care (originally sponsored by Representatives Ballasiotes, Schual-Berke and Rockefeller)

Studying the need for emergency medical services personnel to be trained in the use of epinephrine.

The bill was read the second time.

#### MOTION

Senator Finkbeiner moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 3, after "committee" insert "and the senate committee on health and long-term care"

On page 2, line 16, after "health" strike "may" and insert "shall"

On page 2, line 19, after "anaphylaxis." strike "If" and insert "When"

On page 2, line 25, after the word "allergists." insert "The technical advisory committee shall assist the department of health in assessing the pilot project and reporting to the appropriate committees of the legislature by December 12, 1999."

On page 2, after line 25, insert the following:

**"NEW SECTION. Sec. 4.** A new section is added to chapter 18.73 RCW to read as follows:

(1) All of the state's ambulance and aid services shall make epinephrine available to their emergency medical technicians in their emergency care supplies. The emergency medical technician may administer epinephrine to a patient of any age upon the presentation of evidence of a prescription for epinephrine or to a patient under eighteen years of age:

(a) upon the request of the patient or his or her parent or guardian, or

(b) upon the request of a person who presents written authorization from the patient or his or her parent or guardian making such a request.

(2) Any emergency medical technician, emergency medical service, or medical program director acting in good faith and in compliance with the provisions of this section shall not be liable for any civil damages arising out of the furnishing or administration of epinephrine.

(3) Nothing in this section authorizes the administration of epinephrine by a first responder.

(4) This section shall take effect January 1, 2000, and shall expire December 31, 2001."

On page 2, after line 29, insert the following:

**"NEW SECTION. Sec. 5.** This act may be known and cited as the Kristine Kastner Act."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Finkbeiner on page 2, lines 3, 16, 19, 25(2), and 29, to Substitute House Bill No. 1992.

The motion by Senator Finkbeiner carried and the amendments were adopted.

#### MOTION

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 1 of the title, after "epinephrine;" strike the remainder of the title and insert "adding a new section to chapter 18.73 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency."

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 1992, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1992, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1992, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Hargrove, Jacobsen and Loveland - 3.

SUBSTITUTE HOUSE BILL NO. 1992, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1880, by House Committee on Health Care (originally sponsored by Representatives Cody, Schual-Berke, Kenney and Edmonds)

Providing for self-directed care for persons with disabilities.

The bill was read the second time.

## MOTION

On motion of Senator Thibaudeau, the following Committee on Health and Long-Term Care amendment was adopted:  
Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that certain aspects of health licensure laws have the unintended consequence of limiting the right of persons with functional disabilities to care for themselves in their own home, and of securing assistance from other persons in performing routine health-related tasks that persons without these disabilities customarily perform.

(2) It is the intent of the legislature to clarify the right of adults with functional disabilities to choose to self-direct their own health-related tasks through personal aides, and to describe the circumstances under which self-directed care may take place in the home setting. The legislature declares that it is in the public interest to preserve the autonomy and dignity of persons with functional disabilities to care for themselves in their own homes, among the continuum of options for health care services where the judgment and control over the care rests with the individual.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout sections 1 through 4 and 8 of this act and RCW 43.190.060 unless the context clearly requires otherwise.

(1) "Self-directed care" means the process in which an adult person, who is prevented by a functional disability from performing a manual function related to health care that an individual would otherwise perform for himself or herself, chooses to direct and supervise a paid personal aide to perform those tasks.

(2) "Personal aide" means an individual, working privately or as an individual provider under contract or agreement with the department of social and health services, who acts at the direction of an adult person with a functional disability living in his or her own home and provides that person with health care services that a person without a functional disability can perform.

**NEW SECTION. Sec. 3.** (1) An adult person with a functional disability living in his or her own home may direct and supervise a paid personal aide in the performance of a health care task.

(2) The following requirements shall guide the provision of self-directed care under this act:

(a) Health care tasks are those medical, nursing, or home health services that enable the person to maintain independence, personal hygiene, and safety in his or her own home, and that are services that a person without a functional disability would customarily and personally perform without the assistance of a licensed health care provider.

(b) The individual who chooses to self-direct a health care task is responsible for initiating self-direction by informing the health care professional who has ordered the treatment which involves that task of the individual's intent to perform that task through self-direction.

(c) When state funds are used to pay for self-directed tasks, a description of those tasks will be included in the client's comprehensive assessment, and subject to review with each annual reassessment.

(d) When a licensed health care provider orders treatment involving a health care task to be performed through self-directed care, the responsibility to ascertain that the patient understands the treatment and will be able to follow through on the self-directed care task is the same as it would be for a patient who performs the health care task for himself or herself, and the licensed health care provider incurs no additional liability when ordering a health care task which is to be performed through self-directed care.

(e) The role of the personal aide in self-directed care is limited to performing the physical aspect of health care tasks under the direction of the person for whom the tasks are being done. This shall not affect the ability of a personal aide to provide other home care services, such as personal care or homemaker services, which enable the client to remain at home.

(f) The responsibility to initiate self-directed health care tasks, to possess the necessary knowledge and training for those tasks, and to exercise judgment regarding the manner of their performance rests and remains with the person who has chosen to self-direct those tasks, including the decision to employ and dismiss a personal aide.

**NEW SECTION. Sec. 4.** Any individual who, for compensation, serves as a personal aide provider under contract or agreement with the department of social and health services, to a person who self-directs his or her own care in his or her own home, shall register with the department of social and health services.

**Sec. 5.** RCW 74.39A.050 and 1998 c 85 s 1 are each amended to read as follows:

The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter 392, Laws of 1997.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when conducting licensing inspections, the department shall interview an appropriate percentage of residents, family members, resident managers, and advocates in addition to interviewing providers and staff.

(3) Providers should be supported in their efforts to improve quality and address identified problems initially through training, consultation, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints and a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160, chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) To the extent funding is available, all long-term care staff directly responsible for the care, supervision, or treatment of vulnerable persons should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis according to law and rules adopted by the department.

(8) No provider or staff, or prospective provider or staff, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

(9) The department shall establish, by rule, a state registry which contains identifying information about personal care aides identified under this chapter who have substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information.

(10) The department shall by rule develop training requirements for individual providers and home care agency providers. The department shall deny payment to an individual provider or a home care provider who does not complete the training requirement within the time limit specified by the department by rule.

(11) The department shall establish, by rule, training, background checks, and other quality assurance requirements for personal aides who provide in-home services funded by medicaid personal care as described in RCW 74.09.520, community options program entry system waiver services as described in RCW 74.39A.030, or chore services as described in RCW 74.39A.110 that are equivalent to requirements for individual providers.

(12) Under existing funds the department shall establish internally a quality improvement standards committee to monitor the development of standards and to suggest modifications.

~~((10))~~ (13) Within existing funds, the department shall design, develop, and implement a long-term care training program that is flexible, relevant, and qualifies towards the requirements for a nursing assistant certificate as established under chapter 18.88A RCW. This subsection does not require completion of the nursing assistant certificate training program by providers or their staff. The long-term care teaching curriculum must consist of a fundamental module, or modules, and a range of other available relevant training modules that provide the caregiver with appropriate options that assist in meeting the resident's care needs. Some of the training modules may include, but are not limited to, specific training on the special care needs of persons with developmental disabilities, dementia, mental illness, and the care needs of the elderly. No less than one training module must be dedicated to workplace violence prevention. The nursing care quality assurance commission shall work together with the department to develop the curriculum modules. The nursing care quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate as defined in chapter 18.88A RCW. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. The department may review whether facilities can develop their own related long-term care training programs. The department may develop a review process for determining what previous experience and training may be used to waive some or all of the mandatory training. The department of social and health services and the nursing care quality assurance commission shall work together to develop an implementation plan by December 12, 1998.

**NEW SECTION. Sec. 6.** A new section is added to chapter 74.34 RCW to read as follows:

For the purposes of this chapter, the term "vulnerable adult" includes persons receiving services from any individual who for compensation serves as a personal aide to a person who self-directs his or her own care in his or her home under this act.

**Sec. 7.** RCW 43.20A.710 and 1997 c 392 s 525 are each amended to read as follows:

(1) The secretary shall investigate the conviction records, pending charges or disciplinary board final decisions of:

(a) Persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or individuals with mental illness or developmental disabilities; and

(b) Individual providers who are paid by the state for in-home services and hired by individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment, including but not limited to services provided under chapter 74.39A RCW.

(2) The investigation may include an examination of state and national criminal identification data. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants.

(3) The secretary shall provide the results of the state background check on individual providers to the individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment or to their legal guardians, if any, for their determination of the character, suitability, and competence of the applicants. If an individual elects to hire or retain an individual provider after receiving notice from the department that the applicant has a conviction for an offense that would disqualify the applicant from employment with the department, then the secretary ~~((may))~~ shall deny payment for any subsequent services rendered by the disqualified individual provider.

(4) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

**NEW SECTION. Sec. 8.** A personal aide, in the performance of a health care task, who is directed and supervised by a person with a functional disability in his or her own home, is exempt from any legal requirement to qualify and be credentialed by the department of health as a health care provider under Title 18 RCW to the extent of the responsibilities provided and health care tasks performed under this act.

**NEW SECTION. Sec. 9.** (1) To the extent that funds are appropriated for this purpose, the University of Washington school of nursing shall study the implementation of this act as it relates to self-directed care performed for persons receiving services through department of social and health services' programs, and submit a report to the legislature by November 1, 2001, to include findings as well as any recommendations for improvements to this act. If there are not sufficient numbers of consumers who have elected self-directed care in order for the study to be completed by November 1, 2001, the study deadline shall be extended as necessary, but not to exceed one year.

(2) The study shall be performed in consultation with the governor's committee on disability issues and employment, and the departments of health and social and health services. The report shall include data, to the extent reasonably available, on the following:

(a) Consumer satisfaction with self-directed care, including consumer perception of the degree of autonomy, self-determination, and choice afforded;

(b) Service quality and consumer safety, as determined by consumers and quantifiable outcomes such as rate of hospitalization or other facility placement;

(c) Number of personal aides who have been found to have abused or neglected consumers;

(d) Consumer outcomes in emergency situations such as abandonment, abuse, neglect, or exploitation by personal aide; and

(e) Whether coercion is a factor in consumers requesting self-directed care, or with personal aides performing self-directed care tasks.

**NEW SECTION. Sec. 10.** Sections 2 through 4 and 8 of this act are each added to chapter 74.39 RCW."

## MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 2 of the title, after "disabilities;" strike the remainder of the title and insert "amending RCW 74.39A.050 and 43.20A.710; adding new sections to chapter 74.39 RCW; adding a new section to chapter 74.34 RCW; and creating new sections."

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 1880, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1880, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1880, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice,

Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Hargrove, Jacobsen and Loveland - 3.

SUBSTITUTE HOUSE BILL NO. 1880, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1863, by Representatives Skinner, Cody, Lovick and Campbell

Providing for compensation to part-time health commissions.

The bill was read the second time.

## MOTION

On motion of Senator Thibaudeau, the following Committee on Health and Long-Term Care amendment was adopted:  
Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.03 RCW to read as follows:

(1) Any part-time commission that has rule-making authority, performs quasi-judicial functions, has responsibility for the policy direction of a health profession credentialing program, and performs regulatory and licensing functions with respect to a health care profession licensed under Title 18 RCW shall be identified as a class five group for purposes of compensation.

(2) Except as otherwise provided in this section, each member of a class five group is eligible to receive compensation in an amount not to exceed two hundred fifty dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is necessarily incurred in the course of authorized business consistent with the responsibilities of the commission established by law.

**Sec. 2.** RCW 18.25.0171 and 1994 sp.s. c 9 s 107 are each amended to read as follows:

The commission shall elect officers each year. Meetings of the commission are open to the public, except that the commission may hold executive sessions to the extent permitted by chapter 42.30 RCW. The secretary of health shall furnish such secretarial, clerical, and other assistance as the commission may require.

Each member of the commission shall be compensated in accordance with ((RCW 43.03.240)) section 1 of this act. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060.

A majority of the commission members appointed and serving constitutes a quorum for the transaction of commission business. The affirmative vote of a majority of a quorum of the commission is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

The commission may appoint members of panels of at least three members. A quorum for transaction of any business by a panel is a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission.

The members of the commission are immune from suit in an action, civil or criminal, based upon its disciplinary proceedings or other official acts performed in good faith as members of the commission.

The commission may, whenever the workload of the commission requires, request that the secretary appoint pro tempore members. While serving as members pro tempore persons have all the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses, of the commission.

The commission shall prepare or determine the nature of the examinations for applicants to practice chiropractic.

The commission may adopt such rules as are consistent with this chapter as may be deemed necessary and proper to carry out the purposes of this chapter.

**Sec. 3.** RCW 18.32.0361 and 1994 sp.s. c 9 s 208 are each amended to read as follows:

Each member of the commission shall be compensated in accordance with ((RCW 43.03.240)) section 1 of this act. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060. Commission members shall be compensated and reimbursed for their activities in developing or administering a multistate licensing examination, as provided in this chapter.

**Sec. 4.** RCW 18.71.015 and 1994 sp.s. c 9 s 303 are each amended to read as follows:

The Washington state medical quality assurance commission is established, consisting of thirteen individuals licensed to practice medicine in the state of Washington under this chapter, two individuals who are licensed as physician assistants under chapter 18.71A RCW, and four individuals who are members of the public. Each congressional district now existing or hereafter created in the state must be represented by at least one physician member of the commission. The terms of office of members of the commission are not affected by changes in congressional district boundaries. Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of health services regulated by the commission.

The members of the commission shall be appointed by the governor. Members of the initial commission may be appointed to staggered terms of one to four years, and thereafter all terms of appointment shall be for four years. The governor shall consider such physician and physician assistant members who are recommended for appointment by the appropriate professional associations in the state. In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, the existing members of the board of medical examiners and medical disciplinary board repealed under section 336, chapter 9, Laws of 1994 sp. sess. be appointed to the commission. No member may serve more than two consecutive full terms. Each member shall hold office until a successor is appointed.

Each member of the commission must be a citizen of the United States, must be an actual resident of this state, and, if a physician, must have been licensed to practice medicine in this state for at least five years.

The commission shall meet as soon as practicable after appointment and elect officers each year. Meetings shall be held at least four times a year and at such place as the commission determines and at such other times and places as the commission deems necessary. A majority of the commission members appointed and serving constitutes a quorum for the transaction of commission business.

The affirmative vote of a majority of a quorum of the commission is required to carry any motion or resolution, to adopt any rule, or to pass any measure. The commission may appoint panels consisting of at least three members. A quorum for the transaction of any business by a panel is a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission.

Each member of the commission shall be compensated in accordance with ~~((RCW 43.03.240))~~ section 1 of this act and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the commission in accordance with RCW 43.03.050 and 43.03.060. Any such expenses shall be paid from funds appropriated to the department of health.

Whenever the governor is satisfied that a member of a commission has been guilty of neglect of duty, misconduct, or malfeasance or misfeasance in office, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary shall forthwith send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

Vacancies in the membership of the commission shall be filled for the unexpired term by appointment by the governor.

The members of the commission are immune from suit in an action, civil or criminal, based on its disciplinary proceedings or other official acts performed in good faith as members of the commission.

Whenever the workload of the commission requires, the commission may request that the secretary appoint pro tempore members of the commission. When serving, pro tempore members of the commission have all of the powers, duties, and immunities, and are entitled to all of the emoluments, including travel expenses, of regularly appointed members of the commission.

**Sec. 5.** RCW 18.79.090 and 1994 sp.s. c 9 s 409 are each amended to read as follows:

Each commission member shall be compensated in accordance with ~~((RCW 43.03.240))~~ section 1 of this act and shall be paid travel expenses when away from home in accordance with RCW 43.03.050 and 43.03.060."

## MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 2 of the title, after "commissions;" strike the remainder of the title and insert "amending RCW 18.25.0171, 18.32.0361, 18.71.015, and 18.79.090; and adding a new section to chapter 43.03 RCW."

On motion of Senator Thibaudeau, the rules were suspended, House Bill No. 1863, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1863, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1863, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 39; Nays, 6; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 39.

Voting nay: Senators Benton, Honeyford, Long, Morton, Roach and Zarelli - 6.

Absent: Senator Snyder - 1.

Excused: Senators Hargrove, Jacobsen and Loveland - 3.

HOUSE BILL NO. 1863, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### MESSAGES FROM THE HOUSE

April 13, 1999

MR. PRESIDENT:

The Co-Speakers have signed SENATE BILL NO. 5734, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 13, 1999

MR. PRESIDENT:

The House has failed to pass SUBSTITUTE SENATE BILL NO. 5762, and the same is herewith transmitted.:

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 13, 1999

MR. PRESIDENT:

The Co-Speakers have signed:

SENATE BILL NO. 5012,

SENATE BILL NO. 5037,

SENATE BILL NO. 5156,

SENATE BILL NO. 5178,

SUBSTITUTE SENATE BILL NO. 5191,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5195,

SUBSTITUTE SENATE BILL NO. 5215,

SENATE BILL NO. 5262,

SENATE BILL NO. 5301,

SUBSTITUTE SENATE BILL NO. 5313,

SENATE BILL NO. 5365,

SENATE BILL NO. 5402,

SUBSTITUTE SENATE BILL NO. 5457,

SENATE BILL NO. 5614,

SUBSTITUTE SENATE BILL NO. 5615,

SENATE BILL NO. 5648,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5658,

SENATE BILL NO. 5702,

SECOND SUBSTITUTE SENATE BILL NO. 5766,  
SENATE BILL NO. 5777,  
SENATE BILL NO. 5829,  
ENGROSSED SENATE BILL NO. 5843,  
SUBSTITUTE SENATE BILL NO. 6009,  
SENATE BILL NO. 6019,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6020, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief  
Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 13, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
SUBSTITUTE SENATE BILL NO. 5010,  
SUBSTITUTE SENATE BILL NO. 5030,  
ENGROSSED SENATE BILL NO. 5141,  
SENATE BILL NO. 5194,  
SENATE BILL NO. 5278,  
SENATE BILL NO. 5401,  
SENATE BILL NO. 5432,  
SUBSTITUTE SENATE BILL NO. 5495,  
ENGROSSED SENATE BILL NO. 5564,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5712,  
SUBSTITUTE SENATE BILL NO. 5746, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 13, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
SUBSTITUTE HOUSE BILL NO. 1041,  
HOUSE BILL NO. 1073,  
SUBSTITUTE HOUSE BILL NO. 1133,  
SUBSTITUTE HOUSE BILL NO. 1181,  
HOUSE BILL NO. 1199,  
HOUSE BILL NO. 1310,  
HOUSE BILL NO. 1413,  
HOUSE BILL NO. 1420,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547,  
HOUSE BILL NO. 1766,  
HOUSE BILL NO. 1819,  
SUBSTITUTE HOUSE BILL NO. 1910,  
HOUSE BILL NO. 2205,  
ENGROSSED HOUSE BILL NO. 2232,  
HOUSE JOINT MEMORIAL NO. 4008, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 13, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
HOUSE BILL NO. 1027,  
HOUSE BILL NO. 1175,  
HOUSE BILL NO. 1331,  
SUBSTITUTE HOUSE BILL NO. 1535,  
SUBSTITUTE HOUSE BILL NO. 1559,  
SUBSTITUTE HOUSE BILL NO. 1653,  
SUBSTITUTE HOUSE BILL NO. 1671,  
ENGROSSED HOUSE BILL NO. 1845,  
HOUSE BILL NO. 1996,  
SUBSTITUTE HOUSE BILL NO. 2086, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1041,  
HOUSE BILL NO. 1073,  
SUBSTITUTE HOUSE BILL NO. 1133,  
SUBSTITUTE HOUSE BILL NO. 1181,  
HOUSE BILL NO. 1199,  
HOUSE BILL NO. 1310,  
HOUSE BILL NO. 1413,  
HOUSE BILL NO. 1420,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547,  
HOUSE BILL NO. 1766,  
HOUSE BILL NO. 1819,  
SUBSTITUTE HOUSE BILL NO. 1910,  
HOUSE BILL NO. 2205,  
ENGROSSED HOUSE BILL NO. 2232,  
HOUSE JOINT MEMORIAL NO. 4008.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1027,  
HOUSE BILL NO. 1175,  
HOUSE BILL NO. 1331,  
SUBSTITUTE HOUSE BILL NO. 1535,  
SUBSTITUTE HOUSE BILL NO. 1559,  
SUBSTITUTE HOUSE BILL NO. 1653,  
SUBSTITUTE HOUSE BILL NO. 1671,  
ENGROSSED HOUSE BILL NO. 1845,

HOUSE BILL NO. 1996,  
SUBSTITUTE HOUSE BILL NO. 2086.

MOTION

At 3:49 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Wednesday, April 14, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-THIRD DAY, APRIL 13, 1999

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

**NINETY-FOURTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Wednesday, April 14, 1999

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Finkbeiner, Hargrove, Oke, Patterson, Rasmussen, Sellar and Wojahn. On motion of Senator Eide, Senators Brown, Rasmussen and Wojahn were excused.

The Sergeant at Arms Color Guard consisting of Pages Joanna Eide and Lesly Glockner, presented the Colors. Reverend John Maxwell, retired pastor of the United Methodist Church in Sumner, offered the prayer.

**MOTION**

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

**MESSAGE FROM THE HOUSE**

April 13, 1999

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5171, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

**SIGNED BY THE PRESIDENT**

The President signed:  
SECOND SUBSTITUTE SENATE BILL NO. 5171.

**SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

**MOTION**

On motion of Senator Prentice, Gubernatorial Appointment No. 9096, Paul R. Calderon, as a member of the Small Business Export Finance Assistance Center Board of Directors, was confirmed.

**APPOINTMENT OF PAUL R. CALDERON**

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 5; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel,

Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 41. Absent: Senators Finkbeiner, Hargrove, Oke, Patterson and Sellar - 5. Excused: Senators Brown, Rasmussen and Wojahn - 3.

#### MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9111, Judge Thomas Felnagle, as a member of the Sentencing Guidelines Commission, was confirmed.

#### APPOINTMENT OF JUDGE THOMAS FELNAGLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 1; Absent, 3; Excused, 2.

Voting yea: Senators Bauer, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senator Benton - 1.

Absent: Senators Finkbeiner, Oke and Sellar - 3.

Excused: Senators Brown and Rasmussen - 2.

#### MOTION

On motion of Senator Deccio, Senators Finkbeiner, Oke and Sellar were excused.

#### SECOND READING

HOUSE BILL NO. 1042, by Representatives Dunn, Wolfe and Romero (by request of Department of Information Services)

Exempting certain computer software from public inspection.

The bill was read the second time.

#### MOTION

On motion of Senator Goings, the rules were suspended, House Bill No. 1042 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1042.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1042 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Snyder - 1.

Excused: Senators Brown, Finkbeiner, Oke, Rasmussen and Sellar - 5.

HOUSE BILL NO. 1042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Costa, Senator Goings was excused.

MOTION

On motion of Senator Eide, Senator Franklin was excused.

SECOND READING

SENATE JOINT MEMORIAL NO. 8013, by Senators T. Sheldon, Rasmussen, Horn and Sheahan

Requesting federal assistance for areas of Washington that received record rainfall this winter.

MOTION

On motion of Senator Tim Sheldon, Senate Joint Memorial No. 8013 was not substituted.

The joint memorial was read the second time.

MOTION

Senator Tim Sheldon moved that the following striking amendment by Senators Tim Sheldon, Fraser and Snyder be adopted:

On page 1, after line 4 strike the remainder of the memorial and insert the following:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, Parts of Western Washington received the highest amount of rainfall in state history between the months of November and February, raining for ninety-one consecutive days and producing over fifty-five inches of rain in King County; and

WHEREAS, Parts of the Olympic Peninsula, i.e., Lilliwaup, received over one hundred fourteen inches of rain in a four-month period; and

WHEREAS, Sixty-one homes have been damaged and twenty-six homes are uninhabitable in the area known as Carlyon Beach in Thurston County, with property losses estimated at over ten million dollars; and

WHEREAS, Ground water flooding and landslides in Thurston County have directly impacted at least seven hundred and sixty-five residents, many of whom are elderly or have special needs; and

WHEREAS, A landslide in the Aldercrest neighborhood in Cowlitz County has damaged one hundred and thirty-seven homes to date, and at least fifty additional homes are threatened; and

WHEREAS, Ground water problems will cost over two million dollars to repair and currently no water or sewer systems are in operation; and

WHEREAS, Shoreline bulkheads are failing, and public facilities expenses are estimated at one million dollars, excluding the cost of geotechnical assistance; and

WHEREAS, Washington State Department of Transportation estimates of highway damages reach eleven million two hundred two thousand dollars, and ten million dollars of those damages are in Mason County alone; and

WHEREAS, Local government estimates of damages to county roads and city streets reach seven million three hundred ninety-two thousand four hundred thirty-five dollars; and

WHEREAS, Governor Locke's emergency proclamation now includes six western counties and directs state government to support emergency response activities as needed around the state and authorizes the Washington Military Department and its Emergency Management Division to coordinate state agencies in the affected areas; and

WHEREAS, County officials are continuing to assess damages to determine sufficient damage for justification of federal assistance; and

WHEREAS, When damage from an event is so great it is beyond the capability of local and state government to repair, the Governor can ask the President to declare a disaster, thus making a variety of federal disaster assistance programs available to help restore communities to their predisaster condition; and

WHEREAS, The federal disaster assistance programs available may include housing and relocation assistance, individual and family grants, funding to restore public infrastructure and roads, tax exemptions for the relocation of evacuated citizens, funding for geotechnical studies to prevent future damage, and hazard mitigation;

NOW, THEREFORE, Your Memorialists respectfully pray that if the Governor requests federal assistance, the President and the Federal Emergency Management Agency will respond favorably to the request and authorize the needed maximum available disaster recovery support to address the needs of Washington's citizens devastated by the record rainfall.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Tim Sheldon, Fraser and Snyder to Senate Joint Memorial No. 8013.

The motion by Senator Tim Sheldon carried and the amendment was adopted.

#### MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Engrossed Senate Joint Memorial No. 8013 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Joint Memorial No. 8013.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 8013 and the joint memorial passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Franklin, Goings, Rasmussen and Sellar - 4.

ENGROSSED SENATE JOINT MEMORIAL NO. 8013, having received the constitutional majority, was declared passed.

#### SECOND READING

HOUSE JOINT MEMORIAL NO. 4006, by Representatives Fisher, K. Schmidt, Mitchell, Radcliff, Skinner, Hankins, Wood, Cooper and Ogden

Requesting the Transportation Commission to update the system of Highways of Statewide Significance.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, House Joint Memorial Bill No. 4006 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4006.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4006 and the joint memorial passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin,

McDonald, Morton, Oke, Patterson, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Deccio - 1.

Excused: Senators Franklin, Rasmussen and Sellar - 3.

HOUSE JOINT MEMORIAL NO. 4006, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Patterson, Senators Eide and Prentice were excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1774, by House Committee on Transportation (originally sponsored by Representatives Wolfe, Romero, Tokuda, Stensen, D. Schmidt, Ogden, Gombosky, Keiser, Dickerson and Santos)

Regulating occupational drivers' licenses.

The bill was read the second time.

#### MOTION

Senator Heavey moved that the following Committee on Judiciary striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.20.391 and 1998 c 209 s 4 and 1998 c 207 s 9 are each reenacted and amended to read as follows:

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, or who has had his or her license suspended under RCW 46.20.3101 (2)(a) or (3)(a), may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed for a violation of RCW 46.61.502 or 46.61.504 or pursuant to RCW 46.20.3101 (2)(a) or (3)(a). A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2)(a) A person licensed under this chapter whose driver's license is suspended administratively due to failure to appear or pay a traffic ticket under RCW 46.20.289; a violation of the financial responsibility laws under chapter 46.29 RCW; or for multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license if the applicant demonstrates to the satisfaction of the department that one of the following additional conditions are met:

(i) The applicant is in an apprenticeship program or an on-the-job training program for which a driver's license is required;

(ii) The applicant presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program and the program has certified that a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect no longer than fourteen days;

(iii) The applicant is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license; or

(iv) The applicant is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as alcoholics anonymous.

(b) An occupational driver's license issued to an applicant described in (a) of this subsection shall be valid for the period of the suspension or revocation but not more than two years.

(c) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first class mail to the driver that the occupational driver's license shall be canceled. The effective date of cancellation shall be fifteen days from the date of mailing the notice. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection.

~~(3)~~ An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not committed any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed any of the following offenses: (i) Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor; (ii) vehicular homicide under RCW 46.61.520; or (iii) vehicular assault under RCW 46.61.522; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle, except as allowed under subsection (2)(a) of this section; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

~~((3))~~ (4) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

**Sec. 2.** RCW 46.20.394 and 1983 c 165 s 26 are each amended to read as follows:

In issuing an occupational driver's license under RCW 46.20.391, the department shall describe the type of occupation permitted and shall set forth in detail the specific hours of the day during which the person may drive to and from his place of work, which may not exceed twelve hours in any one day; the days of the week during which the license may be used; and the general routes over which the person may travel. In issuing an occupational driver's license under RCW 46.20.391(2)(a)(iii), the department shall set forth in detail the specific hours during which the person may drive to and from substance abuse treatment or meetings of a twelve-step group such as alcoholics anonymous, the days of the week during which the license may be used, and the general routes over which the person may travel. These restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor.

NEW SECTION. **Sec. 3.** This act takes effect January 1, 2000."

#### MOTION

On motion of Senator Heavey, the following amendment by Senators Heavey and Johnson to the Committee on Judiciary striking amendment was adopted:

On page 2, line 13 of the amendment, after "(b)" insert "If the suspension is for failure to respond, pay, or comply with a notice of traffic infraction or conviction, the applicant must enter into a payment plan with the court.

(c)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Judiciary striking amendment, as amended, to Substitute House Bill No. 1774.

The motion by Senator Heavey carried and the committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 46.20.394; reenacting and amending RCW 46.20.391; and providing an effective date."

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 1774, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1774, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1774, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 3; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senator Roach - 1.

Absent: Senators Deccio, Haugen and Kohl-Welles - 3.

Excused: Senators Eide, Franklin and Prentice - 3.

SUBSTITUTE HOUSE BILL NO. 1774, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### SENATE RESOLUTION 1999-8656

By Senator Bauer

WHEREAS, Education in the arts is a federally recognized priority in public education as evidenced by the Gaining the Arts Advantage Program; and

WHEREAS, Application for, selection as, and participation in the program requires a sustained commitment to arts education as a core curriculum in all schools, a record of student achievement in the arts, evidence of advanced programs, and funding for teachers, materials, and facilities; and

WHEREAS, The Vancouver Washington School District has actively participated as a case-study school district in a study performed for the President's Committee on the Arts and Humanities and the Arts Education Partnership; and

WHEREAS, The interrelating factors that contribute to strong, district-wide arts education include: A community consensus that enables a school board and administration to fund arts education; central office leadership and a cadre of building principals who see the arts as a core school subject; strong arts teachers who practice their art inside and outside the school; and an active presence of community arts and cultural organizations in the district's schools, including utilization of school performing arts venues; and

WHEREAS, Dr. James Parsley, Superintendent of the Vancouver School District, the school board and administration, the teachers, the parents, the students, and the Vancouver community and arts community conceived and implemented a plan for establishing arts education as a core subject in all schools and involving the community in that enterprise;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the Vancouver School District and community for exemplary participation in establishing the arts as an integral part of education and community in Vancouver; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Vancouver School District.

Senators Bauer and McAuliffe spoke to Senate Resolution 1999-8656.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Superintendent Dr. Jim Parsley, Principal Deb Brooks and students Eric Nordstrom and Erin Starkey, all representing the Vancouver Washington School of Arts and Academics, who were seated in the gallery.

#### MOTION

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

## SENATE RESOLUTION 1999-8663

By Senators Rasmussen, Morton and Spanel

WHEREAS, In 1957, the Washington State Legislature designated Washington Arbor Day to be celebrated by the citizens of the state of Washington on the second Wednesday in April of each year (RCW 1.20.060); and

WHEREAS, The state of Washington is called the Evergreen State because of its abundant trees and plants; and

WHEREAS, Nurseries, orchards, tree farms, public and private forests, horticulturists, and home orchards and gardens all add to the beauty and vigor of our state; and

WHEREAS, Reforesting our land plays a vital role in the continued economic well-being of the state of Washington;

WHEREAS, There is renewed interest in increasing the abundance of trees and shrubs along the state's rivers and streams as a means to improve habitat of salmonids;

NOW, THEREFORE BE IT RESOLVED, That the Senate celebrate April 14, 1999, as Washington Arbor Day, and encourage residents to plant a tree and celebrate this day as a day to plant and nurture trees and all plant life in Washington.

Senators Rasmussen, Morton, Spanel, Hargrove and Jacobsen spoke to Senate Resolution 1999-8663.

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Bruce Briggs, his wife Doris and son Gary, all representing Briggs Nursery, who were seated in the gallery.

## MOTION

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

## SENATE RESOLUTION 1999-8640

By Senator Eide

WHEREAS, The Federal Way Fire Department, in 1999, celebrates fifty years of service to their community; and

WHEREAS, In 1949, the Federal Way Fire Department served the area with twenty-one volunteer firemen with one fire engine stored in a barn; and

WHEREAS, Fifty years later the Department serves 100,000 people from seven fire stations with 149 members serving twenty-four hours a day; and

WHEREAS, Services provided to the community have expanded to include fire suppression, emergency medical response, hazardous materials response and special rescue operations; and

WHEREAS, Federal Way residents have benefitted from a continual decline in the number of fires and fire related injuries through the Department's dedicated efforts in fire prevention, disaster preparedness and safety education; and

WHEREAS, In 1978, the Department pioneered a major advance in emergency medical services as Federal Way Firefighters-EMTs became the first in the nation to use defibrillators to treat heart patients at emergency scenes; and

WHEREAS, In 1986, the Federal Way Fire Department became the first fire district in the state to earn a Class 3 Fire Insurance Rating that allowed businesses and homeowners to enjoy lower fire insurance costs;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate acknowledge and honor the men and women of the Federal Way Fire Department, whose dedication, professionalism and courage have helped contribute to the safety and well-being of the community they serve, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Federal Way Fire Department Administrator Jim Hamilton and Chief Al Church.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Federal Way Fire Department, who were seated in the gallery.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

#### SECOND READING

HOUSE BILL NO. 1561, by Representatives Schoesler, Grant, McMorris, Mastin, G. Chandler, Lisk, Parlette, Mulliken, Delvin and Cox

Allowing solid rubber tires on farm machinery.

The bill was read the second time.

#### MOTION

On motion of Senator Goings, the rules were suspended, House Bill No. 1561 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1561.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1561 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senators Kohl-Welles and McDonald - 2.

Excused: Senator Franklin - 1.

HOUSE BILL NO. 1561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1558, by House Committee on Transportation (originally sponsored by Representatives Mitchell, Hatfield, McDonald, Poulsen, Bush, Constantine and Radcliff) (by request of Washington State Patrol)

Tightening requirements for release of impounded vehicles.

The bill was read the second time.

## MOTION

On motion of Senator Goings, the following Committee on Transportation striking amendment was adopted:  
Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.55.120 and 1998 c 203 s 5 are each amended to read as follows:

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, or 46.55.113 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department, or one who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or items of personal property registered or titled with the department. In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342(1)(c) shall not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (b) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency. If the department's records show that the operator has been convicted of a violation of RCW 46.20.342 or a similar local ordinance within the past five years, the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the agency that ordered the vehicle impounded. An agency may issue a written order to release pursuant to a provision of an applicable state agency rule or local ordinance authorizing release on the basis of economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record.

If a vehicle is impounded because the operator is in violation of RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. However, if the department's records show that the operator has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a similar local ordinance within the past five years, the vehicle may be held at the written direction of the agency ordering the vehicle impounded for up to sixty days, and for up to ninety days if the operator has two or more such prior offenses. If a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342, the vehicle may not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (b) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

(b) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle. In addition, if a vehicle is impounded because the operator was arrested for a violation of RCW 46.20.342 or 46.20.420 and was being operated by the registered owner when it was impounded, it must not be released to any person until the registered owner establishes with the agency that ordered the vehicle impounded or a court having jurisdiction that any penalties, fines, or forfeitures owed by him or her have been satisfied. Registered tow truck operators are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm can determine through the customer's bank or a check verification service that the presented check would not be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of

towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. The municipal court has jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court. If the hearing request is not received by the court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for the amount of the filing fee required by law for the impound hearing petition as well as reasonable damages for loss of the use of the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. However, if an impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.420 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO: . . . . .

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the . . . . . Court located at . . . . . in the sum of \$. . . . ., in an action entitled . . . . ., Case No. . . . . YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW . . . if the judgment is not paid within 15 days of the date of this notice.

DATED this . . . . day of . . . . ., (year) . . .

Signature

Typed name and address  
of party mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(2) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees."

MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 1 of the title, after "vehicles;" strike the remainder of the title and insert "and amending RCW 46.55.120."

On motion of Senator Goings, the rules were suspended, Substitute House Bill No. 1558, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1558, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1558, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Snyder - 1.

Excused: Senators Franklin and Rossi - 2.

SUBSTITUTE HOUSE BILL NO. 1558, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1264, by Representatives D. Schmidt, Scott, Mulliken, Fisher, Quall, Wolfe and Schoesler

Making corrections regarding combining water-sewer districts.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed House Bill No. 1264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1264.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1264 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Franklin and Rossi - 2.

ENGROSSED HOUSE BILL NO. 1264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2261, by Representatives Reardon, Cairnes and Santos (by request of Department of Revenue)

Clarifying the phrase "services rendered in respect to constructing" for business and occupation tax purposes.

The bill was read the second time.

#### MOTION

On motion of Senator Snyder, the rules were suspended, House Bill No. 2261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2261.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2261 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Voting nay: Senator Finkbeiner - 1. Excused: Senators Franklin and Rossi - 2. **HOUSE BILL NO. 2261**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1761, by Representatives Talcott, Carrell, Rockefeller, Wensman, Stensen, Thomas, Fortunato, Mulliken, Haigh, Schoesler, Bush and Esser

Increasing the number of hours retired teachers and administrators can serve as substitute teachers or administrators without a reduction in benefits.

The bill was read the second time.

#### MOTION

Senator McAuliffe moved that the following Committee on Education striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 41.32.570 and 1997 c 254 s 5 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any monthly benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) Any retired teacher or retired administrator who enters service in any public educational institution in Washington state and who has satisfied the break in employment requirement of subsection (1) of this section shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to five hundred twenty-five hours per school year without reduction of pension.

(3) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section, a retired teacher or retired administrator may also serve only as a substitute teacher for up to an additional (~~one hundred five~~) three hundred fifteen hours per school year without reduction of pension if:

(a) A school district, which is not a member of a multidistrict substitute cooperative, determines that it has exhausted or can reasonably anticipate that it will exhaust its list of qualified and available substitutes and the school board of the district adopts a resolution to make its substitute teachers who are retired teachers or retired administrators eligible for the ~~((additional one hundred five hours of))~~ extended service once the list of qualified and available substitutes has been exhausted. The resolution by the school district shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection; or

(b) A multidistrict substitute cooperative determines that the school districts have exhausted or can reasonably anticipate that they will exhaust their list of qualified and available substitutes and each of the school boards adopts a resolution to make their substitute teachers who are retired teachers or retired administrators eligible for the extended service once the list of qualified and available substitutes has been exhausted. The resolutions by each of the school districts shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolutions shall be valid only for the school year in which they are adopted. The cooperative shall forward a copy of the resolutions with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection.

(4) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section, a retired administrator or retired teacher may also serve as a substitute administrator up to an additional one hundred five hours per school year without reduction of pension if a school district board of directors adopts a resolution declaring that the services of a retired administrator or retired teacher are necessary because it cannot find a replacement administrator to fill a vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired administrator or retired teacher who has been employed as a substitute administrator to the department. ~~((However, a retired administrator or retired teacher may not serve more than a total of one hundred five additional hours per school year pursuant to subsections (3) and (4) of this section.))~~

(5) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section and the one hundred five hours permitted under subsection (4) of this section, a retired principal may also serve as a substitute principal up to an additional two hundred ten hours per school year without a reduction of pension if a school district board of directors adopts a resolution declaring that the services of a retired principal are necessary because it cannot find a replacement principal to fill a vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired principal who has been employed as a substitute principal to the department.

(6) Subsection (2) of this section shall apply to all persons governed by the provisions of plan I, regardless of the date of their retirement, but shall apply only to benefits payable after June 11, 1986.

~~((6))~~ (7) Subsection (3) of this section shall apply to all persons governed by the provisions of plan I, regardless of the date of their retirement, but shall only apply to benefits payable after September 1, 1994."

## MOTION

Senator Hochstatter moved that the following amendments by Senators Hochstatter, Stevens and Zarelli to the Committee on Education striking amendment be considered simultaneously and be adopted:

On page 2, line 27 of the amendment, after "(4)" insert "A retired state employee may serve up to five hundred twenty five hours as a substitute teacher per school year without receiving a reduction in pension if:

(a) A school district on behalf of an individual candidate applies to the superintendent of public instruction for the issuance of an alternate substitute certificate; and

(b) The superintendent of public instruction issues the alternate substitute teacher certificate.

(c) The superintendent of public instruction shall issue the alternate substitute teacher certificate if the individual is a retired person and has at least two years' work experience with the state relevant to the subject area or areas that the school district is experiencing a shortage of substitutes to teach.

(d)(i)The alternate teacher certificate under this subsection allows the holder full authority to serve as a substitute teacher. The certificate shall be valid for not more than two years of substitute teaching.

(ii) The alternate teacher certificate shall allow the holder to provide instructional services to students in any of the grades in middle school, junior high school, and high school and teach only the subject or subjects approved by the local school board of directors and designated on the alternate teacher certificates.

(e) The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to administer the alternate certification process under this subsection (4).

(5)"

On page 3, beginning on line 2 of the amendment, after "this" strike all material through "(5)" on line 3 and insert "section. (5)) (6)"

On page 3, line 5 of the amendment, after "subsection" strike "(4)" and insert "(5)"

On page 3, at the beginning of line 15 of the amendment, strike "(6)" and insert "(7)"

On page 3, line 19 of the amendment, after "~~((6))~~" strike "(7)" and insert "(8)"

Debate ensued.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of House Bill No. 1761 was deferred.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

#### PARLIAMENTARY INQUIRY

Senator West: "Mr. President, a parliamentary inquiry. I would request that the President remind the members of Reed's Rule 212 which states specifically that a member must not allude to any other member by name, but by some descriptive expression like, 'The gentleman from the Fourth District who last addressed the assembly,' etc. My earlier session comment, I think, could be relevant again."

#### REPLY BY THE PRESIDENT

President Owen: "Senator West, your point is well taken. As a matter of fact, I have noticed in the last couple of days that not only is there referencing of names, but first names. Heaven forbid! Please, if the members would be careful in referencing other members and how they go about doing that."

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. I have talked to the majority leader about this rule. There is a rule-- I haven't looked it up yet--which is debatable. The gentlemen from the Sixth District and I don't want to get into a big debate about it, but there is a rule that would allow us to address our Senators by name, which is much easier. Those folks in the gallery--how many of you up there know who the Sixth District's Senator is?"

#### RULING BY THE PRESIDENT

President Owen: "Senator McCaslin, you are violating the rules by referencing people in the gallery."

Senator McCaslin: "I know I can't talk to the gallery. I was talking to the security man up there."

President Owen: "Senator McCaslin, you are out of order."

Senator McCaslin: "I agree with you, I am out of order, but I am most of the time. I really think this is more of a personal body than the other body and I think it is only right that we address each other by name as long as we are polite and we are not impugning any motives. It is the easiest thing to say, 'Senator McDonald,' rather than the 'Senator from the Twenty-eighth District.' I just think it is a matter of getting the thing in motion and getting things done, rather than trying to remember what district anyone is from. I don't even know--I'm from the fourth--I just remembered.

"Let's be civil and let's be fair and let's run this body like a friendship body which it is. I don't think calling people by numbers--we might go to Social Security numbers--which would even be worse. Hopefully, the majority leader and the Republican leader would get together and change the rule, because they have that right in Reed's Rules and in the Senate Rules. We hear this all time about names and you are right, I shouldn't call anybody by their first name. That is because I know them and I like them. The Senator from --I don't know what district he is from--but he runs that caucus over there and this one here get together and get that rule changed."

Further debate ensued.

#### PERSONAL PRIVILEGE

Senator Roach: "A point of personal privilege, Mr. President. I think until we get this resolved that we should have a little list here of the names of the Senators and their districts. While most of us know the districts around our area--I can turn to the Senator that sits right here, whose name I can't use, but I don't know what district he is from. He is from the Clark County area and I just don't know the district number. I was hoping that we could have something that is readable--that those of us who are still working without the cheater glasses--can read and that we could be able to carry on the work of the day. I will point out, Mr. President, that on many occasions for the last years that I have been here, it has been fair game to turn to someone and say, 'Senator--giving the name--will you yield to a question,' and no one has ever said, 'Senator Roach--or the rest of us--you cannot ask the Senator directly to yield to a question, you have to use their district number.' So, we have not even been consistent in the way we are applying the rule."

Further debate ensued.

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. We do not obey every rule in the book. Let me point out something that we do incorrectly. It says, 'When a Senator is called to task for impugning the motives of another Senator'--and he is according to your ruling-- impugning the motives--the book says he is to sit down until the body approves that he can speak further and you allow him to speak further. That rule is never enforced, because someone has been taken to task and they remain standing and continue. So, we don't go down those rules, rule by rule, and obey them. I think we waste so much time on this. A simple agreement between the two people here and the majority and minority leaders will solve this problem and the Senator from the Sixth won't continue to get up and remind us that we are not allowed to use names. Thank you."

Further debate ensued.

#### REPLY BY THE PRESIDENT

President Owen: "The President would just like to inform members that he has exercised discretion in this matter over the years as have the two previous Presidents of the Senate--Lieutenant Governors--as my recollection serves me--and had intended to do so. But, when a member brings a rule to the attention of the President and it is the will of the body to have it enforced, then I am forced to do that until you change the rule. So, I would encourage you to carry this debate on outside the floor, so that we can complete the business of the Senate."

#### MOTION

On motion of Senator Betti Sheldon, the following resolution was adopted:

#### SENATE RESOLUTION 1999-8665

By Senator B. Sheldon

WHEREAS, On March 13, 1999, the Spartans from Bainbridge Island High School won the State Girls' 3A Basketball Championship for the first time since back-to-back titles in 1987 and 1988; and

WHEREAS, The Bainbridge Island players exemplify the very best in student sports by working together on the court, playing basketball with patience, skill, and teamwork; and

WHEREAS, The Kingdome championship venue rang with the echos of what seemed to be the entire Island of Bainbridge who traveled across the waters of the Puget Sound to support their team; and

WHEREAS, These student athletes achieved their championship goal by understanding and practicing the values of community, mutual support, and collective effort; and

WHEREAS, Under the leadership of head coach Penny Gienger, a woman who pulled the team together after early season setbacks, the athletes learned the importance of discipline, goal-setting, leadership, fitness, and pride;

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate honor and give tribute to the achievement reached by the student athletes and coaches at Bainbridge Island High School — the 1999 Girls' 3A State Basketball Champions; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate do hereby immediately transmit a copy of this resolution to Bainbridge Island High School.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Bainbridge Island State Girls' 3A Basketball Team who were seated in the gallery.

#### MOTION

At 10:51 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:13 p.m. by President Owen.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Patterson, Gubernatorial Appointment No. 9070, Marsha Tadano Long, as Director of the Department of General Administration, was confirmed.

Senators Patterson and Betti Sheldon spoke to the confirmation of Marsha Tadano Long as Director of the Department of General Administration.

#### APPOINTMENT OF MARSHA TADANO LONG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 7; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McCaslin, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Winsley, Wojahn and Zarelli - 42.

Absent: Senators Long, McAuliffe, McDonald, Morton, Roach, Thibaudeau and West - 7.

#### MOTIONS

On motion of Senator Franklin, Senator Thibaudeau was excused.

On motion of Senator Eide, Senator McAuliffe was excused.

## MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9204, John I. McGinnis, Jr., as a member of the Work Force Training and Education Coordinating Board, was confirmed.

## APPOINTMENT OF JOHN I. MCGINNIS, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 2; Absent, 3; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Wojahn - 42.

Voting nay: Senators Benton and Zarelli - 2.

Absent: Senators Kline, McDonald and Sellar - 3.

Excused: Senators McAuliffe and Thibaudeau - 2.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1219, by House Committee on Appropriations (originally sponsored by Representatives Ogden, Carlson, Conway, Doumit, D. Schmidt, Lantz and Parlette)

Changing relief and retirement pension provisions under chapter 41.24 RCW.

The bill was read the second time.

## MOTION

On motion of Senator Goings, the rules were suspended, Substitute House Bill No. 1219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1219.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1219 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Absent: Senator Finkbeiner - 1.

SUBSTITUTE HOUSE BILL NO. 1219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1544, by Representatives O'Brien, Ballasiotes, Kastama, Cairnes and Keiser (by request of Sentencing Guidelines Commission)

Making corrections to sentencing laws.

The bill was read the second time.

## MOTION

Senator Costa moved that the following Committee on Judiciary striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.040 and 1997 c 365 s 2 and 1997 c 338 s 3 are each reenacted and amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness ((category XIII)) level XIV under RCW 9.94A.310, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

**Sec. 2.** RCW 9.94A.310 and 1998 c 235 s 1 and 1998 c 211 s 3 are each reenacted and amended to read as follows:

(1) TABLE 1

Sentencing Grid

SERIOUSNESS

((SCORE))

LEVEL OFFENDER SCORE

9 or

0 1 2 3 4 5 6 7 8 more

((XV))

XVI Life Sentence without Parole/Death Penalty

((XIV))

XV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m 36y 40y

240- 250- 261- 271- 281- 291- 312- 338- 370- 411-

320 333 347 361 374 388 416 450 493 548

((XIII))

XIV 14y4m 15y4m 16y2m 17y 17y11m 18y9m 20y5m 22y2m 25y7m 29y

123- 134- 144- 154- 165- 175- 195- 216- 257- 298-

220 234 244 254 265 275 295 316 357 397

XIII 12y 13y 14y 15y 16y 17y 19y 21y 25y 29y

123- 134- 144- 154- 165- 175- 195- 216- 257- 298-

164 178 192 205 219 233 260 288 342 397

XII 9y 9y11m 10y9m 11y8m 12y6m 13y5m 15y9m 17y3m 20y3m 23y3m

93- 102- 111- 120- 129- 138- 162- 178- 209- 240-

123 136 147 160 171 184 216 236 277 318

XI 7y6m 8y4m 9y2m 9y11m 10y9m 11y7m 14y2m 15y5m 17y11m 20y5m

78- 86- 95- 102- 111- 120- 146- 159- 185- 210-

102 114 125 136 147 158 194 211 245 280

X 5y 5y6m 6y 6y6m 7y 7y6m 9y6m 10y6m 12y6m 14y6m

51- 57- 62- 67- 72- 77- 98- 108- 129- 149-

68 75 82 89 96 102 130 144 171 198

IX 3y 3y6m 4y 4y6m 5y 5y6m 7y6m 8y6m 10y6m 12y6m

31- 36- 41- 46- 51- 57- 77- 87- 108- 129-

41 48 54 61 68 75 102 116 144 171

VIII 2y 2y6m 3y 3y6m 4y 4y6m 6y6m 7y6m 8y6m 10y6m  
21- 26- 31- 36- 41- 46- 67- 77- 87- 108-  
27 34 41 48 54 61 89 102 116 144

VII 18m 2y 2y6m 3y 3y6m 4y 5y6m 6y6m 7y6m 8y6m  
15- 21- 26- 31- 36- 41- 57- 67- 77- 87-  
20 27 34 41 48 54 75 89 102 116

VI 13m 18m 2y 2y6m 3y 3y6m 4y6m 5y6m 6y6m 7y6m  
12+- 15- 21- 26- 31- 36- 46- 57- 67- 77-  
14 20 27 34 41 48 61 75 89 102

V 9m 13m 15m 18m 2y2m 3y2m 4y 5y 6y 7y  
6- 12+- 13- 15- 22- 33- 41- 51- 62- 72-  
12 14 17 20 29 43 54 68 82 96

IV 6m 9m 13m 15m 18m 2y2m 3y2m 4y2m 5y2m 6y2m  
3- 6- 12+- 13- 15- 22- 33- 43- 53- 63-  
9 12 14 17 20 29 43 57 70 84

III 2m 5m 8m 11m 14m 20m 2y2m 3y2m 4y2m 5y  
1- 3- 4- 9- 12+- 17- 22- 33- 43- 51-  
3 8 12 12 16 22 29 43 57 68

II 4m 6m 8m 13m 16m 20m 2y2m 3y2m 4y2m  
0-90 2- 3- 4- 12+- 14- 17- 22- 33- 43-  
Days 6 9 12 14 18 22 29 43 57

I 3m 4m 5m 8m 13m 16m 20m 2y2m  
0-60 0-90 2- 2- 3- 4- 12+- 14- 17- 22-  
Days Days 5 6 8 12 14 18 22 29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible

for any firearm enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) Three years for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Eighteen months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, any and all firearm enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter.

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon as defined in this chapter other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) One year for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Six months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, any and all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter.

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the presumptive sentence if the offender or an accomplice committed the offense while in a county jail or state correctional facility as that term is defined in this chapter and the offender is

being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility as that term is defined in this chapter, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section:

- (a) Eighteen months for offenses committed under RCW 69.50.401(a)(1) (i) or (ii) or 69.50.410;
- (b) Fifteen months for offenses committed under RCW 69.50.401(a)(1) (iii), (iv), and (v);
- (c) Twelve months for offenses committed under RCW 69.50.401(d).

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

(7) An additional two years shall be added to the presumptive sentence for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

**Sec. 3.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

~~((XV))~~

XVI Aggravated Murder 1 (RCW 10.95.020)

~~((XIV))~~

XV Murder 1 (RCW 9A.32.030)

Homicide by abuse (RCW 9A.32.055)

Malicious explosion 1 (RCW 70.74.280(1))

~~((XIII))~~

XIV Murder 2 (RCW 9A.32.050)

XIII Malicious explosion 2 (RCW 70.74.280(2))

Malicious placement of an explosive 1 (RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)

Assault of a Child 1 (RCW 9A.36.120)

Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

XI Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Manslaughter 1 (RCW 9A.32.060)

X Kidnapping 1 (RCW 9A.40.020)

Child Molestation 1 (RCW 9A.44.083)

Malicious explosion 3 (RCW 70.74.280(3))

Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

IX Assault of a Child 2 (RCW 9A.36.130)

Robbery 1 (RCW 9A.56.200)

Explosive devices prohibited (RCW 70.74.180)

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

- Controlled Substance Homicide (RCW 69.50.415)
- Sexual Exploitation (RCW 9.68A.040)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 88.12.029)
- VIII Arson 1 (RCW 9A.48.020)
  - Promoting Prostitution 1 (RCW 9A.88.070)
  - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
  - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
  - Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
  - Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))
  - Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)
  - Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
  - Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 88.12.029)
  - Manslaughter 2 (RCW 9A.32.070)
- VII Burglary 1 (RCW 9A.52.020)
  - Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
  - Homicide by Watercraft, by disregard for the safety of others (RCW 88.12.029)
  - Introducing Contraband 1 (RCW 9A.76.140)
  - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
  - Child Molestation 2 (RCW 9A.44.086)
  - Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
  - Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
  - Involving a minor in drug dealing (RCW 69.50.401(f))
  - Drive-by Shooting (RCW 9A.36.045)
  - Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
  - Malicious placement of an explosive 3 (RCW 70.74.270(3))
- VI Bribery (RCW 9A.68.010)
  - Rape of a Child 3 (RCW 9A.44.079)
  - Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
  - Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
  - Incest 1 (RCW 9A.64.020(1))
  - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
  - Intimidating a Judge (RCW 9A.72.160)
  - Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
  - Theft of a Firearm (RCW 9A.56.300)
- V Persistent prison misbehavior (RCW 9.94.070)
  - Criminal Mistreatment 1 (RCW 9A.42.020)
  - Abandonment of dependent person 1 (RCW 9A.42.060)

- Rape 3 (RCW 9A.44.060)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Child Molestation 3 (RCW 9A.44.089)
- Kidnapping 2 (RCW 9A.40.030)
- Extortion 1 (RCW 9A.56.120)
- Incest 2 (RCW 9A.64.020(2))
- Perjury 1 (RCW 9A.72.020)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
- Sexually Violating Human Remains (RCW 9A.44.105)
- Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- IV Residential Burglary (RCW 9A.52.025)
  - Theft of Livestock 1 (RCW 9A.56.080)
  - Robbery 2 (RCW 9A.56.210)
  - Assault 2 (RCW 9A.36.021)
  - Escape 1 (RCW 9A.76.110)
  - Arson 2 (RCW 9A.48.030)
  - Commercial Bribery (RCW 9A.68.060)
  - Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
  - Malicious Harassment (RCW 9A.36.080)
  - Threats to Bomb (RCW 9.61.160)
  - Willful Failure to Return from Furlough (RCW 72.66.060)
  - Hit and Run--Injury Accident (RCW 46.52.020(4))
  - Hit and Run with Vessel--Injury Accident (RCW 88.12.155(3))
  - Vehicular Assault (RCW 46.61.522)
  - Assault by Watercraft (RCW 88.12.032)
  - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
  - Influencing Outcome of Sporting Event (RCW 9A.82.070)
  - Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
  - Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Criminal Gang Intimidation (RCW 9A.46.120)
  - Criminal Mistreatment 2 (RCW 9A.42.030)
  - Abandonment of dependent person 2 (RCW 9A.42.070)
  - Extortion 2 (RCW 9A.56.130)
  - Unlawful Imprisonment (RCW 9A.40.040)
  - Assault 3 (RCW 9A.36.031)
  - Assault of a Child 3 (RCW 9A.36.140)
  - Custodial Assault (RCW 9A.36.100)
  - Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
  - Harassment (RCW 9A.46.020)
  - Promoting Prostitution 2 (RCW 9A.88.080)
  - Willful Failure to Return from Work Release (RCW 72.65.070)
  - Burglary 2 (RCW 9A.52.030)
  - Introducing Contraband 2 (RCW 9A.76.150)
  - Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
- Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
- Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 2 (RCW 9A.56.080)
- Securities Act violation (RCW 21.20.400)
- II Unlawful Practice of Law (RCW 2.48.180)
  - Malicious Mischief 1 (RCW 9A.48.070)
  - Possession of Stolen Property 1 (RCW 9A.56.150)
  - Theft 1 (RCW 9A.56.030)
  - Class B Felony Theft of Rental, Leased, or Lease-purchased Property (RCW 9A.56.096(4))
  - Trafficking in Insurance Claims (RCW 48.30A.015)
  - Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
  - Health Care False Claims (RCW 48.80.030)
  - Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
  - Possession of phencyclidine (PCP) (RCW 69.50.401(d))
  - Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
  - Computer Trespass 1 (RCW 9A.52.110)
  - Escape from Community Custody (RCW 72.09.310)
- I Theft 2 (RCW 9A.56.040)
  - Class C Felony Theft of Rental, Leased, or Lease-purchased Property (RCW 9A.56.096(4))
  - Possession of Stolen Property 2 (RCW 9A.56.160)
  - Forgery (RCW 9A.60.020)
  - Taking Motor Vehicle Without Permission (RCW 9A.56.070)
  - Vehicle Prowl 1 (RCW 9A.52.095)
  - Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
  - Malicious Mischief 2 (RCW 9A.48.080)
  - Reckless Burning 1 (RCW 9A.48.040)
  - Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
  - Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
  - False Verification for Welfare (RCW 74.08.055)
  - Forged Prescription (RCW 69.41.020)
  - Forged Prescription for a Controlled Substance (RCW 69.50.403)
  - Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))

**Sec. 4.** RCW 9.94A.030 and 1998 c 290 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with

regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time or imposed pursuant to RCW 9.94A.120 (6), (8), or (10) served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(12) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

(13) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(14) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.

(15) "Department" means the department of corrections.

(16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(17) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or

insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(18) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(19) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(20) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(21) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(22) "First-time offender" means any person who is convicted of a felony (a) not classified as a violent offense or a sex offense under this chapter, or (b) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or flunitrazepam classified in Schedule IV, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(23) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(24) "Nonviolent offense" means an offense which is not a violent offense.

(25) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(26) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

(27) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (27)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under subsection (27)(b)(i) only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under subsection (27)(b)(i) only when the offender was eighteen years of age or older when the offender committed the offense.

(28) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(29) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(30) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(31) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, manslaughter in the first degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(32) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(33) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW, other than RCW 9A.44.130(10), or RCW 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

~~((e))~~ (d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(34) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(35) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(36) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(37) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(38) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, drive-by shooting, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(39) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (33) of this section are not eligible for the work crew program.

(40) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(41) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(42) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

**Sec. 5.** RCW 9A.44.130 and 1998 c 220 s 1 and 1998 c 139 s 1 are each reenacted and amended to read as follows:

(1) Any adult or juvenile residing, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile

detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution. Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, must notify the county sheriff immediately. The sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.500 upon the public safety department of any public or private institution of higher education.

(3) The person shall provide the following information when registering: (a) Name; (b) address; (c) date and place of birth; (d) place of employment; (e) crime for which convicted; (f) date and place of conviction; (g) aliases used; (h) social security number; (i) photograph; and (j) fingerprints.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (9) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to

register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (9) of this section.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (9) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the

person's new residence. If any person required to register pursuant to this section moves out of Washington state, the person must also send written notice within ten days of moving to the new state or a foreign country to the county sheriff with whom the person last registered in Washington state. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(7) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(8) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means any offense defined as a sex offense by RCW 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a minor), 9.68A.050 (dealing in depictions of minor engaged in sexually explicit conduct), 9.68A.060 (sending, bringing into state depictions of minor engaged in sexually explicit conduct), 9.68A.090 (communication with minor for immoral purposes), 9.68A.100 (patronizing juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in the second degree), as well as any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030.

(b) "Kidnapping offense" means the crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent.

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(9) A person who knowingly fails to register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (8)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (8)(a) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(10) A person who knowingly fails to register or who moves without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (8)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (8)(b) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

**Sec. 6.** RCW 9.94A.360 and 1998 c 211 s 4 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11) or (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and ½ point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for ~~((Murder 1 or 2, Assault 1, Assault of a Child 1, Kidnapping 1, Homicide by Abuse, or Rape 1))~~ a serious violent offense, count three points for prior adult and juvenile convictions for crimes in ~~((these categories))~~ this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense ~~((or serious traffic offense,))~~ count one point for each adult and ½ point for each juvenile prior conviction ~~((This subsection shall not apply when additional time is added to a sentence pursuant to RCW 46.61.520(2)))~~; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and ½ point for each juvenile prior conviction.

(12) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, Willful Failure to Return from Work Release, RCW 72.65.070, or Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as ½ point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as ½ point.

(15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(16) If the present conviction is for a sex offense, count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(17) If the present conviction is for an offense committed while the offender was under community placement, add one point.

**Sec. 7.** RCW 9.94A.400 and 1998 c 235 s 2 are each amended to read as follows:

(1)(a) Except as provided in (b) or (c) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(g) or any other provision of RCW 9.94A.390. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition applies in cases involving vehicular assault or vehicular homicide even if the victims occupied the same vehicle.

(b) Whenever a person is convicted of two or more serious violent offenses, as defined in RCW 9.94A.030, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's prior convictions and other current convictions that are not serious violent offenses in the offender score and the sentence range for other serious violent offenses shall be determined by using an offender score of zero. The sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(c) If an offender is convicted under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, ~~((then))~~ the sentence range for each of these current offenses shall be determined by using all other current and prior convictions, except other current convictions for the felony crimes listed in this subsection (1)(c), as if they were prior convictions. The offender shall serve consecutive sentences for each conviction of the felony crimes listed in this subsection (1)(c), and for each firearm unlawfully possessed.

(2)(a) Except as provided in (b) of this subsection, whenever a person while under sentence of felony commits another felony and is sentenced to another term of confinement, the latter term shall not begin until expiration of all prior terms.

(b) Whenever a second or later felony conviction results in community supervision with conditions not currently in effect, under the prior sentence or sentences of community supervision the court may require that the conditions of community supervision contained in the second or later sentence begin during the immediate term of community supervision and continue throughout the duration of the consecutive term of community supervision.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.120(2), if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months."

## MOTION

On motion of Senator Costa, the following amendment to the Committee on Judiciary striking amendment was adopted:

Beginning on page 9, line 1 of the amendment, strike all of section 3 and insert the following:

"**Sec. 3.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as follows:

TABLE 2  
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- ((XV))
  - XVI Aggravated Murder 1 (RCW 10.95.020)
- ((XIV))
  - XV Murder 1 (RCW 9A.32.030)
    - Homicide by abuse (RCW 9A.32.055)
    - Malicious explosion 1 (RCW 70.74.280(1))
- ((XIII))
  - XIV Murder 2 (RCW 9A.32.050)
  - XIII Malicious explosion 2 (RCW 70.74.280(2))
    - Malicious placement of an explosive 1 (RCW 70.74.270(1))
  - XII Assault 1 (RCW 9A.36.011)
    - Assault of a Child 1 (RCW 9A.36.120)
    - Rape 1 (RCW 9A.44.040)
    - Rape of a Child 1 (RCW 9A.44.073)
    - Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
  - XI Rape 2 (RCW 9A.44.050)
    - Rape of a Child 2 (RCW 9A.44.076)
    - Manslaughter 1 (RCW 9A.32.060)
  - X Kidnapping 1 (RCW 9A.40.020)
    - Child Molestation 1 (RCW 9A.44.083)
    - Malicious explosion 3 (RCW 70.74.280(3))
      - Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
    - Leading Organized Crime (RCW 9A.82.060(1)(a))
    - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
    - Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
  - IX Assault of a Child 2 (RCW 9A.36.130)
    - Robbery 1 (RCW 9A.56.200)
    - Explosive devices prohibited (RCW 70.74.180)
    - Malicious placement of an explosive 2 (RCW 70.74.270(2))
      - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
    - Controlled Substance Homicide (RCW 69.50.415)
    - Sexual Exploitation (RCW 9.68A.040)
    - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
    - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
    - Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 88.12.029)
  - VIII Arson 1 (RCW 9A.48.020)
    - Promoting Prostitution 1 (RCW 9A.88.070)

Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 88.12.029)

Manslaughter 2 (RCW 9A.32.070)

VII Burglary 1 (RCW 9A.52.020)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Homicide by Watercraft, by disregard for the safety of others (RCW 88.12.029)

Introducing Contraband 1 (RCW 9A.76.140)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Child Molestation 2 (RCW 9A.44.086)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Involving a minor in drug dealing (RCW 69.50.401(f))

Drive-by Shooting (RCW 9A.36.045)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

VI Bribery (RCW 9A.68.010)

Rape of a Child 3 (RCW 9A.44.079)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Incest 1 (RCW 9A.64.020(1))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))

Intimidating a Judge (RCW 9A.72.160)

Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))

Theft of a Firearm (RCW 9A.56.300)

V Persistent prison misbehavior (RCW 9.94.070)

Criminal Mistreatment 1 (RCW 9A.42.020)

Abandonment of dependent person 1 (RCW 9A.42.060)

Rape 3 (RCW 9A.44.060)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Child Molestation 3 (RCW 9A.44.089)

Kidnapping 2 (RCW 9A.40.030)

Extortion 1 (RCW 9A.56.120)

Incest 2 (RCW 9A.64.020(2))

Perjury 1 (RCW 9A.72.020)

Extortionate Extension of Credit (RCW 9A.82.020)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))

Sexually Violating Human Remains (RCW 9A.44.105)

Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))

Possession of a Stolen Firearm (RCW 9A.56.310)

On and after July 1, 2000: Stalking (RCW 9A.46.110)

On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Pretrial Condition (RCW 10.99.040(4) (b) and (c))

On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Sentence Condition (RCW 10.99.050(2))

On and after July 1, 2000: Protection Order Violation: Domestic Violence Civil Action (RCW 26.50.110 (4) and (5))

#### IV Residential Burglary (RCW 9A.52.025)

Theft of Livestock 1 (RCW 9A.56.080)

Robbery 2 (RCW 9A.56.210)

Assault 2 (RCW 9A.36.021)

Escape 1 (RCW 9A.76.110)

Arson 2 (RCW 9A.48.030)

Commercial Bribery (RCW 9A.68.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Malicious Harassment (RCW 9A.36.080)

Threats to Bomb (RCW 9.61.160)

Willful Failure to Return from Furlough (RCW 72.66.060)

Hit and Run--Injury Accident (RCW 46.52.020(4))

Hit and Run with Vessel--Injury Accident (RCW 88.12.155(3))

Vehicular Assault (RCW 46.61.522)

Assault by Watercraft (RCW 88.12.032)

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

#### III Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Abandonment of dependent person 2 (RCW 9A.42.070)

Extortion 2 (RCW 9A.56.130)

Unlawful Imprisonment (RCW 9A.40.040)

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Custodial Assault (RCW 9A.36.100)

Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))

Harassment (RCW 9A.46.020)

Promoting Prostitution 2 (RCW 9A.88.080)

Willful Failure to Return from Work Release (RCW 72.65.070)

Burglary 2 (RCW 9A.52.030)

Introducing Contraband 2 (RCW 9A.76.150)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)  
Patronizing a Juvenile Prostitute (RCW 9.68A.100)  
Escape 2 (RCW 9A.76.120)  
Perjury 2 (RCW 9A.72.030)  
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))  
Intimidating a Public Servant (RCW 9A.76.180)  
Tampering with a Witness (RCW 9A.72.120)  
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))  
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))  
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))  
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))  
Theft of livestock 2 (RCW 9A.56.080)  
Securities Act violation (RCW 21.20.400)  
Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))  
Malicious Injury to Railroad Property (RCW 81.60.070)  
Possession of Incendiary Device (RCW 9.40.120)  
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)  
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)  
Unlawful Use of Building for Drug Purposes (RCW 69.53.010)

II Unlawful Practice of Law (RCW 2.48.180)

Malicious Mischief 1 (RCW 9A.48.070)  
Possession of Stolen Property 1 (RCW 9A.56.150)  
Theft 1 (RCW 9A.56.030)  
~~((Class B Felony))~~ Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))  
Trafficking in Insurance Claims (RCW 48.30A.015)  
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))  
Health Care False Claims (RCW 48.80.030)  
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))  
Possession of phencyclidine (PCP) (RCW 69.50.401(d))  
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))  
Computer Trespass 1 (RCW 9A.52.110)  
Escape from Community Custody (RCW 72.09.310)

I Theft 2 (RCW 9A.56.040)

~~((Class C Felony))~~ Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))  
Possession of Stolen Property 2 (RCW 9A.56.160)  
Forgery (RCW 9A.60.020)  
Taking Motor Vehicle Without Permission (RCW 9A.56.070)  
Vehicle Prowl 1 (RCW 9A.52.095)  
Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)  
Malicious Mischief 2 (RCW 9A.48.080)  
Reckless Burning 1 (RCW 9A.48.040)  
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))  
False Verification for Welfare (RCW 74.08.055)  
Forged Prescription (RCW 69.41.020)  
Forged Prescription for a Controlled Substance (RCW 69.50.403)  
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or  
Non-narcotic from Schedule I-V (except phencyclidine or  
flunitrazepam) (RCW 69.50.401(d))

**Sec. 4.** RCW 81.60.070 and 1992 c 7 s 60 are each amended to read as follows:

Every person who, in such manner as might, if not discovered, endanger the safety of any engine, motor, car or train, or any person thereon, shall in any manner interfere or tamper with or obstruct any switch, frog, rail, roadbed, sleeper, viaduct, bridge, trestle, culvert, embankment, structure, or appliance pertaining to or connected with any railway, or any train, engine, motor, or car on such railway, and every person who shall discharge any firearm or throw any dangerous missile at any train, engine, motor, or car on any railway, shall be punished by imprisonment in a state correctional facility for not more than ((twenty-five)) ten years.

**Sec. 5.** RCW 9.40.120 and 1971 ex.s. c 302 s 4 are each amended to read as follows:

Every person who possesses, manufactures, or disposes of an incendiary device knowing it to be such is guilty of a felony, and upon conviction, shall be punished by imprisonment in a state prison for a term of not more than ((twenty-five)) ten years.

NEW SECTION. **Sec. 6.** The code reviser shall alphabetize the offenses within each seriousness level in RCW 9.94A.320, including any offenses added in the 1999 legislative session.

NEW SECTION. **Sec. 7.** The amendments made by sections 3 through 5 of this act shall apply to offenses committed on or after the effective date of this act except that the amendments made by this act to seriousness level V in RCW 9.94A.320 shall apply to offenses committed on or after July 1, 2000."

Renumber the remaining sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Judiciary striking amendment, as amended, to House Bill No. 1544.

The motion by Senator Costa carried and the committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Costa, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9.94A.030, 9.94A.360, and 9.94A.400; reenacting and amending RCW 9.94A.040, 9.94A.310, 9.94A.320, and 9A.44.130; and prescribing penalties."

On page 38, beginning on line 5 of the title amendment, after "amending" strike the remainder of the title amendment and insert "RCW 81.60.070, 9.40.120, 9.94A.030, 9.94A.360, and 9.94A.400; reenacting and amending RCW 9.94A.040, 9.94A.310, 9.94A.320, and 9A.44.130; creating new sections; and prescribing penalties."

On motion of Senator Costa, the rules were suspended, House Bill No. 1544, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1544, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1544, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

HOUSE BILL NO. 1544, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator Heavey was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1151, by Representatives Linville, G. Chandler, Cooper and Koster (by request of Department of Agriculture)

Updating or repealing dairy or food laws.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the following Committee on Agriculture and Rural Economic Development amendment was adopted:

On page 21, after line 36, insert the following:

**Sec. 28.** RCW 16.49.435 and 1987 c 77 s 4 are each amended to read as follows:

For the purposes of this chapter:

(1) "Department" means the department of agriculture of the state of Washington.  
(2) "Director" means the director of the department or the director's designee.  
(3) "Custom farm slaughterer" means any person licensed under this chapter who may under such license engage in the business of slaughtering meat food animals only for the consumption of the owner thereof through the use of an approved mobile unit under such conditions as may be prescribed by the director.

(4) "Custom slaughtering establishment" means the facility operated by any person licensed under this chapter who may under such license engage in the business of slaughtering meat food animals only for the consumption of the owner thereof at a fixed location under such conditions as may be prescribed by the director.

(5) "Custom meat facility" means the facility operated by any person licensed under this chapter who may under such license engage in the business of preparing uninspected meat for the sole consumption of the owner of the uninspected meat being prepared. Operators of custom meat facilities may also prepare inspected meat for household users only under such conditions as may be prescribed by the director and may sell such prepared inspected meat to household users only. Operators of custom meat facilities may also sell prepackaged inspected meat to any person, provided the prepackaged inspected meat is not prepared in any manner by the operator and the operator does not open or alter the original package that the inspected meat was placed in.

(6) "Inspected meat" means the carcasses or parts thereof of meat food animals which have been slaughtered and inspected at establishments subject to inspection under ~~((chapter 16.49A RCW or))~~ a federal meat inspection act.

(7) "Uninspected meat" means the carcasses or parts thereof of meat food animals which have been slaughtered by the owner thereof, or which have been slaughtered by a custom farm slaughterer.

(8) "Household user" means the ultimate consumer, the members of the consumer's household, and his or her nonpaying guests and employees.

(9) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(10) "Meat food animal" means cattle, swine, sheep, or goats.

(11) "Official establishment" means an establishment operated for the purpose of slaughtering meat food animals for sale or use as human food in compliance with the federal meat inspection act (21 U.S.C. Sec. 71 et seq.).

(12) "Prepared" means canned, salted, rendered, boned, cut up or otherwise manufactured, or processed.

**Sec. 29.** RCW 16.49.670 and 1987 c 77 s 11 are each amended to read as follows:

The provisions of this chapter relating to custom meat facilities ~~((and RCW 16.49A.370))~~ shall in no way supersede or restrict the authority of any county or any city to adopt ordinances which are more restrictive for the handling of meat than those provided for herein.

**Sec. 30.** RCW 16.67.030 and 1969 c 133 s 2 are each amended to read as follows:

For the purpose of this chapter:

(1) "Commission" means the Washington state beef commission.

- (2) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.
- (3) "Ex officio members" means those advisory members of the commission who do not have a vote.
- (4) "Department" means the department of agriculture of the state of Washington.
- (5) "Person" includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.
- (6) "Beef producer" means any person who raises, breeds, grows, or purchases cattle or calves for beef production.
- (7) "Dairy (beef) producer" means any person who raises, breeds, grows, or purchases cattle for dairy production and who is actively engaged in the production of fluid milk.

- (8) "Feeder" means any person actively engaged in the business of feeding cattle and usually operating a feed lot.
- (9) "Producer" means any person actively engaged in the cattle industry including beef producers and dairy (beef) producers.
- (10) "Washington cattle" shall mean all cattle owned or controlled by affected producers and located in the state of Washington.
- (11) "Meat packer" means any person (~~(licensed to operate)~~ operating a slaughtering establishment (~~(under the provisions of chapter 16.49A RCW as enacted or hereafter amended)~~ subject to inspection under a federal meat inspection act).
- (12) "Livestock salesyard operator" means any person licensed to operate a cattle auction market or salesyard under the provisions of chapter 16.65 RCW as enacted or hereafter amended.

**Sec. 31.** RCW 35A.69.010 and 1994 c 143 s 512 are each amended to read as follows:

Every code city shall have the powers, perform the functions and duties and enforce the regulations prescribed by general laws relating to food and drugs for any class of city as provided by Title 69 RCW; (~~relating to inspection of foods, meat, dairies, and milk as provided by chapter 16.49A RCW;~~) relating to water pollution control as provided by chapter 90.48 RCW; and relating to food fish and shellfish as provided by Title 75 RCW.

**Sec. 32.** RCW 69.04.930 and 1988 c 254 s 8 are each amended to read as follows:

It shall be unlawful for any person to sell at retail or display for sale at retail any food fish or shellfish as defined in RCW 75.08.011, any meat (~~(capable of use as human food as defined in RCW 16.49A.150 as now or hereafter amended)~~), or any meat food product (~~(as defined in RCW 16.49A.130 as now or hereafter amended)~~) which has been frozen at any time, without having the package or container in which the same is sold bear a label clearly discernible to a customer that such product has been frozen and whether or not the same has since been thawed. No such food fish or shellfish, meat or meat food product shall be sold unless in such a package or container bearing said label: PROVIDED, That this section shall not include any of the aforementioned food or food products that have been frozen prior to being smoked, cured, cooked or subjected to the heat of commercial sterilization."

Renumber the remaining section consecutively and correct any internal references accordingly.

## MOTIONS

On motion of Senator Rasmussen, the following title amendment was adopted:

On page 1, line 5 of the title, after "15.36.551," strike "and 15.36.561" and insert "15.36.561, 16.49.435, 16.49.670, 16.67.030, 35A.69.010, and 69.04.930"

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 1151, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1151, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1151 as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Heavey - 1

ENGROSSED HOUSE BILL NO. 1151, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SPECIAL ORDER OF BUSINESS

On motion of Senator Snyder, Substitute House Bill No. 1189 will be a special order of business at 3:30 p.m. today.

There being no objection, the Senate resumed consideration of House Bill No.1761 and the pending amendment by Senators Hochstatter, Stevens and Zarelli on page 2, line 27 and page 3, lines 2, 5, 15 and 19, to the Committee on Education striking amendment, deferred earlier today.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hochstatter, Stevens and Zarelli on page 2, line 27, and page 3, lines 2, 5, 15 and 19, to the Committee on Education striking amendment to House Bill No. 1761.

Debate ensued.

#### POINT OF INQUIRY

Senator Franklin: "Senator Finkbeiner, my question is that person would be used as an alternative not a substitute. Further, that person, then with a name in a pool would be withdrawn and they would be able to be called now as a substitute teacher in order to teach a class?"

Senator Finkbeiner: "The way the underling bill works, and I'll explain that real quick, because it pertains to the amendment. It says that retired principals and retired teachers can come back and fill in when there is a need of a substitute for a principal or a teacher, and that is a good bill and I think we are all supporting that. All we are saying with this amendment is that if a school wanted to, they could bring in--for instance if they couldn't find a substitute that day, which happens--a teacher just told me about this occurrence just five minutes ago, where they cannot find a substitute to come in and teach a class, they could if they felt that somebody was qualified to bring in a retired public employee. They don't have to; they don't get drawn out of a hat. It is not a random chance thing. It would only be in the instance where a school felt that it would be worth while to bring in this retired public employee instead of either an unqualified substitute teacher or no substitute teacher at all. Does that answer your question, Senator Franklin?"

Senator Franklin: "Yes. Thank you, Senator, for your explanation."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Hochstatter, Stevens and Zarelli on page 2, line 27 and page 3, lines 2, 5, 15 and 19, to the Committee on Education striking amendment to House Bill No. 1761.

#### ROLL CALL

The Secretary called the roll and the amendments to the committee striking amendment were not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 23.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 25.

Absent: Senator Winsley - 1.

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment to House Bill No. 1761.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted.

## MOTIONS

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 3 of the title, after "benefits;" strike the remainder of the title and insert "and amending RCW 41.32.570."

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1761, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1761, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1761 as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Absent: Senator Loveland - 1.

HOUSE BILL NO. 1761, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1153, by House Committee on Education (originally sponsored by Representatives McDonald, Kastama, Sump, Delvin, Hurst, Rockefeller, Kessler, Stensen, O'Brien, Bush, Lovick, Dickerson, Carlson, Keiser, Ogden, Hatfield, Wood, Ruderman, Tokuda, Santos, McIntire, Conway and Lantz)

Changing school safety provisions.

The bill was read the second time.

## MOTION

Senator McAuliffe moved that the following Committee on Education striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 13.40.215 and 1997 c 265 s 2 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense, a sex offense, or stalking, to the following:

(i) The chief of police of the city, if any, in which the juvenile will reside;

(ii) The sheriff of the county in which the juvenile will reside; and

(iii) The approved private schools and the common school district board of directors of the district in which the juvenile intends to reside or the approved private school or public school district in which the juvenile last attended school, whichever is appropriate, except when it has been determined by the department that the juvenile is twenty-one years old(~~is not required to return to school under chapter 28A.225 RCW;~~) or will be in the community for less than seven consecutive days on approved leave and will not be attending school during that time.

(b) After ~~((July 27, 1997))~~ the effective date of this section, the department shall send a written notice to approved private and public schools under the same conditions identified in subsection (1)(a)(iii) of this section when a juvenile adjudicated of any offense is transferred to a community residential facility, discharged, paroled, released, or granted a leave. The community residential facility shall provide written notice of the offender's criminal history to any school that the offender attends while

residing at the community residential facility and to any employer that employs the offender while residing at the community residential facility.

(c) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific juvenile:

(i) The victim of the offense for which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the juvenile in any court proceedings involving the offense; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the juvenile.

The notice to the chief of police or the sheriff shall include the identity of the juvenile, the residence where the juvenile will reside, the identity of the person, if any, responsible for supervising the juvenile, and the time period of any authorized leave.

(d) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical furloughs.

(e) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2)(a) If a juvenile found to have committed a violent offense, a sex offense, or stalking escapes from a facility of the department, the secretary shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the juvenile resided immediately before the juvenile's arrest. If previously requested, the secretary shall also notify the witnesses and the victim of the offense which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide. If the juvenile is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(b) The secretary may authorize a leave, for a juvenile found to have committed a violent offense, a sex offense, or stalking, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. Prior to the commencement of an emergency or medical leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will be during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave. If previously requested, the department shall also notify the witnesses and victim of the offense which the juvenile was found to have committed or the victim's next of kin if the offense was a homicide.

In case of an emergency or medical leave the secretary may waive all or any portion of the requirements for leaves pursuant to RCW 13.40.205 (2)(a), (3), (4), and (5).

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The secretary shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) Upon discharge, parole, transfer to a community residential facility, or other authorized leave or release, a convicted juvenile sex offender shall not attend a public or approved private elementary, middle, or high school that is attended by a victim or a sibling of a victim of the sex offender. The parents or legal guardians of the convicted juvenile sex offender shall be responsible for transportation or other costs associated with or required by the sex offender's change in school that otherwise would be paid by a school district. Upon discharge, parole, transfer to a community residential facility, or other authorized leave or release of a convicted juvenile sex offender, the secretary shall send written notice of the discharge, parole, or other authorized leave or release and the requirements of this subsection to the common school district board of directors of the district in which the sex offender intends to reside or the district in which the sex offender last attended school, whichever is appropriate. The secretary shall send a similar notice to any approved private school the juvenile will attend, if known, or if unknown, to the approved private schools within the district the juvenile resides or intends to reside.

(6) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Stalking" means the crime of stalking as defined in RCW 9A.46.110;

(d) "Next of kin" means a person's spouse, parents, siblings, and children.

**Sec. 2.** RCW 28A.225.225 and 1997 c 265 s 3 are each amended to read as follows:

(1) All districts accepting applications from nonresident students or from students receiving home-based instruction for admission to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990. The policy may include rejection of a nonresident student if:

- (a) Acceptance of a nonresident student would result in the district experiencing a financial hardship;
- (b) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership; or
- (c) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (1)(c) must apply uniformly to both resident and nonresident applicants.

For purposes of subsection (1)(b) of this section, "gang" means a group which: (i) Consists of three or more persons; (ii) has identifiable leadership; and (iii) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(2) The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3).

**Sec. 3.** RCW 28A.225.330 and 1997 c 266 s 4 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

- (a) Any history of placement in special educational programs;
- (b) Any past, current, or pending disciplinary action;
- (c) Any history of violent behavior, or behavior listed in RCW 13.04.155;
- (d) Any unpaid fines or fees imposed by other schools; and
- (e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the school the student previously attended to send the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance. If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, ~~((and))~~ records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The state board of education shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

(4) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

(5) When a school receives information under this section or RCW 13.40.215 that a student has a history of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students, the school shall provide this information to the student's teachers.

**Sec. 4.** RCW 13.50.050 and 1997 c 338 s 40 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.  
(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection ~~((41))~~ (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) Law enforcement and prosecuting attorneys may cooperate with schools in releasing information to a school pertaining to the investigation, diversion, and prosecution of a juvenile attending the school. Incident reports may be released unless releasing the records would jeopardize the investigation or prosecution or endanger witnesses. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property.

(8) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

((8)) (9) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

((9)) (10) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

((10)) (11) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection ((22)) (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

((11)) (12) The court shall grant the motion to seal records made pursuant to subsection ((40)) (11) of this section if it finds that:

(a) For class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent ten consecutive years in the community without committing any offense or crime that subsequently results in conviction. For class C offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(c) No proceeding is pending seeking the formation of a diversion agreement with that person;

(d) The person has not been convicted of a class A or sex offense; and

(e) Full restitution has been paid.

((12)) (13) The person making a motion pursuant to subsection ((40)) (11) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

((13)) (14) If the court grants the motion to seal made pursuant to subsection ((40)) (11) of this section, it shall, subject to subsection ((22)) (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

~~((14))~~ (15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection ~~((22))~~ (23) of this section.

~~((15))~~ (16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW.

~~((16))~~ (17) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection ~~((22))~~ (23) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

~~((17))~~ (18) If the court grants the motion to destroy records made pursuant to subsection ~~((16))~~ (17) of this section, it shall, subject to subsection ~~((22))~~ (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

~~((18))~~ (19) The person making the motion pursuant to subsection ~~((16))~~ (17) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

~~((19))~~ (20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

~~((20))~~ (21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

~~((21))~~ (22) Any juvenile justice or care agency may, subject to the limitations in subsection ~~((22))~~ (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

~~((22))~~ (23) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

~~((23))~~ (24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault."

#### MOTION

Senator Prentice moved that the following amendment to the Committee on Education striking amendment be adopted:

On page 6, line 12, after "teachers" insert "and security personnel"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Prentice on page 6, line 12, to the Committee on Education striking amendment to Substitute House Bill No. 1153.

The motion by Senator Prentice carried and the amendment to the committee striking amendment was adopted.

#### MOTION

Senator Hargrove moved that the following amendments by Senators Hargrove, McAuliffe and Goings to the Committee on Education striking amendment be considered simultaneously and be adopted:

On page 7, line 3 of the amendment, strike "Law" and insert "Upon the decision to arrest or the arrest, law"

On page 7, line 6 of the amendment, strike "Incident" and insert "Upon the decision to arrest or the arrest, incident"  
Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Hargrove, McAuliffe and Goings on page 7, lines 3 and 6, to the Committee on Education striking amendment to Substitute House Bill No. 1153.

The motion by Senator Hargrove carried and the amendments to the committee striking amendment were adopted.

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment, as amended, to Substitute House Bill No. 1153.

The motion by Senator McAuliffe carried and the committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 2 of the title, after "safety," strike the remainder of the title and insert "and amending RCW 13.40.215, 28A.225.225, 28A.225.330, and 13.50.050."

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1153, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1153, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1153 as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senators Hargrove and Kohl-Welles - 2.

SUBSTITUTE HOUSE BILL NO. 1153, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1599, by Representatives McMorris, Doumit, Clements, Constantine, Sheahan, Grant, G. Chandler, Linville, Rockefeller, D. Schmidt, Kessler and Schoesler

Creating an account to reimburse counties for extraordinary costs in the criminal justice system.

The bill was read the second time.

#### MOTION

Senator Costa moved that the following striking amendment by Senators Costa, Sheahan, Kline, McCaslin and Heavey be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.330 RCW to read as follows:

Counties may submit a petition for relief to the office of public defense for reimbursement of extraordinary criminal justice costs. Extraordinary criminal justice costs are defined as those associated with investigation, prosecution, indigent defense, jury impanelment, expert witnesses, interpreters, incarceration, and other adjudication costs of aggravated murder cases.

(1) The office of public defense, in consultation with the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs, shall develop procedures for processing the petitions, for auditing the veracity of the petitions, and for prioritizing the petitions. Prioritization of the petitions shall be based on, but not limited to, such factors as disproportionate fiscal impact relative to the county budget, efficient use of resources, and whether the costs are extraordinary and could not be reasonably accommodated and anticipated in the normal budget process.

(2) Before January 1st of each year, the office of public defense, in consultation with the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs, shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a prioritized list of submitted petitions that are recommended for funding by the legislature.

**Sec. 2.** RCW 27.24.070 and 1992 c 54 s 6 are each amended to read as follows:

In each county pursuant to this chapter, the county treasurer shall deposit in the county or regional law library fund a sum equal to twelve dollars for every new probate or civil filing fee, including appeals, collected by the clerk of the superior court and six dollars for every fee collected for the commencement of a civil action in district court for the support of the law library in that county or the regional law library to which the county belongs: PROVIDED, That upon a showing of need the twelve dollar contribution may be increased up to fifteen dollars upon the request of the law library board of trustees and with the approval of the county legislative body or bodies; AND PROVIDED FURTHER, That in each county, upon a showing of need by the law library board of trustees, a county legislative body or bodies may impose an additional surcharge not to exceed the maximum amount established in this section for every new probate or civil filing in superior court and an additional surcharge not to exceed the maximum amount established in this section for every fee collected for the commencement of a civil action in district court for the purpose of funding the county law library. Any surcharge imposed shall be collected by the clerk of the court and remitted to the county treasurer for deposit in the county or regional law library fund.

**Sec. 3.** RCW 36.18.016 and 1996 c 56 s 5 are each amended to read as follows:

(1) Revenue collected under this section is not subject to division under RCW 36.18.025 or 27.24.070.

(2) For the filing of a petition for modification of a decree of dissolution or paternity, within the same case as the original action, a fee of twenty dollars must be paid.

(3)(a) The party making a demand for a jury of six in a civil action shall pay, at the time, a fee of ~~((fifty))~~ one hundred twenty-five dollars; if the demand is for a jury of twelve, a fee of ~~((one))~~ two hundred fifty dollars. If, after the party demands a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional ~~((fifty-dollar))~~ one hundred twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(b) Upon conviction in criminal cases a jury demand charge of fifty dollars for a jury of six, or one hundred dollars for a jury of twelve may be imposed as costs under RCW 10.46.190.

(4) For preparing, transcribing, or certifying an instrument on file or of record in the clerk's office, with or without seal, for the first page or portion of the first page, a fee of two dollars, and for each additional page or portion of a page, a fee of one dollar must be charged. For authenticating or exemplifying an instrument, a fee of one dollar for each additional seal affixed must be charged.

(5) For executing a certificate, with or without a seal, a fee of two dollars must be charged.

(6) For a garnishee defendant named in an affidavit for garnishment and for a writ of attachment, a fee of twenty dollars must be charged.

(7) For approving a bond, including justification on the bond, in other than civil actions and probate proceedings, a fee of two dollars must be charged.

(8) For the issuance of a certificate of qualification and a certified copy of letters of administration, letters testamentary, or letters of guardianship, there must be a fee of two dollars.

(9) For the preparation of a passport application, the clerk may collect an execution fee as authorized by the federal government.

(10) For clerk's special services such as processing ex parte orders by mail, performing historical searches, compiling statistical reports, and conducting exceptional record searches, the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.

(11) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape.

(12) For the filing of oaths and affirmations under chapter 5.28 RCW, a fee of twenty dollars must be charged.

(13) For filing a disclaimer of interest under RCW 11.86.031(4), a fee of two dollars must be charged.

(14) For registration of land titles, Torrens Act, under RCW 65.12.780, a fee of five dollars must be charged.

(15) For the issuance of extension of judgment under RCW 6.17.020 and chapter 9.94A RCW, a fee of one hundred ten dollars must be charged.

- (16) A facilitator surcharge of ten dollars must be charged as authorized under RCW 26.12.240.
- (17) For filing a water rights statement under RCW 90.03.180, a fee of twenty-five dollars must be charged.
- (18) For filing a warrant for overpayment of state retirement systems benefits under chapter 41.50 RCW, a fee of five dollars shall be charged pursuant to RCW 41.50.136.
- (19) A service fee of three dollars for the first page and one dollar for each additional page must be charged for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.
- (20) For preparation of clerk's papers under RAP 9.7, a fee of fifty cents per page must be charged.
- (21) For copies and reports produced at the local level as permitted by RCW 2.68.020 and supreme court policy, a variable fee must be charged.
- (22) Investment service charge and earnings under RCW 36.48.090 must be charged.
- (23) Costs for nonstatutory services rendered by clerk by authority of local ordinance or policy must be charged.
- (24) For filing a request for trial de novo of an arbitration award, a fee not to exceed two hundred fifty dollars as established by authority of local ordinance must be charged."

#### POINT OF ORDER

Senator Finkbeiner: "I rise to a point of order. I challenge the scope and object of this amendment. House Bill No. 1599 creates extraordinary criminal justice accounts in order to reimburse counties for certain costs relating to the adjudication of aggravated murder cases. The appropriations may be made from the general fund or from public safety and education accounts. The bill's purpose is to address this one specific problem which is that local governments and particularly local governments in rural areas do not have the resources in their budgets to deal with an aggravated murder case. The bill gives the county some financial relief when an aggravated murder case threatens to break the county budget, as has happened recently.

"The striking amendment adds two completely separate and independent issues--funding for regional law libraries through increased filing fees and increasing fees for parties making a demand for a jury trial as well as authorizing fees for a party requesting a trial to a no vote or an arbitration award. These additions do not, in any way, address county funding of aggravated murder cases, which is the focus of the underlying bill. Instead, the amendment brings in new issues which are not addressed in the contents of the underlying bill and for that reason, I ask that you find the amendment outside the scope and object of the underlying bill. I would like to say that I am rising to challenge Sections two and three of the amendment by Senators Costa, Sheahan, Kline, McCaslin and Heavey. Thank you."

Further debate ensued.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of House Bill No. 1599 was deferred.

#### POINT OF ORDER

Senator Snyder: "A point of order, Mr. President. It is now 3:30 p.m. and time to consider the Special Order of Business on Substitute House Bill No. 1189."

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1189, by House Committee on Local Government (originally sponsored by Representatives Van Luven, Scott, Radcliff, Kenney, Mitchell, Tokuda, D. Schmidt, Dickerson, McIntire, Esser, Lambert, Cairnes, Ballasiotes, Constantine, Cody, H. Sommers, Murray, Santos and Parlette)

Modifying provisions concerning metropolitan park districts.

The bill was read the second time.

#### MOTION

Senator Patterson moved that the following Committee on State and Local Government striking amendment not be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 35.61 RCW to read as follows:

The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "City" means both cities and towns, including code cities.

(2) "Ex officio board of park commissioners" means the board of park commissioners of a metropolitan park district, only including a city with a population of five hundred thousand or more within its boundaries, that is composed of only the members of a city legislative authority (including the elected mayor, if any, acting in the mayor's ordinary legislative capacity) acting ex officio and independently as provided under RCW 35.61.050(2).

(3) "Separately elected board of park commissioners" means a board of park commissioners of a metropolitan park district that is composed of five separately elected commissioners as provided under RCW 35.61.050(1) and 35.61.120(1).

(4) "Land or lands" refers to land, water, or air, or any of the rights therein or improvements thereon.

**Sec. 2.** RCW 35.61.020 and 1965 c 7 s 35.61.020 are each amended to read as follows:

(1) A ballot proposition authorizing the creation of a metropolitan park district shall be submitted by ordinance to the voters of a city with a population of at least five thousand at any general election, or at any special election which may be called for that purpose, ((or at any city election held in the city in all of the various voting precincts thereof, the city council or commission may,)) if the legislative authority of the city enacts such an ordinance after adopting a resolution proposing creation of a metropolitan park district or ((or)) if a petition ((of)) proposing creation of a metropolitan park district is submitted to the county auditor that has been signed by at least fifteen percent of the ((qualified electors of the)) registered voters residing in the city ((based upon the registration for the last preceding general city election, shall by ordinance, submit to the voters of the city the proposition of creating a metropolitan park district, the limits of which shall be)).

(2) If city voters approve the ballot proposition by a simple majority vote, a metropolitan park district shall be created that is coextensive with the limits of the city as now or hereafter established, inclusive of territory annexed to and forming a part of the city.

(3) Territory by virtue of its annexation to any city having heretofore created a park district shall be deemed to be ((within the limits of)) annexed to the metropolitan park district.

((The city council or commission shall submit the proposition at a special election to be called therefor when the petition so requests.))

**Sec. 3.** RCW 35.61.030 and 1985 c 469 s 32 are each amended to read as follows:

(1) In submitting the question to the voters for their approval or rejection, the city council or commission shall pass an ordinance declaring its intention to submit the proposition of creating a metropolitan park district to the qualified voters of the city. The ordinance shall be published once a week for two consecutive weeks in the official newspaper of the city((, and the city council or commission shall cause to be placed upon the ballot for the election, at the proper place, the)). The proposition shall appear on the ballot of the next general municipal election unless the city legislative authority by ordinance submits it at an earlier special election.

(2) The legislative authority of a city placing on the ballot a proposition ((which)) authorizing the creation of a metropolitan park district shall ((be expressed in)), in the ordinance submitting the question to the voters, choose and describe the composition of the initial metropolitan park district commission that is proposed under RCW 35.61.050. The proposition shall include the following terms:

- "For the formation of a metropolitan park district."
- "Against the formation of a metropolitan park district."

**Sec. 4.** RCW 35.61.050 and 1994 c 223 s 23 are each amended to read as follows:

(1) Except as provided under subsection (2) of this section, five park commissioners shall be elected at large as the metropolitan members of the board of park commissioners for the metropolitan park district at the same election at which the ballot proposition is submitted to the voters as to whether a metropolitan park district is to be formed((, five park commissioners shall be elected)). The election of metropolitan park commissioners shall be null and void if the metropolitan park district is not created. Candidates shall run for specific commission positions. ((Ne)) A primary shall not be held to nominate candidates. The person receiving the greatest number of votes for each position shall be elected as a metropolitan park commissioner. The staggering of the terms of office shall occur as follows: (((4)) (a) The two persons who are elected receiving the two greatest numbers of votes shall be elected to six-year terms of office if the election is held in an odd-numbered year or five-year terms of office if the election is held in an even-numbered year; ((2)) (b) the two persons who are elected receiving the next two greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year or three-year terms of office if the election is held in an even-numbered year; and ((3)) (c) the other person who is elected shall be elected to a two-

year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year.

The initial metropolitan park commissioners shall take office immediately when they are elected and qualified, and for purposes of computing their terms of office the terms shall be assumed to commence on the first day of January in the year after they are elected. Thereafter, all commissioners shall be elected to six-year terms of office at general elections held in odd-numbered years.

All commissioners shall serve until their respective successors are elected and qualified and assume office in accordance with RCW 29.04.170. Vacancies shall occur and shall be filled as provided in chapter 42.12 RCW.

(2) The ballot proposition creating a new metropolitan park district that only consists of a city with a population of five hundred thousand or more may provide for the city's legislative authority (including the elected mayor, if any, acting in the mayor's ordinary legislative capacity) to act in an ex officio and independent capacity as the board of commissioners for the metropolitan park district. An election shall not be held to elect the initial metropolitan park district commissioners if such an option is taken.

**Sec. 5.** RCW 35.61.120 and 1965 c 7 s 35.61.120 are each amended to read as follows:

(1) The officers of a metropolitan park district shall be a board of park commissioners consisting of five members unless the board is composed as permitted under RCW 35.61.050(2). The board shall annually elect one of their number as president and another of their number as clerk of the board. The composition of a board under this subsection that was created before January 1, 1999, may not be altered once the metropolitan park district has been created.

(2) The composition of a board of metropolitan park district commissioners established as permitted under RCW 35.61.050(2) may be altered to a separately elected board of park commissioners once the metropolitan park district has been created only by a majority vote of the voters in the district, and then only if the potential for such an alteration was stated in the resolution or petition to create the district.

**Sec. 6.** RCW 35.61.130 and 1969 c 54 s 1 are each amended to read as follows:

(1) A metropolitan park district has the right of eminent domain, and may purchase, acquire and condemn lands lying within or without the boundaries of ~~((said))~~ the park district, for public parks, parkways, boulevards, aviation landings and playgrounds, and may condemn such lands for any of the following purposes: (a) To widen, alter, and extend streets, avenues, boulevards, parkways, aviation landings and playgrounds~~((;))~~; (b) to alter, enlarge, and extend existing parks~~((;))~~; and (c) to acquire lands for the establishment of new parks, boulevards, parkways, aviation landings and playgrounds.

(2) The right of eminent domain shall be exercised and instituted pursuant to resolution of the board of metropolitan park commissioners and conducted in the same manner and under the same procedure as is or may be provided by law for the exercise of the power of eminent domain by ~~((incorporated))~~ cities ~~((and towns))~~ of the state of Washington in the acquisition of property rights~~((; PROVIDED;))~~. However, funds to pay for condemnation allowed by this section shall be raised only as specified in this chapter.

(3) The board of metropolitan park commissioners ~~((shall have power to))~~ may employ counsel~~((;))~~ and ~~((te))~~ regulate, manage, and control the parks, parkways, boulevards, streets, avenues, aviation landings and playgrounds under its control~~((, and te))~~.

(4) The board of metropolitan park commissioners may provide ~~((for park policemen,))~~ for a secretary of the board of metropolitan park commissioners, and for all necessary employees, ~~((te))~~ and fix their salaries and duties. In a metropolitan park district governed under RCW 35.61.050(2), the city's mayor shall serve ex officio as the chief executive officer of the metropolitan park district unless otherwise provided by the board of metropolitan park district commissioners.

(5) The board of metropolitan park commissioners ~~((shall have power to))~~ may improve, acquire, extend and maintain, open, and lay out~~((;))~~ parks, parkways, boulevards, avenues, aviation landings and playgrounds, within or without the metropolitan park district~~((, and te))~~.

(6) The board of metropolitan park commissioners may authorize, conduct, and manage the letting of boats, or other amusement apparatus, the operation of bath houses, the purchase and sale of foodstuffs or other merchandise, the giving of vocal or instrumental concerts or other entertainments, the establishment and maintenance of aviation landings and playgrounds, and the provision, establishment, operation, maintenance, and improvement of recreational facilities all on property owned by itself or others.

(7) The board of metropolitan park commissioners may provide generally for the management and conduct of such forms of recreation or business as it shall judge desirable or beneficial for the public, or for the production of revenue for expenditure for parks and recreation purposes~~((; and))~~.

(8) The board of metropolitan park commissioners may pay out moneys for: (a) The maintenance and improvement of any such parks, parkways, boulevards, avenues, aviation landings and playgrounds as now exist, or the right to which may hereafter be acquired, within or without the limits of ~~((said city and for))~~ the metropolitan park district; (b) the purchase of lands within or without the limits of ~~((said city))~~ the metropolitan park district, whenever it deems the purchase to be for the benefit of the

public and for the interest of the metropolitan park district, and for the maintenance and improvement thereof; and ~~((for))~~ ~~(c)~~ all expenses incidental to its duties ~~((: PROVIDED, That))~~. However, all parks, boulevards, parkways, aviation landings and playgrounds shall be subject to the police regulations of the city or county within whose limits they lie.

(9) The board of metropolitan park commissioners may, if and to the extent provided by section 13 of this act, contract with any entity, public or private, including the city whose voters created the district, for all or any part of its staffing, operations, and services.

**Sec. 7.** RCW 35.61.132 and 1989 c 319 s 4 are each amended to read as follows:

(1) An ex officio board of metropolitan park district commissioners is authorized, by unanimous board decision and with the approval of the legislative authority of the city within which it is located, to convey any or all of its real or personal property to that city.

(2) Except as set forth in subsection (3) of this section, every metropolitan park district may, by unanimous decision of its board of park commissioners, sell, exchange, or otherwise dispose of any real or personal property acquired for park or recreational purposes when such property is declared surplus for park or other recreational purposes: PROVIDED, That where the property is acquired by donation or dedication for park or recreational purposes, the consent of the donor or dedicator, his or her heirs, successors, or assigns is first obtained if the consent of the donor is required in the instrument conveying the property to the metropolitan park district. In the event the donor or dedicator, his or her heirs, successors, or assigns cannot be located after a reasonable search, the metropolitan park district may petition the superior court in the county where the property is located for approval of the sale. If sold, all sales shall be by public bids and sale made only to the highest and best bidder.

(3) In addition to the conditions contained in subsection (2) of this section, a metropolitan park district with an ex officio board of park commissioners shall not declare surplus its real property acquired for park or recreational purposes without first having offered to donate that property to the city within which it is located.

**Sec. 8.** RCW 35.61.150 and 1998 c 121 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, metropolitan park commissioners shall perform their duties and may provide, by resolution passed by the commissioners, for the payment of compensation to each of its commissioners at a rate of up to seventy dollars for each day or portion of a day devoted to the business of the district. However, the compensation for each commissioner must not exceed six thousand seven hundred twenty dollars per year. Any commissioner may waive all or any portion of his or her compensation payable under this subsection as to any month or months during his or her term of office, by a written waiver filed with the clerk of the board. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(2) Metropolitan park commissioners who serve in an ex officio capacity shall perform their duties as park commissioners without additional compensation. However, the city treasurer may not charge a greater amount for treasury services than permitted the county treasurer for similar services under RCW 36.29.020.

**Sec. 9.** RCW 35.61.180 and 1987 c 203 s 1 are each amended to read as follows:

~~((The county treasurer of the county within which all, or the major portion, of the district lies shall be the ex officio treasurer of a metropolitan park district, but shall receive no compensation other than his or her regular salary for receiving and disbursing the funds of a metropolitan park district.))~~ (1) The treasurer of a metropolitan park district shall be the city treasurer of the most populated city included in the district's boundaries. The city treasurer, when acting as the treasurer of a metropolitan park district, shall receive no compensation other than his or her regular salary for acting as the treasurer of the metropolitan park district.

(2) Notwithstanding the provisions of subsection (1) of this section, a metropolitan park district may designate someone other than the ~~((county))~~ city treasurer who has experience in financial or fiscal affairs to act as the district treasurer if the board has received the approval of the ~~((county))~~ city treasurer to designate this person. If the board designates someone other than the ~~((county))~~ city treasurer to act as the district treasurer, the board shall purchase a bond from a surety company operating in the state that is sufficient to protect the district from loss. A district treasurer so designated shall possess all powers relating to the metropolitan park district that are possessed by the city treasurer, other than the authority to collect property taxes.

(3) Notwithstanding RCW 35.61.210, general taxes of the metropolitan park district shall be distributed to the treasurer of the metropolitan park district by the county treasurer as is done for cities.

**Sec. 10.** RCW 35.61.200 and 1983 c 167 s 56 are each amended to read as follows:

Any coupons for the payment of interest on metropolitan park district bonds shall be considered for all purposes as warrants drawn upon the metropolitan park district fund against which the bonds were issued, and when presented after maturity to the treasurer of the ~~((county having custody of the fund))~~ metropolitan park district. If there are no funds in the treasury to pay the coupons, the ~~((county))~~ metropolitan park district treasurer shall endorse ~~((said))~~ the coupons as presented for payment, in the same manner as county warrants are endorsed, and thereafter the coupon shall bear interest at the same rate as the bond to

which it was attached. If there are no funds in the treasury to make payment on a bond not having coupons, the interest payment shall continue bearing interest at the bond rate until it is paid, unless otherwise provided in the proceedings authorizing the sale of the bonds.

**Sec. 11.** RCW 35.61.250 and 1985 c 416 s 4 are each amended to read as follows:

(1) The territory adjoining a metropolitan park district with a separately elected board of park commissioners may be annexed to and become a part ~~((thereof upon))~~ of the metropolitan park district under a petition and ~~((an))~~ election ~~((held pursuant thereto))~~ method of annexation. The petition shall define the territory proposed to be annexed and must be signed by twenty-five registered voters, resident within the territory proposed to be annexed, unless the territory is within the limits of another city when it must be signed by twenty percent of the registered voters residing within the territory proposed to be annexed. The petition must be addressed to the board of park commissioners requesting that the question be submitted to the legal voters of the territory proposed to be annexed, whether they will be annexed and become a part of the metropolitan park district.

(2) A metropolitan park district with an ex officio board of park commissioners as provided under RCW 35.61.050(2) may not annex territory under the provisions of RCW 35.61.250 through 35.61.280 and shall maintain boundaries identical with those of the city in which it is located, including any territory annexed by the city.

**Sec. 12.** RCW 35.61.290 and 1985 c 416 s 5 are each amended to read as follows:

(1)(a) Except as set forth in (b) of this subsection, any city within or comprising any metropolitan park district may turn over to the park district any lands, facilities, equipment, or interests in any lands, facilities, or equipment which it may own, or any street, avenue, or public place within the city for playground, park or parkway purposes, and thereafter its control and management shall vest in the board of metropolitan park commissioners~~((: PROVIDED, That))~~. However, the police regulations of ~~((such))~~ the city, or the county should the premises be outside the city limits, shall apply to all such premises.

(b) A metropolitan park district created with an ex officio board of park commissioners shall never become the owner of a park that, at the time of creation of the district, was owned by the city in which the metropolitan park district was created. Additionally, the legislative authority of a city in which a metropolitan park district with an ex officio board of park commissioners is created may contract with that district for overall management and operation of any city parks and recreation facilities or lease any city parks and recreation facilities to that district only after the city legislative authority holds a public hearing on the proposed lease or proposed management and operation by the metropolitan park district. At least ten days prior to the hearing, there shall be published a public notice setting forth the date, time, and place of the hearing, at least once in a local newspaper of general circulation. Notice of the hearing shall also be mailed or otherwise delivered to all who would be entitled to notice of a special meeting of the city legislative authority under RCW 42.30.080. The notice shall identify the parks and recreation facilities involved. The terms and conditions under which the city proposes to lease to the metropolitan park district or contract with the metropolitan park district for management and operation shall be available upon request from and after the date of publication of the hearing notice and at the hearing, but after the public hearing the city legislative authority may amend the proposed terms and conditions at open public meetings.

(2) At any time that any such metropolitan park district is unable, through lack of sufficient funds, to provide for the continuous operation, maintenance, and improvement of the parks and playgrounds and other properties or facilities owned by it or under its control, and the legislative body of any city within or comprising such metropolitan park district shall determine that an emergency exists requiring the financial aid of such city to be extended in order to provide for such continuous operation, maintenance, and/or improvement of parks, playgrounds facilities, other properties, and programs of such park district within its limits, ~~((such))~~ the city may grant or loan to ~~((such))~~ the metropolitan park district such of its available funds, or such funds which it may lawfully procure and make available, as it shall find necessary to provide for such continuous operation and maintenance and, pursuant thereto, any ~~((such))~~ city and the board of park commissioners of ((such)) the metropolitan park district are authorized and empowered to enter into an agreement embodying such terms and conditions of any such grant or loan as may be mutually agreed upon.

(3) The board of metropolitan park commissioners may accept public streets of the city and grounds for public purposes when donated for park, playground, boulevard and park purposes.

~~((2))~~ (4) Counties may turn over to ~~((the))~~ a metropolitan park district any park and recreation lands and parks and recreation facilities and equipment or interests in any lands, facilities, or equipment that they own, and the board of metropolitan park commissioners may accept such lands and equipment or interests in any lands, facilities, or equipment.

**NEW SECTION. Sec. 13.** A new section is added to chapter 35.61 RCW to read as follows:

(1) A metropolitan park district governed under RCW 35.61.050(2) may contract with a nonprofit corporation or other public or private organization, including the city whose voters created the district, to manage or carry out any of its operations, except that no for-profit entity may have a contract for the overall management and operation of any parks and recreation facilities. No such contract for the overall management and operation of any park and recreation facility shall have an initial term or any renewal term longer than thirty years but may be renewed by the ex officio board of park commissioners upon the

expiration of an initial or any renewal term. A metropolitan park district governed under RCW 35.61.050(2) may, however, grant and may authorize the managing and operating entity to grant to any nonprofit corporation or other public or private organization franchises or concessions that further the public use and enjoyment of parks and recreation facilities.

(2) Before approving each initial and any renewal contract with a nonprofit corporation for the overall management and operation of any parks and recreation facilities, the ex officio board of metropolitan park commissioners shall hold a public hearing on the proposed management and operation by such a nonprofit corporation. At least ten days prior to the hearing, there shall be published a public notice setting forth the date, time, and place of the hearing, at least once in a local newspaper of general circulation. Notice of the hearing shall also be mailed or otherwise delivered to all who would be entitled to notice of a special meeting of the board under RCW 42.30.080. The notice shall identify the parks and recreation facilities involved and the nonprofit corporation proposed for management and operation under contract with the metropolitan park district. The terms and conditions under which the metropolitan park district proposes to contract with the nonprofit corporation for management and operation shall be available upon request from and after the date of publication of the hearing notice and at the hearing, but after the public hearing the board of metropolitan park commissioners may amend the proposed terms and conditions at open public meetings.

(3) A metropolitan park district governed under RCW 35.61.050(2) shall contract with the city whose voters created the district to carry out all of the metropolitan park district's management and operations except for the management and operation of parks and recreation facilities for which the metropolitan park district has a contract with another public agency or a nonprofit corporation under subsection (1) or (2) of this section. The contract with the city may provide for its termination if the metropolitan park district commissioners approve a contract with another entity under subsection (1) or (2) of this section.

(4) The nonprofit corporation or other public organization with responsibility for overall management or operation of any parks and recreation facilities may in carrying out that responsibility manage and supervise employees of the metropolitan park district governed under RCW 35.61.050(2) and may hire, fire, and otherwise discipline those employees. A civil service established under RCW 35.61.140 may include such management and supervision by persons not employed by the metropolitan park district.

**NEW SECTION. Sec. 14.** A new section is added to chapter 35.61 RCW to read as follows:

(1) Notwithstanding any provisions to the contrary contained in a city charter, and to the extent provided by the city under an appropriate legislative enactment, some or all employees of a metropolitan park district with an ex officio board of park commissioners may be included in the retirement plan of a city that shares territory with the metropolitan park district if they were previously employed by the city and were members of its retirement plan. The city and metropolitan park district are each authorized to pay the parts of the expense of operating and maintaining the retirement system and to contribute to the retirement fund on behalf of employees those sums as may be agreed upon between the legislative authorities of the city and the metropolitan park district, but a proportionate share of system expenses must be borne by or on behalf of the metropolitan park district employees.

(2) In a metropolitan park district with an ex officio board of park commissioners, neither the chief executive officer nor officers chiefly responsible for operating a facility or program, as designated by the board of metropolitan park commissioners, shall be members of the civil service that may be established under RCW 35.61.140.

**Sec. 15.** RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows: (a) The portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; (b) if the combined rate of regular property tax levies

subject to the one percent limitation in a county containing a metropolitan park district governed under RCW 35.61.050(2) still exceeds one percent of the true and fair value of any property, then the remaining levy for that metropolitan park district shall be reduced until the combined rate no longer exceeds one percent or shall be eliminated; (c) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and ~~((e))~~ (d) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under RCW 84.55.012.

**NEW SECTION. Sec. 16.** A new section is added to chapter 35.61 RCW to read as follows:

Notwithstanding any other provision of this chapter, but without eliminating or overriding the requirements for unanimous board action and consent under RCW 35.61.132, the voters of a metropolitan park district governed under RCW 35.61.050(2) have the power to initiate and refer to themselves legislation to prevent or authorize the disposition of specified real property of the district. The powers of initiative and referendum within this subject area shall be exercised in the same manner and with the same effect as permitted for the voters of the city with which the metropolitan park district shares its boundaries.

**NEW SECTION. Sec. 17.** A new section is added to chapter 35.61 RCW to read as follows:

Notwithstanding any other provision of this chapter, but without eliminating or overriding the requirements for unanimous board action and consent contained in RCW 35.61.132 for the disposition of property, the voters of a metropolitan park district governed under RCW 35.61.050(2) shall have the power, within the scope of the functions of such a metropolitan park district, to initiate and refer to themselves legislation to the same extent and on the same matters as do the voters of the city with which the metropolitan park district shares its boundaries. These powers of initiative and referendum shall be exercised in the same manner and with the same effect as permitted for the voters of that city."

The President declared the question before the Senate to be the motion by Senator Patterson to not adopt the Committee on State and Local Government striking amendment to Substitute House Bill No. 1189.

The motion by Senator Patterson carried and the committee striking amendment was not adopted.

## MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles, Kline, Hale, Long, Gardner and Patterson be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 35.61 RCW to read as follows:

The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "City" means both cities and towns, including code cities.

(2) "Ex officio board of park commissioners" means the board of park commissioners of a metropolitan park district, only including a city with a population of five hundred thousand or more within its boundaries, that is composed of only the members of a city legislative authority (including the elected mayor, if any, acting in the mayor's ordinary legislative capacity) acting ex officio and independently as provided under RCW 35.61.050(2).

(3) "Separately elected board of park commissioners" means a board of park commissioners of a metropolitan park district that is composed of five separately elected commissioners as provided under RCW 35.61.050(1) and 35.61.120(1).

(4) "Land or lands" refers to land, water, or air, or any of the rights therein or improvements thereon.

**Sec. 2.** RCW 35.61.020 and 1965 c 7 s 35.61.020 are each amended to read as follows:

(1) A ballot proposition authorizing the creation of a metropolitan park district shall be submitted by ordinance to the voters of a city with a population of at least five thousand at any general election, or at any special election which may be called for that purpose, ((or at any city election held in the city in all of the various voting precincts thereof, the city council or commission may,)) if the legislative authority of the city enacts such an ordinance after adopting a resolution proposing creation of a metropolitan park district or ((or)) if a petition ((of)) proposing creation of a metropolitan park district is submitted to the county auditor that has been signed by at least fifteen percent of the ((qualified electors of the)) registered voters residing in the city ((based upon the registration for the last preceding general city election, shall by ordinance, submit to the voters of the city the proposition of creating a metropolitan park district, the limits of which shall be)).

(2) If city voters approve the ballot proposition by a simple majority vote, a metropolitan park district shall be created that is coextensive with the limits of the city as now or hereafter established, inclusive of territory annexed to and forming a part of the city.

(3) Territory by virtue of its annexation to any city having heretofore created a park district shall be deemed to be ((within the limits of)) annexed to the metropolitan park district.

((The city council or commission shall submit the proposition at a special election to be called therefor when the petition so requests.))

**Sec. 3.** RCW 35.61.030 and 1985 c 469 s 32 are each amended to read as follows:

((In submitting the question to the voters for their approval or rejection, the city council or commission shall pass an ordinance declaring its intention to submit the proposition of creating a metropolitan park district to the qualified voters of the city. The ordinance shall be published once a week for two consecutive weeks in the official newspaper of the city, and the city council or commission shall cause to be placed upon the ballot for the election, at the proper place, the)) (1) The ballot proposition authorizing the creation of a metropolitan park district that is submitted to voters for their approval or rejection shall appear on the ballot of the next general election; or, at the option of the legislative authority, at the next special election date specified under RCW 29.13.020 occurring sixty or more days after the adoption of the last resolution proposing the creation of the park district, or the date the county auditor certifies that the petition proposing the creation of the park district contains sufficient valid signatures.

(2) The legislative authority of a city placing on the ballot a proposition ((which)) authorizing the creation of a metropolitan park district shall ((be expressed in)), in the ordinance submitting the question to the voters, choose and describe the composition of the initial metropolitan park district commission that is proposed under RCW 35.61.050. The proposition shall include the following terms:

- "For the formation of a metropolitan park district."
- "Against the formation of a metropolitan park district."

**Sec. 4.** RCW 35.61.050 and 1994 c 223 s 23 are each amended to read as follows:

(1) Except as provided under subsection (2) of this section, five park commissioners shall be elected at large as the initial members of the board of park commissioners for the metropolitan park district at the same election at which the ballot proposition is submitted to the voters as to whether a metropolitan park district is to be formed((, five park commissioners shall be elected)). The election of metropolitan park commissioners shall be null and void if the metropolitan park district is not created. Candidates shall run for specific commission positions. ((Ne)) A primary shall not be held to nominate candidates. The person receiving the greatest number of votes for each position shall be elected as a metropolitan park commissioner. The staggering of the terms of office shall occur as follows: (((1)) (a) The two persons who are elected receiving the two greatest numbers of votes shall be elected to six-year terms of office if the election is held in an odd-numbered year or five-year terms of office if the election is held in an even-numbered year; (((2)) (b) the two persons who are elected receiving the next two greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year or three-year terms of office if the election is held in an even-numbered year; and (((3)) (c) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year.

The initial metropolitan park commissioners shall take office immediately when they are elected and qualified, and for purposes of computing their terms of office the terms shall be assumed to commence on the first day of January in the year after they are elected. Thereafter, all commissioners shall be elected to six-year terms of office at general elections held in odd-numbered years.

All commissioners shall serve until their respective successors are elected and qualified and assume office in accordance with RCW 29.04.170. Vacancies shall occur and shall be filled as provided in chapter 42.12 RCW.

(2) The ballot proposition creating a new metropolitan park district that only consists of a city with a population of five hundred thousand or more may provide for the city's legislative authority (including the elected mayor, if any, acting in the mayor's ordinary legislative capacity) to act in an ex officio and independent capacity as the board of commissioners for the metropolitan park district. An election shall not be held to elect the initial metropolitan park district commissioners if such an option is taken.

**Sec. 5.** RCW 35.61.120 and 1965 c 7 s 35.61.120 are each amended to read as follows:

(1) The officers of a metropolitan park district shall be a board of park commissioners consisting of five members unless the board is composed as permitted under RCW 35.61.050(2). The board shall annually elect one of their number as president and another of their number as clerk of the board. The composition of a board under this subsection that was created before January 1, 1999, may not be altered once the metropolitan park district has been created.

(2) The composition of a board of metropolitan park district commissioners established as permitted under RCW 35.61.050(2) may be altered to a separately elected board of park commissioners once the metropolitan park district has been created only by a majority vote of the voters in the district, and then only if the potential for such an alteration was stated in the resolution or petition to create the district.

**Sec. 6.** RCW 35.61.130 and 1969 c 54 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a metropolitan park district has the right of eminent domain, and may purchase, acquire, and condemn lands lying within or without the boundaries of ~~((said))~~ the park district, for public parks, parkways, boulevards, ~~((aviation landings))~~ and playgrounds, and may condemn such lands for any of the following purposes: (a) To widen, alter, and extend streets, avenues, boulevards, parkways, ~~((aviation landings))~~ and playgrounds~~((;))~~; (b) to alter, enlarge, and extend existing parks~~((;))~~; and (c) to acquire lands for the establishment of new parks, boulevards, parkways, ~~((aviation landings))~~ and playgrounds.

(2) A metropolitan park district formed after January 1, 1999, has no power to condemn lands outside its boundaries.

(3) The right of eminent domain shall be exercised and instituted pursuant to resolution of the board of metropolitan park commissioners and conducted in the same manner and under the same procedure as is or may be provided by law for the exercise of the power of eminent domain by ~~((incorporated))~~ cities ~~((and towns))~~ of the state of Washington in the acquisition of property rights~~((; PROVIDED;))~~. However, funds to pay for condemnation allowed by this section shall be raised only as specified in this chapter.

(4) The board of metropolitan park commissioners ~~((shall have power to))~~ may employ counsel~~((;))~~ and ~~((to))~~ regulate, manage, and control the parks, parkways, boulevards, streets, avenues, ~~((aviation landings))~~ and playgrounds under its control~~((; and to))~~.

(5) The board of metropolitan park commissioners may provide for park ~~((policemen))~~ police, for a secretary of the board of metropolitan park commissioners, and for all necessary employees, ~~((to))~~ and fix their salaries and duties. In a metropolitan park district governed under RCW 35.61.050(2), the city's mayor shall serve ex officio as the chief executive officer of the metropolitan park district unless otherwise provided by the board of metropolitan park district commissioners.

(6) The board of metropolitan park commissioners ~~((shall have power to))~~ may improve, acquire, extend and maintain, open, and lay out~~((;))~~ parks, parkways, boulevards, avenues, ~~((aviation landings))~~ and playgrounds, within or without the metropolitan park district~~((; and to))~~.

(7) The board of metropolitan park commissioners may authorize, conduct, and manage the letting of boats, or other amusement apparatus, the operation of bath houses, the purchase and sale of foodstuffs or other merchandise, the giving of vocal or instrumental concerts or other entertainments, the establishment and maintenance of ~~((aviation landings and))~~ playgrounds, and the provision, establishment, operation, maintenance, and improvement of recreational facilities, all on property owned by itself or others.

(8) The board of metropolitan park commissioners may provide generally for the management and conduct of such forms of recreation or business as it shall judge desirable or beneficial for the public, or for the production of revenue for expenditure for parks and recreation purposes~~((; and))~~.

(9) The board of metropolitan park commissioners may pay out moneys for: (a) The maintenance and improvement of any such public parks, parkways, boulevards, avenues, ((aviation landings)) and playgrounds as now exist, or the right to which may hereafter be acquired, within or without the limits of ((said city and for)) the metropolitan park district; (b) the purchase of lands within or without the limits of ((said city)) the metropolitan park district, whenever it deems the purchase to be for the benefit of the public and for the interest of the metropolitan park district, and for the maintenance and improvement thereof; and ((for)) (c) all expenses incidental to its duties((: PROVIDED, That)). However, all parks, boulevards, parkways, ((aviation landings)) and playgrounds shall be subject to the police regulations of the city or county within whose limits they lie.

**Sec. 7.** RCW 35.61.132 and 1989 c 319 s 4 are each amended to read as follows:

(1) An ex officio board of metropolitan park district commissioners is authorized, by unanimous board decision and with the approval of the legislative authority of the city within which it is located, to convey any or all of its real or personal property to that city.

(2) Except as set forth in subsection (3) of this section, every metropolitan park district may, by unanimous decision of its board of park commissioners, sell, exchange, or otherwise dispose of any real or personal property acquired for park or recreational purposes when such property is declared surplus for park or other recreational purposes: PROVIDED, That where the property is acquired by donation or dedication for park or recreational purposes, the consent of the donor or dedicator, his or her heirs, successors, or assigns is first obtained if the consent of the donor is required in the instrument conveying the property to the metropolitan park district. In the event the donor or dedicator, his or her heirs, successors, or assigns cannot be located after a reasonable search, the metropolitan park district may petition the superior court in the county where the property is located for approval of the sale. If sold, all sales shall be by public bids and sale made only to the highest and best bidder.

(3) In addition to the conditions contained in subsection (2) of this section, a metropolitan park district with an ex officio board of park commissioners shall not declare surplus its real property acquired for park or recreational purposes without first having offered to donate that property to the city within which it is located.

**Sec. 8.** RCW 35.61.150 and 1998 c 121 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, metropolitan park commissioners shall perform their duties and may provide, by resolution passed by the commissioners, for the payment of compensation to each of its commissioners at a rate of up to seventy dollars for each day or portion of a day devoted to the business of the district. However, the compensation for each commissioner must not exceed six thousand seven hundred twenty dollars per year. Any commissioner may waive all or any portion of his or her compensation payable under this subsection as to any month or months during his or her term of office, by a written waiver filed with the clerk of the board. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(2) Metropolitan park commissioners who serve in an ex officio capacity shall perform their duties as park commissioners without additional compensation.

**Sec. 9.** RCW 35.61.180 and 1987 c 203 s 1 are each amended to read as follows:

~~((The county treasurer of the county within which all, or the major portion, of the district lies shall be the ex officio treasurer of a metropolitan park district, but shall receive no compensation other than his or her regular salary for receiving and disbursing the funds of a metropolitan park district.))~~ (1) The treasurer of a metropolitan park district shall be the city treasurer of the most populous city included in the district's boundaries. The city treasurer, when acting as the treasurer of a metropolitan park district, shall receive no compensation other than his or her regular salary for acting as the treasurer of a metropolitan park district. The city treasurer may not charge a greater amount for treasury services than permitted for the county treasurer for similar services under RCW 36.29.020.

(2) The treasurer of a metropolitan park district with an ex officio board of park commissioners established under RCW 35.61.050(2) shall be the city treasurer. The city treasurer shall possess and may exercise all powers with respect to the metropolitan park district that are possessed by a county treasurer with respect to a county, other than the authority to collect property taxes. The city treasurer, when acting as the treasurer of a metropolitan park district, shall receive no compensation other than his or her regular salary for acting as the treasurer of the metropolitan park district. The city treasurer may not charge a greater amount for treasury services than permitted for the county treasurer for similar services under RCW 36.29.020.

(3) Notwithstanding the provisions of subsection (1) of this section, a metropolitan park district with a separately elected board of park commissioners may designate someone other than the ((county)) city treasurer who has experience in financial or fiscal affairs to act as the district treasurer if the board has received the approval of the ((county)) city treasurer to designate this person. If the board of metropolitan park commissioners designates someone other than the ((county)) city treasurer to act as the district treasurer, the board shall purchase a bond from a surety company operating in the state that is sufficient to protect the district from loss. A district treasurer so designated shall possess all powers relating to the metropolitan park district that are possessed by the city treasurer.

(4) Notwithstanding RCW 35.61.210, general taxes of the metropolitan park district shall be distributed to the treasurer of the metropolitan park district by the county treasurer as is done for cities.

**Sec. 10.** RCW 35.61.200 and 1983 c 167 s 56 are each amended to read as follows:

Any coupons for the payment of interest on metropolitan park district bonds shall be considered for all purposes as warrants drawn upon the metropolitan park district fund against which the bonds were issued, and when presented after maturity to the treasurer of the ~~((county having custody of the fund))~~ metropolitan park district. If there are no funds in the treasury to pay the coupons, the ~~((county))~~ metropolitan park district treasurer shall endorse ~~((said))~~ the coupons as presented for payment, in the same manner as county warrants are endorsed, and thereafter the coupon shall bear interest at the same rate as the bond to which it was attached. If there are no funds in the treasury to make payment on a bond not having coupons, the interest payment shall continue bearing interest at the bond rate until it is paid, unless otherwise provided in the proceedings authorizing the sale of the bonds.

**Sec. 11.** RCW 35.61.250 and 1985 c 416 s 4 are each amended to read as follows:

(1) The territory adjoining a metropolitan park district with a separately elected board of park commissioners may be annexed to and become a part ((thereof upon)) of the metropolitan park district under a petition and ((an)) election ((held pursuant thereto)) method of annexation. The petition shall define the territory proposed to be annexed and must be signed by twenty-five registered voters, resident within the territory proposed to be annexed, unless the territory is within the limits of another city when it must be signed by twenty percent of the registered voters residing within the territory proposed to be annexed. The petition must be addressed to the board of park commissioners requesting that the question be submitted to the legal voters of the territory proposed to be annexed, whether they will be annexed and become a part of the metropolitan park district.

(2) A metropolitan park district with an ex officio board of park commissioners as provided under RCW 35.61.050(2) may not annex territory under the provisions of RCW 35.61.250 through 35.61.280 and shall maintain boundaries identical with those of the city in which it is located, including any territory annexed by the city.

**Sec. 12.** RCW 35.61.290 and 1985 c 416 s 5 are each amended to read as follows:

(1)(a) Except as set forth in (b) of this subsection, any city within or comprising any metropolitan park district may turn over to the park district any lands, facilities, equipment, or interests in any lands, facilities, or equipment which it may own, or any street, avenue, or public place within the city for playground, park or parkway purposes, and thereafter its control and management shall vest in the board of metropolitan park commissioners((- PROVIDED, That)). However, the police regulations of ((such)) the city, or the county should the premises be outside the city limits, shall apply to all such premises.

(b) A metropolitan park district created with an ex officio board of park commissioners shall never become the owner of a park that, at the time of creation of the district, was owned by the city in which the metropolitan park district was created. Additionally, the legislative authority of a city in which a metropolitan park district with an ex officio board of park commissioners is created may not contract with that district for overall management and operation of any city parks and recreation facilities or lease any city parks and recreation facilities to that district except for a zoo and an aquarium including related administrative and support facilities. For such contracts the city legislative authority must first hold a public hearing on the proposed lease or proposed management and operation by the metropolitan park district. At least ten days prior to the hearing, there shall be published a public notice setting forth the date, time, and place of the hearing, at least once in a local newspaper of general circulation. Notice of the hearing shall also be mailed or otherwise delivered to all who would be entitled to notice of a special meeting of the city legislative authority under RCW 42.30.080. The notice shall identify the parks and recreation facilities involved. The terms and conditions under which the city proposes to lease to the metropolitan park district or contract with the metropolitan park district for management and operation shall be available upon request from and after the date of publication of the hearing notice and at the hearing, but after the public hearing the city legislative authority may amend the proposed terms and conditions at open public meetings.

(2) At any time that any such metropolitan park district is unable, through lack of sufficient funds, to provide for the continuous operation, maintenance, and improvement of the parks and playgrounds and other properties or facilities owned by it or under its control, and the legislative body of any city within or comprising such metropolitan park district shall determine that an emergency exists requiring the financial aid of such city to be extended in order to provide for such continuous operation, maintenance, and/or improvement of parks, playgrounds facilities, other properties, and programs of such park district within its limits, ((such)) the city may grant or loan to ((such)) the metropolitan park district such of its available funds, or such funds which it may lawfully procure and make available, as it shall find necessary to provide for such continuous operation and maintenance and, pursuant thereto, any ((such)) city and the board of park commissioners of ((such)) the metropolitan park district are authorized and empowered to enter into an agreement embodying such terms and conditions of any such grant or loan as may be mutually agreed upon.

(3) The board of metropolitan park commissioners may accept public streets of the city and grounds for public purposes when donated for park, playground, boulevard and park purposes.

~~((2))~~ (4) Counties may turn over to ~~((the))~~ a metropolitan park district any park and recreation lands and parks and recreation facilities and equipment or interests in any lands, facilities, or equipment that they own, and the board of metropolitan park commissioners may accept such lands and equipment or interests in any lands, facilities, or equipment.

**NEW SECTION. Sec. 13.** A new section is added to chapter 35.61 RCW to read as follows:

(1)(a) A metropolitan park district governed under RCW 35.61.050(2) may contract with a nonprofit corporation or other public organization, including the city whose voters created the district, for the overall management and operation of any parks and recreation facilities, including a zoo and an aquarium for which the district has a management and operations contract under RCW 35.61.290(1)(b). No such contract for the overall management and operation of any parks and recreation facilities by a nonprofit corporation or other public organization shall have an initial term or any renewal term longer than thirty years but may be renewed by the ex officio board of park commissioners upon the expiration of an initial or any renewal term.

(b) A metropolitan park district governed under RCW 35.61.050(2) may, however, grant and may authorize the managing and operating entity to grant to any nonprofit corporation or other public or private organization franchises or concessions that further the public use and enjoyment of parks and recreation facilities, and may contract and may authorize the managing and operating entity to contract with any public or private organization for such specific services as are routinely so procured by the city whose voters created the district.

(2) Before approving each initial and any renewal contract with a nonprofit corporation for the overall management and operation of any parks and recreation facilities, the ex officio board of metropolitan park commissioners shall hold a public hearing on the proposed management and operation by such a nonprofit corporation. At least ten days prior to the hearing, there shall be published a public notice setting forth the date, time, and place of the hearing, at least once in a local newspaper of general circulation. Notice of the hearing shall also be mailed or otherwise delivered to all who would be entitled to notice of a special meeting of the board under RCW 42.30.080. The notice shall identify the parks and recreation facilities involved and the nonprofit corporation proposed for management and operation under contract with the metropolitan park district. The terms and conditions under which the metropolitan park district proposes to contract with the nonprofit corporation for management and operation shall be available upon request from and after the date of publication of the hearing notice and at the hearing, but after the public hearing the board of metropolitan park commissioners may amend the proposed terms and conditions at open public meetings.

(3) A metropolitan park district governed under RCW 35.61.050(2) shall contract with the city whose voters created the district to carry out all of the metropolitan park district's management and operations except for the management and operation of parks and recreation facilities for which the metropolitan park district has a contract with another public agency or a nonprofit corporation under subsection (1) or (2) of this section. The contract with the city may provide for its termination if the metropolitan park district commissioners approve a contract with another entity under subsection (1) or (2) of this section.

(4) The nonprofit corporation or other public organization with responsibility for overall management or operation of any parks and recreation facilities may in carrying out that responsibility manage and supervise employees of the metropolitan park district governed under RCW 35.61.050(2) and may hire, fire, and otherwise discipline those employees. A civil service established under RCW 35.61.140 may include such management and supervision by persons not employed by the metropolitan park district.

**NEW SECTION. Sec. 14.** A new section is added to chapter 35.61 RCW to read as follows:

(1) Notwithstanding any provisions to the contrary contained in a city charter, and to the extent provided by the city under an appropriate legislative enactment, some or all employees of a metropolitan park district with an ex officio board of park commissioners may be included in the retirement plan of a city that shares territory with the metropolitan park district if they were previously employed by the city and were members of its retirement plan. The city and metropolitan park district are each authorized to pay the parts of the expense of operating and maintaining the retirement system and to contribute to the retirement fund on behalf of employees those sums as may be agreed upon between the legislative authorities of the city and the metropolitan park district, but a proportionate share of system expenses must be borne by or on behalf of the metropolitan park district employees.

(2) In a metropolitan park district with an ex officio board of park commissioners, neither the chief executive officer nor officers chiefly responsible for operating a facility or program, as designated by the board of metropolitan park commissioners, shall be members of the civil service that may be established under RCW 35.61.140.

**Sec. 15.** RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county

assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows: (a) The portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; (b) if the combined rate of regular property tax levies subject to the one percent limitation in a county containing a metropolitan park district governed under RCW 35.61.050(2) still exceeds one percent of the true and fair value of any property, then the remaining levy for that metropolitan park district shall be reduced until the combined rate no longer exceeds one percent or shall be eliminated; (c) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and ~~((e))~~ (d) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created before January 1, 1999, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts created before January 1, 1999, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under RCW 84.55.012.

**NEW SECTION. Sec. 16.** A new section is added to chapter 35.61 RCW to read as follows:

Notwithstanding any other provision of this chapter, but without eliminating or overriding the requirements for unanimous board action and consent contained in RCW 35.61.132 for the disposition of property, the voters of a metropolitan park district governed under RCW 35.61.050(2) shall have the power, within the scope of the functions of such a metropolitan park district, to initiate and refer to themselves legislation to the same extent and on the same matters as do the voters of the city with which the metropolitan park district shares its boundaries. These powers of initiative and referendum shall be exercised in the same manner and with the same effect as permitted for the voters of that city."

POINT OF INQUIRY

Senator Horn: "Senator Kohl-Welles, this is a new striking amendment. We have not had much chance to see very much of it. I wonder if you would explain to us whether this contains the option to have the metropolitan park district to have their own security forces?"

Senator Kohl-Welles: "The authority for the metropolitan park district, and remember it is only in the city of Seattle that is affected here, would be able to hire park police. This is an existing law and when we passed the Senate version of this bill, we did include an amendment to take that part out at the request of the city of Tacoma Police Department. We found out later that, in fact, there was a lot of opposition to doing that and the King County Labor Council is opposed to that. This restores the language that is in existing statutes now. If the Tacoma Police Department wants to make a change in the exiting statutes, then it is perfectly able to introduce a bill to do that during the next legislative session."

#### MOTION

Senator Horn moved that the following amendments by Senators Horn, McCaslin and Heavey to the striking amendment by Senators Kohl-Welles, Kline, Hale, Long, Gardner and Patterson be considered simultaneously and be adopted:

On page 1, beginning on line 12 of the amendment, after "(2)" strike all material through "(3)" on line 19 of the amendment

Renumber the remaining subsection consecutively and correct internal references accordingly.

On page 4, line 7 of the amendment, after "act" strike all material through "capacity"

On page 7, beginning on line 22 of the amendment, after "commissioners" strike all material through "capacity" on line 23 of the amendment

On page 5, line 21 of the amendment, after "serve" strike "ex officio"

On page 6, line 19 of the amendment, after "(1)" strike "An ex officio" and insert "A"

On page 7, line 2 of the amendment, after "with" strike "an ex officio" and insert "a"

On page 9, line 23 of the amendment, after "with" strike "an ex officio" and insert "a"

On page 10, line 3 of the amendment, after "with" strike "an ex officio" and insert "a"

On page 10, line 8 of the amendment, after "with" strike "an ex officio" and insert "a"

On page 11, line 28 of the amendment, after "by the" strike "ex officio"

On page 12, line 3 of the amendment, after "the" strike "ex officio"

On page 13, line 6 of the amendment, after "with" strike "an ex officio" and insert "a"

On page 13, line 17 of the amendment, after "with" strike "an ex officio" and insert "a"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Horn, McCaslin and Heavey on page 1, line 12; page 4, line 7; page 7, line 22; page 5, line 21; page 6, line 19; page 7, line 2; page 9, line 23; page 10, lines 3 and 8; page 11, line 28; page 12, line 3; and page 13, lines 6 and 17; to the striking amendment by Senators Kohl-Welles, Kline, Hale, Long, Gardner and Patterson to Substitute House Bill No. 1189.

The motion by Senator Horn failed and the amendments to the striking amendment were not adopted.

#### MOTION

Senator Horn moved that the following amendment by Senators Horn, McCaslin and Heavey to the striking amendment by Senators Kohl-Welles, Kline, Hale, Long, Gardner and Patterson be adopted:

On page 2, beginning on line 29 of the amendment, after "election," strike all material through "election" on line 30 of the amendment

Debate ensued.

#### POINT OF ORDER

Senator Johnson: "A point of order. I think the Senator now speaking is impugning the integrity of one of the members that preceded him."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Kline, do be careful on how you refer to the other members, please."

Further debate ensued:

The President declared the question before the Senate to be the adoption of the amendment by Senators Horn, McCaslin and Heavey on page 2, beginning on line 29, to the striking amendment by Senators Kohl-Welles, Kline, Hale, Long, Gardner and Patterson to Substitute House Bill No. 1189.

The motion by Senator Horn carried and the amendment to the striking amendment was adopted on a rising vote.

#### MOTION

Senator Heavey moved that the following amendment by Senators Horn, McCaslin and Heavey to the striking amendment by Senators Kohl-Welles, Kline, Hale, Long, Gardner and Patterson be adopted:

On page 3, after line 4 of the amendment, insert the following:

"(3) No earlier than at the next special election occurring at least ninety days after the election resulting in the creation of the district under RCW 35.61.050(2), there shall be placed before the voters by the legislative authority a second, separate ballot proposition authorizing the property tax levy for the metropolitan park district. The property tax is authorized only if a majority of at least three-fifths of the registered voters approve the proposition authorizing the levy submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election. Included in this ballot proposition shall be the statement that (a) the revenues from the property tax may only be used to fund a zoo; and (b) a stipulation that the city will maintain at least its current funding for its zoo which may be measured by a set dollar amount, a dollar amount to be adjusted by the consumer price index, or a percentage of the general fund."

Debate ensued.

#### CALL FOR THE PREVIOUS QUESTION

Senators Snyder, Wojahn and Prentice called for the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

Senator Heavey demanded a roll call on the call for the previous question.

#### WITHDRAWAL OF MOTION FOR ROLL CALL ON THE CALL FOR PREVIOUS QUESTION

There being no objection, Senator Heavey withdrew the demand for a roll call on the call for the previous question.

Senator Heavey demanded a roll call on the adoption of the amendment by Senators Heavey, Horn and McCaslin on page 3, after line 4, to the striking amendment by Senators Kohl-Welles, Kline, Hale, Long, Gardner and Patterson to Substitute House Bill No. 1189, and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Heavey, McCaslin and Horn on page 3, after line 4, to the striking amendment by Senators Kohl-Welles, Kline, Hale, Long, Gardner and Patterson to Substitute House Bill No. 1189.

#### ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was adopted by the following vote: Yeas, 29; Nays, 19; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Goings, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Johnson, McAuliffe, McCaslin, McDonald, Morton, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 29.

Voting nay: Senators Costa, Eide, Fraser, Gardner, Hale, Haugen, Jacobsen, Kline, Kohl-Welles, Long, Loveland, Oke, Patterson, Sellar, Sheldon, B., Snyder, Spanel, Thibaudeau and Wojahn - 19.

Absent: Senator Deccio - 1.

## MOTION

Senator Horn moved that the following amendment by Senators Horn and McCaslin to the striking amendment by Senators Kohl-Welles, Kline, Hale, Long, Gardner and Patterson be adopted:

On page 3, after line 4 of the amendment, insert the following:

"(3) No earlier than at the next special election occurring at least ninety days after the election resulting in the creation of the district under RCW 35.61.050(2), there shall be placed before the voters by the legislative authority a second, separate ballot proposition authorizing the property tax levy for the metropolitan park district. Included in this ballot proposition shall be the statement that (a) the revenues from the property tax may only be used to fund a zoo; and (b) a stipulation that the city will maintain at least its current funding for its zoo which may be measured by a set dollar amount, a dollar amount to be adjusted by the consumer price index, or a percentage of the general fund."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Horn, McCaslin and Heavey on page 3, after line 4, to the striking amendment by Senators Kohl-Welles, Kline, Hale, Long, Gardner and Patterson to Substitute House Bill No. 1189.

The motion by Senator Horn failed and the amendment to the striking amendment was not adopted.

## MOTION

Senator Horn moved that the following amendment by Senators Horn, McCaslin and Heavey to the striking amendment by Senators Kohl-Welles, Kline, Hale, Long, Gardner and Patterson be adopted:

On page 5, line 37 of the amendment, after "itself" strike "or others"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Horn, McCaslin and Heavey on page 5, line 37, to the striking amendment by Senators Kohl-Welles, Kline, Hale, Long, Gardner and Patterson to Substitute House Bill No. 1189.

The motion by Senator Horn failed and the amendment to the striking amendment was not adopted on a rising vote .

## MOTION

Senator Stevens moved that the following amendment by Senators Stevens, Finkbeiner, Hargrove, Hochstatter, Rossi and Sheahan to the striking amendment by Senators Kohl-Welles, Kline, Hale, Long, Gardner and Patterson be adopted:

On page 5, line 26, after "others." insert the following:

"However, the board of metropolitan park commissioners may not authorize, establish, operate, maintain, or improve a sports stadium to be used for any professional sport."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Stevens, Finkbeiner, Hargrove, Hochstatter, Rossi and Sheahan on page 5, line 26, to the striking amendment by Senators Kohl-Welles, Kline, Hale, Long, Gardner and Patterson to Substitute House Bill No. 1189.

The motion by Senator Stevens carried and the amendment to the striking amendment was adopted.

## MOTION

Senator Heavey moved that the following amendment by Senators Heavey, McCaslin, Fairley and West to the striking amendment by Senators Kohl-Welles, Kline, Hale, Long, Gardner and Patterson be adopted:

On page 16, after line 9 of the amendment, insert the following:

"NEW SECTION. Sec. 17. Nothing in this act shall be construed to affect any terms, conditions, or practices contained in a collective bargaining agreement in effect on the effective date of this act."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Heavey, McCaslin, Fairley and West on page 16, after line 9, to the striking amendment by Senators Kohl-Welles, Kline, Hale, Long, Gardner and Patterson to Substitute House Bill No. 1189.

The motion by Senator Heavey carried and the amendment to the striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles, Kline, Hale, Long, Gardner and Patterson, as amended, to Substitute House Bill No. 1189.

The motion by Senator Kohl-Welles carried and the striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Kohl-Welles, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 35.61.020, 35.61.030, 35.61.050, 35.61.120, 35.61.130, 35.61.132, 35.61.150, 35.61.180, 35.61.200, 35.61.250, 35.61.290, and 84.52.010; and adding new sections to chapter 35.61 RCW."

On page 16, line 16 of the title amendment, after "84.52.010;" strike "and" and on line 17 of the title amendment, after "RCW" insert "; and creating a new section"

On motion of Senator Kohl-Wells, the rules were suspended, Substitute House Bill No. 1189, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Wojahn: "Senator Kohl-Welles, you stated on the floor that this would not give the metropolitan parks the right of eminent domain. Now, the main bill does. The metropolitan park districts have always had the right of eminent domain, so I would like to know if in this bill it has been taken out via your amendment?"

Senator Kohl-Welles: "Yes, Senator Wojahn. For the metropolitan park district for Seattle--this is only for Seattle--the eminent domain rights have been deleted."

Senator Wojahn: "Can you point that out to me in your amendment? I can't find it, but it may be there."

Senator Kohl-Welles: "If you could give me a moment to find it."

#### REMARKS BY SENATOR McCASLIN

Senator McCaslin: "Thank you, Mr. President. On page 5, Sub (2) of Section six, it says, 'A metropolitan park district formed after January 1, 1999, has no power to condemn lands outside its boundaries.' It doesn't say anything about buying them."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1189, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1189 as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 24; Nays, 24; Absent, 1; Excused, 0.

Voting yea: Senators Costa, Eide, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McDonald, Patterson, Prentice, Rossi, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and West - 24.

Voting nay: Senators Bauer, Benton, Brown, Fairley, Franklin, Heavey, Hochstatter, Honeyford, Horn, Johnson, McAuliffe, McCaslin, Morton, Oke, Rasmussen, Roach, Sellar, Sheahan, Sheldon, T., Stevens, Swecker, Winsley, Wojahn and Zarelli - 24.

Absent: Senator Deccio - 1.

SUBSTITUTE HOUSE BILL NO. 1189, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Benton served notice to reconsider the vote by which Substitute House Bill No.1189, as amended by the Senate, failed to pass the Senate.

#### PARLIAMENTARY INQUIRY

Senator Heavey: "Thank you, Mr. President, a point of parliamentary inquiry. If the vote is twenty-four to twenty-four, is there a prevailing side?"

#### REPLY BY THE PRESIDENT

President Owen: "The prevailing side is 'no' Senator."

Senator Heavey: "Thank you."

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1747, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Linville and G. Chandler) (by request of Washington State Conservation Commission)

Changing conservation district provisions.

The bill was read the second time.

#### MOTION

Senator Rasmussen moved that the following Committee on Agriculture and Rural Economic Development amendment be adopted:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 89.08.020 and 1973 1st ex.s. c 184 s 3 are each amended to read as follows:

Unless the context clearly indicates otherwise, as used in this chapter:

"Commission" and "state conservation commission" means the agency created hereunder. All former references to "state soil and water conservation committee", "state committee" or "committee" shall be deemed to be references to the "state conservation commission";

"District", or "conservation district" means a governmental subdivision of this state and a public body corporate and politic, organized in accordance with the provisions of ~~((this 1973 amendatory act))~~ chapter 184, Laws of 1973 1st ex. sess., for the purposes, with the powers, and subject to the restrictions set forth in this chapter. All districts created under ~~((this 1973 amendatory act))~~ chapter 184, Laws of 1973 1st ex. sess. shall be known as conservation districts and shall have all the powers and duties set out in ~~((this 1973 amendatory act))~~ chapter 184, Laws of 1973 1st ex. sess.. All references in ~~((this 1973 amendatory act))~~ chapter 184, Laws of 1973 1st ex. sess. to "districts", or "soil and water conservation districts" shall be deemed to be reference to "conservation districts";

"Board" and "supervisors" mean the board of supervisors of a conservation district;

"Land occupier" or "occupier of land" includes any person, firm, political subdivision, government agency, municipality, public or private corporation, copartnership, association, or any other entity whatsoever which holds title to, or is in possession of, any lands lying within a district organized under the provisions of ~~((this 1973 amendatory act))~~ chapter 184, Laws of 1973 1st ex. sess., whether as owner, lessee, renter, tenant, or otherwise;

"District elector" or "voter" means a ~~((qualified county elector occupying land))~~ registered voter in the county where the district is located who resides within the district boundary or in the area affected by a petition;

"Due notice" means a notice published at least twice, with at least six days between publications, in a publication of general circulation within the affected area, or if there is no such publication, by posting at a reasonable number of public places within the area, where it is customary to post notices concerning county and municipal affairs. Any hearing held pursuant to due notice may be postponed from time to time without a new notice;

"Renewable natural resources", "natural resources" or "resources" includes land, air, water, vegetation, fish, wildlife, wild rivers, wilderness, natural beauty, scenery and open space;

"Conservation" includes conservation, development, improvement, maintenance, preservation, protection and use, and alleviation of floodwater and sediment damages, and the disposal of excess surface waters.

"Farm and agricultural land" means either (a) land in any contiguous ownership of twenty or more acres devoted primarily to agricultural uses; (b) any parcel of land five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter; or (c) any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands".

**Sec. 2.** RCW 89.08.080 and 1973 1st ex.s. c 184 s 9 are each amended to read as follows:

To form a conservation district, (~~twenty-five or more persons occupying land~~) twenty percent of the voters within the area to be affected may file a petition with the commission asking that the area be organized into a district.

The petition shall give the name of the proposed district, state that it is needed in the interest of the public health, safety, and welfare, give a general description of the area proposed to be organized and request that the commission determine that it be created, and that it define the boundaries thereof and call an election on the question of creating the district.

If more than one petition is filed covering parts of the same area, the commission may consolidate all or any of them.

**Sec. 3.** RCW 89.08.110 and 1973 1st ex.s. c 184 s 12 are each amended to read as follows:

If the commission finds that the district is needed, it shall then determine whether it is practicable. To assist the commission in determining this question, it shall, within a reasonable time, submit the proposition to a vote of the (~~land occupiers~~) district electors in the proposed district.

The commission shall fix the date of the election, designate the polling places, fix the hours for opening and closing the polls, and appoint the election officials. The election shall be conducted, the vote counted and returns canvassed and the results published by the commission.

**Sec. 4.** RCW 89.08.130 and 1973 1st ex.s. c 184 s 14 are each amended to read as follows:

The commission shall give due notice of the election, which shall state generally the purpose of the election, the date thereof, the place and hours of voting, and set forth the boundaries of the proposed district.

Only qualified district electors within the proposed district as determined by the commission may vote at the election. Each voter shall vote in the polling place nearest (~~his~~) the voter's residence. (~~If he resides outside the district, he shall vote at the nearest polling place of the district.~~)

**Sec. 5.** RCW 89.08.150 and 1973 1st ex.s. c 184 s 16 are each amended to read as follows:

If a majority of the votes cast at the election are against the creation of the district, the commission shall deny the petition. If a majority favor the district, the commission shall determine the practicability of the project.

In making such determination, the commission shall consider the attitude of the (~~land occupiers~~) voters of the district; the number of eligible voters who voted at the election; the size of the majority vote; the wealth and income of the land occupiers; the probable expense of carrying out the project; and any other economic factors relevant thereto.

If the commission finds that the project is impracticable it shall enter an order to that effect and deny the petition. When the petition has been denied, no new petition covering the same or substantially the same area may be filed within six months therefrom.

**Sec. 6.** RCW 89.08.180 and 1973 1st ex.s. c 184 s 19 are each amended to read as follows:

Territory may be added to an existing district upon filing a petition as in the case of formation with the commission by (~~occupiers of the lands~~) twenty percent of the voters of the affected area to be included. The same procedure shall be followed as for the creation of the district.

As an alternate procedure, the commission may upon the petition of a majority of the (~~land occupiers~~) voters in any one or more districts or in unorganized territory adjoining a conservation district change the boundaries of a district, or districts, if such action will promote the practical and feasible administration of such district or districts.

Upon petition of the boards of supervisors of two or more districts, the commission may approve the combining of all or parts of such districts and name the district, or districts, with the approval of the name by the secretary of state. A public hearing and/or a referendum may be held if deemed necessary or desirable by the commission in order to determine the wishes of (~~land occupiers~~) the voters.

When districts are combined, the joint boards of supervisors will first select a chairman, secretary and other necessary officers and select a regular date for meetings. All elected supervisors will continue to serve as members of the board until the expiration of their current term of office, and/or until the election date nearest their expiration date. All appointed supervisors will continue to serve until the expiration of their current term of office, at which time the commission will make the necessary appointments. In the event that more than two districts are combined, a similar procedure will be set up and administered by the commission.

When districts are combined or territory is moved from one district to another, the property, records and accounts of the districts involved shall be distributed to the remaining district or districts as approved by the commission. A new certificate of organization, naming and describing the new district or districts, shall be issued by the secretary of state.

**NEW SECTION. Sec. 7.** A new section is added to chapter 89.08 RCW to read as follows:

The local governing body of any city or incorporated town within an existing district may approve by majority vote a petition to withdraw from the district. The petition shall be submitted to the district for its approval. If approved by the district, the petition shall be sent to the commission. The commission shall approve the petition and forward it to the secretary of state and the boundary of the district shall be adjusted accordingly. If the petition is not approved by the district, the district shall adopt a resolution specifying the reasons why the petition is not approved. The petition and the district's resolution shall be sent to the commission for its review. The commission shall approve or reject the petition based upon criteria it has adopted for the evaluation of petitions in dispute. If the commission approves the petition, it shall forward the petition to the secretary of state and the boundaries of the district shall be adjusted accordingly. The criteria used by the commission to evaluate petitions which are in dispute shall be adopted as rules by the commission under chapter 34.05 RCW, the administrative procedure act.

**Sec. 8.** RCW 89.08.350 and 1973 1st ex.s. c 184 s 25 are each amended to read as follows:

At any time after five years from the organization of a district, (~~one hundred land occupiers~~) twenty percent of the voters in the district may file with the commission a petition, praying that the district be dissolved. The commission may hold public hearings thereon, and within sixty days from receipt of the petition, shall give due notice of an election on the question of dissolution. It shall provide appropriate ballots, conduct the election, canvass the returns, and declare the results in the same manner as for elections to create a district.

All district electors may vote at the election. No informality relating to the election shall invalidate it if notice is substantially given and the election is fairly conducted.

**Sec. 9.** RCW 89.08.360 and 1973 1st ex.s. c 184 s 26 are each amended to read as follows:

If a majority of the votes cast at the election are for dissolution, the district shall be dissolved. (~~If two-thirds of the votes are against dissolution, the commission shall determine whether the continuance of the district is practicable. In making the determination it shall consider all the factors considered by it in determining that the district was practicable originally. If it finds that further operation of the district is impracticable it shall order it dissolved and certify its determination to the supervisors.;~~)

**Sec. 10.** RCW 89.08.370 and 1973 1st ex.s. c 184 s 27 are each amended to read as follows:

If the district is ordered dissolved, the supervisors shall forthwith terminate the affairs of the district and dispose of all district property at public auction, and pay the proceeds therefrom to pay any debts of the district and any remaining balance to the state treasurer.

They shall then file a verified application with the secretary of state for the dissolution of the district, accompanied by a certificate of the commission reciting the determination that further operation of the district is impracticable. The application shall recite that the property of the district has been disposed of, that the proceeds therefrom have been used to pay any debts of the district and any remaining balance paid to the treasurer, and contain a full accounting of the property and proceeds. Thereupon the secretary shall issue to the supervisors a certificate of dissolution and file a copy thereof in his or her records.

**NEW SECTION. Sec. 11.** RCW 89.08.380 (Effect of dissolution--Commission substituted) and 1973 1st ex.s. c 184 s 28 & 1955 c 304 s 28 are each repealed."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Agriculture and Rural Economic Development striking amendment to Substitute House Bill No. 1747.

The motion by Senator Rasmussen carried and the committee striking amendment was adopted.

## MOTIONS

On motion of Senator Rasmussen, the following title amendment was adopted:

On page 1, line 2 of the title, after "liability;" strike the remainder of the title and insert "amending RCW 89.08.020, 89.08.080, 89.08.110, 89.08.130, 89.08.150, 89.08.180, 89.08.350, 89.08.360, and 89.08.370; adding a new section to chapter 89.08 RCW; and repealing RCW 89.08.380."

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1747, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1747, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1747, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Absent: Senator Kohl-Welles - 1.

SUBSTITUTE HOUSE BILL NO. 1747, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1421, by Representatives Huff, H. Sommers, Hatfield, Benson and McIntire (by request of State Investment Board)

Authorizing the state investment board to establish additional commingled trust funds.

The bill was read the second time.

#### MOTION

On motion of Senator Shin, the rules were suspended, House Bill No. 1421 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1421.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1421 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

HOUSE BILL NO. 1421, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1250, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives McIntire, Keiser, Sullivan, Santos, Benson, Hatfield, Quall, Barlean, Hurst, Dunshee, Bush, Constantine, Dickerson, Rockefeller, O'Brien and Kenney)

Protecting the privacy of financial information.

The bill was read the second time.

## MOTION

On motion of Senator Shin, the following Committee on Commerce, Trade, Housing and Financial Institutions striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. INTENT.** The legislature finds that financial information is personal and sensitive information that if unlawfully obtained by others may do significant harm to a person's privacy, financial security, and other interests. The legislature finds that unscrupulous persons find ever more clever ways, including identity theft, to improperly obtain and use financial information. The legislature intends to penalize unscrupulous people for improperly obtaining financial information.

**NEW SECTION. Sec. 2. PROHIBITING ATTEMPTS TO IMPROPERLY OBTAIN FINANCIAL INFORMATION.** (1) No person may obtain or attempt to obtain, or cause to be disclosed or attempt to cause to be disclosed to any person, financial information from a financial information repository:

(a) By knowingly making a false, fictitious, or fraudulent statement or representation to an officer, employee, or agent of a financial information repository with the intent to deceive the officer, employee, or agent into relying on that statement or representation for purposes of releasing the financial information;

(b) By knowingly making a false, fictitious, or fraudulent statement or representation to a customer of a financial information repository with the intent to deceive the customer into releasing financial information or authorizing the release of such information;

(c) By knowingly providing any document to an officer, employee, or agent of a financial information repository, knowing that the document is forged, counterfeit, lost, or stolen; was fraudulently obtained; or contains a false, fictitious, or fraudulent statement or representation, if the document is provided with the intent to deceive the officer, employee, or agent to release the financial information.

(2) No person may request another person to obtain financial information from a financial information repository and knows or should have known that the person will obtain or attempt to obtain the information from the financial institution repository in any manner described in subsection (1) of this section.

(3) As used in this section, unless the context clearly requires otherwise:

(a) "Financial information" means, to the extent it is nonpublic, any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit:

(i) Account numbers and balances;

(ii) Transactional information concerning any account; and

(iii) Codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicaid numbers issued by the department of licensing, and other information held for the purpose of account access or transaction initiation.

(b) "Financial information repository" means any person engaged in the business of providing services to customers who have a credit, deposit, trust, stock, or other financial account or relationship with the person.

(c) "Person" means an individual, partnership, corporation, or association.

(4) No provision of this section shall be construed so as to prevent any action by a law enforcement agency, or any officer, employee, or agent of such agency, or any action of an agent of the financial information repository when working in conjunction with a law enforcement agency.

(5) This section does not apply to:

(a) Efforts by the financial information repository to test security procedures or systems of the financial institution repository for maintaining the confidentiality of customer information;

(b) Investigation of alleged employee misconduct or negligence; or

(c) Efforts to recover financial or personal information of the financial institution obtained or received by another person in any manner described in subsection (1) or (2) of this section.

(6) Violation of this section is a class C felony.

(7) A person that violates this section is liable for five hundred dollars or actual damages, whichever is greater, and reasonable attorneys' fees. If the person violating this section is a business that repeatedly violates this section, that person also violates the consumer protection act, chapter 19.86 RCW.

**NEW SECTION. Sec. 3. PROHIBITING IDENTITY THEFT.** (1) No person may knowingly use or knowingly transfer a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity harming or intending to harm the person whose identity is used, or for committing any felony.

(2) For purposes of this section, "means of identification" means any information or item that is not describing finances or credit but is personal to or identifiable with any individual or other person, including any current or former name of the person, telephone number, and electronic address or identifier of the individual or any member of his or her family, including the ancestor of such person; any information relating to a change in name, address, telephone number, or electronic address or identifier of the individual or his or her family; any social security, driver's license, or tax identification number of the individual or any member of his or her family; and other information which could be used to identify the person, including unique biometric data.

(3) Violation of this section is a class C felony.

(4) A person that violates this section is liable for five hundred dollars or actual damages, including costs to repair the person's credit record, whichever is greater, and reasonable attorneys' fees. If the person violating this section is a business that repeatedly violates this section, that person also violates the consumer protection act, chapter 19.86 RCW.

**Sec. 4.** RCW 9A.82.010 and 1995 c 285 s 34 and 1995 c 92 s 5 are each reenacted and amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(2) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(3) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(4) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(5) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(6) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(7) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(8) "Dealer in property" means a person who buys and sells property as a business.

(9) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(10) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

(11) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(12) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(13) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(14) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:

(a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

(c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

(d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

(e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and 9A.56.080;

(f) Unlawful sale of subscription television services, as defined in RCW 9A.56.230;

(g) Theft of telecommunication services or unlawful manufacture of a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;

(h) Child selling or child buying, as defined in RCW 9A.64.030;

(i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;

- (j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;
- (k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;
- (l) Extortionate extension of credit, as defined in RCW 9A.82.020;
- (m) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;

- (n) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;
- (o) Collection of an unlawful debt, as defined in RCW 9A.82.045;
- (p) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;
- (q) Trafficking in stolen property, as defined in RCW 9A.82.050;
- (r) Leading organized crime, as defined in RCW 9A.82.060;
- (s) Money laundering, as defined in RCW 9A.83.020;
- (t) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;
- (u) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;
- (v) Promoting pornography, as defined in RCW 9.68.140;
- (w) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;
- (x) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;
- (y) Arson, as defined in RCW 9A.48.020 and 9A.48.030;
- (z) Assault, as defined in RCW 9A.36.011 and 9A.36.021;
- (aa) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;
- (bb) A pattern of equity skimming, as defined in RCW 61.34.020;
- (cc) Commercial telephone solicitation in violation of RCW 19.158.040(1);
- (dd) Trafficking in insurance claims, as defined in RCW 48.30A.015;
- (ee) Unlawful practice of law, as defined in RCW 2.48.180;
- (ff) Commercial bribery, as defined in RCW 9A.68.060;
- (gg) Health care false claims, as defined in RCW 48.80.030; ~~((er))~~
- (hh) Unlicensed practice of a profession or business, as defined in RCW 18.130.190(7); or
- (ii) Identity, theft as defined in section 3 of this act.

(15) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.

(16) "Records" means any book, paper, writing, record, computer program, or other material.

(17) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(18) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:

- (a) In violation of any one of the following:
  - (i) Chapter 67.16 RCW relating to horse racing;
  - (ii) Chapter 9.46 RCW relating to gambling;
- (b) In a gambling activity in violation of federal law; or
- (c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.

(19)(a) "Beneficial interest" means:

(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest shall be considered to be located where the real property owned by the trustee is located.

(20) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(21)(a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under subsection (21)(a)(i) or (ii) of this section.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust;

(iii) A trustee of any indenture of trust under which a bond is issued; or

(iv) A trustee under a deed of trust.

**NEW SECTION. Sec. 5. EFFECTIVE DATE.** This act takes effect January 1, 2000.

**NEW SECTION. Sec. 6. CAPTIONS NOT LAW.** Captions used in this chapter are not part of the law.

**NEW SECTION. Sec. 7. SEVERABILITY CLAUSE.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 8.** Sections 1 through 3 and 5 through 7 of this act constitute a new chapter in Title 9 RCW."

## MOTIONS

On motion of Senator Shin, the following title amendment was adopted:

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "reenacting and amending RCW 9A.82.010; adding a new chapter to Title 9 RCW; prescribing penalties; and providing an effective date."

On motion of Senator Shin, the rules were suspended, Substitute House Bill No. 1250, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1250, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1250, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1250, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1599 and the pending striking amendment by Senators Costa, Sheahan, Kline, McCaslin and Heavey, deferred earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Finkbeiner to the scope and object of the striking amendment by Senators Costa, Sheahan, Kline, McCaslin and Heavey, the President finds that House Bill No 1599 is a measure which creates an extraordinary criminal justice account to reimburse counties for costs related to aggravated murder cases.

"The striking amendment would also create an extraordinary criminal justice account in section one. However, section two would provide funds to regional county law libraries through increased court filing fees; and section three would generally increase fees for jury demands and for trial de novo requests.

"The President, therefore, finds that because sections two and three of the amendment do change the scope and object of the bill, the point of order is well taken.

"The President would once again remind the members that it is not the title of the bill, but the body of the bill that determines the scope and object."

The striking amendment by Senators Costa, Sheahan, Kline, McCaslin and Heavey to House Bill No. 1599 was ruled out of order.

#### MOTION

Senator Morton moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.330 RCW to read as follows:

Counties may submit a petition for relief to the office of public defense for reimbursement of extraordinary criminal justice costs. Extraordinary criminal justice costs are defined as those associated with investigation, prosecution, indigent defense, jury impanelment, expert witnesses, interpreters, incarceration, and other adjudication costs of aggravated murder cases.

(1) The office of public defense, in consultation with the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs, shall develop procedures for processing the petitions, for auditing the veracity of the petitions, and for prioritizing the petitions. Prioritization of the petitions shall be based on, but not limited to, such factors as disproportionate fiscal impact relative to the county budget, efficient use of resources, and whether the costs are extraordinary and could not be reasonably accommodated and anticipated in the normal budget process.

(2) Before January 1st of each year, the office of public defense, in consultation with the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs, shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a prioritized list of submitted petitions that are recommended for funding by the legislature."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Morton to House Bill No. 1599.

The motion by Senator Morton carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, on line 1 of the title, after "adding", strike "new sections" and insert "a new section"

On motion of Senator Costa, the rules were suspended, House Bill No. 1599, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1599, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1599, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Absent: Senator Deccio - 1. HOUSE BILL NO. 1599, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1165, by House Committee on Capital Budget (originally sponsored by Representatives Murray, Mitchell, Radcliff, Hankins and O'Brien) (by request of Governor Locke)

Making appropriations and authorizing expenditures for capital improvements.

The bill was read the second time.

## MOTION

Senator Bauer moved that the following Committee on Ways and Means striking amendment be adopted:  
Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 2001, out of the several funds specified in this act.

**NEW SECTION. Sec. 2.** Numbers in parentheses refer to project identifier codes established by the office of financial management. For projects with two identifier codes, the first identifier code refers to the reappropriation and the second identifier code refers to the new appropriation.

## PART 1 GENERAL GOVERNMENT

### **NEW SECTION. Sec. 101. FOR THE COURT OF APPEALS**

Division II Court and Office: Renovation (00-1-001)

Appropriation:

State Building Construction Account--State	\$	2,400,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,400,000

### **NEW SECTION. Sec. 102. FOR THE OFFICE OF THE GOVERNOR**

Salmon Recovery Grants Program (00-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) This appropriation is provided to the salmon recovery funding board within the office of the governor to provide grants to local governments, state agencies, tribes, conservation districts, and nonprofit entities for salmon recovery activities.

(2) Up to \$14,000,000 of the general fund--federal appropriation is provided for grants to local governments for salmon recovery in accordance with a grant from the department of interior, United States fish and wildlife service received in December 1998.

(3) The remaining appropriations in this section shall be distributed by the salmon recovery funding board within the following categories:

(a) A minimum of thirty percent of the appropriation shall be provided for fish passage barrier correction projects;

(b) A minimum of thirty percent of the appropriation shall be provided for habitat enhancement projects, which may include but are not limited to: Purchase of riparian easements; stream restoration; stream flow augmentation; water quality improvement; water conservation; and storm water mitigation;

(c) A minimum of twenty percent of the appropriation for planning activities related to salmon recovery, which may include, but is not limited to: Regional salmon recovery planning; shoreline master program amendment; critical areas ordinance updates; lead entity administration and development of project lists; and project planning; and

(d) The remaining twenty percent of the appropriation may be distributed among the categories for highest priority projects as determined by the salmon recovery funding board.

(4) In developing project lists for funding, the salmon recovery funding board shall give priority consideration to:

(a) Proposals that support the recovery of salmon or steelhead runs listed as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.);

(b) Projects supported by a limiting factors analysis conducted according to RCW 75.46.070(2);

(c) Projects sponsored by a lead entity formed according to 75.46 RCW;

(d) Projects supporting a watershed plan developed according to chapter 90.82 RCW;

(e) Projects that create market wage jobs for displaced workers in rural natural resource impact areas, as defined under RCW 43.31.601(2);

(f) Projects with a local funding match, which may include a match of volunteer labor;

(g) Projects that include provisions for long-term maintenance and monitoring; and

(h) Other priorities identified by the salmon recovery funding board.

(5) For the 1999-2001 biennium, proposals shall be ranked by the interagency review team, for review, approval, and funding by the salmon recovery funding board. A final list of projects funded with appropriation from this section shall be submitted to the office of financial management and the legislature by June 30th of each year.

(6) The salmon recovery funding board shall develop a list of projects in each of the categories identified in subsection (3) of this section proposed for funding in the 2001-2003 biennium, for submittal to the office of financial management and the legislature by December 1, 2000.

Appropriation:

General Fund--Federal	\$		74,835,000
State Building Construction Account--State	\$		6,200,000
Salmon Recovery Account	\$		32,840,000
			-----
Subtotal Appropriation	\$		113,875,000
Prior Biennia (Expenditures)	\$		0
Future Biennia (Projected Costs)	\$		0
			-----

TOTAL	\$	113,875,000
<b><u>NEW SECTION. Sec. 103. FOR THE OFFICE OF THE SECRETARY OF STATE</u></b>		
Northwest Washington Regional Archives: HVAC system upgrade and balancing (00-1-001)		
Appropriation:		
State Building Construction Account--State	\$	70,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	70,000
<b><u>NEW SECTION. Sec. 104. FOR THE OFFICE OF THE SECRETARY OF STATE</u></b>		
Tumwater Records Center: Expansion (00-2-001)		
Appropriation:		
State Building Construction Account--State	\$	250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,550,000
		-----
TOTAL	\$	2,800,000
<b><u>NEW SECTION. Sec. 105. FOR THE OFFICE OF THE SECRETARY OF STATE</u></b>		
Puget Sound Archives Building (94-2-003)		
Reappropriation:		
State Building Construction Account--State	\$	200,000
Prior Biennia (Expenditures)	\$	6,540,125
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	6,740,125
<b><u>NEW SECTION. Sec. 106. FOR THE OFFICE OF THE SECRETARY OF STATE</u></b>		
Birch Bay Records Storage: Asbestos Abatement (94-1-002)		
Reappropriation:		
State Building Construction Account--State	\$	89,355
Prior Biennia (Expenditures)	\$	110,645

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

**NEW SECTION. Sec. 107. FOR THE OFFICE OF THE SECRETARY OF STATE**

Eastern Branch Archives Building: Design (98-2-001)

The reappropriation in this section is provided solely for completion of the design phase for the eastern regional archives facility to be sited on the south campus of the Riverpoint higher education park in Spokane.

Reappropriation:

State Building Construction Account--State \$ 48,645

Prior Biennia (Expenditures) \$ 530,972

Future Biennia (Projected Costs) \$ 5,135,000

TOTAL \$ 5,714,617

**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Economic Revitalization (86-1-001) (00-2-001)

The reappropriation in this section from the public facilities construction loan revolving account is subject to the following conditions and limitations:

(1) The department shall ensure that all funds transferred from the public works assistance account into the public facilities construction loan revolving account during the 1997-99 biennium are used only for loans to local governments.

(2) The department shall also ensure that all principal and interest payments from these loans are paid into the public works assistance account.

(3) The new appropriation from the public facility construction loan revolving account shall be used solely to provide loans to eligible local governments and grants to the extent permitted by law. The department shall ensure that all principal and interest payments from loans made on moneys from this account are paid into this account.

Reappropriation:

Public Works Assistance Account--State \$ 1,539,515

Public Facility Construction Loan Revolving Account--State \$ 9,500,000

Subtotal Reappropriation \$ 11,539,515

Appropriation:

Public Facility Construction Loan Revolving Account--State \$ 13,000,000

Prior Biennia (Expenditures) \$ 559,003

Future Biennia (Projected Costs) \$	36,000,000
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TOTAL \$	----- 60,598,518
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**NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

County Public Facility Construction (00-2-010)

The appropriations in this section shall be used solely for financial assistance to distressed counties that have experienced extraordinary costs due to the location of a major new business facility or the substantial expansion of an existing business facility in the county. The entire appropriation from the state building construction account shall be provided as a grant to support the Grays Harbor water system project.

Appropriation:

Distressed County Facilities Construction Loan Account--State \$	4,000,000
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State Building Construction Account--State \$	3,500,000
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Subtotal Appropriation \$	----- 7,500,000
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Prior Biennia (Expenditures) \$	0
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Future Biennia (Projected Costs) \$	16,000,000
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TOTAL \$	----- 23,500,000
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**NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Burke Museum Governance and Siting Study

The appropriation in this section is subject to the following condition and limitation:

Funds are provided for a study of the governance of the Burke museum and for an examination of the potential expansion of the museum facility including siting issues. The study shall be facilitated by the department. The study members shall include representatives from the University of Washington, the department of community, trade, and economic development's tourism and economic development units, the executive director of the Washington state historical society, the city of Seattle, King county, and members of the community and businesses from various geographic regions of the state. The department shall provide a report to the legislature by June 30, 2001, outlining funding strategies for an expanded state natural history museum which recognizes the limited state resources for capital facilities programmatic enhancements, and outlines alternative funding resources and partners.

Appropriation:

University of Washington Building Account--State \$	350,000
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Prior Biennia (Expenditures) \$	0
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Future Biennia (Projected Costs) \$	0
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TOTAL \$

-----  
350,000

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Public Works Trust Fund (94-2-001) (00-2-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$10,000,000 of the new appropriation in this section is provided solely for the preconstruction program as set forth in RCW 43.155.068.

(2) \$2,000,000 of the new appropriation in this section is for the emergency loan program as set forth in RCW 43.155.065.

Reappropriation:

Public Works Assistance Account--State \$ 179,446,108

Appropriation:

Public Works Assistance Account--State \$ 203,150,000

Prior Biennia (Expenditures) \$ 68,904,717

Future Biennia (Projected Costs) \$ 852,600,000

TOTAL \$

-----  
1,304,100,825

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing Assistance, Weatherization, and Affordable Housing (88-5-015) (00-2-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the new appropriation from the state building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(2) \$1,800,000 of the reappropriation from the state building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$1,000,000 of the new appropriation from the state building construction account is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

Reappropriation:

State Building Construction Account--State \$ 22,000,000

Appropriation:

State Building Construction Account--State \$ 57,500,000

Washington Housing Trust Account--State \$ 4,300,000

Subtotal Appropriation \$

-----  
61,800,000

Prior Biennia (Expenditures) \$ 43,790,503

Future Biennia (Projected Costs) \$

200,000,000

TOTAL \$

327,590,503

**NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Development Loan Fund (88-2-006) (00-2-004)

Reappropriation:

State Building Construction Account--State \$

558,716

Washington State Development Loan

Account--State \$

2,439,932

Subtotal Reappropriation \$

2,998,648

Appropriation:

Washington State Development Loan

Account--State \$

3,500,000

Prior Biennia (Expenditures) \$

805,237

Future Biennia (Projected Costs) \$

18,000,000

TOTAL \$

25,303,885

**NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Building for the Arts (92-5-100) (00-2-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Location

Recommendation

Projects Previously Approved

Columbia Theatre (Phase II), Longview

\$75,000

Mt. Baker Theatre (Phase II), Bellingham

\$137,000

People's Lodge, Seattle

\$256,000

Seattle Symphony, Seattle

\$1,600,000

New Projects

Arts West, Seattle

\$262,000

Bellevue Art Museum, Bellevue

\$1,250,000

Chewelah Com. Celebrations, Chewelah	\$6,500
Children's Museum/Spokane, Spokane	\$62,000
Columbia Point (Phase II), Richland	\$428,000
Everett Theatre, Everett	\$91,000
Filipino-American Community Hall, Bainbridge Island	\$32,000
Gladish Center, Pullman	\$36,000
Harlequin Productions, Olympia	\$170,000
Harrington Opera House, Harrington	\$35,000
Icicle Creek Music Center, Leavenworth	\$54,000
Intiman Theatre, Seattle	\$380,000
International Glass Museum, Tacoma	\$750,000
Kirkland Arts Center, Kirkland	\$9,900
Knutzen Theatre, Federal Way	\$413,000
Maple Hall, La Conner	\$135,000
Nisqually Cultural Museum, Olympia	\$2,400
Pottery Northwest, Seattle	\$298,000
Richard Hugo House, Seattle	\$50,000
Spokane Civic Theatre, Spokane	\$69,000
Tacoma Art Museum, Tacoma	\$1,250,000
West Olympic Council/Arts, Forks	\$18,000
Total All Projects	\$7,869,800

(2) State grants shall not exceed fifteen percent of either the estimated total capital cost or actual capital cost of a project, whichever is less. The remaining portions of the project capital costs shall be a match from nonstate sources. The match may include cash and land value. The department is authorized to set matching requirements for individual projects.

(3) State grants shall be distributed in the order in which matching requirements are met. The department may fund projects that demonstrate adequate progress and have secured the necessary match funding. The recommendations for funding in this section do not imply a commitment on the part of the state. Those projects listed in subsection (1) of this section that do not receive funding from the appropriation in this section are required to recompile for future funding.

(4) By December 15, 1999, the department shall submit a report to the appropriate fiscal committees of the legislature on the progress of the building for the arts program, including a list of projects funded under this section.

Reappropriation:

State Building Construction Account--State	\$	3,099,519
Appropriation:		
State Building Construction Account--State	\$	5,600,000
Prior Biennia (Expenditures)	\$	4,444,375
Future Biennia (Projected Costs)	\$	16,000,000
		-----
TOTAL	\$	29,143,894

**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Services Facilities Program (98-2-007) (00-2-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state grant may provide no more than twenty-five percent of either the estimated total capital cost or actual total capital cost, whichever is less. The remaining portion of the project capital cost shall be a match from nonstate sources and may include cash, land value, and other in-kind contributions.

(2) \$1,500,000 is provided for development, renovation, and expansion of boys and girls clubs in Washington.

Reappropriation:

State Building Construction Account--State	\$	1,416,470
Appropriation:		
State Building Construction Account--State	\$	4,000,000
Prior Biennia (Expenditures)	\$	3,022,997
Future Biennia (Projected Costs)	\$	16,000,000
		-----
TOTAL	\$	24,439,467

**NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Drinking Water Assistance Program (98-2-008) (00-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding from the state shall be matched with new federal sources to improve the quality of drinking water in the state, and shall be used solely for projects that achieve the goals of the federal safe drinking water act.

(2) The department shall report to the appropriate committees of the legislature by January 1, 2000, on the progress of the program, including administrative and technical assistance procedures, the application process, and funding priorities.

Reappropriation:

Drinking Water Assistance Account--State	\$	9,058,862
Appropriation:		
Drinking Water Assistance Account--State	\$	7,700,000
Prior Biennia (Expenditures)	\$	890,138

Future Biennia (Projected Costs) \$ 20,000,000

TOTAL \$ 37,649,000

**NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Housing for Homeless Families With Children Program (00-2-009)

The appropriation in this section is provided solely for the development of additional emergency shelters and transitional housing opportunities for homeless families with children. The department shall endeavor to minimize the amount of these funds that are utilized for staff and administrative purposes.

Appropriation:

State Building Construction Account--State \$ 5,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 20,000,000

TOTAL \$ 25,000,000

**NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Farm Worker Housing Assistance (00-2-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for low-income farmworker housing and low-income temporary farmworker facilities.

(2) \$2,000,000 of the appropriation is provided for land acquisition in areas that would facilitate development of low-income farmworker housing and facilities.

(3) It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342.

(4) The department shall endeavor to minimize the amount of these funds that are utilized for staff and administrative purposes.

(5) By December 15, 1999, the department shall submit a report to the appropriate committees of the legislature on the progress of the development of housing for farmworkers, including a list of projects funded under this section.

(6) The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need.

(7) Except as directed in subsection (2) of this section, funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

Appropriation:

State Building Construction Account--State \$ 8,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 32,000,000

TOTAL \$

40,000,000

**NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Seventh Street Theatre (90-2-008)

Reappropriation:

State Building Construction Account--State \$ 123,984

Prior Biennia (Expenditures) \$ 6,016

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,000

**NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Snohomish County Drainage (92-2-011)

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

State Building Construction Account--State \$ 344,829

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 344,829

**NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Challenger Learning Center (93-5-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and

(2) Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

Reappropriation:

State Building Construction Account--State \$ 61,673

Prior Biennia (Expenditures) \$ 258,639

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 320,312

**NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Washington Technology Center: Equipment (94-2-002)

The reappropriation in this section is provided solely for equipment installation on the first floor of Fluke Hall. The reappropriation shall be transferred and administered by the University of Washington.

Reappropriation:

State Building Construction Account--State	\$	9,435
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL \$		----- 9,435

**NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Olympic Peninsula Natural History Museum (94-2-005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Each two dollars expended from this reappropriation shall be matched by at least one dollar from other sources.

The match may include cash, land, and in-kind donations.

(2) It is the intent of the legislature that this reappropriation represents a one-time grant for this project.

Reappropriation:

State Building Construction Account--State	\$	164,827
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL \$		----- 164,827

**NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Thorp Grist Mill (94-2-007)

The total state funding in this section shall be matched by at least \$47,500 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill town historical preservation society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

Reappropriation:

State Building Construction Account--State	\$	23,425
Prior Biennia (Expenditures)	\$	39,449
Future Biennia (Projected Costs)	\$	0
TOTAL \$		----- 62,874

**NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Daybreak Star Center (94-2-100)  
 Reappropriation:  
 State Building Construction Account--State \$ 155,274  
 Prior Biennia (Expenditures) \$ 514,416  
 Future Biennia (Projected Costs) \$ 0

TOTAL \$ 669,690

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Timber Ports Capital Asset Improvement (94-2-102)

The appropriation in this section is provided to continue assisting the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities. The reappropriation is subject to the following conditions and limitations:

- (1) Each port shall provide, at a minimum, six dollars of nonstate match for every five dollars received from the reappropriation. The match may include cash and land value.
- (2) State assistance to each port shall not exceed the following amounts:

Port	Amount
Grays Harbor	\$ 564,000
Port Angeles	\$1,500,000
Longview	\$1,855,000

Reappropriation:  
 State Building Construction Account--State \$ 941,479  
 Prior Biennia (Expenditures) \$ 1,359,689  
 Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,301,168

**NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Mirabeau Point Community Complex (98-2-010)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The amount is provided solely for a grant to Spokane county for design and development costs for Mirabeau Point community complex.
- (2) The amount represents the entire state contribution to the project and shall be matched by \$8,500,000 in contributions toward the project from nonstate sources.

Reappropriation:  
 State Building Construction Account--State \$ 1,206,437  
 Prior Biennia (Expenditures) \$

Future Biennia (Projected Costs) \$

293,563

0

TOTAL \$

-----  
1,500,000

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Infrastructure Needs Assessment (99-2-008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The public works board, "board", in consultation with the department of community, trade, and economic development, shall contract for a local government infrastructure needs assessment. The board shall issue a progress report to the governor, house of representatives capital budget committee, the senate ways and means committee, the joint legislative transportation committee, the house of representative government administration committee, and the senate government operations committee by January 31, 1999. The final report shall be delivered by June 30, 1999.

(2) The infrastructure needs assessment shall use local capital improvement plans, to the extent available, to identify local government infrastructure needs for the planning, acquisition, construction, repair, replacement, rehabilitation, or improvements necessary for the next six years. The definitions and principles to be used in determining infrastructure needs shall be those set forth in chapter 36.70A RCW, including economic development. The infrastructure assessment shall also include a listing, description and evaluation of utilization of all private and public financing options, and policy alternatives that would assist in meeting local government infrastructure needs. For the purpose of this infrastructure needs assessment:

(a) Local government shall include each city, town, and each water, sewer, storm water, and public utility district providing water or sewer services in the state of Washington.

(b) Infrastructure shall be limited to bridges, roadways, domestic water, sanitary sewer, and storm water systems.

(3) The board shall contract for the collection and review of local capital expenditure data, the evaluation of local government infrastructure needs, the projection of future infrastructure needs, including needs to meet requirements under chapter 36.70A RCW. The board shall also contract for the development of criteria for a data base which can be maintained and updated, and such other matters as the board may deem necessary to provide an adequate representation of local capital needs and the ability of local governments to finance such needs.

(4) The legislative evaluation and accountability program shall cooperate with the department in the completion of the infrastructure needs assessment and may enter into interagency agreements. The legislative evaluation and accountability program shall develop the structure of the local government infrastructure data base and provide recommendations on the maintenance of the data base. The data base shall: Use the data compiled by and be compatible with that developed by the board's contractor; and have a structure to maintain its future use and update.

The department shall provide a compilation of all capital improvement plans prepared by local governments. The department shall identify: Federal, state, and local infrastructure financing sources currently in use; all revenue sources available, but fully utilized by each local government, and obstacles to full utilization; and the compilation of local government expenditures for infrastructure investments by source of funds and by jurisdiction for the period beginning January 1, 1993, and ending December 31, 1997, for local governments with a population greater than fifty thousand; and January 1, 1995, and ending December 31, 1997, for local governments with fewer than fifty thousand population.

(5) The board shall convene an advisory committee of stakeholders to include representatives from the department of community, trade, and economic development, the office of financial management, the legislative evaluation and accountability program, the association of Washington cities, the Washington association of realtors, the national association of industrial office properties, the building industry association of Washington, the associated general contractors, the association of Washington business, Washington state building and construction trades council, and 1000 friends of Washington. The board may, as it deems necessary, utilize technical advisory groups or state agencies in addition to the advisory committee to assist itself in implementing this proviso.

The advisory committee shall serve assist the board in guiding the infrastructure assessment and in developing interpretation of this proviso as necessary. The committee shall establish criteria and categorize infrastructure projects as necessary to meet the requirements set forth in chapter 36.70A RCW, or as reflective of other community priorities, and review elements and standards of infrastructure needs identified in the study.

Reappropriation:

Public Works Assistance Account--State \$

	50,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0
-----	
TOTAL \$	50,000

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Emergency Flood and Erosion Repairs (99-2-009)

The reappropriation in this section is provided solely to continue shoreline repairs at Ocean Shores to prevent further erosion and flood control.

Reappropriation:

State Building Construction Account--State \$	150,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0
-----	
TOTAL \$	150,000

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Grays Harbor Dredging (88-2-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for the state's share of remaining cost for Grays Harbor dredging and associated mitigation.

(2) State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by the federal act.

(4) In the event the project cost is reduced, any resulting reduction and reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

Reappropriation:

State Building Construction Account-- State \$	1,000,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0
-----	
TOTAL \$	

1,000,000

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Cedar River Dredging

The appropriation in this section is provided solely for a grant to the city of Renton for dredging the Cedar river where it enters Lake Washington.

Appropriation:

State Building Construction Account--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,500,000

**NEW SECTION. Sec. 132. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Underground Storage Tank: Pool (00-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. Projects to replace tanks shall conform with guidelines to minimize risk of environmental contamination. Above ground storage tanks shall be used whenever possible and agencies shall avoid duplication of tanks.

(3) Funds not needed for the purposes identified in this section may be transferred for expenditure to the Year 2000 Building, Facility, and Equipment Date Conversion project in section 136 of this act.

Appropriation:

State Building Construction Account--State \$ 2,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,000,000

**NEW SECTION. Sec. 133. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Hazardous Materials: Pool (00-1-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal or abatement of asbestos and other hazardous materials.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project.

Appropriation:

State Building Construction Account--State \$ 2,000,000

Prior Biennia (Expenditures) \$

	0
Future Biennia (Projected Costs) \$	8,000,000
	-----
TOTAL \$	10,000,000
<b><u>NEW SECTION. Sec. 134. FOR THE OFFICE OF FINANCIAL MANAGEMENT</u></b>	
Budget System Improvements (00-1-004)	
Appropriation:	
State Building Construction Account--State \$	300,000
	0
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	1,200,000
	-----
TOTAL \$	1,500,000
<b><u>NEW SECTION. Sec. 135. FOR THE OFFICE OF FINANCIAL MANAGEMENT</u></b>	
Colocated Cascadia Branch Campus (94-1-003)	
Reappropriation:	
State Building Construction Account--State \$	2,000,000
	15,421,888
Prior Biennia (Expenditures) \$	15,421,888
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	17,421,888
<b><u>NEW SECTION. Sec. 136. FOR THE OFFICE OF FINANCIAL MANAGEMENT</u></b>	
Year 2000 Building, Facility, and Equipment Date Conversion (99-1-001)	
<p>The office of financial management shall allocate appropriations to be used by state agencies and universities in performing Year 2000 assessments of facility management systems, control systems, and other computer systems related to capital facilities and equipment. Funds available in this appropriation may also be allocated for corrective measures on a priority basis to address critical system repairs.</p>	
Reappropriation:	
State Building Construction Account--State \$	500,000
	2,000,000
Appropriation:	
State Building Construction Account--State \$	2,000,000
	0
Prior Biennia (Expenditures) \$	0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,500,000

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Emergency and Small Repairs (00-1-002)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

Capitol Building Construction Account--State \$ 100,000

State Building Construction Account--State \$ 125,000

Thurston County Capital Facilities Account--State \$ 775,000

Subtotal Appropriation \$ 1,000,000

Prior Biennia (Expenditures) \$ 2,076,473

Future Biennia (Projected Costs) \$ 6,200,000

TOTAL \$ 9,276,473

**NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Capitol Campus Facilities: Preservation (00-1-003)

The appropriations shall support the detailed list of projects maintained by the office of financial management. Funding in this section may be spent for interior and exterior building repairs and upgrades to the governor's mansion.

Appropriation:

Capitol Building Construction Account--State \$ 1,350,000

State Building Construction Account--State \$ 2,850,000

Thurston County Capital Facilities Account--  
State \$ 1,940,000

Subtotal Appropriation \$ 6,140,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

	24,335,000
	-----
TOTAL \$	30,475,000
<b><u>NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u></b>	
General Administration Building: Preservation (00-1-004)	
Appropriation:	
State Building Construction Account--State \$	2,275,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	5,900,000
	-----
TOTAL \$	8,175,000
<b><u>NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u></b>	
Alaska Street Building: Renovation (00-1-005)	
Appropriation:	
State Building Construction Account--State \$	2,000,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	2,000,000
<b><u>NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u></b>	
Washington State Training and Conference Center: Preservation (00-1-008)	
The appropriations in this section are subject to the following conditions and limitations:	
(1) The appropriations shall support the detailed list of projects maintained by the office of financial management.	
(2) The department shall coordinate all work with the tenants of the center.	
Appropriation:	
General Fund--Private/Local \$	125,000
State Building Construction Account--State \$	1,000,000
	-----
Subtotal Appropriation \$	1,125,000
Prior Biennia (Expenditures) \$	0

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 2,325,000

**NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Thurston County Facilities: Preservation (00-1-009)

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriations shall support the detailed list of projects maintained by the office of financial management.
- (2) The department shall coordinate all work with the tenants in facilities undergoing preservation work.

Appropriation:

Capitol Building Construction Account--State \$ 500,000

Thurston County Capital Facilities Account--  
State \$ 1,700,000

Subtotal Appropriation \$ 2,200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,225,000

TOTAL \$ 10,425,000

**NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

North Cascade Gateway Center (Northern State Multi-Service Center): Preservation (00-1-010)

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriations shall support the detailed list of projects maintained by the office of financial management.
- (2) The department shall coordinate all work with the tenants of the center.

Appropriation:

General Fund--Private/Local \$ 607,000

State Building Construction Account--State \$ 800,000

Subtotal Appropriation \$

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,770,000

TOTAL	\$	----- 8,177,000
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**NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Americans with Disabilities Act: Pool (00-1-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be solely allocated to agencies and institutions, except for the state community and technical colleges, for improvements to state-owned facilities for program access enhancements.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the department of general administration has reviewed and approved the cost estimates for the project. The department of general administration shall implement an agency request and evaluation procedure similar to the one adopted in the 1997-99 biennium for distribution of funds.

(3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

Appropriation:

State Building Construction Account--State	\$	3,000,000
		0
Prior Biennia (Expenditures)	\$	
		14,000,000
Future Biennia (Projected Costs)	\$	
		----- 17,000,000
TOTAL	\$	

**NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Infrastructure Project: Savings (00-1-999)

Projects that are completed in accordance with section 913 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

Capitol Building Construction Account-- State	\$	1
		1
State Building Construction Account-- State	\$	
		1
Thurston County Capital Facilities Account--State	\$	
		1
		-----
Subtotal Appropriation	\$	3
		0
Prior Biennia (Expenditures)	\$	
		0
Future Biennia (Projected Costs)	\$	
		0

TOTAL \$

-----

3

**NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Engineering and Architectural Services: Project management (00-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects or for services above core services as described as optional and extra services in the task list.

(2) The department shall create a central repository and distribution point for information and knowledge that can improve design and construction projects and practices. Copies of all completed predesigns, BEST studies, and value engineering and constructability reviews shall be collected by the department and be distributed electronically.

Appropriation:

Capitol Building Construction Account--State \$	200,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State \$	700,000
State Building Construction Account--State \$	7,300,000
Thurston County Capital Facilities Account-- State \$	350,000
	-----
Subtotal Appropriation \$	8,550,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	37,550,000
	-----
TOTAL \$	46,100,000

**NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

East Plaza and Plaza Garage Repairs (96-1-002)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

Capitol Building Construction Account--State \$ 1,800,000

Appropriation:

Capitol Building Construction Account--State \$ 700,000  
State Building Construction Account--State \$ 3,700,000

Subtotal Appropriation	\$	-----	4,400,000
Prior Biennia (Expenditures)	\$		7,395,572
Future Biennia (Projected Costs)	\$		30,000,000
		-----	
TOTAL	\$		43,595,572

**NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Legislative Buildings: Safety and infrastructure (98-1-005)

(1) The appropriations shall support the detailed list of projects maintained by the office of financial management.

(2) \$270,000 of the new appropriation is provided to complete heating, ventilation, and air conditioning repair and improvements in the Newhouse building.

Reappropriation:

State Building Construction Account--State	\$		179,454
Thurston County Capital Facilities Account-- State	\$		475,000

Subtotal Reappropriation	\$	-----	654,454
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Appropriation:

Capitol Building Construction Account--State	\$		4,250,000
Thurston County Capital Facilities Account-- State	\$		585,000
State Building Construction Account--State	\$		270,000

Subtotal Appropriation	\$	-----	5,105,000
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Prior Biennia (Expenditures)	\$		1,415,546
Future Biennia (Projected Costs)	\$		0

TOTAL	\$	-----	7,175,000
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**NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

OB-2 Building: Preservation (98-1-007)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

Capitol Building Construction Account--State \$ 1,700,000

Appropriation:

State Building Construction Account--State \$ 3,100,000

Thurston County Capital Facilities Account--  
State \$ 3,900,000

Subtotal Appropriation \$ 7,000,000

Prior Biennia (Expenditures) \$ 2,750,000

Future Biennia (Projected Costs) \$ 40,200,000

TOTAL \$ 51,650,000

**NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Transportation Building: Preservation (98-1-008)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

Thurston County Capital Facilities Account--  
State \$ 300,000

Appropriation:

Thurston County Capital Facilities Account--  
State \$ 1,500,000

Prior Biennia (Expenditures) \$ 434,000

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 8,234,000

**NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Monumental Buildings: Cleaning (98-1-011)

Reappropriation:

Capitol Building Construction Account--State \$ 700,00

Prior Biennia (Expenditures) \$	2,300,000
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	3,000,000

**NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Heritage Park/Capitol Lake (98-2-003) (00-1-007)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Capitol Building Construction Account--State \$	2,000,000
State Building Construction Account--State \$	1,600,000
	-----
Subtotal Appropriation \$	3,600,000

Prior Biennia (Expenditures) \$	10,379,774
Future Biennia (Projected Costs) \$	16,000,000
	-----
TOTAL \$	29,979,774

**NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Washington State Training and Conference Center: Dorm (98-2-004)

Reappropriation:

Public Safety Reimbursable Bond Account--State \$	1,400,000
Prior Biennia (Expenditures) \$	1,200,000
Future Biennia (Projected Costs) \$	0
	-----

TOTAL \$	2,600,000
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**NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Fire Safety Sprinkler Systems (Northern State Multi-Service Center) (99-1-001)

Reappropriation:

State Building Construction Account--State \$	150,000
---	---------

Prior Biennia (Expenditures) \$	450,000
Future Biennia (Projected Costs) \$	0

TOTAL \$	-----
	600,000

**NEW SECTION. Sec. 155. FOR THE MILITARY DEPARTMENT**

Centralia - Readiness Center: Preservation (00-1-030)

Appropriation:

State Building Construction Account--State \$	700,000
---	---------

Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0

TOTAL \$	-----
	700,000

**NEW SECTION. Sec. 156. FOR THE MILITARY DEPARTMENT**

Energy Management Systems (00-4-001)

Appropriation:

State Building Construction Account--State \$	278,000
---	---------

Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	908,000

TOTAL \$	-----
	1,186,000

**NEW SECTION. Sec. 157. FOR THE MILITARY DEPARTMENT**

Infrastructure Project: Savings (00-4-002)

Projects that are completed in accordance with section 913 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

State Building Construction Account--State \$	1
---	---

Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0

	0
	-----
TOTAL \$	1
<b><u>NEW SECTION. Sec. 158. FOR THE MILITARY DEPARTMENT</u></b>	
Camp Murray - Military Support Civilian Activities Center (00-5-002)	
Appropriation:	
General Fund--Federal \$	365,000
State Building Construction Account--State \$	385,000
	-----
Subtotal Appropriation \$	750,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	750,000
<b><u>NEW SECTION. Sec. 159. FOR THE MILITARY DEPARTMENT</u></b>	
Camp Murray Infrastructure: Preservation (96-1-006)	
Appropriation:	
State Building Construction Account--State \$	450,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	2,300,000
	-----
TOTAL \$	2,750,000
<b><u>NEW SECTION. Sec. 160. FOR THE MILITARY DEPARTMENT</u></b>	
Minor Works: Federal construction projects (98-1-001)	
The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.	
Appropriation:	
General Fund--Federal \$	5,078,400
State Building Construction Account--State \$	1,274,100

Subtotal Appropriation	\$	-----	6,352,500
Prior Biennia (Expenditures)	\$		0
Future Biennia (Projected Costs)	\$		43,821,100
		-----	
TOTAL	\$		50,173,600

**NEW SECTION. Sec. 161. FOR THE MILITARY DEPARTMENT**

Minor Works: Preservation (98-1-002)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account--State	\$		1,100,000
Prior Biennia (Expenditures)	\$		0
Future Biennia (Projected Costs)	\$		5,700,000
		-----	
TOTAL	\$		6,800,000

**NEW SECTION. Sec. 162. FOR THE MILITARY DEPARTMENT**

Yakima National Guard Armory and Readiness Center: Design and utilities (98-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

Funds expended on this project for off-site utility infrastructure which may include the provision of electricity, natural gas service, water service, or sewer service shall be for the benefit of the state. Entities that subsequently connect or use this off-site utility infrastructure shall reimburse the state at a rate proportional to their use. The military department shall develop policies and procedures to ensure that this reimbursement occurs.

Reappropriation:

State Building Construction Account--State	\$		2,725,000
General Fund--Federal	\$		8,275,000
		-----	
Subtotal Reappropriation	\$		11,000,000
Prior Biennia (Expenditures)	\$		2,573,000
Future Biennia (Projected Costs)	\$		3,288,000

TOTAL	\$	-----	
			16,861,000
<b><u>NEW SECTION. Sec. 163. FOR THE STATE CONVENTION AND TRADE CENTER</u></b>			
Seattle - Convention Center: Expansion (00-2-001)			
Appropriation:			
State Convention and Trade Center			
Account--State	\$		5,750,000
Prior Biennia (Expenditures)	\$		0
Future Biennia (Projected Costs)	\$		0
TOTAL	\$	-----	5,750,000

**PART 2  
HUMAN SERVICES**

<b><u>NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>			
Rainier School - Laundry: Equipment (00-1-001)			
Appropriation:			
State Building Construction Account--State	\$		450,000
Prior Biennia (Expenditures)	\$		0
Future Biennia (Projected Costs)	\$		1,250,000
TOTAL	\$	-----	1,700,000

<b><u>NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>			
Lakeland Village: Cottage renovation (00-1-002)			
Appropriation:			
State Building Construction Account--State	\$		450,000
Prior Biennia (Expenditures)	\$		0
Future Biennia (Projected Costs)	\$		1,250,000
TOTAL	\$	-----	1,700,000

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane School - Multi-Services Building: Renovation (00-1-003)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State	\$	700,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	5,000,000
TOTAL		\$
		5,700,000

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Division of Land and Buildings: Project management (00-1-005)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$	2,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	8,500,000
TOTAL		\$
		10,500,000

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Emergency and Small Repairs (00-1-006)

Appropriation:

State Building Construction Account--State	\$	750,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	3,000,000
TOTAL		\$
		3,750,000

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Mission Creek Youth Camp - Main Building: Renovation phase II (00-1-010)

Appropriation:

State Building Construction Account--State	\$	2,000,000
Prior Biennia (Expenditures)	\$	0

Future Biennia (Projected Costs)	\$	300,000
		-----
TOTAL	\$	2,300,000
<b><u>NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>		
Child Study & Treatment Center: Cottage modifications (00-1-015)		
Appropriation:		
State Building Construction Account--State	\$	1,400,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,200,000
		-----
TOTAL	\$	3,600,000
<b><u>NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>		
Minor Works: Preservation (00-1-018)		
The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.		
Appropriation:		
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$	4,000,000
State Building Construction Account--State	\$	4,000,000
		-----
Subtotal Appropriation	\$	8,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	32,000,000
		-----
TOTAL	\$	40,000,000
<b><u>NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>		
Echo Glen - Cottage Renovation (00-1-041)		
The appropriation in this section is subject to the review and allotment procedures under section 902 of this act.		
Appropriation:		
State Building Construction Account--State	\$	75,000
Prior Biennia (Expenditures)	\$	

Future Biennia (Projected Costs) \$	0
	11,100,000
	-----
TOTAL \$	11,175,000

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Infrastructure Project: Savings (00-1-053)

Projects that are completed in accordance with section 913 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$	1
State Building Construction Account--State \$	1
	-----
Subtotal Appropriation \$	2
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	2

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital: Campus renovation phase V (00-2-002)

The appropriation in this section is subject to the review and allotment procedures under section 903 of this act.

Appropriation:

State Building Construction Account--State \$	945,250
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	14,014,450
	-----
TOTAL \$	14,959,700

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works: Program (00-2-019)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account--State	\$	1,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	4,000,000
TOTAL		\$
		5,000,000

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane School: Wastewater treatment plant (94-1-201)

Reappropriation:

State Building Construction Account--State	\$	419,587
Prior Biennia (Expenditures)	\$	3,852,913
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		4,272,500

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Naselle Youth Camp: Water system improvements (94-1-202)

Reappropriation:

State Building Construction Account--State	\$	148,456
Prior Biennia (Expenditures)	\$	1,017,239
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		1,165,695

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Ward renovation phase 6 (94-1-316)

Reappropriation:

State Building Construction Account--State	\$	768,458
Prior Biennia (Expenditures)	\$	5,400,765
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	-----
		6,169,223
<b><u>NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>		
Asbestos Abatement (96-1-002)		
Reappropriation:		
State Building Construction Account--State	\$	58,680
Prior Biennia (Expenditures)	\$	1,767,319
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	-----
		1,825,999
<b><u>NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>		
Americans With Disabilities Act Improvements (96-1-003)		
Reappropriation:		
State Building Construction Account--State	\$	61,899
Prior Biennia (Expenditures)	\$	415,953
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	-----
		477,852
<b><u>NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>		
Minor Works: Preservation (96-1-004)		
The reappropriations shall support the detailed list of projects maintained by the office of financial management.		
Reappropriation:		
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$	3,562,348
State Building Construction Account--State	\$	3,245,803
Subtotal Reappropriation	\$	-----
		6,808,151
Prior Biennia (Expenditures)	\$	11,305,885
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	-----
		18,114,036
<b><u>NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>		
Chlorofluorocarbon Abatement (96-1-008)		
Reappropriation:		
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$	76,756
Prior Biennia (Expenditures)	\$	173,245
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	-----
		250,001
<b><u>NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>		
Juvenile Facilities Preservation (96-1-020)		
Reappropriation:		
State Building Construction Account--State	\$	95,000
Prior Biennia (Expenditures)	\$	1,984,600
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	-----
		2,079,600
<b><u>NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>		
Minor Works Projects: Mental health (96-1-030)		
Reappropriation:		
State Building Construction Account--State	\$	385,105
Prior Biennia (Expenditures)	\$	3,414,287
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	-----
		3,799,392
<b><u>NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>		
Minor Works Projects: Division of developmental disabilities (96-1-040)		
The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.		
Reappropriation:		
State Building Construction Account--State	\$	

		113,920
Prior Biennia (Expenditures)	\$	
		957,426
Future Biennia (Projected Costs)	\$	
		0
		-----
TOTAL	\$	1,071,346
 <b><u>NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>		
Underground Storage Tanks Removal and Replacement (96-1-060)		
Reappropriation:		
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$	
		25,651
State Building Construction Account--State	\$	
		78,872
		-----
Subtotal Reappropriation	\$	104,523
Prior Biennia (Expenditures)	\$	
		675,268
Future Biennia (Projected Costs)	\$	
		0
		-----
TOTAL	\$	779,791
 <b><u>NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>		
Maintenance Management and Planning (96-1-150)		
Reappropriation:		
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$	
		109,380
Prior Biennia (Expenditures)	\$	
		200,001
Future Biennia (Projected Costs)	\$	
		0
		-----
TOTAL	\$	309,381
 <b><u>NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>		
Medical Lake Wastewater Treatment Facility (96-1-301)		
Reappropriation:		
State Building Construction Account--State	\$	

Appropriation:		1,158,322
State Building Construction Account--State	\$	
		7,500,000
Prior Biennia (Expenditures)	\$	
		1,356,122
Future Biennia (Projected Costs)	\$	
		0

TOTAL \$

-----  
10,014,444

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Replace boiler 1 (96-1-322)

Reappropriation:

State Building Construction Account--State	\$	
		178,538
Prior Biennia (Expenditures)	\$	
		1,261,463
Future Biennia (Projected Costs)	\$	
		0

TOTAL \$

-----  
1,440,001

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Crisis Residential Centers (96-1-900)

The reappropriation in this section is provided to the department of social and health services for grants to provide secure crisis residential centers consistent with the plan developed pursuant to the omnibus 1995-97 operating budget.

Reappropriation:

State Building Construction Account--State	\$	
		2,800,000
Prior Biennia (Expenditures)	\$	
		200,000
Future Biennia (Projected Costs)	\$	
		0

TOTAL \$

-----  
3,000,000

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Echo Glen: New beds and infrastructure (96-2-229)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State	\$	
		2,229,358
Prior Biennia (Expenditures)	\$	

Future Biennia (Projected Costs)    \$	1,932,411
	0

TOTAL    \$	-----
	4,161,769

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Green Hill School Redevelopment: 416 bed institution (96-2-230)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) Up to \$200,000 of the reappropriation in this section may be used to purchase property to accommodate either off-site parking, or to increase the buffer between Green Hill School's secure perimeter and adjacent neighborhoods as required by the city of Chehalis, or both.

Reappropriation:

State Building Construction Account--State    \$	
	20,563,742

Prior Biennia (Expenditures)    \$	
	25,568,689

Future Biennia (Projected Costs)    \$	
	0

TOTAL    \$	-----
	46,132,431

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane School: Renovation and infrastructure improvements (96-2-231)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State    \$	
	317,342

Prior Biennia (Expenditures)    \$	
	5,538,159

Future Biennia (Projected Costs)    \$	
	0

TOTAL    \$	-----
	5,855,501

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Mission Creek Preservation Projects (96-2-233)

Reappropriation:

State Building Construction Account--State    \$	
	160,190

Prior Biennia (Expenditures)    \$	
	1,029,887

Future Biennia (Projected Costs)    \$	
	0

-----

TOTAL	\$	1,190,077
<b><u>NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>		
Indian Ridge Youth Camp: Utility Upgrade (96-2-234)		
Reappropriation:		
State Building Construction Account--State	\$	74,851
Prior Biennia (Expenditures)	\$	1,446,649
Future Biennia (Projected Costs)	\$	0
TOTAL		-----
	\$	1,521,500
<b><u>NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>		
Minor Works: State-owned Juvenile Rehabilitation Administration group homes (96-2-235)		
The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.		
Reappropriation:		
State Building Construction Account--State	\$	1,517
Prior Biennia (Expenditures)	\$	342,883
Future Biennia (Projected Costs)	\$	0
TOTAL		-----
	\$	344,400
<b><u>NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>		
Underground Storage Tank Pool (98-1-001)		
Reappropriation:		
State Building Construction Account--State	\$	130,495
Prior Biennia (Expenditures)	\$	99,505
Future Biennia (Projected Costs)	\$	0
TOTAL		-----
	\$	230,000
<b><u>NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>		
Asbestos and Demolition Pool (98-1-002)		
Reappropriation:		
State Building Construction Account--State	\$	399,113

Prior Biennia (Expenditures) \$	100,887
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	500,000
<b><u>NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>	
Western State Hospital: South hall HVAC retrofit (98-1-041)	
Reappropriation:	
State Building Construction Account--State \$	958,128
Prior Biennia (Expenditures) \$	41,872
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	1,000,000
<b><u>NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>	
Renovate Main Building: Mission Creek (98-1-166)	
Reappropriation:	
State Building Construction Account--State \$	1,589,710
Prior Biennia (Expenditures) \$	910,290
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	2,500,000
<b><u>NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u></b>	
Emergency Projects (98-1-428)	
Reappropriation:	
State Building Construction Account--State \$	211,449
Prior Biennia (Expenditures) \$	38,551
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	250,000

**NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Americans with Disabilities Act (98-1-993)

Reappropriation:

State Building Construction Account--State	\$	90,567
Prior Biennia (Expenditures)	\$	48,533
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		139,100

**NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital: Legal offender unit (98-2-002)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State	\$	6,297,315
Prior Biennia (Expenditures)	\$	12,398,685
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		18,696,000

**NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Legal offender unit (98-2-052)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State	\$	1,683,766
--	----	-----------

Appropriation:

State Building Construction Account--State	\$	43,870,000
Prior Biennia (Expenditures)	\$	2,681,575
Future Biennia (Projected Costs)	\$	10,000,000
TOTAL		\$
		58,235,341

**NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Naselle Youth Camp: Academic school and support space (98-2-154)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State	\$	43,239
Prior Biennia (Expenditures)	\$	1,494,269
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		1,537,508

**NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Echo Glen: Vocational program addition (98-2-211)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State	\$	25,217
--	----	--------

Appropriation:

State Building Construction Account--State	\$	370,000
Prior Biennia (Expenditures)	\$	74,783
Future Biennia (Projected Costs)	\$	3,725,000

TOTAL		\$
		4,195,000

**NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane School: 124 bed housing replacement/support services (98-2-216)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State	\$	2,681,146
Prior Biennia (Expenditures)	\$	6,651,494
Future Biennia (Projected Costs)	\$	0

TOTAL		\$
		9,332,640

**NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Northern State Hospital: Safe passage program space (98-2-395)

Reappropriation:

State Building Construction Account--State	\$	267,922
Prior Biennia (Expenditures)	\$	

Future Biennia (Projected Costs) \$	61,578
	0

TOTAL \$	----- 329,500
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**NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works: Program (98-2-409)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State \$	347,933
---	---------

Prior Biennia (Expenditures) \$	495,202
---------------------------------	---------

Future Biennia (Projected Costs) \$	0
-------------------------------------	---

TOTAL \$	----- 843,135
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**NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF HEALTH**

Waste Water Treatment System: Upgrade (00-1-008)

Appropriation:

State Building Construction Account--State \$	208,802
---	---------

Prior Biennia (Expenditures) \$	0
---------------------------------	---

Future Biennia (Projected Costs) \$	0
-------------------------------------	---

TOTAL \$	----- 208,802
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**NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF HEALTH**

Referendum 38: Water bonds (86-2-099)

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State \$	500,000
---	---------

Prior Biennia (Expenditures) \$	199,483
---------------------------------	---------

Future Biennia (Projected Costs) \$	0
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TOTAL \$	-----
----------	-------

	699,483
<b><u>NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF HEALTH</u></b>	
Public Health Laboratory: Repairs and improvements (96-1-001)	
Reappropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account--State   \$	99,827
State Building Construction Account--State   \$	1,071,896
	-----
Subtotal Reappropriation   \$	1,171,723
Appropriation:	
State Building Construction Account--State   \$	857,274
Prior Biennia (Expenditures)   \$	537,185
Future Biennia (Projected Costs)   \$	2,233,800
	-----
TOTAL   \$	4,799,982
<b><u>NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF HEALTH</u></b>	
Emergency Power System (96-1-009)	
Reappropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account--State   \$	453,468
Prior Biennia (Expenditures)   \$	74,553
Future Biennia (Projected Costs)   \$	0
	-----
TOTAL   \$	528,021
<b><u>NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF HEALTH</u></b>	
Public Health Laboratory: Consolidation of facilities (96-2-001)	
The appropriations in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under sections 902 and 903 of this act.	
Reappropriation:	
State Building Construction Account--State   \$	336,307
Appropriation:	
State Building Construction Account--State   \$	5,012,750
Prior Biennia (Expenditures)   \$	

Future Biennia (Projected Costs) \$	323,993
	0

TOTAL \$	-----
	5,673,050

**NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF HEALTH**

Drinking Water Assistance Program (97-2-001)

The reappropriation in this section is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Reappropriation:

Drinking Water Assistance Account--Federal \$	16,133,576
---	------------

Prior Biennia (Expenditures) \$	17,739,874
---------------------------------	------------

Future Biennia (Projected Costs) \$	34,000,000
-------------------------------------	------------

TOTAL \$	-----
	67,873,450

**NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF HEALTH**

Public Health Laboratory: Building 5 system upgrade (98-1-002)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$	282,774
---	---------

Prior Biennia (Expenditures) \$	28,266
---------------------------------	--------

Future Biennia (Projected Costs) \$	0
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TOTAL \$	-----
	311,040

**NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Orting - Washington Soldiers' Home, Fire Alarm System: Upgrade (00-1-009)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$	450,000
---	---------

Prior Biennia (Expenditures) \$	0
---------------------------------	---

Future Biennia (Projected Costs) \$	0
-------------------------------------	---

TOTAL	\$		-----
			450,000
<b><u>NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u></b>			
State-wide - Emergency Fund (00-1-012)			
Appropriation:			
Charitable, Educational, Penal, and Reformatory			
	Institutions Account--State	\$	500,000
Prior Biennia (Expenditures)		\$	0
Future Biennia (Projected Costs)		\$	3,000,000
TOTAL		\$	-----
			3,500,000
<b><u>NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u></b>			
Orting - Grounds Projects: Preservation (00-1-013)			
Appropriation:			
Charitable, Educational, Penal, and Reformatory			
	Institutions Account--State	\$	700,000
Prior Biennia (Expenditures)		\$	0
Future Biennia (Projected Costs)		\$	575,000
TOTAL		\$	-----
			1,275,000
<b><u>NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u></b>			
State-wide - Master Plan (00-2-015)			
The appropriation in this section is provided for a master plan for future uses and improvements of agency assets. The master plan shall include at least the following:			
(1) A forecast of the future demand for nursing, assisted living, domiciliary, and community-based rehabilitative care by the state's veterans, based upon the projected age, sex, marital, and income composition of that population;			
(2) An assessment of the most cost-effective role for the state to play in addressing such demand;			
(3) A comprehensive analysis of the programmatic, community, capital, and operating costs and benefits of consolidating western Washington veterans home operations, including proposed alternative uses for the other campus if operations are consolidated;			
(4) An assessment of alternatives for providing skilled nursing and assisted living services in eastern Washington; and			
(5) An assessment of the feasibility, costs, and benefits of alternative strategies for providing rehabilitative care to younger veterans, such as those now served in the state-operated domiciliary units.			
Appropriation:			
Charitable, Educational, Penal, and Reformatory			
	Institutions Account--State	\$	300,000
Prior Biennia (Expenditures)		\$	0

Future Biennia (Projected Costs)	\$	600,000
		-----
TOTAL	\$	900,000
 <b><u>NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u></b>		
Retsil - Washington Veterans' Home, Building Exteriors: Preservation (99-1-001)		
Reappropriation:		
Charitable, Educational, Penal, and Reformatory		
Institutions Account--State	\$	50,000
Appropriation:		
Charitable, Educational, Penal, and Reformatory		
Institutions Account--State	\$	400,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	540,000
		-----
TOTAL	\$	990,000
 <b><u>NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u></b>		
Orting - Washington Soldiers' Home, Mechanical/Electrical/HVAC: Preservation (99-1-002)		
Reappropriation:		
Charitable, Educational, Penal, and Reformatory		
Institutions Account--State	\$	350,000
Appropriation:		
Charitable, Educational, Penal, and Reformatory		
Institutions Account--State	\$	650,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,275,000
		-----
TOTAL	\$	2,275,000
 <b><u>NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u></b>		
Orting: Dining Hall Remodel (97-1-002)		
Reappropriation:		
Charitable, Educational, Penal, and Reformatory		
Institutions Account--State	\$	350,000

Prior Biennia (Expenditures) \$	750,000
Future Biennia (Projected Costs) \$	0

TOTAL \$	----- 1,100,000
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**NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Retsil - Washington Veterans' Home: Kitchen Remodel (02-1-011)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$	600,000
---	---------

Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0

TOTAL \$	----- 600,000
----------	------------------

**NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works: Preservation (00-1-020)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account--State \$	20,000,000
---	------------

Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	80,000,000

TOTAL \$	----- 100,000,000
----------	----------------------

**NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF CORRECTIONS**

Emergency and Small Repairs (00-1-021)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$	1,600,000
---	-----------

State Building Construction Account--State \$	1
---	---

Subtotal Appropriation \$	----- 1,600,001
---------------------------	--------------------

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	7,400,000
		-----
TOTAL	\$	9,000,001

**NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF CORRECTIONS**

Infrastructure Project: Savings (00-1-024)

Projects that are completed in accordance with section 913 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

State Building Construction Account--State	\$	1
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	1

**NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary - Intensive Management Unit: Improvements (00-1-025)

Appropriation:

State Building Construction Account--State	\$	3,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	3,500,000

**NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Correctional Complex - Twin Rivers: 512-bed expansion (00-2-004)

The appropriation is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

General Fund--Federal	\$	4,213,000
State Building Construction Account--State	\$	487,000
		-----

Subtotal Appropriation	\$	4,700,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	60,400,000
		-----
TOTAL	\$	65,100,000

**NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS**

McNeil Island Corrections Center - 200-bed department of social and health services-Special Commitment Center (00-2-005)

The appropriation is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State	\$	2,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	37,100,000
		-----
TOTAL	\$	39,600,000

**NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Correctional Complex - Reformatory: 100-bed Intensive Management Unit (00-2-008)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

State Building Construction Account--State	\$	190,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	21,500,000
		-----
TOTAL	\$	21,690,000

**NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works: Program (00-2-010)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account--State	\$	5,000,000
Prior Biennia (Expenditures)	\$	

Future Biennia (Projected Costs) \$	0
	20,000,000
	-----
TOTAL \$	25,000,000

**NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Correctional Complex: Kitchen consolidation/modifications (00-2-011)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$	1,100,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	8,000,000
	-----
TOTAL \$	9,100,000

**NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary Steam System (96-1-016)

Reappropriation:

State Building Construction Account--State \$	234,000
Prior Biennia (Expenditures) \$	1,641,443
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	1,875,443

**NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Corrections Center for Women (96-2-001)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$	483,000
Prior Biennia (Expenditures) \$	1,590,272
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	

2,073,272

**NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Correctional Complex - Reformatory: 400-bed facility (96-2-002)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 153,000

Prior Biennia (Expenditures) \$ 2,331,969

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,484,969

**NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS**

Airway Heights Expansion (96-2-003)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,423,000

Prior Biennia (Expenditures) \$ 17,617,752

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 19,040,752

**NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center for Women Mental Health, Special Needs, and Reception Unit (96-2-006)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,273,000

Appropriation:

State Building Construction Account--State \$ 23,300,000

Prior Biennia (Expenditures) \$ 227,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 24,800,000

**NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS**

Larch and Cedar Creek Expansions (96-2-010)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State	\$	876,000
Prior Biennia (Expenditures)	\$	21,124,000
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		22,000,000

**NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS**

Clallam Bay Corrections Center - Juvenile Justice Program: Improvements (97-2-005)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State	\$	3,948,000
Prior Biennia (Expenditures)	\$	552,000
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		4,500,000

**NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS**

State-wide Preservation Projects (98-1-001)

The reappropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$	3,150,000
State Building Construction Account--State	\$	10,752,000
Subtotal Reappropriation		\$
		13,902,000
Prior Biennia (Expenditures)	\$	31,369,536
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		45,271,536

**NEW SECTION. Sec. 279. FOR THE DEPARTMENT OF CORRECTIONS**

Underground Storage Tank and Above Ground Storage Tank Program (98-1-002)

Reappropriation:

State Building Construction Account--State	\$	1,038,000
Prior Biennia (Expenditures)	\$	932,300
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		1,970,300

**NEW SECTION. Sec. 280. FOR THE DEPARTMENT OF CORRECTIONS**

State-wide Asbestos Removal (98-1-003)

Reappropriation:

State Building Construction Account--State	\$	783,000
Prior Biennia (Expenditures)	\$	272,068
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		1,055,068

**NEW SECTION. Sec. 281. FOR THE DEPARTMENT OF CORRECTIONS**

State-wide Americans with Disabilities Act Compliance Projects (98-1-004)

Reappropriation:

State Building Construction Account--State	\$	112,000
Prior Biennia (Expenditures)	\$	59,150
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		171,150

**NEW SECTION. Sec. 282. FOR THE DEPARTMENT OF CORRECTIONS**

Emergency Funds (98-1-005)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$	360,000
State Building Construction Account--State	\$	970,000

Subtotal Reappropriation	\$	-----	1,330,000
Prior Biennia (Expenditures)	\$		3,299,100
Future Biennia (Projected Costs)	\$		0
		-----	
TOTAL	\$		4,629,100

**NEW SECTION. Sec. 283. FOR THE DEPARTMENT OF CORRECTIONS**

Stafford Creek Corrections Center (98-2-001)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State	\$		105,000,000
--	----	--	-------------

Appropriation:

General Fund--Federal	\$		11,794,800
State Building Construction Account--State	\$		10,670,616

Subtotal Appropriation	\$	-----	22,465,416
Prior Biennia (Expenditures)	\$		67,490,800
Future Biennia (Projected Costs)	\$		0
		-----	
TOTAL	\$		194,956,216

**NEW SECTION. Sec. 284. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Reformatory: Convert medium to close custody (98-2-002)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State	\$		1,400,000
--	----	--	-----------

Prior Biennia (Expenditures)	\$		3,324,588
Future Biennia (Projected Costs)	\$		0

TOTAL	\$	-----	
-------	----	-------	--

4,724,588

**NEW SECTION. Sec. 285. FOR THE DEPARTMENT OF CORRECTIONS**

Tacoma: Design 400-bed prerelease facility (98-2-003)

The reappropriation is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$

1,129,047

Prior Biennia (Expenditures) \$

496,653

Future Biennia (Projected Costs) \$

0

TOTAL \$

1,625,700

**NEW SECTION. Sec. 286. FOR THE DEPARTMENT OF CORRECTIONS**

State-wide: Correctional industries expansion (98-2-005)

Reappropriation:

State Building Construction Account--State \$

2,918,000

Prior Biennia (Expenditures) \$

382,000

Future Biennia (Projected Costs) \$

16,000,000

TOTAL \$

19,300,000

**NEW SECTION. Sec. 287. FOR THE DEPARTMENT OF CORRECTIONS**

Expand Special Offenders Center to 400 Beds (98-2-010)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$

2,507,879

Appropriation:

State Building Construction Account--State \$

38,800,000

Prior Biennia (Expenditures) \$

1,327,400

Future Biennia (Projected Costs) \$

0

TOTAL \$

42,635,279

**NEW SECTION. Sec. 288. FOR THE DEPARTMENT OF CORRECTIONS**

New 1,936-Bed Multicustody Facility: Predesign and site selection (98-2-011)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State	\$	958,000
Prior Biennia (Expenditures)	\$	290,453
Future Biennia (Projected Costs)	\$	242,000,000
TOTAL		\$
		243,248,453

**NEW SECTION. Sec. 289. FOR THE DEPARTMENT OF CORRECTIONS**

State-wide Programmatic Projects (98-2-013)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State	\$	4,400,000
Prior Biennia (Expenditures)	\$	15,150,401
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		19,550,401

**NEW SECTION. Sec. 290. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Replace razor ribbon (99-1-001)

Reappropriation:

State Building Construction Account--State	\$	485,000
Prior Biennia (Expenditures)	\$	316,000
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		801,000

**NEW SECTION. Sec. 291. FOR THE DEPARTMENT OF CORRECTIONS**

McNeil Island Corrections Center: Still harbor dock (99-2-001)

Reappropriation:

State Building Construction Account--State	\$	2,500,000
Prior Biennia (Expenditures)	\$	200,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	-----
		2,700,000
<b><u>NEW SECTION. Sec. 292. FOR THE DEPARTMENT OF CORRECTIONS</u></b>		
Washington State Reformatory Farm: Dairy animal waste lagoon improvement (99-2-002)		
Reappropriation:		
State Building Construction Account--State	\$	182,000
Prior Biennia (Expenditures)	\$	1,060,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	-----
		1,242,000
<b><u>NEW SECTION. Sec. 293. FOR THE DEPARTMENT OF CORRECTIONS</u></b>		
Local Government Criminal Justice Facilities (99-2-003)		
The appropriations in this section are subject to the following conditions and limitations:		
(1) The appropriations in this section are provided solely for the purpose of construction, developing, expanding, modifying, or improving local jails and other correctional facilities in accordance with the violent offender incarceration and truth-in-sentencing grant requirements.		
(2) The department of corrections, in consultation with the Washington association of sheriffs and police chiefs, shall develop criteria for allocating moneys appropriated in this section to local governments.		
Reappropriation:		
General Fund--Federa	\$	639,196
Appropriation:		
General Fund--Federa	\$	2,894,165
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	-----
		3,533,361
<b><u>NEW SECTION. Sec. 294. FOR THE DEPARTMENT OF CORRECTIONS</u></b>		
Grant Administration and Minor Improvements (99-2-004)		
The appropriations in this section are provided solely for cost associated with administration of the violent offender incarceration and truth-in-sentencing grant program to local governments and other agencies receiving a subaward from the grant and minor improvements for correctional facilities.		
Reappropriation:		
General Fund--Federal	\$	120,000
Appropriation:		
General Fund--Federal	\$	392,113
Charitable, Educational, Penal, and Reformatory		

Institutions Account--State	\$	60,851
		-----
Subtotal Appropriation	\$	452,964
Prior Biennia (Expenditures)	\$	35,550
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	608,514

**NEW SECTION. Sec. 295. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Infrastructure evaluation

The appropriation in this section is provided solely for conducting an evaluation of the current sewer and water systems at the Washington corrections center. The evaluation shall identify: (1) The capacity of the current systems based on current and planned average daily population; (2) any deficiencies with the current systems; and (3) the most cost-effective options for addressing any issues identified in subsections (1) and (2) of this section, including changes in programmatic operations or financing alternatives with other entities for off-site infrastructure improvements.

Appropriation:

State Building Construction Account--State	\$	350,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	350,000

**PART 3  
NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY**

Water Rights Purchase

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided for a pilot project for the purchase of water rights under the trust water rights program under chapter 90.42 RCW, for the purpose of improving stream and river flows in fish critical basins. This appropriation shall only be used to acquire water rights in basins with current or proposed listings of salmon or steelhead under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.) and where low flows have been identified as a limiting factor for salmon recovery. Priority for funding such purchases and leases shall take into consideration the following:

- (a) Proposals providing the greatest benefit for restoring and protecting fish;
- (b) Proposals providing benefits in addition to protecting fish critical streams and rivers;
- (c) Proposals that include funds from other sources;
- (d) Proposals showing a broad level of support among interested parties;
- (e) Proposals requiring the lowest administrative costs to implement; and

(f) Proposals requiring the lowest overall cost within the context of the local marketplace.

(2) On or before December 1, 2000, the department shall report to the governor and appropriate legislative committees on the progress in implementing the pilot program and recommendations for continuation of the program.

Appropriation:

State Building Construction Account--State	\$	1,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	24,000,000
TOTAL		\$ 25,000,000

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

Referendum 26 Waste Disposal Facilities (74-2-004)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for projects under contracts on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999.

(2) The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(3) The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

State and Local Improvements Revolving Account (Waste Facilities)--State	\$	2,204,376
Prior Biennia (Expenditures)	\$	4,186,488
Future Biennia (Projected Costs)	\$	0
TOTAL		\$ 6,390,864

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**

Referendum 38 Water Supply Facilities (74-2-006)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for projects under contracts on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999.

(2) The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(3) The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$	6,004,436
--	----	-----------

Appropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$	4,100,000
State Drought Preparedness Account--State	\$	6,800,000
		-----
Subtotal Appropriation	\$	10,900,000
Prior Biennia (Expenditures)	\$	4,320,950
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	21,225,386

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY**

State Emergency Water Projects Revolving Account (76-2-003)

Reappropriation:

State Emergency Water Projects Revolving Account-- State	\$	577,833
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	577,833

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY**

Referendum 39 Waste Disposal Facilities (82-2-005)

The reappropriation in this section is provided solely for projects under contracts on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

State and Local Improvements Revolving Account (Waste Facilities 1980)--State	\$	6,113,126
Prior Biennia (Expenditures)	\$	12,293,785
Future Biennia (Projected Costs)	\$	0

TOTAL \$

-----  
18,406,911

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Fund (86-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$15,000,000 of the water quality account appropriation is provided for the extended grant payment to Metro/King county. The department shall, in cooperation with Metro/King county, document the eligible costs remaining for the extended grant payment, and submit a revised payment schedule to the governor and appropriate legislative committees by December 1, 1999.

(2) Up to \$10,000,000 of the water quality account appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(3) \$3,600,000 of the water quality account appropriation is provided for the construction of a wastewater treatment plant at the city of Connell.

(4) The entire public works assistance account appropriation is provided for water quality facility grants for communities with populations less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(5) The remaining appropriation in this section is provided for state-wide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.

(6) The reappropriation in this section is provided solely for projects under contract on or before June 30, 1999. Reappropriated funds not associated with contracted projects lapse on June 30, 1999. The office of financial management may grant waivers from this subsection for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and the senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and the senate ways and means committee by December 1, 1999, listing all projects funded from the reappropriation in this section.

Reappropriation:

Water Quality Account--State \$ 32,336,890

Appropriation:

Water Quality Account--State \$ 52,000,000

Public Works Assistance Account--State \$ 10,000,000

-----  
Subtotal Appropriation \$ 62,000,000

Prior Biennia (Expenditures) \$ 158,376,857

Future Biennia (Projected Costs) \$ 140,000,000

TOTAL \$

-----  
392,713,747

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY**

Local Toxics Control Account (88-2-008)

The reappropriation in this section is provided solely for projects under contract on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999. The office of financial management

may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

Local Toxics Control Account--State	\$	25,833,809
-------------------------------------	----	------------

Appropriation:

Local Toxics Control Account--State	\$	42,479,000
-------------------------------------	----	------------

Prior Biennia (Expenditures)	\$	65,202,174
------------------------------	----	------------

Future Biennia (Projected Costs)	\$	180,000,000
----------------------------------	----	-------------

TOTAL	\$	313,514,983
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**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control Revolving Fund (90-2-002)

Reappropriation:

Water Pollution Control Revolving Account-- State	\$	55,640,931
--	----	------------

Water Pollution Control Revolving Account-- Federal	\$	34,914,688
--	----	------------

Subtotal Reappropriation	\$	90,555,619
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Appropriation:

Water Pollution Control Revolving Account-- State	\$	32,375,833
--	----	------------

Water Pollution Control Revolving Account-- Federal	\$	46,830,366
--	----	------------

Subtotal Appropriation	\$	79,206,199
------------------------	----	------------

Prior Biennia (Expenditures)	\$	120,971,790
------------------------------	----	-------------

Future Biennia (Projected Costs)	\$	320,207,299
----------------------------------	----	-------------

TOTAL	\$	610,940,907
<b><u>NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF ECOLOGY</u></b>		
Methow Basin Water Conservation (92-2-009)		
Reappropriation:		
State Building Construction Account--State	\$	87,689
Prior Biennia (Expenditures)	\$	312,311
Future Biennia (Projected Costs)	\$	0
TOTAL		-----
	\$	400,000
<b><u>NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF ECOLOGY</u></b>		
Low-Level Nuclear Waste Disposal Trench Closure (97-2-012)		
Reappropriation:		
Site Closure Account--State	\$	5,443,978
Prior Biennia (Expenditures)	\$	989,386
Future Biennia (Projected Costs)	\$	0
TOTAL		-----
	\$	6,433,364
<b><u>NEW SECTION. Sec. 311. FOR THE STATE PARKS AND RECREATION COMMISSION</u></b>		
Coastal Facility Relocation (00-1-005)		
Appropriation:		
State Building Construction Account--State	\$	2,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,000,000
TOTAL		-----
	\$	4,000,000
<b><u>NEW SECTION. Sec. 312. FOR THE STATE PARKS AND RECREATION COMMISSION</u></b>		
Historic Structure and Land Use Stewardship Program (00-1-007)		
Appropriation:		
State Building Construction Account--State	\$	6,500,000
Prior Biennia (Expenditures)	\$	

		0
Future Biennia (Projected Costs) \$		35,500,000
		-----
TOTAL \$		42,000,000
 <b><u>NEW SECTION. Sec. 313. FOR THE STATE PARKS AND RECREATION COMMISSION</u></b>		
Lewis and Clark Trail Bicentennial: Preservation (00-1-010)		
Appropriation:		
State Building Construction Account--State \$		1,500,000
		0
Prior Biennia (Expenditures) \$		0
Future Biennia (Projected Costs) \$		1,000,000
		-----
TOTAL \$		2,500,000
 <b><u>NEW SECTION. Sec. 314. FOR THE STATE PARKS AND RECREATION COMMISSION</u></b>		
Park Housing (00-1-014)		
Appropriation:		
State Building Construction Account--State \$		500,000
		0
Prior Biennia (Expenditures) \$		0
Future Biennia (Projected Costs) \$		2,000,000
		-----
TOTAL \$		2,500,000
 <b><u>NEW SECTION. Sec. 315. FOR THE STATE PARKS AND RECREATION COMMISSION</u></b>		
Pacific County: Seashore conservation (00-1-015)		
Appropriation:		
State Building Construction Account--State \$		50,000
		0
Prior Biennia (Expenditures) \$		0
Future Biennia (Projected Costs) \$		0
		-----
TOTAL \$		50,000
 <b><u>NEW SECTION. Sec. 316. FOR THE STATE PARKS AND RECREATION COMMISSION</u></b>		

Park Land Acquisition Account (00-3-001)		
Appropriation:		
Park Land Acquisition Account--State	\$	250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		-----
	\$	250,000
<b><u>NEW SECTION. Sec. 317. FOR THE STATE PARKS AND RECREATION COMMISSION</u></b>		
Spokane Centennial Trail (89-5-112)		
Reappropriation:		
General Fund--Federal	\$	375,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		-----
	\$	375,000
<b><u>NEW SECTION. Sec. 318. FOR THE STATE PARKS AND RECREATION COMMISSION</u></b>		
Statewide - Boat Pumpouts: Federal Clean Vessel Act (96-2-008)		
Reappropriation:		
General Fund--Federal	\$	300,000
Appropriation:		
General Fund--Federal	\$	900,000
Prior Biennia (Expenditures)	\$	211,246
Future Biennia (Projected Costs)	\$	0
TOTAL		-----
	\$	1,411,246
<b><u>NEW SECTION. Sec. 319. FOR THE STATE PARKS AND RECREATION COMMISSION</u></b>		
Americans with Disabilities Act Improvements (98-1-993)		
Reappropriation:		
State Building Construction Account--State	\$	200,000
Prior Biennia (Expenditures)	\$	

		153,855
Future Biennia (Projected Costs) \$		0
		-----
TOTAL \$		353,855
<b><u>NEW SECTION. Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION</u></b>		
Statewide - Emergency Projects (98-1-001)		
Reappropriation:		
State Building Construction Account--State \$		50,000
Appropriation:		
State Building Construction Account--State \$		500,000
Prior Biennia (Expenditures) \$		198,618
Future Biennia (Projected Costs) \$		2,650,000
		-----
TOTAL \$		3,398,618
<b><u>NEW SECTION. Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION</u></b>		
Underground Storage Tank Replacement (98-1-002)		
Reappropriation:		
State Building Construction Account--State \$		493,367
Prior Biennia (Expenditures) \$		345,922
Future Biennia (Projected Costs) \$		0
		-----
TOTAL \$		839,289
<b><u>NEW SECTION. Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION</u></b>		
Facilities Preservation: State-wide (98-1-003)		
The appropriations in this section are subject to the following conditions and limitations:		
(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.		
(2) The parks renewal and stewardship account appropriation in this section is provided on the condition the parks renewal and stewardship account receives in excess of \$26,000,000 in biennial revenue.		
Reappropriation:		
State Building Construction Account--State \$		2,750,000
Appropriation:		
State Building Construction Account--State \$		8,000,000
Parks Renewal and Stewardship Account--State \$		

		1,000,000
		-----
Subtotal Appropriation	\$	9,000,000
Prior Biennia (Expenditures)	\$	643,234
Future Biennia (Projected Costs)	\$	31,000,000
		-----
TOTAL	\$	43,393,234

**NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION**

Historic Facilities Renovation (98-1-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State	\$	1,000,000
Prior Biennia (Expenditures)	\$	1,370,628
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,370,628
-------	----	-----------

**NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION**

Natural and Historic Stewardship: State-wide (98-1-007)

The reappropriation in this section shall support the detailed list resulting from the 1996 historic structures condition assessment study which is maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State	\$	1,200,000
Prior Biennia (Expenditures)	\$	300,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,500,000
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**NEW SECTION. Sec. 325. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide - Recreation Development Program (98-2-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall prioritize recreation development projects that have the greatest potential to generate revenue for the park system.

(2) \$200,000 of the state building construction account is provided solely for repairs and improvements at the Goldendale observatory.

(3) \$50,000 of the state building construction account is provided solely for parking and trail system improvements at west Hylebos state park.

Reappropriation:

General Fund--Federal	\$	920,000
State Building Construction Account--State	\$	1,500,000
		-----
Subtotal Reappropriation	\$	2,420,000

Appropriation:

State Building Construction Account--State	\$	2,500,000
General Fund--Federal	\$	165,000
General Fund--Private/Local	\$	33,000
		-----
Subtotal Appropriation	\$	2,698,000
Prior Biennia (Expenditures)	\$	369,953
Future Biennia (Projected Costs)	\$	15,500,000
		-----
TOTAL	\$	20,987,953

**NEW SECTION. Sec. 326. FOR THE STATE PARKS AND RECREATION COMMISSION**

Storm Disaster Recovery (99-1-001)

Reappropriation:

State Building Construction Account--State	\$	526,647
Prior Biennia (Expenditures)	\$	3,353
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	530,000

**NEW SECTION. Sec. 327. FOR THE STATE PARKS AND RECREATION COMMISSION**

Cama Beach Donation (99-2-001)

Reappropriation:

Parks Renewal and Stewardship Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
1,000,000

**NEW SECTION. Sec. 328. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide: Facility preservation and deferred maintenance

The appropriation in this section is subject to the following condition and limitation: The commission shall contract out for completion of critical park maintenance projects throughout the state.

Appropriation:

State Building Construction Account--State \$ 4,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
4,000,000

**NEW SECTION. Sec. 329. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Boating Facilities (98-2-001)

Reappropriation:

Outdoor Recreation Account--State \$ 1,613,672

Recreation Resources Account--State \$ 12,098,000

Subtotal Reappropriation \$ -----  
13,711,672

Appropriation:

Recreation Resources Account--State \$ 8,433,414

Prior Biennia (Expenditures) \$ 7,347,788

Future Biennia (Projected Costs) \$ 38,855,506

TOTAL \$

68,348,380

**NEW SECTION. Sec. 330. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Nonhighway and Off-Road Vehicle Activities Program (98-2-002)

The appropriations in this section are subject to the following condition and limitation: \$1,604,486 of the appropriation is provided solely to implement chapter . . . (Second Substitute Senate Bill No. 5556 (fuel tax transfers)), Laws of 1999. Of this amount, up to \$260,000 is provided for a study of the source and distribution of nonhighway road funds. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

Reappropriation:

NOVA Program Account--State \$

7,733,899

Appropriation:

NOVA Program Account--State \$

7,038,576

Prior Biennia (Expenditures) \$

7,691,855

Future Biennia (Projected Costs) \$

23,141,446

TOTAL \$

45,605,776

**NEW SECTION. Sec. 331. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Washington Wildlife and Recreation Program (98-2-003)

The appropriations in this section for the wildlife and recreation program under chapter 43.98A RCW and RCW 43.98A.040 are subject to the following condition and limitation:

(1) The new appropriations in this section are provided for the approved list of projects included in LEAP capital document No. 99-1, as developed on April 8, 1999.

(2) Any funding provided in this section for the Mt. Spokane - Quartz Mountain acquisition by the state parks and recreation commission shall not exceed fair market value as determined by an evaluation of three independent appraisals.

Reappropriation:

State Building Construction Account--State \$

6,475,416

Outdoor Recreation Account--State \$

23,733,311

Habitat Conservation Account--State \$

25,872,718

Subtotal Reappropriation \$

56,081,445

Appropriation:

Outdoor Recreation Account--State \$

23,000,000

Habitat Conservation Account--State \$

25,000,000

Subtotal Appropriation \$

		48,000,000
Prior Biennia (Expenditures)	\$	
		213,018,555
Future Biennia (Projected Costs)	\$	
		190,000,000
		-----
TOTAL	\$	507,100,000
<b><u>NEW SECTION. Sec. 332. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u></b>		
Firearms Range Program (98-2-004)		
Reappropriation:		
Firearms Range Account--State	\$	
		668,101
Appropriation:		
Firearms Range Account--State	\$	
		354,400
Prior Biennia (Expenditures)	\$	
		758,960
Future Biennia (Projected Costs)	\$	
		800,000
		-----
TOTAL	\$	2,581,461
<b><u>NEW SECTION. Sec. 333. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u></b>		
Land and Water Conservation Fund (98-2-005)		
Reappropriation:		
Outdoor Recreation Account--Federal	\$	
		252,665
Prior Biennia (Expenditures)	\$	
		1,578,014
Future Biennia (Projected Costs)	\$	
		0
		-----
TOTAL	\$	1,830,679
<b><u>NEW SECTION. Sec. 334. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u></b>		
National Recreation Trails Act (98-2-006)		
Reappropriation:		
Outdoor Recreation Account--Federal	\$	
		22,815
Recreation Resources Account--Federal	\$	
		589,264
		-----

Subtotal Reappropriation	\$	612,079
Appropriation:		
Recreation Resources Account--Federal	\$	1,478,350
Prior Biennia (Expenditures)	\$	682,304
Future Biennia (Projected Costs)	\$	2,797,251
TOTAL		\$
		5,569,984

**NEW SECTION. Sec. 335. FOR THE STATE CONSERVATION COMMISSION**

Conservation Reserve Enhancement Program (00-2-004)

Reappropriation:		
State Building Construction Account--State	\$	5,000,000
Appropriation:		
State Building Construction Account--State	\$	5,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	10,000,000
TOTAL		\$
		20,000,000

**NEW SECTION. Sec. 336. FOR THE STATE CONSERVATION COMMISSION**

Water Quality Grants Program (98-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) Appropriations equal to \$3,840,000 are provided solely for grants to qualifying conservation districts for nonpoint water quality projects and programs.

(2) Appropriations equal to \$80,000 are provided for audits of districts receiving grants conducted by the office of the state auditor.

(3) Remaining funds are to be distributed by a competitive process that uses state priorities to rank proposals from districts.

Reappropriation:		
Water Quality Account--State	\$	1,732,102
Appropriation:		
Water Quality Account--State	\$	5,000,000
Prior Biennia (Expenditures)	\$	8,767,898
Future Biennia (Projected Costs)	\$	20,000,000

TOTAL \$ 35,500,000

**NEW SECTION. Sec. 337. FOR THE STATE CONSERVATION COMMISSION**

Dairy Waste Management Grants Program (98-2-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the appropriation is provided solely for a state-wide grant program to assist dairy operators in implementing dairy waste management systems; and

(2) \$1,500,000 of the appropriation is provided solely for a state-wide grant program to provide technical assistance to dairy operators for development and implementation of dairy waste management plans.

Reappropriation:

Water Quality Account--State \$ 529,132

Appropriation:

Water Quality Account--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 2,470,868

Future Biennia (Projected Costs) \$ 12,000,000

TOTAL \$ 18,000,000

**NEW SECTION. Sec. 338. FOR THE STATE CONSERVATION COMMISSION**

Puget Sound Action Plan (98-2-003)

Reappropriation:

Water Quality Account--State \$ 137,071

Prior Biennia (Expenditures) \$ 692,929

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 830,000

**NEW SECTION. Sec. 339. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Upland Wildlife Habitat: Replacement (00-2-005)

Appropriation:

Wildlife Account--State \$ 600,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 600,000

TOTAL	\$	1,200,000
<b><u>NEW SECTION. Sec. 340. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u></b>		
Watchable Wildlife Program (00-2-007)		
Appropriation:		
State Building Construction Account--State	\$	100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	800,000
		-----
TOTAL	\$	900,000
<b><u>NEW SECTION. Sec. 341. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u></b>		
Grandy Creek Hatchery (92-5-024)		
Reappropriation:		
State Building Construction Account-- State	\$	3,667,100
Prior Biennia (Expenditures)	\$	652,080
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	4,319,180
<b><u>NEW SECTION. Sec. 342. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u></b>		
Tideland Acquisition (94-2-003)		
Reappropriation:		
General Fund--Federal	\$	1,208,000
Prior Biennia (Expenditures)	\$	3,792,000
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	5,000,000
<b><u>NEW SECTION. Sec. 343. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u></b>		
Nemah Hatchery Building and Incubation System Replacement (96-1-006)		
Reappropriation:		
General Fund--Federal	\$	172,000

Prior Biennia (Expenditures) \$	1,528,000
Future Biennia (Projected Costs) \$	0

TOTAL \$	-----
	1,700,000

**NEW SECTION. Sec. 344. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Shellfish Laboratory and Hatchery Upgrades (96-1-009)

Reappropriation:

State Building Construction Account--State \$	50,000
---	--------

Appropriation:

Aquatic Lands Enhancement Account--State \$	190,400
State Building Construction Account--State \$	115,000

Subtotal Appropriation \$	-----
	305,400

Prior Biennia (Expenditures) \$	804,578
Future Biennia (Projected Costs) \$	1,000,000

TOTAL \$	-----
	2,159,978

**NEW SECTION. Sec. 345. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minter Creek Hatchery Renovation (96-2-019)

Reappropriation:

State Building Construction Account--State \$	400,000
---	---------

Prior Biennia (Expenditures) \$	5,100,000
Future Biennia (Projected Costs) \$	0

TOTAL \$	-----
	5,500,000

**NEW SECTION. Sec. 346. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works: Preservation (98-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State	\$	330,000
Appropriation:		
State Building Construction Account--State	\$	2,300,000
Prior Biennia (Expenditures)	\$	6,705,303
Future Biennia (Projected Costs)	\$	9,600,000
		-----
TOTAL	\$	18,935,303

**NEW SECTION. Sec. 347. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Underground Storage Tank Removal and Replacement (98-1-002)		
Reappropriation:		
State Building Construction Account--State	\$	25,000
Prior Biennia (Expenditures)	\$	2,572,900
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	2,597,900

**NEW SECTION. Sec. 348. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Emergency Repairs (98-1-003)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:		
State Building Construction Account--State	\$	135,000
Appropriation:		
State Building Construction Account--State	\$	700,000
Prior Biennia (Expenditures)	\$	1,610,923
Future Biennia (Projected Costs)	\$	2,300,000
		-----
TOTAL	\$	4,745,923

**NEW SECTION. Sec. 349. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Dam Inspection and Repair (98-1-004)

Reappropriation:

State Building Construction Account--State	\$	100,000
Appropriation:		
State Building Construction Account--State	\$	1,000,000
Prior Biennia (Expenditures)	\$	50,000
Future Biennia (Projected Costs)	\$	1,700,000
TOTAL		\$
		2,850,000

**NEW SECTION. Sec. 350. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Facilities Renovation (98-1-005)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State	\$	190,000
Appropriation:		
State Building Construction Account--State	\$	1,200,000
Prior Biennia (Expenditures)	\$	4,984,258
Future Biennia (Projected Costs)	\$	6,400,000
TOTAL		\$
		12,774,258

**NEW SECTION. Sec. 351. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Hatchery Renovations (98-1-006) (98-1-015)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State	\$	150,000
Appropriation:		
State Building Construction Account--State	\$	4,000,000
Prior Biennia (Expenditures)	\$	16,698,022
Future Biennia (Projected Costs)	\$	18,000,000
TOTAL		\$
		34,848,022

	38,848,022
<b><u>NEW SECTION. Sec. 352. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u></b>	
Recreational Access Redevelopment (98-1-007)	
Reappropriation:	
State Building Construction Account--State \$	60,000
Appropriation:	
General Fund--Federal \$	550,000
State Building Construction Account--State \$	400,000
	-----
Subtotal Appropriation \$	950,000
Prior Biennia (Expenditures) \$	4,427,787
Future Biennia (Projected Costs) \$	4,000,000
	-----
TOTAL \$	9,437,787
<b><u>NEW SECTION. Sec. 353. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u></b>	
Coast and Puget Sound Wild Salmonid Habitat Restoration (98-1-009)	
Reappropriation:	
State Building Construction Account--State \$	350,000
Prior Biennia (Expenditures) \$	11,986,386
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	12,336,386
<b><u>NEW SECTION. Sec. 354. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u></b>	
Coast and Puget Sound Wildstock Restoration: Hatcheries (98-1-010)	
Reappropriation:	
State Building Construction Account--State \$	580,000
Prior Biennia (Expenditures) \$	5,520,626
Future Biennia (Projected Costs) \$	0
	-----

TOTAL	\$	6,100,626
<b><u>NEW SECTION. Sec. 355. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u></b>		
Fish Protection Facilities (98-1-011)		
Reappropriation:		
State Building Construction Account--State	\$	50,000
Prior Biennia (Expenditures)	\$	3,382,806
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	----- 3,432,806
<b><u>NEW SECTION. Sec. 356. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u></b>		
State-wide Fencing Renovation and Construction (98-1-012)		
Reappropriation:		
State Building Construction Account--State	\$	85,000
Appropriation:		
State Building Construction Account--State	\$	500,000
Prior Biennia (Expenditures)	\$	2,543,070
Future Biennia (Projected Costs)	\$	2,550,000
TOTAL	\$	----- 5,678,070
<b><u>NEW SECTION. Sec. 357. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u></b>		
Wildlife Area Renovation (98-1-013)		
Reappropriation:		
Wildlife Account--State	\$	85,000
Appropriation:		
State Building Construction Account--State	\$	250,000
Wildlife Account--State	\$	288,300
Subtotal Appropriation	\$	----- 538,300
Prior Biennia (Expenditures)	\$	1,912,000
Future Biennia (Projected Costs)	\$	

		2,300,000
		-----
TOTAL	\$	4,835,300
<b><u>NEW SECTION. Sec. 358. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u></b>		
Issaquah Hatchery Improvements (98-1-015)		
Reappropriation:		
State Building Construction Account--State	\$	30,000
Appropriation:		
General Fund--Private/Local	\$	600,000
State Building Construction Account--State	\$	2,615,000
		-----
Subtotal Appropriation	\$	3,215,000
Prior Biennia (Expenditures)	\$	4,190,955
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	7,435,955
<b><u>NEW SECTION. Sec. 359. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u></b>		
Crop and Orchard Protection Fencing (98-2-002)		
Reappropriation:		
State Building Construction Account--State	\$	10,000
Appropriation:		
State Building Construction Account--State	\$	300,000
Prior Biennia (Expenditures)	\$	290,000
Future Biennia (Projected Costs)	\$	1,700,000
		-----
TOTAL	\$	2,300,000
<b><u>NEW SECTION. Sec. 360. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u></b>		
Game Farm Consolidation (98-2-005)		
Reappropriation:		
State Building Construction Account--State	\$	80,000

Prior Biennia (Expenditures) \$	2,094,388
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	2,174,388
<b><u>NEW SECTION. Sec. 361. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u></b>	
Warm Water Game Fish Access Facilities (98-2-006)	
Reappropriation:	
Warm Water Game Fish Account--State \$	210,000
Appropriation:	
Warm Water Game Fish Account--State \$	600,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	2,080,000
	-----
TOTAL \$	2,890,000
<b><u>NEW SECTION. Sec. 362. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u></b>	
Recreational Fish Enhancement (98-2-007)	
Reappropriation:	
Recreational Fisheries Enhancement--State \$	515,000
Prior Biennia (Expenditures) \$	285,000
Future Biennia (Projected Costs) \$	2,000,000
	-----
TOTAL \$	2,800,000
<b><u>NEW SECTION. Sec. 363. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u></b>	
Mitigation Projects and Dedicated Funds (98-2-008)	
Reappropriation:	
Game Special Wildlife Account--State \$	50,000
Game Special Wildlife Account--Private/Local \$	1,150,000
	-----
Subtotal Reappropriation \$	1,200,000

Appropriation:		
General Fund--Federal	\$	4,000,000
General Fund--Private/Local	\$	2,000,000
Game Special Wildlife Account--State	\$	60,000
		-----
Subtotal Appropriation	\$	6,060,000
Prior Biennia (Expenditures)	\$	28,249,081
Future Biennia (Projected Costs)	\$	26,270,000
		-----
TOTAL	\$	61,779,081

**NEW SECTION. Sec. 364. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Migratory Waterfowl Habitat Acquisition and Development (98-2-009)

Reappropriation:		
Wildlife Account--State	\$	200,000
Appropriation:		
Wildlife Account--State	\$	750,000
Prior Biennia (Expenditures)	\$	1,865,044
Future Biennia (Projected Costs)	\$	2,000,000
		-----
TOTAL	\$	4,815,044

**NEW SECTION. Sec. 365. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Columbia River Wildlife Mitigation (98-2-010)

Reappropriation:		
Game Special Wildlife Account--Federal	\$	2,000,000
Appropriation:		
Game Special Wildlife Account--Federal	\$	2,000,000
Prior Biennia (Expenditures)	\$	4,654,773
Future Biennia (Projected Costs)	\$	21,600,000

TOTAL	\$	-----
		30,254,773
<b><u>NEW SECTION. Sec. 366. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u></b>		
Deep Water Slough Restoration (98-2-013)		
Appropriation:		
State Building Construction Account--State	\$	400,000
Prior Biennia (Expenditures)	\$	14,968
Future Biennia (Projected Costs)	\$	300,000
		-----
TOTAL	\$	714,968
<b><u>NEW SECTION. Sec. 367. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u></b>		
Clam and Oyster Beach Enhancement (98-2-019)		
Reappropriation:		
Aquatic Lands Enhancement Account--State	\$	90,000
Appropriation:		
Aquatic Lands Enhancement Account--State	\$	130,000
Prior Biennia (Expenditures)	\$	2,803,803
Future Biennia (Projected Costs)	\$	600,000
		-----
TOTAL	\$	3,623,803
<b><u>NEW SECTION. Sec. 368. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u></b>		
Salmon Restoration (99-2-001)		
Reappropriation:		
State Building Construction Account--State	\$	750,000
Salmon Recovery Account--State	\$	1,000,000
		-----
Subtotal Reappropriation	\$	1,750,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL \$ 1,750,000

**NEW SECTION. Sec. 369. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Goldsborough Creek Restoration

The appropriation in this section is provided solely to remove a fish barrier and restore habitat on Goldsborough creek. Each dollar expended from this appropriation shall be matched by at least three dollars from other sources for the same purpose.

Appropriation:

State Building Construction Account--State \$ 1,100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,100,000

**NEW SECTION. Sec. 370. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Agricultural Asset Preservation and Emergency Repairs (00-1-001)

Appropriation:

Resources Management Cost Account--State \$ 125,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 1,080,000

TOTAL \$ 1,305,000

**NEW SECTION. Sec. 371. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Repairs, Maintenance and Tenant Improvements (00-1-002)

Appropriation:

Resources Management Cost Account--State \$ 677,000

Prior Biennia (Expenditures) \$ 893,900

Future Biennia (Projected Costs) \$ 3,065,000

TOTAL \$ 4,635,900

**NEW SECTION. Sec. 372. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Communication Site Repair Program (00-1-003)

Appropriation:

Forest Development Account--State \$

Resources Management Cost Account--State	\$	50,000
		40,000
		-----
Subtotal Appropriation	\$	90,000
Prior Biennia (Expenditures)	\$	150,000
Future Biennia (Projected Costs)	\$	964,000
		-----
TOTAL	\$	1,204,000

**NEW SECTION. Sec. 373. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Small Timber Landowner Program (00-5-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely to purchase or lease riparian and other sensitive aquatic areas from willing owners of small parcels of forest land.

(2) If federal grants for salmon recovery efforts are equal to or less than \$50,000,000 during the 1999-2001 fiscal biennium, then \$5,000,000 of the appropriation in this section may be expended. If federal grants for salmon recovery efforts during the 1999-2001 biennium exceed \$50,000,000, then the entire appropriation in this section may be expended.

Appropriation:

General Fund--Federal	\$	10,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	10,000,000

**NEW SECTION. Sec. 374. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Underground Storage Tank Removal and Upgrade (00-1-005)

Appropriation:

Forest Development Account--State	\$	10,800
Resources Management Cost Account--State	\$	30,000
State Building Construction Account--State	\$	19,200
		-----
Subtotal Appropriation	\$	60,000

Prior Biennia (Expenditures)	\$	193,120
Future Biennia (Projected Costs)	\$	61,200
		-----
TOTAL	\$	314,320
<b><u>NEW SECTION. Sec. 375. FOR THE DEPARTMENT OF NATURAL RESOURCES</u></b>		
State-wide Emergency Repairs (00-1-006)		
Appropriation:		
Forest Development Account--State	\$	18,000
Resources Management Cost Account--State	\$	50,000
State Building Construction Account--State	\$	32,000
		-----
Subtotal Appropriation	\$	100,000
Prior Biennia (Expenditures)	\$	98,000
Future Biennia (Projected Costs)	\$	400,000
		-----
TOTAL	\$	598,000
<b><u>NEW SECTION. Sec. 376. FOR THE DEPARTMENT OF NATURAL RESOURCES</u></b>		
Americans with Disabilities Act Compliance (00-1-009)		
Appropriation:		
Forest Development Account--State	\$	18,000
Resources Management Cost Account--State	\$	50,000
State Building Construction Account--State	\$	32,000
		-----
Subtotal Appropriation	\$	100,000
Prior Biennia (Expenditures)	\$	34,000
Future Biennia (Projected Costs)	\$	272,000

TOTAL	\$	-----	406,000
<b>NEW SECTION. Sec. 377. FOR THE DEPARTMENT OF NATURAL RESOURCES</b>			
Hazardous Material and Waste Removal (00-1-010)			
Appropriation:			
Forest Development Account--State	\$		34,000
Resources Management Cost Account--State	\$		50,000
State Building Construction Account--State	\$		16,000
		-----	
Subtotal Appropriation	\$		100,000
Prior Biennia (Expenditures)	\$		160,800
Future Biennia (Projected Costs)	\$		336,000
		-----	
TOTAL	\$		596,800
<b>NEW SECTION. Sec. 378. FOR THE DEPARTMENT OF NATURAL RESOURCES</b>			
NAP/NRCA Management and Emergency Repairs (00-1-011)			
Appropriation:			
State Building Construction Account--State	\$		400,000
Prior Biennia (Expenditures)	\$		710,500
Future Biennia (Projected Costs)	\$		1,600,000
		-----	
TOTAL	\$		2,710,500
<b>NEW SECTION. Sec. 379. FOR THE DEPARTMENT OF NATURAL RESOURCES</b>			
NRCA Management Plan Implementation (00-1-012)			
Appropriation:			
State Building Construction Account--State	\$		450,000
Prior Biennia (Expenditures)	\$		400,000
Future Biennia (Projected Costs)	\$		1,800,000

TOTAL	\$	-----
		2,650,000
<b><u>NEW SECTION. Sec. 380. FOR THE DEPARTMENT OF NATURAL RESOURCES</u></b>		
Emergency Repairs: Recreation sites (00-1-015)		
Appropriation:		
State Building Construction Account--State	\$	150,000
Prior Biennia (Expenditures)	\$	154,200
Future Biennia (Projected Costs)	\$	600,000
TOTAL	\$	-----
		904,200
<b><u>NEW SECTION. Sec. 381. FOR THE DEPARTMENT OF NATURAL RESOURCES</u></b>		
Recreation Health and Safety (00-1-016)		
Appropriation:		
State Building Construction Account--State	\$	300,000
Prior Biennia (Expenditures)	\$	578,900
Future Biennia (Projected Costs)	\$	1,200,000
TOTAL	\$	-----
		2,078,900
<b><u>NEW SECTION. Sec. 382. FOR THE DEPARTMENT OF NATURAL RESOURCES</u></b>		
Americans with Disabilities Act: Recreation site improvements (00-1-017)		
Appropriation:		
State Building Construction Account--State	\$	100,000
Prior Biennia (Expenditures)	\$	968,100
Future Biennia (Projected Costs)	\$	1,200,000
TOTAL	\$	-----
		2,268,100
<b><u>NEW SECTION. Sec. 383. FOR THE DEPARTMENT OF NATURAL RESOURCES</u></b>		
Administrative Site Preservation (00-1-018)		
Appropriation:		
Forest Development Account--State	\$	203,580
Resources Management Cost Account--State	\$	

State Building Construction Account--State	\$	565,500
		361,920
		-----
Subtotal Appropriation	\$	1,131,000
Prior Biennia (Expenditures)	\$	938,000
Future Biennia (Projected Costs)	\$	5,118,000
		-----
TOTAL	\$	7,187,000

**NEW SECTION. Sec. 384. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Trust Land Transfer (00-2-001)

The state building construction account appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status or enter into thirty-year timber harvest restrictive easements for certain trust lands of state-wide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring real property of equal value to be managed as common school trust land.

(3) Property subject to easement agreements under this section shall be appraised at fair market value both with and without the imposition of the easement. The entire difference in appraised value shall be deposited by the department to the common school construction fund in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of this appropriation. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section for a minimum period of thirty years. The department of natural resources, in consultation with the receiving state agencies, shall develop policy to address requests to replace transferred properties subject to the recorded property instrument that are no longer deemed appropriate for the purposes identified in subsection (1) of this section.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list in subsection (8) of this section if, based on new, substantive information, it is determined that transfer of the property is not in the state-wide interest of either the common school trust or the receiving agency.

(8) The appropriation in this section is provided to execute transfers or easements for the list of properties identified in LEAP capital document No. 99-3, as developed on April 8, 1999, as follows: Projects in category A shall be transferred; to the extent that local funding is provided for the land value of the property, projects in category B shall be transferred; and projects in category C and remaining projects in category B may be transferred or leased as funding allows.

(9) The department shall execute trust land transfers and easements such that 90 percent of the appropriation in this section is deposited in the common school construction fund. To achieve the 90:10 ratio, the department may offset transfers of property with low timber-to-land ratios with easements on other properties.

(10) On June 30, 2001, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction fund and the appropriation in this section shall be reduced by an equivalent amount.

Appropriation:

Natural Resources Real Property Replacement-- State	\$	6,200,000
State Building Construction Account--State	\$	66,000,000
		-----
Subtotal Appropriation	\$	72,200,000
Prior Biennia (Expenditures)	\$	34,500,000
Future Biennia (Projected Costs)	\$	220,000,000
		-----
TOTAL	\$	326,700,000

**NEW SECTION. Sec. 385. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Natural Resources Real Property Replacement (00-2-002)

Appropriation:

Natural Resources Real Property Replacement-- State	\$	8,000,000
Prior Biennia (Expenditures)	\$	12,400,000
Future Biennia (Projected Costs)	\$	48,000,000
		-----
TOTAL	\$	68,400,000

**NEW SECTION. Sec. 386. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Land Bank (00-2-003)

Appropriation:

Resources Management Cost Account--State	\$	2,000,000
Prior Biennia (Expenditures)	\$	1,800,000
Future Biennia (Projected Costs)	\$	8,000,000
		-----
TOTAL	\$	

11,800,000

**NEW SECTION. Sec. 387. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Community and Technical College Trust Land Acquisition (00-2-004)

Appropriation:

Community and Technical College Forest Reserve

Account--State \$

200,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

0

TOTAL \$

200,000

**NEW SECTION. Sec. 388. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Right-of-Way Acquisition (00-2-005)

Appropriation:

Forest Development Account--State \$

387,000

Resources Management Cost Account--State \$

650,000

Subtotal Appropriation \$

1,037,000

Prior Biennia (Expenditures) \$

1,392,000

Future Biennia (Projected Costs) \$

6,000,000

TOTAL \$

8,429,000

**NEW SECTION. Sec. 389. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Jobs for the Environment (00-2-009)

The reappropriation in this section is provided solely for projects under contract on or before June 30, 1999. Reappropriated funds not committed to contracted projects shall lapse on June 30, 1999.

Reappropriation:

Water Quality Account--State \$

2,800,000

Prior Biennia (Expenditures) \$

9,133,000

Future Biennia (Projected Costs) \$

0

TOTAL \$ 11,933,000

**NEW SECTION. Sec. 390. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Minor Works: Program (00-2-011)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

Forest Development Account--State \$	136,600
Resources Management Cost Account--State \$	379,500
State Building Construction Account--State \$	242,900

Subtotal Appropriation \$ -----  
759,000

Prior Biennia (Expenditures) \$	609,000
Future Biennia (Projected Costs) \$	5,580,000

TOTAL \$ -----  
6,948,000

**NEW SECTION. Sec. 391. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Mineral Resource Testing (00-2-012)

Appropriation:

Forest Development Account--State \$	18,000
Prior Biennia (Expenditures) \$	28,000
Future Biennia (Projected Costs) \$	175,000

TOTAL \$ -----  
221,000

**NEW SECTION. Sec. 392. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Commercial Development - Local Improvement Districts (00-2-013)

Appropriation:

Resources Management Cost Account--State \$	90,000
Prior Biennia (Expenditures) \$	200,000
Future Biennia (Projected Costs) \$	451,000

TOTAL \$

-----  
741,000

**NEW SECTION. Sec. 393. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Aquatic Lands Enhancement Grants (00-2-014)

The appropriation in this section is provided for a list of projects in LEAP capital document No. 99-2, as developed on April 8, 1999.

The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2001-03 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community support for the project; and a state-wide geographic distribution of projects. The list of projects shall be submitted to the office of financial management by September 15, 2000.

Reappropriation:

Aquatic Lands Enhancement Account--State \$ 2,340,000

Appropriation:

Aquatic Lands Enhancement Account--State \$ 5,800,000

Prior Biennia (Expenditures) \$ 9,716,817

Future Biennia (Projected Costs) \$ 24,000,000

TOTAL \$

-----  
41,856,817

**NEW SECTION. Sec. 394. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Mobile Radio System Upgrade (00-2-017)

Appropriation:

Forest Development Account--State \$ 106,300

Resources Management Cost Account--State \$ 177,200

State Building Construction Account--State \$ 500,000

Subtotal Appropriation \$

-----  
783,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,623,500

TOTAL \$

-----  
3,407,000

**NEW SECTION. Sec. 395. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Compound: Utilization study (00-2-019)

Appropriation:	
Forest Development Account--State	\$ 27,000
Resources Management Cost Account--State	\$ 75,000
State Building Construction Account--State	\$ 48,000
	-----
Subtotal Appropriation	\$ 150,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
	-----
TOTAL	\$ 150,000

**NEW SECTION. Sec. 396. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Forest Legacy and Wetlands Conservation Grants (00-2-020)

Reappropriation:	
General Fund--Federal	\$ 2,366,500
Appropriation:	
General Fund--Federal	\$ 6,340,000
Prior Biennia (Expenditures)	\$ 1,756,820
Future Biennia (Projected Costs)	\$ 0
	-----
TOTAL	\$ 10,463,320

**PART 4**  
**TRANSPORTATION**

**NEW SECTION. Sec. 501. FOR THE WASHINGTON STATE PATROL**  
 Fire Training Academy: Minor works (00-1-005)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:	
State Building Construction Account--State	\$ 110,000
Prior Biennia (Expenditures)	\$ 320,000
Future Biennia (Projected Costs)	\$

6,900,000

TOTAL \$

-----  
7,330,000

**NEW SECTION. Sec. 502. FOR THE WASHINGTON STATE PATROL**

Seattle Crime Laboratory (00-2-008)

The appropriation in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$

900,000

Appropriation:

County Criminal Justice Assistance

Account--State \$

650,000

Municipal Criminal Justice Assistance

Account--State \$

250,000

State Building Construction Account--State \$

9,100,000

Subtotal Appropriation \$

-----  
10,000,000

Prior Biennia (Expenditures) \$

200,000

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
11,100,000

**NEW SECTION. Sec. 503. FOR THE WASHINGTON STATE PATROL**

Boarding Home Fire Safety Program

The appropriation in this section is provided solely for grants for the installation or retrofit of fire sprinklers in adult boarding homes. The appropriation in this section is subject to the following conditions and limitations:

(1) The state fire marshal in consultation with the department of social and health services may develop rules to implement the grant program.

(2) The amount of the grant for an existing adult boarding home shall not be greater than the difference between the cost of retrofitting and the cost of installing sprinklers during original construction of a comparable adult boarding home with fire sprinklers.

(3) To be eligible for a grant under this section, the adult group home shall be licensed and accredited with the department of social and health services. To be eligible for a grant under this section, at least fifteen percent of the adult group home's residents must be department of social and health services clients. The adult group home must maintain the department of social and health services client ratio level for a period of no less than five years. If the department of social and health services client ratio level is not maintained, then the adult group home shall reimburse the state for the amount of the grant plus appropriate interest.

(4) Any home receiving a grant shall complete the installation of the fire sprinklers by June 30, 2001.

Appropriation:

State Building Construction Account--State \$

2,500,000

Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0

TOTAL \$	-----
	2,500,000

**NEW SECTION. Sec. 504. FOR THE WASHINGTON STATE PATROL**

Fire Training Academy: Water systems upgrades (00-2-009)

Appropriation:

State Building Construction Account--State \$	1,845,000
---	-----------

Prior Biennia (Expenditures) \$	0
---------------------------------	---

Future Biennia (Projected Costs) \$	500,000
-------------------------------------	---------

TOTAL \$	2,345,000
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**PART 5  
EDUCATION**

**NEW SECTION. Sec. 601. FOR THE HIGHER EDUCATION COORDINATING BOARD**

North Snohomish, Island, Skagit Consortium Development (00-2-001)

Appropriation:

State Building Construction Account--State \$	1,000,000
---	-----------

Prior Biennia (Expenditures) \$	0
---------------------------------	---

Future Biennia (Projected Costs) \$	0
-------------------------------------	---

TOTAL \$	-----
	1,000,000

**NEW SECTION. Sec. 602. FOR THE HIGHER EDUCATION COORDINATING BOARD**

Facility Assessment and Space Utilization: Study (00-2-002)

Appropriation:

State Building Construction Account--State \$	200,000
---	---------

Prior Biennia (Expenditures) \$	0
---------------------------------	---

Future Biennia (Projected Costs) \$	0
-------------------------------------	---

TOTAL \$	-----
	200,000

**NEW SECTION. Sec. 603. FOR THE STATE BOARD OF EDUCATION**

Common School Construction: Quality and value improvements (00-2-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$9,800,000 of this appropriation is provided to implement chapter . . . (House Bill No. 1831), Laws of 1999. If the bill is not enacted by June 30, 1999, this appropriation shall lapse.

(2) \$200,000 from this appropriation is provided to fund two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(3) On an annual basis, the state board shall report to the fiscal committees of the legislature and the office of financial management with a summary of the results of the value engineering studies and constructability reviews, and an evaluation of the use of building commissioning construction management services and fire marshal reviews.

Appropriation:

Common School Construction Account--State	\$	10,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	40,000,000
		-----
TOTAL	\$	50,000,000

**NEW SECTION. Sec. 604. FOR THE STATE BOARD OF EDUCATION**

Public School Building Construction (98-2-001)(00-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$6,491,519 of the new appropriation provided in this section may be provided for emergency repairs.

(a) Prior to the distribution of funds authorized by this subsection, the state board shall develop rules for school district eligibility to receive emergency grants and requirements for repayment of recovered costs. It is intended that these funds be provided to school districts only for emergency repairs due to accidents, natural disasters, fire, floods, vandalism, or similar events and only after all avenues of local funding have been exhausted.

(b) The state board shall report to the fiscal committees of the legislature and the office of financial management the amount and purpose of each grant provided to school districts.

(c) Any recoveries by the districts from insurance, litigation, or other sources for repairs and improvements funded from this appropriation shall be returned to the state in proportion to the state assistance as a share of total project cost.

(2) Total cash disbursed from the common school construction account may not exceed the available cash balance.

Reappropriation:

State Building Construction Account--State	\$	1,993,556
Common School Construction Account--State	\$	112,424,633
		-----
Subtotal Reappropriation	\$	114,418,189

Appropriation:

Common School Construction Account--State	\$	315,081,000
Prior Biennia (Expenditures)	\$	607,956,559
Future Biennia (Projected Costs)	\$	1,390,582,000

TOTAL \$

-----  
2,428,037,748

**NEW SECTION. Sec. 605. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Program Management (98-1-001)

Funding is provided for five FTE regional coordinators. The coordinators shall have direct construction or architectural training and experience and be strategically located across the state. The coordinators shall assist local school districts with: State board of education rules relating to school construction and modernization projects, building condition analysis, development of state studies and surveys, architect/engineer and construction manager selection, value engineering, and constructability reviews during design, building commissioning, construction administration, maintenance issues, and data verification to allow equitable administration of the state board priority system.

Appropriation:

Common School Construction Account--State \$ 1,619,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,644,000

TOTAL \$

-----  
9,263,000

**NEW SECTION. Sec. 606. FOR THE STATE SCHOOL FOR THE BLIND**

Irwin Building, HVAC: Upgrade (00-1-001)

Appropriation:

State Building Construction Account--State \$ 1,098,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 300,000

TOTAL \$

-----  
1,398,500

**NEW SECTION. Sec. 607. FOR THE STATE SCHOOL FOR THE BLIND**

Old Main and Alhsten Buildings, HVAC: Upgrade (00-1-002)

Appropriation:

State Building Construction Account--State \$ 1,915,160

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 500,000

TOTAL \$

-----  
2,415,160

**NEW SECTION. Sec. 608. FOR THE STATE SCHOOL FOR THE BLIND**

Minor Works: Preservation (00-1-003)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account--State	\$	600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	5,500,000
TOTAL		\$
		6,100,000

**NEW SECTION. Sec. 609. FOR THE STATE SCHOOL FOR THE BLIND**

Multi-Purpose Center

Appropriation:

State Building Construction Account--State	\$	300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		300,000

**NEW SECTION. Sec. 610. FOR THE STATE SCHOOL FOR THE DEAF**

Northrup Elementary School, HVAC: Upgrade (00-1-002)

Appropriation:

State Building Construction Account--State	\$	
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		900,000

**NEW SECTION. Sec. 611. FOR THE STATE SCHOOL FOR THE DEAF**

Epperson Middle School, HVAC: Upgrade (00-1-003)

Appropriation:

State Building Construction Account--State	\$	900,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	

0

TOTAL \$

-----  
900,000

**NEW SECTION. Sec. 612. FOR THE STATE SCHOOL FOR THE DEAF**

Minor Works: Preservation (00-1-004)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account--State \$

500,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

4,850,000

TOTAL \$

-----  
5,350,000

**NEW SECTION. Sec. 613. FOR THE STATE SCHOOL FOR THE DEAF**

Clark Hall, HVAC: Upgrade (00-1-006)

Appropriation:

State Building Construction Account--State \$

500,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

1,275,000

TOTAL \$

-----  
1,775,000

**NEW SECTION. Sec. 614. FOR THE STATE SCHOOL FOR THE DEAF**

Campus Master Plan - Phase II Tech Ed/Student Commons (00-2-001)

Appropriation:

State Building Construction Account--State \$

540,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

3,385,000

TOTAL \$

-----  
3,925,000

**NEW SECTION. Sec. 615. FOR THE STATE SCHOOL FOR THE DEAF**

Campus Wide: Seismic stabilization (02-1-008)

Appropriation:

State Building Construction Account--State	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	500,000
TOTAL		\$
		1,000,000

**NEW SECTION. Sec. 616. FOR THE UNIVERSITY OF WASHINGTON**

Minor Works: Various infrastructure upgrades (00-1-001)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account--State	\$	1,837,160
University of Washington Building Account-- State	\$	8,950,000
Subtotal Appropriation		\$
		10,787,160
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	52,100,000
TOTAL		\$
		62,887,160

**NEW SECTION. Sec. 617. FOR THE UNIVERSITY OF WASHINGTON**

UW Bothell Campus and Cascadia Community College: Future Phases (00-2-015)

The appropriation in this section is subject to the following conditions and limitations:

- (1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.
- (2) \$7,500,000 of this appropriation is provided solely for equipment and completion of phase I of the colocated campus.
- (3) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.
- (4) The appropriation in this section is to be combined with the appropriations shown in sections 639, 640, 769, and 823 of this act and shall be managed by the department of general administration.
- (5) \$42,600,000 of this appropriation is provided solely for the completion of construction of phase IIA of the campus. The appropriation represents the total state contribution for all costs including design, construction and equipping of phase IIA of the campus.
- (6) Phase IIA shall accommodate 1,000 additional FTE students when completed.

Appropriation:

State Building Construction Account--State	\$	50,100,000
Prior Biennia (Expenditures)	\$	

Future Biennia (Projected Costs) \$	0
	105,000,000
	-----
TOTAL \$	155,100,000

**NEW SECTION. Sec. 618. FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma - Branch Campus Phase IIA: To construct phase IIA and provide parking for 600 vehicles (00-2-017)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) Phase IIA shall accommodate and additional 600 FTE students upon completion of new construction and renovated spaces.

The appropriation in this section includes all costs for completion of this phase, including equipment, parking, and site improvements.

Reappropriation:

State Building Construction Account--State \$	1,450,000
---	-----------

Appropriation:

State Building Construction Account--State \$	36,420,000
---	------------

Prior Biennia (Expenditures) \$	2,000,000
---------------------------------	-----------

Future Biennia (Projected Costs) \$	0
-------------------------------------	---

TOTAL \$	39,870,000
----------	------------

**NEW SECTION. Sec. 619. FOR THE UNIVERSITY OF WASHINGTON**

Electrical Engineering and Computer Science Engineering Building (90-2-013)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$	7,300,000
---	-----------

Prior Biennia (Expenditures) \$	88,491,000
---------------------------------	------------

Future Biennia (Projected Costs) \$	0
-------------------------------------	---

TOTAL \$	95,791,000
----------	------------

**NEW SECTION. Sec. 620. FOR THE UNIVERSITY OF WASHINGTON**

Old Physics Hall: (Mary Gates hall) design and construction (92-2-008)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$	12,000,000
---	------------

Prior Biennia (Expenditures) \$	19,407,000
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	31,407,000

**NEW SECTION. Sec. 621. FOR THE UNIVERSITY OF WASHINGTON**

Minor Repairs: Preservation (94-1-003)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State \$	8,000,000
Prior Biennia (Expenditures) \$	2,985,199
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	10,985,199

**NEW SECTION. Sec. 622. FOR THE UNIVERSITY OF WASHINGTON**

Suzzallo library renovation--Phase I design and construction: To design the phase I remodeling of the 1925, 1935, and 1963 building and additions to address structural, mechanical, electrical, and life safety deficiencies (94-1-015)

Reappropriation:

State Building Construction Account--State \$	320,000
University of Washington Building Account-- State \$	270,000
	-----
Subtotal Reappropriation \$	590,000

Appropriation:

State Building Construction Account--State \$	39,306,000
Prior Biennia (Expenditures) \$	8,863,833
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	48,759,833

**NEW SECTION. Sec. 623. FOR THE UNIVERSITY OF WASHINGTON**

Harborview Research and Training Facility: Construction (94-2-013)

The reappropriations in this section are subject to the following conditions and limitations:

- (1) The reappropriations in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.
- (2) The reappropriations in this section are provided solely for the completion of construction of this facility. The reappropriations represents the total state contribution for all costs including design, construction and equipping this facility.
- (3) The reappropriation from the state building construction account may be expended before the higher education construction account moneys.

Reappropriation:

Higher Education Construction Account--State	\$		3,000,000
State Building Construction Account--State	\$		14,200,000
			-----
Subtotal Reappropriation	\$		17,200,000
Prior Biennia (Expenditures)	\$		61,561,000
Future Biennia (Projected Costs)	\$		0
			-----
TOTAL	\$		78,761,000

**NEW SECTION. Sec. 624. FOR THE UNIVERSITY OF WASHINGTON**

New Law School Building (94-2-017)

The appropriations in this section are subject to the following condition and limitation: The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

University of Washington Building Account-- State	\$		68,000
--	----	--	--------

Appropriation:

Higher Education Construction Account--State	\$		44,801,500
Higher Education Nonproprietary Local Capital Account--Private/Local	\$		24,186,000
			-----
Subtotal Appropriation	\$		68,987,500
Prior Biennia (Expenditures)	\$		1,200,000
Future Biennia (Projected Costs)	\$		0

TOTAL \$

70,255,500

**NEW SECTION. Sec. 625. FOR THE UNIVERSITY OF WASHINGTON**

Tacoma Branch Campus: To complete phase IB, conduct predesign of phase II, design of phase II, to acquire property, and to remediate unknown site conditions (94-2-500)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) The predesign for phase II to serve at least 1,200 additional student full-time equivalents shall be conducted in accordance with the predesign manual published by the office of financial management. Design of phase IIA to serve at least 600 student full-time equivalents shall not proceed until the completed predesign requirements have been reviewed and approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$

17,900,000

Prior Biennia (Expenditures) \$

34,692,087

Future Biennia (Projected Costs) \$

0

TOTAL \$

52,592,087

**NEW SECTION. Sec. 626. FOR THE UNIVERSITY OF WASHINGTON**

Minor Works: Utility infrastructure (96-1-004)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State \$

445,000

Prior Biennia (Expenditures) \$

5,455,000

Future Biennia (Projected Costs) \$

0

TOTAL \$

5,900,000

**NEW SECTION. Sec. 627. FOR THE UNIVERSITY OF WASHINGTON**

Health Sciences Center BB Tower Elevators (96-1-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The appropriation represents the total state contribution for all costs including design, construction, and equipping this facility.

Reappropriation:

State Building Construction Account--State \$

310,000

University of Washington Building Account--

State	\$	93,100
		-----
Subtotal Reappropriation	\$	403,100
Appropriation:		
State Building Construction Account--State	\$	6,182,586
Prior Biennia (Expenditures)	\$	699,499
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	7,285,185
<b><u>NEW SECTION. Sec. 628. FOR THE UNIVERSITY OF WASHINGTON</u></b>		
Health Sciences Center D-Wing Dental Student Laboratory: Design and construction (96-1-016)		
Reappropriation:		
State Building Construction Account--State	\$	447,000
Prior Biennia (Expenditures)	\$	2,570,100
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	3,017,100
<b><u>NEW SECTION. Sec. 629. FOR THE UNIVERSITY OF WASHINGTON</u></b>		
Fisheries Science - Oceanography Science Buildings (96-2-006)		
The appropriations in this section are subject to the following conditions and limitations:		
(1) The reappropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.		
(2) The reappropriations represent the total state contribution for all costs including design, construction, and equipping this facility.		
Reappropriation:		
State Building Construction Account--State	\$	12,507,000
Prior Biennia (Expenditures)	\$	67,787,751
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	80,294,751

**NEW SECTION. Sec. 630. FOR THE UNIVERSITY OF WASHINGTON**

Social Work Third Floor Addition (96-2-010)

Reappropriation:

State Building Construction Account--State	\$	1,000,000
Prior Biennia (Expenditures)	\$	2,415,600
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		3,415,600

**NEW SECTION. Sec. 631. FOR THE UNIVERSITY OF WASHINGTON**

West Electrical Power Station (96-2-011)

Reappropriation:

State Building Construction Account--State	\$	550,000
Prior Biennia (Expenditures)	\$	6,254,000
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		6,804,000

**NEW SECTION. Sec. 632. FOR THE UNIVERSITY OF WASHINGTON**

Power Plant Boiler 7 (96-2-020)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State	\$	6,250,000
Prior Biennia (Expenditures)	\$	3,662,000
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		9,912,000

**NEW SECTION. Sec. 633. FOR THE UNIVERSITY OF WASHINGTON**

Southwest Campus Utilities Phase I (96-2-027)

Reappropriation:

State Building Construction Account--State	\$	500,000
Prior Biennia (Expenditures)	\$	8,809,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,309,500

**NEW SECTION. Sec. 634. FOR THE UNIVERSITY OF WASHINGTON**

Minor Works: Safety (98-1-001)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 2,500,000

Prior Biennia (Expenditures) \$ 1,200,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,700,000

**NEW SECTION. Sec. 635. FOR THE UNIVERSITY OF WASHINGTON**

Minor Works: Preservation (98-1-002)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

University of Washington Building Account--  
State \$ 3,400,000

Prior Biennia (Expenditures) \$ 1,946,075

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,346,075

**NEW SECTION. Sec. 636. FOR THE UNIVERSITY OF WASHINGTON**

Utility and Data Communications Projects: Preservation (98-1-004)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 2,100,000

Prior Biennia (Expenditures) \$ 900,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

**NEW SECTION. Sec. 637. FOR THE UNIVERSITY OF WASHINGTON**

Minor Works: Program (98-2-003)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

University of Washington Building Account--  
State \$

1,900,000

Prior Biennia (Expenditures) \$

100,000

Future Biennia (Projected Costs) \$

0

TOTAL \$ 2,000,000

**NEW SECTION. Sec. 638. FOR THE UNIVERSITY OF WASHINGTON**

Building Communication: Upgrade (98-2-009)

Reappropriation:

University of Washington Building Account--  
State \$

1,000,000

Prior Biennia (Expenditures) \$

2,000,000

Future Biennia (Projected Costs) \$

0

TOTAL \$ 3,000,000

**NEW SECTION. Sec. 639. FOR THE UNIVERSITY OF WASHINGTON**

UW Bothell and Cascadia Community College Phase I (98-2-899)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) The reappropriation in this section is to be combined with the appropriations shown in sections 617, 639, 768, and 821 of this act and shall be managed by the department of general administration to construct a campus to serve at least 2,000 student full-time equivalents with approximately 1,200 for the University of Washington and 800 for Cascadia Community College.

Reappropriation:

State Building Construction Account--State \$

40,000,000

Prior Biennia (Expenditures) \$

7,970,000

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
47,970,000

**NEW SECTION. Sec. 640. FOR THE UNIVERSITY OF WASHINGTON**

UW Bothell and Cascadia Community College Future Phases (98-2-999)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) The reappropriation in this section is to be combined with the appropriations shown in sections 617, 638, 768, and 821 of this act and shall be managed by the department of general administration.

(4) The predesign for phase II to serve at least 2,000 additional University of Washington and community college student full-time equivalents included in this reappropriation shall be conducted in accordance with the predesign manual published by the office of financial management.

(5) Design of phase IIA to serve at least 1,000 total University of Washington and Cascadia Community College student full-time equivalents shall not proceed until the completed predesign requirements in subsection (4) of this section have been reviewed and approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 2,069,063

Prior Biennia (Expenditures) \$ 930,937

Future Biennia (Projected Costs) \$ 0

TOTAL \$

-----  
3,000,000

**NEW SECTION. Sec. 641. FOR THE UNIVERSITY OF WASHINGTON**

Nuclear Reactor: Decommissioning (99-2-009)

Reappropriation:

State Building Construction Account--State \$ 750,000

Prior Biennia (Expenditures) \$ 450,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$

-----  
1,200,000

**NEW SECTION. Sec. 642. FOR THE UNIVERSITY OF WASHINGTON**

Tacoma Branch Campus: Phase III predesign (00-2-021)

Appropriation:

State Building Construction Account--State \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 55,000,000

TOTAL \$ 55,500,000

**NEW SECTION. Sec. 643. FOR THE UNIVERSITY OF WASHINGTON**

University of Washington Medical Center: Improvements

Appropriation:

Higher Education Construction Account--State \$ 80,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 80,000,000

**NEW SECTION. Sec. 644. FOR WASHINGTON STATE UNIVERSITY**

Minor Works: Safety and environmental (00-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account--State \$ 2,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,000,000

**NEW SECTION. Sec. 645. FOR WASHINGTON STATE UNIVERSITY**

Minor Works: Preservation (00-1-004)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account--State \$ 1,130,000

Washington State University Building Account--  
State \$ 4,870,000

Subtotal Appropriation \$ 6,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 24,000,000

TOTAL \$ 30,000,000

**NEW SECTION. Sec. 646. FOR WASHINGTON STATE UNIVERSITY**

Child Care Facility - Human Development Lab, Infant Care (00-1-039)

Appropriation:

Washington State University Building Account--  
State \$ 3,100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,100,000

**NEW SECTION. Sec. 647. FOR WASHINGTON STATE UNIVERSITY**

Scholars Hall - White Hall: Renovation (00-1-078)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 5,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

**NEW SECTION. Sec. 648. FOR WASHINGTON STATE UNIVERSITY**

Minor Works - Branch Campus: Preservation (00-1-901)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

Washington State University Building Account--  
State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 5,000,000

**NEW SECTION. Sec. 649. FOR WASHINGTON STATE UNIVERSITY**

Minor Works: Program (00-2-002)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

Washington State University Building Account-- State	\$	5,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	28,000,000
		-----
TOTAL	\$	33,000,000

**NEW SECTION. Sec. 650. FOR WASHINGTON STATE UNIVERSITY**

Major Equipment: Acquisition (00-2-003)

Appropriation:

Washington State University Building Account-- State	\$	3,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	16,000,000
		-----
TOTAL	\$	19,500,000

**NEW SECTION. Sec. 651. FOR WASHINGTON STATE UNIVERSITY**

Animal Disease Biotechnology Facility: Equipment (00-2-067)

Appropriation:

Washington State University Building Account-- State	\$	1,200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	6,200,000
		-----
TOTAL	\$	7,400,000

**NEW SECTION. Sec. 652. FOR WASHINGTON STATE UNIVERSITY**

Museum of Art Building (00-2-071)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

Washington State University Building Account-- State	\$
---	----

	125,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	14,100,000
	-----
TOTAL \$	14,225,000

**NEW SECTION. Sec. 653. FOR WASHINGTON STATE UNIVERSITY**

Shock Physics Building (00-2-080)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Appropriation:

State Building Construction Account--State \$	1,760,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	10,400,000
	-----
TOTAL \$	12,160,000

**NEW SECTION. Sec. 654. FOR WASHINGTON STATE UNIVERSITY**

WSU Vancouver - Engineering/Life Science Building (00-2-904)

The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

Appropriation:

State Building Construction Account--State \$	27,000,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	27,000,000

**NEW SECTION. Sec. 655. FOR WASHINGTON STATE UNIVERSITY**

WSU Vancouver - New Academic Building D (00-2-905)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000. The project shall serve at least 1,200 additional student full-time equivalents on the Vancouver campus.

Appropriation:

State Building Construction Account--State \$	250,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	29,700,000
		-----
TOTAL	\$	29,950,000

**NEW SECTION. Sec. 656. FOR WASHINGTON STATE UNIVERSITY**

WSU Spokane - Study of Future Campus Development (00-2-906)

To conduct a study of future campus developments, including alternatives regarding the size and timing of future building construction.

Appropriation:

State Building Construction Account--State	\$	250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	44,000,000
		-----
TOTAL	\$	44,250,000

**NEW SECTION. Sec. 657. FOR WASHINGTON STATE UNIVERSITY**

Plant Biotech - Johnson Hall

Appropriation:

Washington State University Building Account--State	\$	300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	37,500,000
		-----
TOTAL	\$	37,800,000

**NEW SECTION. Sec. 658. FOR WASHINGTON STATE UNIVERSITY**

Hazardous, Pathological, and Radioactive Waste Handling Facilities (92-1-019)

Reappropriation:

State Building Construction Account--State	\$	632,221
Prior Biennia (Expenditures)	\$	710,779
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	-----	1,343,000
<b><u>NEW SECTION. Sec. 659. FOR WASHINGTON STATE UNIVERSITY</u></b>			
Todd Hall Renovation (92-1-021)			
The reappropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.			
Reappropriation:			
State Building Construction Account--State	\$		100,918
Washington State University Building Account--State	\$		168,909
		-----	
Subtotal Reappropriation	\$		269,827
Prior Biennia (Expenditures)	\$		14,343,680
Future Biennia (Projected Costs)	\$		0
		-----	
TOTAL	\$		14,613,507
<b><u>NEW SECTION. Sec. 660. FOR WASHINGTON STATE UNIVERSITY</u></b>			
Veterinary Teaching Hospital: Construction (92-2-013)			
The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.			
Reappropriation:			
Washington State University Building Account-- State	\$		300,173
Prior Biennia (Expenditures)	\$		14,420,827
Future Biennia (Projected Costs)	\$		0
		-----	
TOTAL	\$		14,721,000
<b><u>NEW SECTION. Sec. 661. FOR WASHINGTON STATE UNIVERSITY</u></b>			
Fulmer Hall: Fulmer annex renovation (92-2-023)			
The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.			
Reappropriation:			
State Building Construction Account--State	\$		97,138
Prior Biennia (Expenditures)	\$		11,521,329
Future Biennia (Projected Costs)	\$		

0

-----

**NEW SECTION. Sec. 662. FOR WASHINGTON STATE UNIVERSITY**

Thompson Hall Renovation: Construction (94-1-024)

The reappropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State	\$	6,500,000
--	----	-----------

Washington State University Building		
Account--State	\$	101,325

Subtotal Reappropriation	\$	6,601,325
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Prior Biennia (Expenditures)	\$	5,095,075
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	11,696,400
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**NEW SECTION. Sec. 663. FOR WASHINGTON STATE UNIVERSITY**

Infrastructure Project: Savings (94-1-999)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Reappropriation:

State Building Construction Account--State	\$	212,474
--	----	---------

Prior Biennia (Expenditures)	\$	376,662
------------------------------	----	---------

Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	589,136
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**NEW SECTION. Sec. 664. FOR WASHINGTON STATE UNIVERSITY**

Hazardous Waste Facilities: Construction (94-2-006)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

Washington State University Building		
Account--State	\$	

	822,722
Appropriation:	
Washington State University Building	
Account--State    \$	3,000,000
Prior Biennia (Expenditures)    \$	888,278
Future Biennia (Projected Costs)    \$	9,000,000
	-----
TOTAL    \$	13,711,000

**NEW SECTION. Sec. 665. FOR WASHINGTON STATE UNIVERSITY**

Pathological and Biomedical Incinerator: Design and construction (94-2-012)

Reappropriation:

State Building Construction Account--State    \$	2,042,690
Prior Biennia (Expenditures)    \$	1,400,310
Future Biennia (Projected Costs)    \$	0
	-----
TOTAL    \$	3,443,000

**NEW SECTION. Sec. 666. FOR WASHINGTON STATE UNIVERSITY**

Engineering Teaching and Research Laboratory Building: Construction (94-2-014)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State    \$	128,797
Prior Biennia (Expenditures)    \$	17,011,503
Future Biennia (Projected Costs)    \$	0
	-----
TOTAL    \$	17,140,300

**NEW SECTION. Sec. 667. FOR WASHINGTON STATE UNIVERSITY**

Chemical Waste Collection Facilities: Design and construction (94-2-016)

Reappropriation:

Washington State University Building	
Account--State    \$	112,999
Prior Biennia (Expenditures)    \$	887,001
Future Biennia (Projected Costs)    \$	0

	-----
TOTAL \$	1,000,000
 <b><u>NEW SECTION. Sec. 668. FOR WASHINGTON STATE UNIVERSITY</u></b>	
Bohler Gym: Addition (94-2-017)	
Reappropriation:	
Washington State University Building Account-- State \$	364,708
Prior Biennia (Expenditures) \$	10,319,108
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	10,683,816
 <b><u>NEW SECTION. Sec. 669. FOR WASHINGTON STATE UNIVERSITY</u></b>	
Kimbrough Hall Addition and Remodeling (94-2-019)	
The reappropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.	
Reappropriation:	
State Building Construction Account--State \$	5,295,806
Washington State University Building Account--State \$	121,875
	-----
Subtotal Reappropriation \$	5,417,681
Prior Biennia (Expenditures) \$	6,315,319
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	11,733,000
 <b><u>NEW SECTION. Sec. 670. FOR WASHINGTON STATE UNIVERSITY</u></b>	
WSU Vancouver: Campus construction (94-2-902)	
The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.	
Reappropriation:	
State Building Construction Account--State \$	1,000,000
Prior Biennia (Expenditures) \$	37,722,462
Future Biennia (Projected Costs) \$	0

TOTAL \$

-----  
38,722,462

**NEW SECTION. Sec. 671. FOR WASHINGTON STATE UNIVERSITY**

Plant Growth: Wheat research center (96-2-047)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act and shall not be expended until the university has received the federal money or an equivalent amount from other sources.

Reappropriation:

State Building Construction Account--State \$

608,518

Prior Biennia (Expenditures) \$

3,391,482

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
4,000,000

**NEW SECTION. Sec. 672. FOR WASHINGTON STATE UNIVERSITY**

Minor Works: Preservation (98-1-004)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

Washington State University Building

Account--State \$

2,985,280

Prior Biennia (Expenditures) \$

2,067,720

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
5,053,000

**NEW SECTION. Sec. 673. FOR WASHINGTON STATE UNIVERSITY**

Campus Infrastructure and Road Improvements (98-1-073)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State \$

3,493,480

Appropriation:

Washington State University Building

Account--State \$

4,000,000

Prior Biennia (Expenditures) \$

4,798,520

Future Biennia (Projected Costs) \$

12,000,000

TOTAL	\$	----- 24,292,000
 <b><u>NEW SECTION. Sec. 674. FOR WASHINGTON STATE UNIVERSITY</u></b>		
WSU Spokane - Minor Works: Program (98-1-821)		
The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.		
Reappropriation:		
State Building Construction Account--State	\$	36,815
Prior Biennia (Expenditures)	\$	25,885
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	----- 62,700
 <b><u>NEW SECTION. Sec. 675. FOR WASHINGTON STATE UNIVERSITY</u></b>		
Americans with Disabilities Act Pool Account (98-1-993)		
Reappropriation:		
State Building Construction Account--State	\$	140,159
Prior Biennia (Expenditures)	\$	3,900
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	----- 144,059
 <b><u>NEW SECTION. Sec. 676. FOR WASHINGTON STATE UNIVERSITY</u></b>		
Minor Works: Safety and environmental (98-2-001)		
The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.		
Reappropriation:		
State Building Construction Account--State	\$	958,129
Washington State University Building Account--State	\$	1,749,586
Subtotal Reappropriation	\$	----- 2,707,715
Prior Biennia (Expenditures)	\$	700,085
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	-----
		3,407,800

**NEW SECTION. Sec. 677. FOR WASHINGTON STATE UNIVERSITY**

Minor Works: Program (98-2-002)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

Washington State University Building		
Account--State	\$	4,179,248

Prior Biennia (Expenditures)	\$	1,820,752
------------------------------	----	-----------

Future Biennia (Projected Costs)	\$	0
----------------------------------	----	---

TOTAL	\$	-----
		6,000,000

**NEW SECTION. Sec. 678. FOR WASHINGTON STATE UNIVERSITY**

Major Equipment: Acquisition (98-2-003)

Reappropriation:

State Building Construction Account--State	\$	
		371,310

Washington State University Building		
Account--State	\$	800,000

Subtotal Reappropriation	\$	-----
		1,171,310

Prior Biennia (Expenditures)	\$	3,828,690
------------------------------	----	-----------

Future Biennia (Projected Costs)	\$	0
----------------------------------	----	---

TOTAL	\$	-----
		5,000,000

**NEW SECTION. Sec. 679. FOR WASHINGTON STATE UNIVERSITY**

Murrow Hall: Renovation and addition (98-2-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

Washington State University Building		
Account--State	\$	23,645

Appropriation:

State Building Construction Account--State	\$	1,650,000
Prior Biennia (Expenditures)	\$	81,355
Future Biennia (Projected Costs)	\$	10,100,000
		-----
TOTAL	\$	11,855,000

**NEW SECTION. Sec. 680. FOR WASHINGTON STATE UNIVERSITY**

Cleveland Hall: Renovation and addition (98-2-032)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

Washington State University Building		
Account--State	\$	37,493

Appropriation:

State Building Construction Account--State	\$	1,400,000
Prior Biennia (Expenditures)	\$	102,507
Future Biennia (Projected Costs)	\$	9,400,000
		-----
TOTAL	\$	10,940,000

**NEW SECTION. Sec. 681. FOR WASHINGTON STATE UNIVERSITY**

South Campus Electrical Services: Design and construction (98-2-044)

Reappropriation:

State Building Construction Account--State	\$	313,486
Prior Biennia (Expenditures)	\$	2,586,514
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	2,900,000

**NEW SECTION. Sec. 682. FOR WASHINGTON STATE UNIVERSITY**

Teaching and Learning Center: Design and construction (98-2-062)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State	\$	
--	----	--

Washington State University Building	1,194,073
Account--State   \$	
	611,094
	-----
Subtotal Reappropriation   \$	
	1,805,167
Appropriation:	
State Building Construction Account--State   \$	
	28,900,000
Prior Biennia (Expenditures)   \$	
	869,333
Future Biennia (Projected Costs)   \$	
	0
	-----
TOTAL   \$	
	31,574,500

**NEW SECTION. Sec. 683. FOR WASHINGTON STATE UNIVERSITY**

Apparel, Merchandise, and Interior Design and Landscape Architecture Building (98-2-072)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

Washington State University Building Account-- State   \$	20,527
--	--------

Appropriation:

State Building Construction Account--State   \$	
	2,780,000
Prior Biennia (Expenditures)   \$	
	77,473
Future Biennia (Projected Costs)   \$	
	26,400,000
	-----
TOTAL   \$	
	29,278,000

**NEW SECTION. Sec. 684. FOR WASHINGTON STATE UNIVERSITY**

WSUnet: Infrastructure (98-2-074)

Reappropriation:

Washington State University Building Account--State   \$	750,000
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Appropriation:

Washington State University Building Account--State   \$	
---	--

	3,000,000
Prior Biennia (Expenditures) \$	3,325,000
Future Biennia (Projected Costs) \$	12,000,000
	-----
TOTAL \$	19,075,000

**NEW SECTION. Sec. 685. FOR WASHINGTON STATE UNIVERSITY**

WSU Spokane - Health Sciences Building (98-2-903)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(2) No money from the reappropriation may be expended in a manner that is inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(3) Design and construction of this building shall accommodate at least 240 additional full-time equivalent students on the Riverpoint campus.

Reappropriation:

State Building Construction Account--State \$	1,871,010
---	-----------

Appropriation:

Higher Education Construction Account--State \$	36,300,000
---	------------

Prior Biennia (Expenditures) \$	814,365
---------------------------------	---------

Future Biennia (Projected Costs) \$	0
-------------------------------------	---

	-----
TOTAL \$	38,985,375

**NEW SECTION. Sec. 686. FOR WASHINGTON STATE UNIVERSITY**

WSU Tri-Cities - Science Education Center (98-2-905)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

State Building Construction Account--State \$	4,954
---	-------

Prior Biennia (Expenditures) \$	135,046
---------------------------------	---------

Future Biennia (Projected Costs) \$	22,500,000
-------------------------------------	------------

TOTAL \$

-----  
22,640,000

**NEW SECTION. Sec. 687. FOR WASHINGTON STATE UNIVERSITY**

WSU Vancouver: Phase II (98-2-911)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) This reappropriation includes the design phase of the engineering/life science building and multimedia building and to construct campus infrastructure and physical plant shops. Section 653 of this act appropriates the funds for construction phase and equipping the engineering/life science building.

Reappropriation:

State Building Construction Account--State \$

11,054,521

Prior Biennia (Expenditures) \$

2,445,479

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
13,500,000

**NEW SECTION. Sec. 688. FOR EASTERN WASHINGTON UNIVERSITY**

Senior Hall: Renovation (00-1-003)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

State Building Construction Account--State \$

100,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

11,600,000

TOTAL \$

-----  
11,700,000

**NEW SECTION. Sec. 689. FOR EASTERN WASHINGTON UNIVERSITY**

Minor Works: Preservation (00-1-004)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State \$

16,000

Eastern Washington University Capital

Projects Account--State \$

1,310,000

Subtotal Reappropriation	\$	----- 1,326,000
Appropriation:		
State Building Construction Account--State	\$	1,000,000
Eastern Washington University Capital Projects Account--State	\$	2,000,000
Subtotal Appropriation	\$	----- 3,000,000
Prior Biennia (Expenditures)	\$	9,096,505
Future Biennia (Projected Costs)	\$	14,000,000
TOTAL	\$	----- 27,422,505

**NEW SECTION. Sec. 690. FOR EASTERN WASHINGTON UNIVERSITY**

Infrastructure Project: Savings (00-1-999)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

State Building Construction Account--State	\$	1
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	----- 1

**NEW SECTION. Sec. 691. FOR EASTERN WASHINGTON UNIVERSITY**

Minor Works: Program (00-2-002)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State	\$	381,000
Eastern Washington University Capital Projects Account--State	\$	702,502

	-----
Subtotal Reappropriation \$	1,083,502
Appropriation:	
Eastern Washington University Capital Projects Account--State \$	2,190,000
Prior Biennia (Expenditures) \$	5,956,138
Future Biennia (Projected Costs) \$	11,600,000
	-----
TOTAL \$	20,829,640
 <b><u>NEW SECTION. Sec. 692. FOR EASTERN WASHINGTON UNIVERSITY</u></b>	
Campus Network and Cable: Replacement (90-2-004)	
Reappropriation:	
State Building Construction Account--State \$	500,000
Appropriation:	
State Building Construction Account--State \$	1,000,000
Prior Biennia (Expenditures) \$	6,173,800
Future Biennia (Projected Costs) \$	4,000,000
	-----
TOTAL \$	11,673,800
 <b><u>NEW SECTION. Sec. 693. FOR EASTERN WASHINGTON UNIVERSITY</u></b>	
JFK Library Addition and Remodel: Construction (90-5-003)	
Reappropriation:	
State Building Construction Account--State \$	300,000
Eastern Washington University Capital Projects Account--State \$	34,662
	-----
Subtotal Reappropriation \$	334,662
Prior Biennia (Expenditures) \$	20,381,581
Future Biennia (Projected Costs) \$	0

TOTAL	\$	----- 20,716,243
 <b><u>NEW SECTION. Sec. 694. FOR EASTERN WASHINGTON UNIVERSITY</u></b>		
Chillers, Heating, Ventilation, and Air Conditioning (94-1-003)		
Reappropriation:		
State Building Construction Account--State	\$	153,000
Prior Biennia (Expenditures)	\$	2,444,711
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	----- 2,597,711
 <b><u>NEW SECTION. Sec. 695. FOR EASTERN WASHINGTON UNIVERSITY</u></b>		
Monroe Hall: Renovation (96-1-002)		
The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.		
Reappropriation:		
State Building Construction Account--State	\$	395,000
Appropriation:		
State Building Construction Account--State	\$	10,750,000
Eastern Washington University Capital Projects Account--State	\$	250,000
Subtotal Appropriation	\$	----- 11,000,000
Prior Biennia (Expenditures)	\$	629,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	----- 12,024,000
 <b><u>NEW SECTION. Sec. 696. FOR EASTERN WASHINGTON UNIVERSITY</u></b>		
Campus Classroom: Renewal (96-2-001)		
Reappropriation:		
State Building Construction Account--State	\$	448,000
Eastern Washington University Capital Projects Account--State	\$	457,191

Subtotal Reappropriation	\$	-----	
			905,191
Appropriation:			
State Building Construction Account--State	\$		1,000,000
Eastern Washington University Capital Projects Account--State	\$		500,000
		-----	
Subtotal Appropriation	\$		1,500,000
Prior Biennia (Expenditures)	\$		4,244,809
Future Biennia (Projected Costs)	\$		10,700,000
		-----	
TOTAL	\$		17,350,000
<b><u>NEW SECTION. Sec. 697. FOR EASTERN WASHINGTON UNIVERSITY</u></b>			
Water System: Preservation and expansion (98-1-002)			
Reappropriation:			
State Building Construction Account--State	\$		290,000
Appropriation:			
Eastern Washington University Capital Projects Account--State	\$		880,000
Prior Biennia (Expenditures)	\$		210,000
Future Biennia (Projected Costs)	\$		7,500,000
		-----	
TOTAL	\$		8,880,000
<b><u>NEW SECTION. Sec. 698. FOR EASTERN WASHINGTON UNIVERSITY</u></b>			
Electrical Substations: Preservation (98-1-004)			
Reappropriation:			
State Building Construction Account--State	\$		2,872,000
Prior Biennia (Expenditures)	\$		128,000
Future Biennia (Projected Costs)	\$		0

TOTAL	\$	-----
		3,000,000
<b><u>NEW SECTION. Sec. 699. FOR EASTERN WASHINGTON UNIVERSITY</u></b>		
Roof Replacements (98-1-006)		
Reappropriation:		
State Building Construction Account--State	\$	475,000
Prior Biennia (Expenditures)	\$	4,230,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	-----
		4,705,000
<b><u>NEW SECTION. Sec. 700. FOR EASTERN WASHINGTON UNIVERSITY</u></b>		
Infrastructure: Preservation (98-1-007)		
The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.		
Reappropriation:		
State Building Construction Account--State	\$	3,662,000
Appropriation:		
State Building Construction Account--State	\$	1,000,000
Prior Biennia (Expenditures)	\$	338,000
Future Biennia (Projected Costs)	\$	4,000,000
TOTAL	\$	-----
		9,000,000
<b><u>NEW SECTION. Sec. 701. FOR EASTERN WASHINGTON UNIVERSITY</u></b>		
Heating, Ventilation, and Air Conditioning Systems: Preservation (98-1-008)		
Reappropriation:		
State Building Construction Account--State	\$	799,000
Prior Biennia (Expenditures)	\$	201,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	-----
		1,000,000
<b><u>NEW SECTION. Sec. 702. FOR EASTERN WASHINGTON UNIVERSITY</u></b>		
Boiler Plant Expansion (98-1-011)		

Reappropriation:

State Building Construction Account--State	\$	400,000
Eastern Washington University Capital Projects Account--State	\$	106,415
		-----
Subtotal Reappropriation	\$	506,415

Appropriation:

State Building Construction Account--State	\$	6,725,000
Prior Biennia (Expenditures)	\$	277,210
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	7,508,625

**NEW SECTION. Sec. 703. FOR EASTERN WASHINGTON UNIVERSITY**  
Childcare Center (00-02-003)

Appropriation:

State Building Construction Account--State	\$	539,000
Eastern Washington University Capital Projects Account--State	\$	600,000
		-----
Subtotal Appropriation	\$	1,139,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	1,139,000

**NEW SECTION. Sec. 704. FOR CENTRAL WASHINGTON UNIVERSITY**  
Infrastructure Project: Savings (00-1-001)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Appropriation:

State Building Construction Account--State	\$	1
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		----- 1

**NEW SECTION. Sec. 705. FOR CENTRAL WASHINGTON UNIVERSITY**

Minor Works: Preservation (00-1-120)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

Central Washington University Capital Projects Account--State	\$	3,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	27,500,000
TOTAL		----- 30,500,000

**NEW SECTION. Sec. 706. FOR CENTRAL WASHINGTON UNIVERSITY**

Music Facility (00-2-001)

Appropriation:

State Building Construction Account--State	\$	2,300,000
Prior Biennia (Expenditures)	\$	116,372
Future Biennia (Projected Costs)	\$	24,600,000
TOTAL		----- 27,016,372

**NEW SECTION. Sec. 707. FOR CENTRAL WASHINGTON UNIVERSITY**

Minor Works: Program (00-2-110)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

Central Washington University Capital Projects Account--State	\$	3,000,000
Prior Biennia (Expenditures)	\$	0

Future Biennia (Projected Costs) \$ 13,000,000

TOTAL \$ 16,000,000

**NEW SECTION. Sec. 708. FOR CENTRAL WASHINGTON UNIVERSITY**

Fiber Optic Backbone: Upgrade (00-2-130)

Appropriation:

Central Washington University Capital Projects  
Account--State \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,550,000

TOTAL \$ 3,050,000

**NEW SECTION. Sec. 709. FOR CENTRAL WASHINGTON UNIVERSITY**

Science Facility: Design and construction (94-2-002)

The reappropriations in this section are subject to the review and allotment procedures under sections 902 through 904 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,500,000

Central Washington University Capital Projects  
Account--State \$ 600,000

Subtotal Reappropriation \$ 2,100,000

Prior Biennia (Expenditures) \$ 56,293,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 58,393,500

**NEW SECTION. Sec. 710. FOR CENTRAL WASHINGTON UNIVERSITY**

Black Hall: Design and construction (94-2-010)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$	26,403,401
Future Biennia (Projected Costs) \$	0

TOTAL \$	----- 27,403,401
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**NEW SECTION. Sec. 711. FOR CENTRAL WASHINGTON UNIVERSITY**

Minor Works: Infrastructure preservation (96-1-040)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.
- (2) No money from this reappropriation may be expended for remodeling or repairing the president's residence.

Reappropriation:

Central Washington University Capital Projects	
Account--State \$	100,000

Prior Biennia (Expenditures) \$	2,300,000
Future Biennia (Projected Costs) \$	0

TOTAL \$	----- 2,400,000
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**NEW SECTION. Sec. 712. FOR CENTRAL WASHINGTON UNIVERSITY**

Minor Works: Preservation (96-1-120)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.
- (2) A maximum of \$85,000 from this reappropriation may be expended for remodeling the president's residence.

Reappropriation:

Central Washington University Capital Projects	
Account--State \$	500,000

Prior Biennia (Expenditures) \$	1,700,000
Future Biennia (Projected Costs) \$	0

TOTAL \$	----- 2,200,000
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**NEW SECTION. Sec. 713. FOR CENTRAL WASHINGTON UNIVERSITY**

Minor Works: Program (96-2-130)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

Central Washington University Capital Projects	
Account--State \$	75,000

Prior Biennia (Expenditures) \$	2,425,000
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	2,500,000
<b><u>NEW SECTION. Sec. 714. FOR CENTRAL WASHINGTON UNIVERSITY</u></b>	
Heating System Improvements (98-1-030)	
Reappropriation:	
State Building Construction Account--State \$	1,000,000
Prior Biennia (Expenditures) \$	450,000
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	1,450,000
<b><u>NEW SECTION. Sec. 715. FOR CENTRAL WASHINGTON UNIVERSITY</u></b>	
Electrical Utility: Upgrade (98-1-110)	
Reappropriation:	
State Building Construction Account--State \$	2,300,000
Appropriation:	
State Building Construction Account--State \$	3,700,000
Prior Biennia (Expenditures) \$	200,000
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	6,200,000
<b><u>NEW SECTION. Sec. 716. FOR CENTRAL WASHINGTON UNIVERSITY</u></b>	
Steamline Replacement (98-1-120)	
Reappropriation:	
Central Washington University Capital Projects Account--State \$	100,000
Appropriation:	
State Building Construction Account--State \$	1,500,000
Prior Biennia (Expenditures) \$	1,350,000

Future Biennia (Projected Costs)	\$	4,500,000
		-----
TOTAL	\$	7,450,000
<b><u>NEW SECTION. Sec. 717. FOR CENTRAL WASHINGTON UNIVERSITY</u></b>		
Minor Works: Preservation (98-1-130)		
Reappropriation:		
Central Washington University Capital Projects		
Account--State	\$	1,700,000
Prior Biennia (Expenditures)	\$	1,463,000
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	3,163,000
<b><u>NEW SECTION. Sec. 718. FOR CENTRAL WASHINGTON UNIVERSITY</u></b>		
Building Indoor Air Quality: Improvements (98-1-170)		
Reappropriation:		
Central Washington University Capital Projects		
Account--State	\$	200,000
Prior Biennia (Expenditures)	\$	229,000
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	429,000
<b><u>NEW SECTION. Sec. 719. FOR CENTRAL WASHINGTON UNIVERSITY</u></b>		
SeaTac Center Building: Renovation (98-2-010)		
Reappropriation:		
State Building Construction Account--State	\$	500,000
Prior Biennia (Expenditures)	\$	162,500
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	662,500

**NEW SECTION. Sec. 720. FOR CENTRAL WASHINGTON UNIVERSITY**

Lynnwood Higher Education Center (98-2-080)

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.
- (2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.
- (3) The design of this facility shall be based on a combination of construction funding included in this section, the state board for community and technical colleges, and in section 905 of this act.

Reappropriation:

Central Washington University Capital Projects Account--State	\$	875,000
--	----	---------

Appropriation:

State Building Construction Account--State	\$	4,000,000
Central Washington University Capital Projects Account--State	\$	1,000,000

Subtotal Appropriation	\$	5,000,000
------------------------	----	-----------

Prior Biennia (Expenditures)	\$	125,000
------------------------------	----	---------

Future Biennia (Projected Costs)	\$	0
----------------------------------	----	---

TOTAL	\$	6,000,000
-------	----	-----------

**NEW SECTION. Sec. 721. FOR CENTRAL WASHINGTON UNIVERSITY**

Minor Works: Program (98-2-135)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

Central Washington University Capital Projects Account--State	\$	600,000
--	----	---------

Prior Biennia (Expenditures)	\$	1,782,000
------------------------------	----	-----------

Future Biennia (Projected Costs)	\$	0
----------------------------------	----	---

TOTAL	\$	2,382,000
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**NEW SECTION. Sec. 722. FOR THE EVERGREEN STATE COLLEGE**

Minor Works: Safety and code (00-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account--State	\$	1,900,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	11,000,000
TOTAL		\$
		12,900,000

**NEW SECTION. Sec. 723. FOR THE EVERGREEN STATE COLLEGE**

Minor Works: Preservation (00-1-002)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

The Evergreen State College Capital Projects Account--State	\$	3,600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	13,800,000
TOTAL		\$
		17,400,000

**NEW SECTION. Sec. 724. FOR THE EVERGREEN STATE COLLEGE**

Emergency and Small Repairs (00-1-003)

Appropriation:

The Evergreen State College Capital Projects Account--State	\$	560,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,510,000
TOTAL		\$
		3,070,000

**NEW SECTION. Sec. 725. FOR THE EVERGREEN STATE COLLEGE**

Infrastructure Project: Savings (00-1-004)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Appropriation:

State Building Construction Account--State	\$
--	----

		1
Prior Biennia (Expenditures) \$		0
Future Biennia (Projected Costs) \$		0
		-----
TOTAL \$		1
 <b><u>NEW SECTION. Sec. 726. FOR THE EVERGREEN STATE COLLEGE</u></b>		
Lab II First Floor Remodel - CAL and Adjacent Labs (00-2-005)		
Appropriation:		
State Building Construction Account--State \$		2,600,000
Prior Biennia (Expenditures) \$		0
Future Biennia (Projected Costs) \$		0
		-----
TOTAL \$		2,600,000
 <b><u>NEW SECTION. Sec. 727. FOR THE EVERGREEN STATE COLLEGE</u></b>		
Minor Works: Program (00-2-007)		
The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.		
Appropriation:		
State Building Construction Account--State \$		1,000,000
The Evergreen State College Capital Projects Account--State \$		100,000
		-----
Subtotal Appropriation \$		1,100,000
Prior Biennia (Expenditures) \$		0
Future Biennia (Projected Costs) \$		7,250,000
		-----
TOTAL \$		8,350,000
 <b><u>NEW SECTION. Sec. 728. FOR THE EVERGREEN STATE COLLEGE</u></b>		
Library Building - Technology Center (00-2-008)		

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

The Evergreen State College Capital Projects Account--State	\$	150,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	16,450,000
		-----
TOTAL	\$	16,600,000

**NEW SECTION. Sec. 729. FOR THE EVERGREEN STATE COLLEGE**

Minor Works: Safety and code (98-1-001)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State	\$	166,000
Prior Biennia (Expenditures)	\$	2,284,000
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	2,450,000

**NEW SECTION. Sec. 730. FOR THE EVERGREEN STATE COLLEGE**

Minor Works: Preservation (98-1-002)

The reappropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State	\$	1,304,319
The Evergreen State College Capital Projects Account--State	\$	249,389
		-----
Subtotal Reappropriation	\$	1,553,708
Prior Biennia (Expenditures)	\$	1,070,631
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	-----
		2,624,339

**NEW SECTION. Sec. 731. FOR THE EVERGREEN STATE COLLEGE**

Seminar Phase II: Design (98-2-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Appropriation:

State Building Construction Account--State	\$	
		3,000,000

Prior Biennia (Expenditures)	\$	
		140,000

Future Biennia (Projected Costs)	\$	
		34,600,000

TOTAL	\$	-----
		37,740,000

**NEW SECTION. Sec. 732. FOR THE EVERGREEN STATE COLLEGE**

Minor Works: Program (98-2-006)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

The Evergreen State College Capital Projects Account--State	\$	
		1,442,084

Prior Biennia (Expenditures)	\$	
		357,916

Future Biennia (Projected Costs)	\$	
		0

TOTAL	\$	-----
		1,800,000

**NEW SECTION. Sec. 733. FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works: Preservation (00-1-068)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account--State	\$	
		4,500,000

Prior Biennia (Expenditures)	\$	
		0

Future Biennia (Projected Costs)	\$	
		24,800,000

TOTAL	\$	-----
-------	----	-------

29,300,000

**NEW SECTION. Sec. 734. FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works: Program (00-2-069)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

Western Washington University Capital  
Projects Account--State \$

6,730,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

24,500,000

TOTAL \$

-----  
31,230,000

**NEW SECTION. Sec. 735. FOR WESTERN WASHINGTON UNIVERSITY**

Infrastructure Project: Savings (94-1-999)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Reappropriation:

State Building Construction Account--State \$

1

Prior Biennia (Expenditures) \$

970,000

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
970,001

**NEW SECTION. Sec. 736. FOR WESTERN WASHINGTON UNIVERSITY**

Haggard Hall Renovation and Abatement: Construction (94-2-015)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$

1,900,000

Prior Biennia (Expenditures) \$

20,304,405

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
22,204,405

**NEW SECTION. Sec. 737. FOR WESTERN WASHINGTON UNIVERSITY**

Campus Services Facility: Construction (96-2-025)

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.
- (2) The university shall comply with local comprehensive land use laws and regulations for this project.

Reappropriation:

State Building Construction Account--State	\$	958,000
--	----	---------

Appropriation:

State Building Construction Account--State	\$	10,100,000
--	----	------------

Prior Biennia (Expenditures)	\$	333,800
------------------------------	----	---------

Future Biennia (Projected Costs)	\$	0
----------------------------------	----	---

TOTAL	\$	11,391,800
-------	----	------------

**NEW SECTION. Sec. 738. FOR WESTERN WASHINGTON UNIVERSITY**

Integrated Signal Distribution: Construction (96-2-056)

Reappropriation:

State Building Construction Account--State	\$	5,800,000
--	----	-----------

Appropriation:

State Building Construction Account--State	\$	4,000,000
--	----	-----------

Prior Biennia (Expenditures)	\$	3,677,900
------------------------------	----	-----------

Future Biennia (Projected Costs)	\$	0
----------------------------------	----	---

TOTAL	\$	13,477,900
-------	----	------------

**NEW SECTION. Sec. 739. FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works: Preservation (98-1-064)

The reappropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State	\$	2,100,000
--	----	-----------

Western Washington University Capital Projects Account--State	\$	1,800,000
--	----	-----------

Subtotal Reappropriation	\$	3,900,000
--------------------------	----	-----------

Prior Biennia (Expenditures) \$	2,800,000
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	6,700,000

**NEW SECTION. Sec. 740. FOR WESTERN WASHINGTON UNIVERSITY**

Facility and Property Acquisition (98-2-023)

The university shall comply with local comprehensive land use laws and regulations for this project.

Reappropriation:

State Building Construction Account--State \$	2,720,000
---	-----------

Appropriation:

Western Washington University Capital Projects Account--State \$	1,000,000
---	-----------

Prior Biennia (Expenditures) \$	1,280,000
Future Biennia (Projected Costs) \$	4,000,000
	-----
TOTAL \$	9,000,000

**NEW SECTION. Sec. 741. FOR WESTERN WASHINGTON UNIVERSITY**

Campus Infrastructure: Development (98-2-024)

The university shall comply with local comprehensive land use laws and regulations for this project.

Appropriation:

State Building Construction Account--State \$	2,000,000
---	-----------

Prior Biennia (Expenditures) \$	450,000
Future Biennia (Projected Costs) \$	20,000,000
	-----
TOTAL \$	22,450,000

**NEW SECTION. Sec. 742. FOR WESTERN WASHINGTON UNIVERSITY**

Communications Facility: Design (98-2-053)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Appropriation:

State Building Construction Account--State \$	
---	--

		3,750,000
Prior Biennia (Expenditures)	\$	
		204,400
Future Biennia (Projected Costs)	\$	
		36,500,000
		-----
TOTAL	\$	40,454,400
 <b><u>NEW SECTION. Sec. 743. FOR WESTERN WASHINGTON UNIVERSITY</u></b>		
Minor Works: Program (98-2-063)		
The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.		
Reappropriation:		
Western Washington University Capital		
Projects Account--State	\$	
		3,300,000
Prior Biennia (Expenditures)	\$	
		2,328,529
Future Biennia (Projected Costs)	\$	
		0
		-----
TOTAL	\$	5,628,529
 <b><u>NEW SECTION. Sec. 744. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u></b>		
Stadium Way Facility: Seismic and infrastructure repair (96-1-102)		
The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.		
Appropriation:		
State Building Construction Account--State	\$	
		1,745,000
Prior Biennia (Expenditures)	\$	
		3,422,626
Future Biennia (Projected Costs)	\$	
		0
		-----
TOTAL	\$	5,167,626
 <b><u>NEW SECTION. Sec. 745. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u></b>		
State Capital Museum: Preservation (98-1-001)		
Appropriation:		
State Building Construction Account--State	\$	
		284,000
Prior Biennia (Expenditures)	\$	
		200,000
Future Biennia (Projected Costs)	\$	
		1,150,000

TOTAL \$

-----  
1,634,000

**NEW SECTION. Sec. 746. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Minor Works (98-1-003)

Appropriation:

State Building Construction Account--State \$

90,000

Prior Biennia (Expenditures) \$

83,000

Future Biennia (Projected Costs) \$

390,000

TOTAL \$

-----  
563,000

**NEW SECTION. Sec. 747. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Washington Heritage Projects (98-2-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state grant may provide no more than one-third of the actual total capital cost of the project, or the amount of state assistance listed in this section, whichever is less. The remaining portions of capital project costs shall be a match from nonstate sources. The match may include cash, land value, and documented in-kind gifts and support. State grants shall be disbursed in the order in which matching requirements are met. The society may only fund projects that demonstrate adequate progress and have secured the necessary match funding. The recommendation for funding in this section does not imply a commitment on the part of the state. Those projects listed in subsection (3) of this section that do not receive funding from the appropriations in this section shall be required to recompile in order to receive future funding.

(2) By December 15, 1999, the society shall submit a report to the appropriate fiscal committees of the legislature and to the office of financial management on the progress of the heritage program, including a list of projects funded under this section.

(3) The appropriation is provided for the following list of projects:

Organization	Amount Recommended	Total Project Cost
Port Townsend Marine		
Science Center	70,000	711,530
Yakima Valley Museum	400,000	3,266,771
Northwest Railway Museum	118,000	377,209
Columbia Breaks Fire		
Interpretive Center	48,298	175,764
Fort Nisqually Historic Site	121,435	364,303
Kittitas County	500,000	2,878,285
South Whidbey Historical		
Society	25,000	114,301
Shoreline Historical Museum	196,073	597,148
Okanogan County	113,000	459,342
North Central Washington Museum	500,000	2,572,750
Historic Seattle Public		
Development Authority	330,000	4,781,600
Pearson Field	250,000	1,154,711
Touchet Valley	180,000	632,607
Anacortes Museum - W.T. Preston	54,004	195,198
Whatcom Museum	360,000	2,929,050
Oysterville Community Club	37,799	113,400
Meadowbrook Farm	94,000	4,208,000

City of Lynnwood (9971)	50,391	151,175
Grays Harbor Historical Seaport	220,000	3,865,800
Lewis County	25,000	80,574
City of Des Moines	120,000	712,852
Steilacoom Historical Society	187,000	905,739
Kalispel Tribe	132,000	3,943,744
White River Valley Museum	71,000	312,520
Whitman County Historical Society	50,013	150,325
City of Stanwood	249,873	788,564
Maritime Heritage Foundation	500,000	37,750,000
Highline School District	363,575	1,090,725
Total Recommended	5,481,374	

Reappropriation:

State Building Construction Account--State	\$	815,000
--	----	---------

Appropriation:

State Building Construction Account--State	\$	4,000,000
--	----	-----------

Prior Biennia (Expenditures)	\$	3,285,000
------------------------------	----	-----------

Future Biennia (Projected Costs)	\$	16,000,000
----------------------------------	----	------------

TOTAL	\$	24,100,000
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**NEW SECTION. Sec. 748. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Cheney Cowles Museum: Addition and remodel (98-2-001)

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.
- (2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.
- (3) The appropriation in this section shall be matched by at least twenty percent from nonstate sources.

Reappropriation:

State Building Construction Account--State	\$	300,000
--	----	---------

Appropriation:

State Building Construction Account--State	\$	18,891,600
--	----	------------

Washington State Historical Trust Account-- Private/Local	\$	4,372,900
--	----	-----------

Subtotal Appropriation	\$	23,264,500
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Prior Biennia (Expenditures)	\$	2,425,000
------------------------------	----	-----------

Future Biennia (Projected Costs)	\$	
----------------------------------	----	--

0

TOTAL \$

-----  
25,989,500

**NEW SECTION. Sec. 749. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works: Preservation (00-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

Community and Technical Colleges Capital Projects

Account--State \$

11,700,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

54,000,000

TOTAL \$

-----  
65,700,000

**NEW SECTION. Sec. 750. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Roof Repairs (00-1-010)

Appropriation:

Community and Technical Colleges Capital Projects

Account--State \$

4,597,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

16,000,000

TOTAL \$

-----  
20,597,000

**NEW SECTION. Sec. 751. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Facility Repairs (00-1-050)

Appropriation:

State Building Construction Account--State \$

23,500,000

Community and Technical Colleges Capital Projects

Account--State \$

3,900,000

Subtotal Appropriation \$

-----  
27,400,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	75,000,000
TOTAL	\$	102,400,000

**NEW SECTION. Sec. 752. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Site Repairs (00-1-090)

The appropriation in this section is subject to the following condition and limitation: \$250,000 is provided solely to Seattle Central Community College for site work at the Lincoln reservoir.

Appropriation:

State Building Construction Account--State	\$	3,842,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	12,000,000
TOTAL	\$	15,842,000

**NEW SECTION. Sec. 753. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College - Portable Buildings: Replacement (00-1-223)

Appropriation:

Community and Technical Colleges Capital Projects Account--State	\$	5,640,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,640,000

**NEW SECTION. Sec. 754. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Columbia Basin College - N Building: Replacement (00-1-232)

Appropriation:

Community and Technical Colleges Capital Projects Account--State	\$	1,351,700
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	

1,351,700

**NEW SECTION. Sec. 755. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Edmonds Community College - Relocatable Buildings: Replacement (00-1-236)

Appropriation:

Community and Technical Colleges Capital Projects

Account--State \$

6,400,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

0

TOTAL \$

6,400,000

**NEW SECTION. Sec. 756. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Puget Sound Community College - Portable Building: Replacement (00-1-237)

Appropriation:

Community and Technical Colleges Capital Projects

Account--State \$

4,612,400

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

0

TOTAL \$

4,612,400

**NEW SECTION. Sec. 757. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works: Program (00-1-130)

The appropriation in this section are subject to the following conditions and limitations:

(1) \$350,000 is provided for technical engineering analysis and financial planning regarding the conversion to digital transmission for Washington public broadcast stations. The financial plan shall assess state, federal, nonprofit foundations, viewer donations, and other sources of revenue to implement the conversion from analog to digital transmission. The provision of these study funds do not imply a further commitment of funding by the state of Washington.

(2) Funding is provided from the state building construction account as capital project matching funds to the following colleges: Wenatchee Valley, \$250,000; Clark, \$250,000; Lake Washington, \$300,000; Bellevue, \$500,000; Walla Walla, \$500,000; Grays Harbor, \$400,000. State funds shall be matched by an equal or greater amount of nonstate moneys.

(3) Following the allocation of funds for the projects in subsections (1) and (2) of this section, the appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account--State \$

15,050,000

Community and Technical Colleges Capital Projects

Account--State \$

1,800,000

-----

Subtotal Appropriation	\$	16,850,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	16,850,000
<b><u>NEW SECTION. Sec. 758. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Olympic College - Plant Operations Building: Replacement (00-2-002)		
The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.		
Appropriation:		
State Building Construction Account--State	\$	1,029,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	3,971,000
		-----
TOTAL	\$	5,000,000
<b><u>NEW SECTION. Sec. 759. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Columbia Basin College: Electrical substation		
Appropriation:		
State Building Construction Account--State	\$	1,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	1,000,000
<b><u>NEW SECTION. Sec. 760. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Bellevue Community College - Robinswood School: Replacement (00-2-005)		
The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.		
Appropriation:		
State Building Construction Account--State	\$	15,806,600
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	-----
		15,806,600
<b><u>NEW SECTION. Sec. 761. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Shoreline Community College - Library/Technology Center (00-2-319)		
Appropriation:		
State Building Construction Account--State	\$	7,250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	-----
		7,250,000
<b><u>NEW SECTION. Sec. 762. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Green River Community College - Drama and Music Class/Labs: Renovation (00-2-322)		
Appropriation:		
State Building Construction Account--State	\$	3,430,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	-----
		3,430,000
<b><u>NEW SECTION. Sec. 763. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Clark College - Applied Arts IV Building: Renovation (00-2-326)		
Appropriation:		
State Building Construction Account--State	\$	2,540,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	-----
		2,540,000
<b><u>NEW SECTION. Sec. 764. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Wenatchee Valley College - Sexton Hall Computer Labs: Renovation (00-2-327)		
Appropriation:		
State Building Construction Account--State	\$	700,000
Prior Biennia (Expenditures)	\$	0

Future Biennia (Projected Costs)	\$	0
		0
		-----
TOTAL	\$	700,000
<b><u>NEW SECTION. Sec. 765. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Yakima Valley Community College - Mechanics Complex: Renovation (00-2-328)		
Appropriation:		
State Building Construction Account--State	\$	1,715,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	1,715,000
<b><u>NEW SECTION. Sec. 766. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Tacoma Community College - Building 5: Renovation (00-2-335)		
Appropriation:		
State Building Construction Account--State	\$	1,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	1,500,000
<b><u>NEW SECTION. Sec. 767. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Bellingham Technical College - Building B: Renovation (00-2-338)		
Appropriation:		
State Building Construction Account--State	\$	1,926,800
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	1,926,800
<b><u>NEW SECTION. Sec. 768. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		

Cascadia Community College: Development (00-2-501)

The appropriation in this section is subject to the following conditions and limitations:

- (1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.
- (2) \$7,500,000 of this appropriation is provided solely for equipment and completion of phase I of the colocated campus.
- (3) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.
- (4) The appropriation in this section is to be combined with the appropriations shown in sections 617, 638, 639, and 821 of this act and shall be managed by the department of general administration.
- (5) \$42,600,000 of this appropriation is provided solely for the completion of construction of phase IIA of the campus. The appropriation represents the total state contribution for all costs including design, construction, and equipping of phase IIA of the campus.
- (6) Phase IIA shall accommodate 1,000 additional full-time equivalent students when completed.

Appropriation:

State Building Construction Account--State	\$	50,100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	105,000,000
TOTAL		\$
		155,100,000

**NEW SECTION. Sec. 769. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College - Puyallup Campus Phase 3 Expansion: Predesign (00-2-676)

Appropriation:

State Building Construction Account--State	\$	217,200
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	19,400,000
TOTAL		\$
		19,617,200

**NEW SECTION. Sec. 770. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Whatcom Community College - Classroom/Laboratory Building (00-2-677)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

State Building Construction Account--State	\$	80,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	9,300,000

TOTAL	\$	-----
		9,380,000

**NEW SECTION. Sec. 771. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Highline Community College - 21st Century Careers Center (00-2-678)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

State Building Construction Account--State	\$	
		117,000

Prior Biennia (Expenditures)	\$	
		0

Future Biennia (Projected Costs)	\$	
		17,900,000

TOTAL	\$	-----
		18,017,000

**NEW SECTION. Sec. 772. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Puget Sound Community College - Humanities/General Education Complex (00-2-679)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

State Building Construction Account--State	\$	
		124,000

Prior Biennia (Expenditures)	\$	
		0

Future Biennia (Projected Costs)	\$	
		14,900,000

TOTAL	\$	-----
		15,024,000

**NEW SECTION. Sec. 773. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clark College - Higher Education Center at WSU Vancouver (00-2-680)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

State Building Construction Account--State	\$	
		120,000

Prior Biennia (Expenditures)	\$	
		0

Future Biennia (Projected Costs)	\$	
		18,350,000

TOTAL	\$		-----
			18,470,000
<b><u>NEW SECTION. Sec. 774. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>			
Wenatchee Valley Omak - Science Lab (00-2-952)			
Appropriation:			
State Building Construction Account--State	\$		900,000
Prior Biennia (Expenditures)	\$		0
Future Biennia (Projected Costs)	\$		0
			-----
TOTAL	\$		900,000
<b><u>NEW SECTION. Sec. 775. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>			
Yakima Valley Higher Education Center: Acquisition and design (00-2-954)			
The appropriation in this section is subject to the following conditions and limitations:			
(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.			
(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.			
Appropriation:			
State Building Construction Account--State	\$		4,000,000
Prior Biennia (Expenditures)	\$		0
Future Biennia (Projected Costs)	\$		17,000,000
			-----
TOTAL	\$		21,000,000
<b><u>NEW SECTION. Sec. 776. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>			
Construct Classroom and Laboratory Building: Edmonds Community College (94-2-604)			
The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.			
Reappropriation:			
State Building Construction Account--State	\$		318,142
Prior Biennia (Expenditures)	\$		4,840,318
Future Biennia (Projected Costs)	\$		0
			-----
TOTAL	\$		5,158,460
<b><u>NEW SECTION. Sec. 777. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>			

Construct Center for Information Technology: Green River Community College (94-2-606)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State	\$	350,000
Prior Biennia (Expenditures)	\$	2,681,551
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		3,031,551

**NEW SECTION. Sec. 778. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Americans with Disabilities Act: Improvements (94-5-001)

Reappropriation:

State Building Construction Account--State	\$	30,000
Prior Biennia (Expenditures)	\$	97,939
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		127,939

**NEW SECTION. Sec. 779. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Small Repairs, Improvements, and Underground Storage Tank Removal (96-1-001)

Reappropriation:

State Building Construction Account--State	\$	100,000
Prior Biennia (Expenditures)	\$	3,372,038
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		3,472,038

**NEW SECTION. Sec. 780. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Asbestos Abatement (96-1-002)

Reappropriation:

State Building Construction Account--State	\$	200,000
Prior Biennia (Expenditures)	\$	959,890
Future Biennia (Projected Costs)	\$	

		0
		-----
	TOTAL \$	1,159,890
	<b><u>NEW SECTION. Sec. 781. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>	
	Roof Repairs (96-1-010)	
Reappropriation:		
	State Building Construction Account--State \$	500,000
	Prior Biennia (Expenditures) \$	1,015,690
	Future Biennia (Projected Costs) \$	0
		-----
	TOTAL \$	1,515,690
	<b><u>NEW SECTION. Sec. 782. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>	
	Heating, Ventilating, and Air Conditioning Repairs (96-1-030)	
Reappropriation:		
	State Building Construction Account--State \$	45,000
	Prior Biennia (Expenditures) \$	640,356
	Future Biennia (Projected Costs) \$	0
		-----
	TOTAL \$	685,356
	<b><u>NEW SECTION. Sec. 783. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>	
	Mechanical Repairs (96-1-060)	
Reappropriation:		
	State Building Construction Account--State \$	100,000
	Prior Biennia (Expenditures) \$	441,547
	Future Biennia (Projected Costs) \$	0
		-----
	TOTAL \$	541,547
	<b><u>NEW SECTION. Sec. 784. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>	
	Electrical Repairs (96-1-080)	
Reappropriation:		
	State Building Construction Account--State \$	

		450,000
Prior Biennia (Expenditures)	\$	
		351,387
Future Biennia (Projected Costs)	\$	
		0
		-----
TOTAL	\$	801,387
 <b><u>NEW SECTION. Sec. 785. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Exterior Repairs (96-1-100)		
Reappropriation:		
State Building Construction Account--State	\$	
		30,000
Prior Biennia (Expenditures)	\$	
		1,501,582
Future Biennia (Projected Costs)	\$	
		0
		-----
TOTAL	\$	1,531,582
 <b><u>NEW SECTION. Sec. 786. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Interior Repairs (96-1-120)		
Reappropriation:		
State Building Construction Account--State	\$	
		100,000
Prior Biennia (Expenditures)	\$	
		895,514
Future Biennia (Projected Costs)	\$	
		0
		-----
TOTAL	\$	995,514
 <b><u>NEW SECTION. Sec. 787. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Site Repairs (96-1-140)		
Reappropriation:		
State Building Construction Account--State	\$	
		100,000
Prior Biennia (Expenditures)	\$	
		295,040
Future Biennia (Projected Costs)	\$	
		0
		-----

TOTAL \$ 395,040

**NEW SECTION. Sec. 788. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Yakima Valley College--Replace pedestrian street crossing (96-1-400)

The appropriation in this section is provided solely to use with other nonstate sources for the construction or installation of a pedestrian street crossing or other safety improvements.

Reappropriation:

State Building Construction Account--State \$ 100,000

Appropriation:

State Building Construction Account--State \$ 170,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 270,000

**NEW SECTION. Sec. 789. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Infrastructure Project: Savings (96-1-500)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Reappropriation:

State Building Construction Account--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

**NEW SECTION. Sec. 790. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Repair and Minor Improvement Projects (96-2-199)

Reappropriation:

State Building Construction Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 2,176,473

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,176,473

**NEW SECTION. Sec. 791. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Project Artwork Consolidation Account (96-2-400)

Reappropriation:

State Building Construction Account--State \$ 241,000

Prior Biennia (Expenditures) \$ 219,270

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 460,270

**NEW SECTION. Sec. 792. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

North Seattle Community College - Vocational/Child Care Buildings: Construction (96-2-651)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 12,000,000

Prior Biennia (Expenditures) \$ 2,704,161

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 14,704,161

**NEW SECTION. Sec. 793. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Everett Community College - Instructional Technology Center: Construction (96-2-652)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,600,000

Prior Biennia (Expenditures) \$ 15,017,483

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,617,483

**NEW SECTION. Sec. 794. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Seattle Community College - Integrated Learning Assistance Resource Center: Construction (96-2-653)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$

		6,000,000
Prior Biennia (Expenditures)	\$	
		2,460,167
Future Biennia (Projected Costs)	\$	
		0
		-----
TOTAL	\$	8,460,167
 <b><u>NEW SECTION. Sec. 795. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Olympic College - Poulsbo Center: Construction (96-2-654)		
The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.		
Reappropriation:		
State Building Construction Account--State	\$	
		147,034
Appropriation:		
State Building Construction Account--State	\$	
		12,900,000
Prior Biennia (Expenditures)	\$	
		0
Future Biennia (Projected Costs)	\$	
		0
		-----
TOTAL	\$	13,047,034
 <b><u>NEW SECTION. Sec. 796. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Bellevue Community College - Classrooms and Labs: Construction (96-2-655)		
The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.		
Reappropriation:		
State Building Construction Account--State	\$	
		250,000
Prior Biennia (Expenditures)	\$	
		9,419,551
Future Biennia (Projected Costs)	\$	
		0
		-----
TOTAL	\$	9,669,551
 <b><u>NEW SECTION. Sec. 797. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Clover Park Technical College - Transportation Trades: Design (96-2-662)		
The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.		
Reappropriation:		
State Building Construction Account--State	\$	
		25,000
Appropriation:		
State Building Construction Account--State	\$	

		1,200,000
Prior Biennia (Expenditures)	\$	25,000
Future Biennia (Projected Costs)	\$	16,230,000
		-----
TOTAL	\$	17,480,000
 <b><u>NEW SECTION. Sec. 798. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Clover Park Technical College - Aviation Trades Complex: Construction (96-2-998)		
The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.		
Reappropriation:		
Community/Technical College Capital Projects		
Account--State	\$	5,200,000
Appropriation:		
State Building Construction Account--State	\$	4,700,000
Prior Biennia (Expenditures)	\$	2,100,000
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	12,000,000
 <b><u>NEW SECTION. Sec. 799. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Repair and Minor Improvement (98-1-001)		
Reappropriation:		
State Building Construction Account--State	\$	4,200,000
Prior Biennia (Expenditures)	\$	7,000,000
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	11,200,000
 <b><u>NEW SECTION. Sec. 800. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Asbestos Abatement (98-1-002)		
Reappropriation:		
State Building Construction Account--State	\$	150,000
Prior Biennia (Expenditures)	\$	744,097
Future Biennia (Projected Costs)	\$	

		0
		-----
	TOTAL \$	894,097
	<b><u>NEW SECTION. Sec. 801. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>	
	Underground Storage Tanks (98-1-003)	
Reappropriation:		
	State Building Construction Account--StateV \$	400,000
	Prior Biennia (Expenditures) \$	390,490
	Future Biennia (Projected Costs) \$	0
		-----
	TOTAL \$	790,490
	<b><u>NEW SECTION. Sec. 802. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>	
	Roof Repairs (98-1-010)	
Reappropriation:		
	State Building Construction Account--State \$	4,500,000
	Prior Biennia (Expenditures) \$	7,080,400
	Future Biennia (Projected Costs) \$	0
		-----
	TOTAL \$	11,580,400
	<b><u>NEW SECTION. Sec. 803. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>	
	Heating, Ventilating, and Air Conditioning Repairs (98-1-040)	
Reappropriation:		
	State Building Construction Account--State \$	2,000,000
	Prior Biennia (Expenditures) \$	5,940,000
	Future Biennia (Projected Costs) \$	0
		-----
	TOTAL \$	7,940,000
	<b><u>NEW SECTION. Sec. 804. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>	
	Mechanical Repairs (98-1-070)	
Reappropriation:		
	State Building Construction Account--State \$	

		800,000
Prior Biennia (Expenditures)	\$	
		1,832,300
Future Biennia (Projected Costs)	\$	
		0
		-----
TOTAL	\$	2,632,300
 <b><u>NEW SECTION. Sec. 805. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Electrical Repairs (98-1-090)		
Reappropriation:		
State Building Construction Account--State	\$	
		2,500,000
Prior Biennia (Expenditures)	\$	
		1,549,400
Future Biennia (Projected Costs)	\$	
		0
		-----
TOTAL	\$	4,049,400
 <b><u>NEW SECTION. Sec. 806. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Exterior Repairs (98-1-110)		
Reappropriation:		
State Building Construction Account--State	\$	
		3,000,000
Prior Biennia (Expenditures)	\$	
		914,200
Future Biennia (Projected Costs)	\$	
		0
		-----
TOTAL	\$	3,914,200
 <b><u>NEW SECTION. Sec. 807. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Interior Repairs (98-1-130)		
Reappropriation:		
State Building Construction Account--State	\$	
		1,000,000
Prior Biennia (Expenditures)	\$	
		1,361,500
Future Biennia (Projected Costs)	\$	
		0
		-----

TOTAL	\$	2,361,500
<b><u>NEW SECTION. Sec. 808. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Site Repairs (98-1-150)		
Reappropriation:		
State Building Construction Account--State	\$	850,000
Prior Biennia (Expenditures)	\$	325,400
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	1,175,400
<b><u>NEW SECTION. Sec. 809. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Bates Technical College: Renovation (98-1-190)		
The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.		
Reappropriation:		
State Building Construction Account--State	\$	8,400,000
Prior Biennia (Expenditures)	\$	294,716
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	8,694,716
<b><u>NEW SECTION. Sec. 810. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Bellingham Technical College: Renovation (98-1-191)		
Reappropriation:		
State Building Construction Account--State	\$	400,000
Prior Biennia (Expenditures)	\$	992,648
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	1,392,648
<b><u>NEW SECTION. Sec. 811. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>		
Clover Park Technical College: Renovation (98-1-192)		
Reappropriation:		
State Building Construction Account--State	\$	2,000,000
Prior Biennia (Expenditures)	\$	

Future Biennia (Projected Costs) \$	1,781,518
	0
	-----
TOTAL \$	3,781,518
<b><u>NEW SECTION. Sec. 812. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>	
Seattle Central Community College: Renovation (98-1-193)	
Reappropriation:	
State Building Construction Account--State \$	4,700,000
Prior Biennia (Expenditures) \$	133,605
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	4,833,605
<b><u>NEW SECTION. Sec. 813. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>	
Americans with Disabilities Act: Improvements (98-1-993)	
Reappropriation:	
State Building Construction Account--State \$	333,000
Prior Biennia (Expenditures) \$	289,393
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	622,393
<b><u>NEW SECTION. Sec. 814. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>	
Minor Improvements (98-2-200)	
Reappropriation:	
State Building Construction Account--State \$	5,000,000
Prior Biennia (Expenditures) \$	7,900,369
Future Biennia (Projected Costs) \$	0
	-----
TOTAL \$	12,900,369
<b><u>NEW SECTION. Sec. 815. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u></b>	

Olympic College - Library: Replacement (98-2-500)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

General Fund--Federal	\$	3,700,000
State Building Construction Account--State	\$	1,600,000
		-----
Subtotal Reappropriation	\$	5,300,000

Appropriation:

State Building Construction Account--State	\$	976,000
Prior Biennia (Expenditures)	\$	836,448
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	7,112,448

**NEW SECTION. Sec. 816. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Highline Community College - Classroom/Laboratory Building: Construction (98-2-660)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State	\$	310,000
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Appropriation:

State Building Construction Account--State	\$	5,700,000
Prior Biennia (Expenditures)	\$	79,717
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	6,089,717

**NEW SECTION. Sec. 817. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Community College - Allied Health Building: Addition (98-2-661)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State	\$	600,000
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Appropriation:

State Building Construction Account--State	\$	10,700,000
--	----	------------

Prior Biennia (Expenditures) \$	91,108
Future Biennia (Projected Costs) \$	0

TOTAL \$	----- 11,391,108
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**NEW SECTION. Sec. 818. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellingham Technical College - Business and Health Technology Building (98-2-672)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

State Building Construction Account--State \$	19,693
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Appropriation:

State Building Construction Account--State \$	775,000
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Prior Biennia (Expenditures) \$	55,307
---------------------------------	--------

Future Biennia (Projected Costs) \$	8,080,000
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TOTAL \$	----- 8,930,000
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**NEW SECTION. Sec. 819. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lake Washington Technical College - Phase III: Design (98-2-673)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

State Building Construction Account--State \$	26,923
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Appropriation:

State Building Construction Account--State \$	1,050,000
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Prior Biennia (Expenditures) \$	88,077
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Future Biennia (Projected Costs) \$	14,600,000
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TOTAL \$	----- 15,765,000
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**NEW SECTION. Sec. 820. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Renton Technical College - Technology Resource Center: Design (98-2-674)

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.
- (2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

State Building Construction Account--State	\$	67,064
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Appropriation:

State Building Construction Account--State	\$	1,010,000
--	----	-----------

Prior Biennia (Expenditures)	\$	67,936
------------------------------	----	--------

Future Biennia (Projected Costs)	\$	10,760,000
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TOTAL	\$	11,905,000
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**NEW SECTION. Sec. 821. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Skagit Valley College Higher Education Center (98-2-675)

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.
- (2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.
- (3) The project shall be coordinated with Western Washington University in order to incorporate a distance education classroom and additional classroom, lab, and office space for use by the university.

Reappropriation:

State Building Construction Account--State	\$	17,942
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Appropriation:

State Building Construction Account--State	\$	660,000
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Prior Biennia (Expenditures)	\$	32,058
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Future Biennia (Projected Costs)	\$	9,175,000
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TOTAL	\$	9,885,000
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**NEW SECTION. Sec. 822. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Cascadia Community College and UW - Bothell: Construction (98-2-999)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.
- (2) \$3,000,000 of this appropriation is provided solely for design of phase IIA of this project to accommodate an additional 1,000 University of Washington and community college student full-time equivalents for the colocated campus.
- (3) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(4) The appropriation in this section is to be combined with the appropriations shown in sections 617, 639, 640, and 769 of this act and shall be managed by the department of general administration to construct a campus to serve at least 2,000 student full-time equivalents with approximately 1,200 for the University of Washington and 800 for Cascadia Community College.

Reappropriation:

State Building Construction Account--State	\$	37,370,237
Prior Biennia (Expenditures)	\$	8,599,763
Future Biennia (Projected Costs)	\$	0
TOTAL		----- 45,970,000

**NEW SECTION. Sec. 823. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Centralia College - Instructional Building: Replacement (99-2-001)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State	\$	14,400,000
Prior Biennia (Expenditures)	\$	1,434,614
Future Biennia (Projected Costs)	\$	0
TOTAL		----- 15,834,614

**PART 6  
MISCELLANEOUS**

**NEW SECTION. Sec. 901.** The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$15,330,000 during the 1999-01 fiscal period; \$96,189,000 during the 2001-03 fiscal period; \$136,763,000 during the 2003-05 fiscal period; \$137,126,000 during the 2005-07 fiscal period; and \$137,126,000 during the 2007-09 fiscal period.

**NEW SECTION. Sec. 902.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section or in excess of \$5,000,000 shall not be expended until the office of financial management has reviewed and approved the agency's predesign and other documents and approved an allotment for the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

**NEW SECTION. Sec. 903.** Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations referring to this section until the allotment of the funds to be expended has been approved by the office of financial management. Projects that will be employing alternative public works construction procedures, under chapter 39.10 RCW, are subject to the allotment procedures defined in this section and RCW 43.88.110.

Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

**NEW SECTION. Sec. 904.** Appropriations for design and construction of facilities on higher education branch campuses shall be expended only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; and (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board.

**NEW SECTION. Sec. 905. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.** The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration:

(a) Enter into a financing contract in the amount of \$9,435,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase an existing office building and associated land in Yakima for use by state agencies.

(b) Enter into a financing contract in the amount of \$4,621,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase an existing office building and associated land in Kelso for use by the department of social and health services and the employment security department.

(2) Department of corrections: Enter into a financing contract on behalf of the department of corrections in the amount of \$2,300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct a correctional industries transportation services warehouse.

(3) State parks and recreation: It is the intent of the legislature that the operating revenues of the department provide the primary source of funds necessary to meet financing contract obligations for the projects financed under this authority. In addition, state parks and recreation is authorized to pledge to make payments from appropriated funds pursuant to chapter 39.94 RCW:

(a) Enter into financing contracts on behalf of state parks and recreation in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct cabins at Cama beach.

(b) Enter into financing contracts on behalf of state parks and recreation in the amount of \$250,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to complete improvements at the interpretive center/store at Deception Pass.

(c) Enter into financing contracts on behalf of state parks and recreation in the amount of \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and install additional yurts and cabins state-wide.

(d) Enter into financing contracts on behalf of state parks and recreation in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a day use shelter at Lake Sammamish.

(e) Enter into financing contracts on behalf of state parks and recreation in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to improve campsite electrification state-wide.

(f) Enter into financing contracts on behalf of state parks and recreation in the amount of \$750,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop additional campsites state-wide.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Green River Community College in the amount of \$1,526,150 plus financing expenses and reserves pursuant to chapter 39.94 RCW for remodel of the Lindbloom student center building.

(b) Enter into a financing contract on behalf of Highline Community College in the amount of \$2,070,613 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of the Federal Way Center, currently being leased by the college.

(c) Enter into a financial contract on behalf of Green River Community College in the amount of \$100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase approximately 1.5 acres of land adjacent to the westside parking lot.

(d) Enter into a financing contract on behalf of Grays Harbor Community College in the amount of \$600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase and remodeling of the Riverview School and 2.83 acres of property, currently being leased by the college.

(e) Enter into a financing contract on behalf of Everett Community College in the amount of \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the remodeling of the fitness center.

(f) Enter into a financing contract on behalf of Tacoma Community College in the amount of \$1,697,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot addition to the existing student center.

(g) Enter into a financing contract on behalf of Spokane Community College in the amount of \$3,840,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 20,000 gross square foot addition and remodeling to the existing Lair student service building costing \$6,000,000. The balance of project cost will be cash from student and activity fees and enterprise funds.

(h) Enter into a financing contract on behalf of Big Bend Community College in the amount of \$150,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the exchange of 10 acres of land with Grant county.

(i) Enter into a financing contract on behalf of Green River Community College in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for purchase and development of property in the downtown Kent area.

(j) Enter into a financing contract on behalf of Columbia Basin Community College in the amount of \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot student services auditorium.

(k) Enter into a financing contract on behalf of Yakima Valley Community College in the amount of \$375,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 2,700 gross square foot addition and remodeling to the existing student union building costing \$1,400,000. Prior to commencing, the college shall prepare and present a business plan describing the financing of the complete project to the state board for community and technical colleges, the office of financial management, and the legislative fiscal committees.

(l) Enter into a financing contract on behalf of Peninsula Community College in the amount of \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot addition to the student union building.

(m) Enter into a financing contract on behalf of Whatcom Community College in the amount of \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 20,000 gross square foot addition and remodeling to the existing extended learning/work force facility costing \$4,388,000. Prior to commencing, the college shall prepare and present a business plan describing the financing of the complete project to the state board for community and technical colleges, the office of financial management, and the legislative fiscal committees.

(n) Enter into a financial contract on behalf of Green River Community College in the amount of \$350,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Lea Hill park from King county.

(o) Enter into a financial contract on behalf of Bellevue Community College in the amount of \$4,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for replacement of the Robinswood school. This authority is provided in addition to the appropriation in section 761 of this act.

(p) Enter into a financial contract on behalf of Wenatchee Valley College in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase two buildings and property contiguous to the college campus.

(q) Enter into a financing contract on behalf of Whatcom Community College in the amount of \$1,918,483 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of 10.71 acres of property for the completion of the Whatcom Community College campus.

(r) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$3,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a music building on the college campus.

(5) Central Washington University: Enter into a financing contract on behalf of Central Washington University in the amount of \$5,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Central Washington University/Edmonds Community College center.

(6) University of Washington:

(a) Enter into a financing contract on behalf of the University of Washington in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to finance real property improvements to the Sand Point building.

(b) Enter into a financing contract on behalf of the University of Washington in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to finance primate center tenant improvements.

(7) Washington state convention and trade center: Enter into one or more financing contracts not exceeding an aggregate total amount of \$27,500,000 plus financing expenses and reserves pursuant to chapter 39.94 RCW, for funding unanticipated costs in excess of the \$111,700,000 principal amount of the financing contract authorized in section 802(10)(b), chapter 16, Laws of 1995 2nd sp. sess., for the construction of the expansion of the Washington state convention and trade center as authorized under chapter 386, Laws of 1995. The balance of the expansion project funds shall be provided from interest earnings and public or private funds. The financing contract or contracts representing all or part of the amount authorized by this section shall not be executed without prior written approval of the office

of financial management based upon its determination that such financing contract or contracts are reasonably necessary for the expansion project.

**NEW SECTION. Sec. 906.** FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 1999-01 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

**NEW SECTION. Sec. 907.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

**NEW SECTION. Sec. 908.** "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 1999, from the 1997-99 biennial appropriations for each project.

**NEW SECTION. Sec. 909.** To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 910.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives capital budget committee.

**NEW SECTION. Sec. 911.** (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

**NEW SECTION. Sec. 912.** Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation, colocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

**NEW SECTION. Sec. 913.** The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes which govern the grants.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (1) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before

the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

**NEW SECTION. Sec. 914.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 915.** Electronic copies of all completed predesigns, BEST studies, value engineering studies, and constructability reviews performed pursuant to appropriations contained in this act will be forwarded to the department of general administration in a format prescribed by the department. These documents will serve as a means to share information and lessons that may be useful in other projects. Best practices, changes in technology and materials, new approaches to resolving facility and construction problems, and any other useful information will be shared among all agencies and the public through use of the Internet.

**NEW SECTION. Sec. 916.** The legislature finds that opportunities for additional student enrollment capacity at higher education facilities can be created by increased course scheduling, more intensive space utilization practices, and the delivery of distance learning programs. By May 1, 2000, the institutions of higher education and the state board for community and technical colleges shall review course scheduling and weekly room use standards and determine if additional student capacity can be reasonably obtained by changes in practices. Further, this review shall include an assessment of options to increase distance learning programs as a means to further increase student full-time equivalent capacity. The findings of this review and the delineation of the course scheduling and weekly room use assumptions shall be submitted to the higher education coordinating board and the office of financial management for review and approval.

Institutions of higher education receiving appropriations for predesign, design, or construction of branch campus facilities in this act shall work with the higher education coordinating board and the office of financial management to identify options and prepare plans to increase the full-time equivalent capacity of these projects and all future construction phases for these campuses. The goal of these plans is to substantially increase full-time equivalent delivery capacity above the level identified in the appropriation section. The plans shall identify alternative program delivery strategies, options to increase use of distance learning and technology, plans to improve space utilization, and other recommendations to meet this goal. Branch campuses to be analyzed in these plans include Vancouver, Tacoma, Bothell, Tri-Cities, and Spokane. The development of these plans shall include consultation with every institution that is planned to offer services at each site. Proposals for changes in the facilities to be constructed in future phases shall clearly identify costs and schedule alternatives, and currently designed construction projects shall proceed on schedule.

**Sec. 917.** RCW 43.98A.040 and 1997 c 235 s 718 are each amended to read as follows:

- (1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:
  - (a) Not less than thirty-five percent for the acquisition and development of critical habitat;
  - (b) Not less than twenty percent for the acquisition and development of natural areas;
  - (c) Not less than fifteen percent for the acquisition and development of urban wildlife habitat; and
  - (d) The remaining amount shall be considered unallocated and shall be used by the committee to fund high priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat. During the fiscal biennium ending June 30, ~~((1999))~~ 2001, the remaining amount reappropriated from the fiscal biennium ending June 30, 1999, may be allocated for matching grants for riparian zone habitat protection projects that implement watershed plans under the program established in section 329(6), chapter 235, Laws of 1997.
- (2) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.
- (3) Only state agencies may apply for acquisition and development funds for critical habitat and natural areas projects under subsection (1)(a), (b), and (d) of this section.

(4) State and local agencies may apply for acquisition and development funds for urban wildlife habitat projects under subsection (1)(c) and (d) of this section.

**Sec. 918.** RCW 43.98A.060 and 1997 c 235 s 719 are each amended to read as follows:

(1) The committee may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account.

(2) Moneys appropriated for this chapter may not be used by the committee to fund additional staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, ((1999)) 2001, for the administrative costs of implementing the pilot watershed plan implementation program established in section 329(6), chapter 235, Laws of 1997, and developing an inventory of publicly owned lands established in section 329(7), chapter 235, Laws of 1997.

(3) Moneys appropriated for this chapter may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(4) Except as provided in subsection (5) of this section, the committee may not approve a local project where the local agency share is less than the amount to be awarded from the habitat conservation account.

(5) During the fiscal biennium ending June 30, ((1999)) 2001, the committee may approve a riparian zone habitat protection project established in section 329(6), chapter 235, Laws of 1997, where the local agency share is less than the amount to be awarded from the habitat conservation account.

(6) In determining acquisition priorities with respect to the habitat conservation account, the committee shall consider, at a minimum, the following criteria:

(a) For critical habitat and natural areas proposals:

- (i) Community support;
- (ii) Immediacy of threat to the site;
- (iii) Uniqueness of the site;
- (iv) Diversity of species using the site;
- (v) Quality of the habitat;
- (vi) Long-term viability of the site;
- (vii) Presence of endangered, threatened, or sensitive species;
- (viii) Enhancement of existing public property;
- (ix) Consistency with a local land use plan, or a regional or state-wide recreational or resource plan; and
- (x) Educational and scientific value of the site.

(b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection:

- (i) Population of, and distance from, the nearest urban area;
- (ii) Proximity to other wildlife habitat;
- (iii) Potential for public use; and
- (iv) Potential for use by special needs populations.

(7) Before October 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under RCW 43.98A.040(1) (a), (b), and (c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

(8) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under RCW 43.98A.040(1)(c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

**Sec. 919.** RCW 43.98A.070 and 1997 c 235 s 720 are each amended to read as follows:

(1) In determining which state parks proposals and local parks proposals to fund, the committee shall use existing policies and priorities.

(2) Moneys appropriated for this chapter may not be used by the committee to fund additional staff or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, ((1999)) 2001, for the administrative costs of implementing the pilot watershed plan implementation program established in section 329(6), chapter 235, Laws of 1997, and developing an inventory of publicly owned lands established in section 329(7), chapter 235, Laws of 1997.

(3) Moneys appropriated for this chapter may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(4) The committee may not approve a project of a local agency where the share contributed by the local agency is less than the amount to be awarded from the outdoor recreation account.

(5) The committee may adopt rules establishing acquisition policies and priorities for the acquisition and development of trails and water access sites to be financed from moneys in the outdoor recreation account.

(6) In determining the acquisition and development priorities, the committee shall consider, at a minimum, the following criteria:

(a) For trails proposals:

(i) Community support;

(ii) Immediacy of threat to the site;

(iii) Linkage between communities;

(iv) Linkage between trails;

(v) Existing or potential usage;

(vi) Consistency with an existing local land use plan or a regional or state-wide recreational or resource plan;

(vii) Availability of water access or views;

(viii) Enhancement of wildlife habitat; and

(ix) Scenic values of the site.

(b) For water access proposals:

(i) Community support;

(ii) Distance from similar water access opportunities;

(iii) Immediacy of threat to the site;

(iv) Diversity of possible recreational uses; and

(v) Public demand in the area.

(7) Before October 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under RCW 43.98A.050(1) (a), (c), and (d). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

(8) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under RCW 43.98A.050(1) (b), (c), and (d) of this act. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

**Sec. 920.** RCW 43.98A.050 and 1990 1st ex.s. c 14 s 6 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the outdoor recreation account shall be distributed in the following way:

(a) Not less than twenty-five percent to the state parks and recreation commission for the acquisition and development of state parks, with at least seventy-five percent of this money for acquisition costs. However, during the 1999-2001 biennium, distributions for acquisition and development of state parks shall not exceed four million two hundred fifty thousand dollars, and the proportion for acquisition costs shall be determined by the commission;

(b) Not less than twenty-five percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(c) Not less than fifteen percent for the acquisition and development of trails;

(d) Not less than ten percent for the acquisition and development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(e) The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high priority acquisition and development needs for parks, trails, and water access sites, except that for the 1999-2001 biennium, unallocated funds may not be distributed to projects in the state parks category.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for state and local parks, trails, and water access sites, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only local agencies may apply for acquisition, development, or renovation funds for local parks under subsection (1)(b) of this section.

(4) State and local agencies may apply for funds for trails under subsection (1)(c) of this section.

(5) State and local agencies may apply for funds for water access sites under subsection (1)(d) of this section.

**NEW SECTION. Sec. 921.** A new section is added to chapter 43.83B RCW to read as follows:

The state drought preparedness account is created in the state treasury. All receipts from appropriated funds designated for the account and funds transferred from the state emergency water projects revolving account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for drought preparedness.

**NEW SECTION. Sec. 922.** The state treasurer shall transfer \$6,800,000 from the state emergency water projects revolving account to the state drought preparedness account created in section 921 of this act. \$500,000 will remain in the state emergency water projects revolving account for its original purpose or purposes.

**NEW SECTION. Sec. 923.** The state treasurer shall transfer \$2,500,000 from the state convention and trade center account to the Washington housing trust account.

**NEW SECTION. Sec. 924.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

#### MOTION

Senator Hargrove moved that the following amendments to the Committee on Ways and Means striking amendment be considered simultaneously and be adopted:

On page 83, strike lines 7 through 11 and adjust the total appropriations accordingly.

On page 83, after line 15, insert the following:

**"NEW SECTION. Sec. 332. FOR TEACHER SALARY ENHANCEMENTS**

Twenty-three million dollars from the outdoor recreation account and twenty-five million dollars from the habitat conservation account are appropriated to the teacher salary enhancement account, which is hereby created in the state treasury. Moneys in the account may be expended exclusively for the purpose of providing salary enhancements to certificated instructional staff in the common school system."

Renumber the sections consecutively and correct any internal references accordingly.

#### POINT OF ORDER

Senator Bauer: "A point of order, Mr. President. I believe that the amendments are out of the scope and object of the bill. The capital budget is an act relating to making appropriations and authorizing expenditure for capital improvements, amending RCW 43.98A.40 and so forth. The amendments would use capital bond monies to--one-time capital bond money--to pay for teacher's salaries that are taken care of in the operating budget. So, I believe it is not only out of scope, but it is out of object as well."

Debate ensued.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute House Bill No. 1165 was deferred.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1493, by House Committee on Appropriations (originally sponsored by Representatives Tokuda, Boldt, Edwards, Lovick, Veloria, O'Brien, Barlean, Ogden, Conway, Schual-Berke, Murray, Dickerson, Kenney, Regala, Cooper, Stensen, Cody, Anderson, Santos, Rockefeller, Kagi, Edmonds, Lantz and Wood)

Establishing a collaborative effort to address the housing needs of homeless children and their families.

The bill was read the second time.

#### MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Long, Costa, Patterson, Kohl-Welles, Thibaudeau, Stevens, Sheahan and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that homelessness for families with children is a serious, widespread problem that has a devastating effect on children, including significant adverse effects upon their growth and development. Planning for and serving the shelter and housing needs of homeless families with children has been and continues to be a responsibility of the department of community, trade, and economic development. The legislature further finds that the department of social and health services also plays an important role in addressing the service needs of homeless families with children. In order to adequately and effectively address the complex issues confronting homeless families with children, planning for, implementing, and evaluating such services must be a collaborative effort between the department of community, trade, and economic development and the department of social and health services, other local, state, and federal agencies, and community organizations. It is the intent of the legislature that the department of community, trade, and economic development and the department of social and health services jointly present the plan to the appropriate committees of the legislature as required in section 3 of this act. It is the intent of the legislature that children should not be placed or retained in the foster care system if family homelessness is the primary reason for placement or the continuation of their placement. It is the further intent of the legislature that services to homeless families with children shall be provided within funds appropriated for that specific purpose by the legislature in the operating and capital budgets. Nothing in this act is intended to prevent the court's review of the plan developed by the department of social and health services and the department of community, trade, and economic development under *Washington State Coalition for the Homeless v. Department of Social and Health Services*, King County Superior Court No. 91-2-15889-4. However, it is the intent of the legislature that the court's review in that proceeding be confined solely to review of the plan submitted under the order of February 4, 1998. Nothing in sections 1 through 10 of this act is intended to grant the court in this proceeding continuing review over the department of social and health services after the effective date of this act.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.20A RCW to read as follows:

(1) The department shall collaborate with the department of community, trade, and economic development in the development of the coordinated and comprehensive plan for homeless families with children required under RCW 43.63A.650, which designates the department of community, trade, and economic development as the state agency with primary responsibility for providing shelter and housing services to homeless families with children. In fulfilling its responsibilities to collaborate with the department of community, trade, and economic development pursuant to RCW 43.63A.650, the department shall develop, administer, supervise, and monitor its portion of the plan. The department's portion of the plan shall contain at least the following elements:

- (a) Coordination or linkage of services with shelter and housing;
- (b) Accommodation and addressing the needs of homeless families in the design and administration of department programs;
- (c) Participation of the department's local offices in the identification, assistance, and referral of homeless families; and
- (d) Ongoing monitoring of the efficiency and effectiveness of the plan's design and implementation.

(2) The department shall include community organizations involved in the delivery of services to homeless families with children, and experts in the development and ongoing evaluation of the plan.

(3) The duties under this section shall be implemented within amounts appropriated for that specific purpose by the legislature in the operating and capital budgets.

**Sec. 3.** RCW 43.63A.650 and 1993 c 478 s 13 are each amended to read as follows:

(1) The department shall be the principal state department responsible for coordinating federal and state resources and activities in housing, except for programs administered by the Washington state housing finance commission under chapter 43.180 RCW, and for evaluating the operations and accomplishments of other state departments and agencies as they affect housing.

(2) The department shall work with local governments, tribal organizations, local housing authorities, nonprofit community or neighborhood-based organizations, and regional or state-wide nonprofit housing assistance organizations, for the purpose of coordinating federal and state resources with local resources for housing.

(3) The department shall be the principal state department responsible for providing shelter and housing services to homeless families with children. The department shall have the principal responsibility to coordinate, plan, and oversee the state's activities for developing a coordinated and comprehensive plan to serve homeless families with children. The plan shall be developed collaboratively with the department of social and health services. The department shall include community organizations involved in the delivery of services to homeless families with children, and experts in the development and ongoing evaluation of the plan. The department shall follow professionally recognized standards and procedures. The plan shall be implemented within amounts appropriated by the legislature for that specific purpose in the operating and capital budgets. The department shall submit the plan to the appropriate committees of the senate and house of representatives no later than September 1, 1999, and shall update the plan and submit it to the appropriate committees of the legislature by January 1st of every odd-numbered year through 2007. The plan shall address at least the following: (a) The need for prevention assistance; (b) the need for emergency shelter; (c) the need for transitional assistance to aid families into permanent housing; (d) the need for linking services with shelter or housing; and (e) the need for ongoing monitoring of the efficiency and effectiveness of the plan's design and implementation.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.63A RCW to read as follows:

(1) In order to improve services for the homeless, the department, within amounts appropriated by the legislature for this specific purpose, shall implement a system for the ongoing collection and analysis of data about the extent and nature of homelessness in Washington state, giving emphasis to information about extent and nature of homelessness in Washington state families with children. The system may be merged with other data gathering and reporting systems and shall:

- (a) Protect the right of privacy of individuals;
  - (b) Provide for consultation and collaboration with state agencies including the department of social and health services, experts, and community organizations involved in the delivery of services to homeless persons; and
  - (c) Include related information held or gathered by other state agencies.
- (2) Within amounts appropriated by the legislature, for this specific purpose, the department shall evaluate the information gathered and disseminate the analysis and the evaluation broadly, using appropriate computer networks as well as written reports.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.63A RCW to read as follows:

The department shall, by rule, establish program standards, eligibility standards, eligibility criteria, and administrative rules for emergency housing programs and specify other benefits that may arise in consultation with providers.

**Sec. 6.** RCW 13.34.030 and 1998 c 130 s 1 are each amended to read as follows:

For purposes of this chapter:

- (1) "Child" and "juvenile" means any individual under the age of eighteen years.
- (2) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until the child returns home, an adoption decree, a permanent custody order, or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. If the most recent date of removal occurred prior to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode.
- (3) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency.
- (4) "Dependent child" means any child:
  - (a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has expressed either by statement or conduct, an intent to forego, for an extended period, parental rights or parental responsibilities despite an ability to do so. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon;
  - (b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or
  - (c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.
- (5) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.
- (6) "Guardian ad litem" means a person, appointed by the court to represent the best interest of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.
- (7) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.
- (8) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.
- (9) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing services, capable of preventing the need for out-of-home placement while protecting the child. Housing services may include, but are not limited to, referrals to federal, state, local, or private agencies or organizations, assistance with forms and applications, or financial subsidies for housing.

**Sec. 7.** RCW 74.13.020 and 1979 c 155 s 76 are each amended to read as follows:

As used in Title 74 RCW, child welfare services shall be defined as public social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

- (1) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;
- (2) Protecting and caring for ((homeless,)) dependent((,)) or neglected children;
- (3) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children with services designed to resolve such conflicts;
- (4) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;
- (5) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

As used in this chapter, child means a person less than eighteen years of age.

The department's duty to provide services to homeless families with children is set forth in section 2 of this act and in appropriations provided by the legislature for implementation of the plan.

**Sec. 8.** RCW 74.13.031 and 1998 c 314 s 10 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

- (1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of ((homeless,)) runaway, dependent, or neglected children.
- (2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."
- (3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.
- (4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.
- (5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.
- (6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.
- (7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.
- (8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.
- (9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.
- (10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.
- (11) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject

to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(12) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

**Sec. 9.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services, including housing assistance, that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is related to the child as defined in RCW 74.15.020(~~((4)(a))~~) (2)(a) and with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(i) There is no parent or guardian available to care for such child;

(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iii) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds: (a) Termination is recommended by the supervising agency; (b) termination is in the best interests of the child; and (c) that because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interest of the child. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(i) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(ii) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(iii) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(iv) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(v) Conviction of the parent of attempting, soliciting, or conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of this subsection;

(vi) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(vii) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. (~~((See-))~~) Sec. 1903), the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;

(viii) An infant under three years of age has been abandoned as defined in RCW 13.34.030(4)(a);

(ix) The mother has given birth to three or more drug-affected infants, resulting in the department filing a petition under section 23 of this act.

(3) If reasonable efforts are not ordered under subsection (2) of this section a permanency (~~(plan planning)~~) planning hearing shall be held within thirty days. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

(4) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; ~~((or))~~ long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; and independent living, if appropriate and if the child is age sixteen or older; or a responsible living skills program. Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(5) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(7) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right

to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(8) The court's ability to order housing assistance under this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

**NEW SECTION. Sec. 10.** Sections 10 through 29 of this act may be referred to as the homeless youth prevention, protection, and education act, or the HOPE act. Every day many youth in this state seek shelter out on the street. A nurturing nuclear family does not exist for them, and state-sponsored alternatives such as foster homes do not meet the demand and isolate youth, who feel like outsiders in families not their own. The legislature recognizes the need to develop placement alternatives for dependent youth ages sixteen to eighteen, who are living on the street. The HOPE act is an effort to engage youth and provide them access to services through development of life skills in a setting that supports them. Nothing in sections 10 through 29 of this act shall constitute an entitlement.

**Sec. 11.** RCW 74.15.020 and 1998 c 269 s 3 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(d) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(e) "Family day-care provider" means a child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;

(f) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(g) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(h) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(i) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

((+)) (j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated; or

(v) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where: (i) The person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or (ii) the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(f) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(g) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(h) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(i) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(j) Licensed physicians or lawyers;

(k) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(l) Facilities approved and certified under chapter 71A.22 RCW;

(m) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(n) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(o) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(p) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

- (3) "Department" means the state department of social and health services.
- (4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.
- (5) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.
- (6) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.
- (7) "Secretary" means the secretary of social and health services.
- (8) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.
- (9) "Transitional living services" means at a minimum, to the extent funds are available, the following:
  - (a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;
  - (b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;
  - (c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;
  - (d) Individual and group counseling;
  - (e) Recognizing and facilitating long-term relationships with significant adults; and
  - (f) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Transitional living services shall be tailored to meet the needs of the individual youth. If a youth demonstrates a consistent unwillingness to participate in the acquisition of transitional living skills and services, a reassessment shall be done of the youth's appropriateness for the program.

**NEW SECTION. Sec. 12.** A new section is added to chapter 74.15 RCW to read as follows:

The secretary shall establish HOPE centers that provide no more than seventy-five beds across the state and may establish HOPE centers by contract, within funds appropriated by the legislature specifically for this purpose. HOPE centers shall be operated in a manner to reasonably assure that street youth placed there will not run away. Street youth may leave a HOPE center during the course of the day to attend school or other necessary appointments, but the street youth must be accompanied by an administrator or an administrator's designee. The street youth must provide the administration with specific information regarding his or her destination and expected time of return to the HOPE center. Any street youth who runs away from a HOPE center shall not be readmitted unless specifically authorized by the street youth's placement and liaison specialist, and the placement and liaison specialist shall document with specific factual findings an appropriate basis for readmitting any street youth to a HOPE center. HOPE centers are required to have the following:

- (1) A license issued by the secretary;
- (2) A professional with a master's degree in counseling, social work, or related field and at least one year of experience working with street youth or a bachelor of arts degree in social work or a related field and five years of experience working with street youth. This professional staff person may be contractual or a part-time employee, but must be available to work with street youth in a HOPE center at a ratio of one to every fifteen youth staying in a HOPE center. This professional shall be known as a placement and liaison specialist. Preference shall be given to those professionals cross-credentialed in mental health and chemical dependency. The placement and liaison specialist shall:
  - (a) Conduct an assessment of the street youth that includes a determination of the street youth's legal status regarding residential placement;
  - (b) Facilitate the street youth's return to his or her legally authorized residence at the earliest possible date or initiate processes to arrange legally authorized appropriate placement. Any street youth who may meet the definition of dependent child under RCW 13.34.030 must be referred to the department. The department shall determine whether a dependency petition should be filed under chapter 13.34 RCW. A shelter care hearing must be held within seventy-two hours to authorize out-of-home placement for any youth the department determines is appropriate for out-of-home placement under chapter 13.34 RCW. All of the provisions of chapter 13.32A RCW must be followed for children in need of services or at-risk youth;
  - (c) Interface with other relevant resources and system representatives to secure long-term residential placement and other needed services for the street youth;
  - (d) Be assigned immediately to each youth and meet with the youth within eight hours of the youth receiving HOPE center services;
  - (e) Develop a therapeutic relationship with the youth that enables the specialist to help the street youth navigate the social service and child welfare systems;

(f) Facilitate a physical examination of any street youth who has not seen a physician within one year prior to residence at a HOPE center and facilitate evaluation by a county-designated mental health professional, a chemical dependency specialist, or both if appropriate; and

(g) Arrange an educational assessment to measure the street youth's competency level in reading, writing, and basic mathematics, and that will measure learning disabilities or special needs;

(3) Staff trained in development needs of street youth as determined by the secretary, including an administrator who is a professional with a master's degree in counseling, social work, or a related field and at least one year of experience working with street youth, or a bachelor of arts degree in social work or a related field and five years of experience working with street youth, who must work with the placement and liaison specialist to provide appropriate services on site;

(4) A data collection system that measures outcomes for the population served, and enables research and evaluation that can be used for future program development and service delivery. Data collection systems must have confidentiality rules and protocols developed by the secretary;

(5) Notification requirements that meet the notification requirements of chapter 13.32A RCW. The youth's arrival date and time must be logged at intake by HOPE center staff. The staff must immediately notify law enforcement and dependency caseworkers if a street youth runs away from a HOPE center. A child may be transferred to a secure facility as defined in RCW 13.32A.030 whenever the staff reasonably believes that a street youth is likely to leave the HOPE center and not return after full consideration of the factors set forth in RCW 13.32A.130(2)(a) (i) and (ii). The street youth's temporary placement in the HOPE center must be authorized by the court or the secretary if the youth is a dependent of the state under chapter 13.34 RCW or the department is responsible for the youth under chapter 13.32A RCW, or by the youth's parent or legal custodian, until such time as the parent can retrieve the youth who is returning to home;

(6) HOPE centers must identify to the department any street youth it serves who is not returning promptly to home. The department then must contact the missing children's clearinghouse identified in chapter 13.60 RCW and either report the youth's location or report that the youth is the subject of a dependency action and the parent should receive notice from the department; and

(7) Services that provide counseling and education to the street youth.

**NEW SECTION. Sec. 13.** A new section is added to chapter 74.15 RCW to read as follows:

The secretary shall establish responsible living skills programs that provide no more than seventy-five beds across the state and may establish responsible living skills programs by contract, within funds appropriated by the legislature specifically for this purpose. Responsible living skills programs shall have the following:

(1) A license issued by the secretary;

(2) A professional with a master's degree in counseling, social work, or related field and at least one year of experience working with street youth available to serve residents or a bachelor of arts degree in social work or a related field and five years of experience working with street youth. The professional shall provide counseling services and interface with other relevant resources and systems to prepare the minor for adult living. Preference shall be given to those professionals cross-credentialed in mental health and chemical dependency;

(3) Staff trained in development needs of older adolescents eligible to participate in responsible living skills programs as determined by the secretary;

(4) Transitional living services and a therapeutic model of service delivery that provides necessary program supervision of residents and at the same time includes a philosophy, program structure, and treatment planning that emphasizes achievement of competency in independent living skills. Independent living skills include achieving basic educational requirements such as a GED, enrollment in vocational and technical training programs offered at the community and vocational colleges, obtaining and maintaining employment; accomplishing basic life skills such as money management, nutrition, preparing meals, and cleaning house. A baseline skill level in ability to function productively and independently shall be determined at entry. Performance shall be measured and must demonstrate improvement from involvement in the program. Each resident shall have a plan for achieving independent living skills by the time the resident leaves the placement. The plan shall be written within the first thirty days of placement and reviewed every ninety days; and

(5) A data collection system that measures outcomes for the population served, and enables research and evaluation that can be used for future program development and service delivery. Data collection systems must have confidentiality rules and protocols developed by the secretary.

**NEW SECTION. Sec. 14.** A new section is added to chapter 74.15 RCW to read as follows:

To be eligible for placement in a responsible living skills program, the minor must be dependent under chapter 13.34 RCW and must have lived outdoors or in another unsafe location not intended for occupancy by the minor, or a HOPE center. Responsible living skills centers are intended as a placement alternative for dependent youth that the department chooses for the youth because no other services or alternative placements have been successful. Responsible living skills centers are not for dependent youth whose permanency plan includes return to home or family reunification.

**NEW SECTION. Sec. 15.** A new section is added to chapter 74.15 RCW to read as follows:

The secretary is authorized to license HOPE centers and responsible living skills programs that meet statutory and rule requirements created by the secretary. The secretary is authorized to develop rules necessary to carry out the provisions of sections 10 through 29 of this act. The secretary may rely upon existing licensing provisions in development of licensing requirements for HOPE centers and responsible living skills programs, as are appropriate to carry out the intent of sections 10 through 29 of this act. HOPE centers and responsible living skills programs shall be required to adhere to departmental regulations prohibiting the use of alcohol, tobacco, controlled substances, violence, and sexual activity between residents.

**Sec. 16.** RCW 13.34.145 and 1998 c 314 s 3 and 1998 c 130 s 3 are each reenacted and amended to read as follows:

(1) A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(a) Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; a responsible living skills program; and independent living, if appropriate and if the child is age sixteen or older and the provisions of subsection (2) of this section are met.

(b) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(d) For purposes related to permanency planning:

(i) "Guardianship" means a dependency guardianship pursuant to this chapter, a legal guardianship pursuant to chapter 11.88 RCW, or equivalent laws of another state or a federally recognized Indian tribe.

(ii) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(iii) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or of a federally recognized Indian tribe.

(2) Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(3) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(4) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in subsection (3) of this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or permanent custody order is entered, or the dependency is dismissed.

(5) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(6) At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130(7) and shall review the permanency plan prepared by the agency. If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 and 13.34.130(7). If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not yet been achieved, the court shall inquire regarding the

reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. In all cases, the court shall:

- (a)(i) Order the permanency plan prepared by the agency to be implemented; or
- (ii) Modify the permanency plan, and order implementation of the modified plan; and
- (b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or
- (ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.130(7), and the court shall determine the need for continued intervention.

(8) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when, (a) the court has ordered implementation of a permanency plan that includes legal guardianship or permanent legal custody, and (b) the party pursuing the legal guardianship or permanent legal custody is the party identified in the permanency plan as the prospective legal guardian or custodian. During the pendency of such proceeding, juvenile court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(10) Except as otherwise provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with RCW 13.34.130(7), until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(11) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(12) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights.

(13) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

**NEW SECTION. Sec. 17.** A new section is added to chapter 13.60 RCW to read as follows:

The department of social and health services shall develop a procedure for reporting missing children information to the missing children clearinghouse on children who are receiving departmental services in each of its administrative regions. The purpose of this procedure is to link parents to missing children. When the department has obtained information that a minor child has been located at a facility funded by the department, the department shall notify the clearinghouse and the child's legal custodian, advising the custodian of the child's whereabouts or that the child is subject to a dependency action. The department shall inform the clearinghouse when reunification occurs.

**NEW SECTION. Sec. 18.** The Washington institute for public policy shall review the effectiveness of the procedures established in section 17 of this act. The study shall include: (1) The number of legal custodians who utilize the clearinghouse; (2) the number of children who are located after the department's procedures are operational; (3) the impediments to effective utilization of the procedures and what steps may be taken to reduce or eliminate the impediments; (4) the methods of public education regarding the availability of the program and how to increase public awareness of the program.

The review shall be submitted to the legislature and the governor not later than December 1, 2001.

**NEW SECTION. Sec. 19.** A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax under this chapter, a credit is authorized for each person equal to fifty percent of approved amounts donated to a HOPE educational financial assistance program under section 21 of this act during the calendar year. The amount of the credit shall not exceed five thousand dollars for any person for any calendar year.

(2) No credit may be taken under this section unless the credit is first approved by the department. Application for the credit shall be made in the form and manner prescribed by rules adopted by the department. Total credits approved by the department for any calendar year under this section and section 20 of this act shall not exceed two hundred fifty thousand dollars.

(3) The credit shall be taken against taxes due for the same calendar year in which the amounts for which credit is claimed were paid. A credit must be claimed by the due date of the last tax return for the calendar year in which the payment is made. No credit may be carried back or forward to a different calendar year.

(4) No credit may be taken under this section for amounts for which a credit is taken under section 20 of this act.

**NEW SECTION Sec. 20.** A new section is added to chapter 82.16 RCW to read as follows:

(1) In computing tax under this chapter, a credit is authorized for each person equal to fifty percent of approved amounts donated to a HOPE educational financial assistance program under section 21 of this act during the calendar year. The amount of the credit shall not exceed five thousand dollars for any person for any calendar year.

(2) No credit may be taken under this section unless the credit is first approved by the department. Application for the credit shall be made in the form and manner prescribed by rules adopted by the department. Total credits approved by the department for any calendar year under this section and section 19 of this act shall not exceed two hundred fifty thousand dollars.

(3) The credit shall be taken against taxes due for the same calendar year in which the amounts for which credit is claimed were paid. A credit must be claimed by the due date of the last tax return for the calendar year in which the payment is made. No credit may be carried back or forward to a different calendar year.

(4) No credit may be taken under this section for amounts for which a credit is taken under section 19 of this act.

**NEW SECTION Sec. 21.** A new section is added to chapter 28B.80 RCW to read as follows:

(1) HOPE educational financial assistance programs may be established by private nonprofit organizations and may qualify for the purposes of receiving contributions under sections 19 and 20 of this act upon approval of the board. Educational financial assistance from these programs may be used only for assistance for former street youth who qualify under subsection (2) of this section.

(2) Only former street youth who have been residents of a HOPE center as defined in RCW 74.15.020 and who have received transitional living services as defined in RCW 74.15.020 may apply for and receive educational financial assistance under this section. The educational financial assistance may be used for expenses incurred in conjunction with enrollment in any institution of higher education in the state. Yearly educational financial assistance under this section is limited to an amount equal to the highest yearly undergraduate resident tuition charged by a public institution of higher education within the state, and may only be provided to an individual twice in any four-year period. The assistance shall take into account family and other financial resources available to the individual.

**Sec. 22.** RCW 9.94A.390 and 1997 c 52 s 4 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The defendant knew that the victim of the current offense was a youth who was not residing with any legal custodian and was particularly vulnerable to a relationship with the defendant and the defendant established or promoted the relationship for the primary purpose of victimization.

(d) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

~~((d))~~ (e) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

- (i) The current offense involved multiple victims or multiple incidents per victim;
- (ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;
- (iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or
- (iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

~~((e))~~ (f) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

~~((f))~~ (g) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127.

~~((g))~~ (h) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

~~((h))~~ (i) The current offense involved domestic violence, as defined in RCW 10.99.020 and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years;

or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

~~((i))~~ (j) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

~~((j))~~ (k) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter as expressed in RCW 9.94A.010.

~~((k))~~ (l) The offense resulted in the pregnancy of a child victim of rape.

**Sec. 23.** RCW 26.44.030 and 1998 c 328 s 5 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child or adult dependent or developmentally disabled person, has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) The reporting requirement shall also apply to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(c) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child or adult dependent or developmentally disabled person, who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant

external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(d) The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect. The report shall include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children, dependent adults, or developmentally disabled persons are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section shall apply.

(3) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall provide annual reports to the legislature on the effectiveness of the risk assessment process.

(14) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(15) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

**NEW SECTION. Sec. 24.** A new section is added to chapter 74.15 RCW to read as follows:

The department shall provide technical assistance in preparation of grant proposals for HOPE centers and responsible living skills programs to nonprofit organizations unfamiliar with and inexperienced in submission of requests for proposals to the department.

**NEW SECTION. Sec. 25.** A new section is added to chapter 74.15 RCW to read as follows:

The department shall consider prioritizing, on an ongoing basis, the awarding of contracts for HOPE centers and responsible living skills programs to providers who have not traditionally been awarded contracts with the department.

**NEW SECTION. Sec. 26.** The department of social and health services shall seek any necessary federal waivers for federal funding of the programs created under sections 10 through 29 of this act. The department shall pursue federal funding sources for the programs created under sections 10 through 29 of this act, and report to the legislature any statutory barriers to federal funding.

**NEW SECTION. Sec. 27.** The Washington state institute for public policy shall review the effectiveness of the HOPE centers and the responsible living skills programs. The study shall include the characteristics of the youth being served, the services offered to participating youth, the success of permanent placement of youth, the number of youth participating in each program, the number of youth who successfully complete the responsible living skills program, educational achievement of participants, employment history of participants, the outcomes for youth who have progressed through the programs, and other measures that the institute deems helpful in determining the measurable outcomes of sections 10 through 29 of this act.

The review shall be submitted to the legislature and the governor not later than December 1, 2001.

**NEW SECTION. Sec. 28.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 29.** Within funds specifically appropriated by the legislature, HOPE center beds referenced in section 12 of this act and responsible living skills program beds referenced in section 13 of this act shall be phased in at the rate of twenty-five percent each year beginning January 1, 2000, until the maximum is attained.

**NEW SECTION. Sec. 30.** Sections 12 and 13 of this act take effect January 1, 2000."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Long, Costa, Patterson, Kohl-Welles, Thibaudeau, Stevens, Sheahan and Zarelli to Engrossed Second Substitute House Bill No. 1493.

The motion by Senator Hargrove carried and the striking amendment was adopted.

## MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "families;" strike the remainder of the title and insert "amending RCW 43.63A.650, 13.34.030, 74.13.020, 74.13.031, 74.15.020, 9.94A.390, and 26.44.030; reenacting and amending RCW 13.34.130 and 13.34.145; adding a new section to chapter 43.20A RCW; adding new sections to chapter 43.63A RCW; adding new sections to chapter 74.15 RCW; adding a new section to chapter 13.60 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 28B.80 RCW; creating new sections; and providing an effective date."

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute House Bill No. 1493, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1493, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1493, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Absent: Senator Deccio - 1. ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1493, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1176, by House Committee on Appropriations (originally sponsored by Representatives O'Brien, Koster, Kagi, Ballasiotes, Cairnes, Lovick, Hurst, Tokuda, Dickerson, Kenney, Campbell, Ogden, Dunn, Santos, Conway, Esser, Lantz, Rockefeller and McIntire) (by request of Department of Corrections)

Requiring the retention of records pertaining to sexually violent offenses.

The bill was read the second time.

#### MOTION

Senator Costa moved that the following Committee on Human Services and Corrections amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 40.14.060 and 1982 c 36 s 5 are each amended to read as follows:

(1) Any destruction of official public records shall be pursuant to a schedule approved under RCW 40.14.050. Official public records shall not be destroyed unless:

(a) Except as provided under RCW 40.14.070(2)(b), the records are six or more years old;

(b) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly if lesser federal retention periods for records generated by the state under federal programs have been established; or

(c) The originals of official public records less than six years old have been copied or reproduced by any photographic or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

(2) Any lesser term of retention than six years must have the additional approval of the director of financial management, the state auditor and the attorney general, except when records have federal retention guidelines the state records committee may adjust the retention period accordingly. An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the state records committee for approval or disapproval of the change to a retention period of six years.

Recommendations for the destruction or disposition of office files and memoranda shall be submitted to the records committee upon approved forms prepared by the records officer of the agency concerned and the archivist. The committee shall determine the period of time that any office file or memorandum shall be preserved and may authorize the division of archives and records management to arrange for its destruction or disposition.

**Sec. 2.** RCW 40.14.070 and 1995 c 301 s 71 are each amended to read as follows:

(1)(a) County, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management lists of such records on forms prepared by the division. The archivist, a representative appointed by the state auditor, and a representative appointed by the attorney general shall constitute a committee, known as the local records committee, which shall review such lists and which may veto the destruction of any or all items contained therein.

(b) A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

(2)(a) Except as otherwise provided by law, no public records shall be destroyed until approved for destruction by the local records committee. Official public records shall not be destroyed unless:

~~((1))~~ (i) The records are six or more years old;

~~((2))~~ (ii) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs have been established; or

~~((3))~~ (iii) The originals of official public records less than six years old have been copied or reproduced by any photographic, photostatic, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency.

(b) Records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenders contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020 that are not required in the current operation of the law enforcement agency or for pending judicial proceedings shall, following the expiration of the applicable schedule of the law enforcement agency's retention of the records, be transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval. Upon electronic retention of any document, the association shall be permitted to destroy the paper copy of the document.

(c) Any record transferred to the Washington association of sheriffs and police chiefs pursuant to (b) of this subsection shall be deemed to no longer constitute a public record pursuant to RCW 42.17.020 and shall be exempt from public disclosure. Such records shall be disseminated only to criminal justice agencies as defined in RCW 10.97.030 for the purpose of determining if a sex offender met the criteria of a sexually violent predator as defined in chapter 71.09 RCW.

**Sec. 3.** RCW 42.17.310 and 1998 c 69 s 1 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for

disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(nn) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(oo) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(pp) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

**NEW SECTION. Sec. 4.** A new section is added to chapter 10.97 RCW to read as follows:

Nothing in RCW 40.14.060, 40.14.070, or 42.17.310 precludes dissemination of criminal history record information, including nonconviction data, for the purposes of this chapter."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Human Services and Corrections striking amendment to Second Substitute House Bill No. 1176.

The motion by Senator Costa carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 2 of the title, after "offenses;" strike the remainder of the title and insert "amending RCW 40.14.060, 40.14.070, and 42.17.310; and adding a new section to chapter 10.97 RCW."

On motion of Senator Costa, the rules were suspended, Second Substitute House Bill No. 1176, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1176, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1176, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Absent: Senator Deccio - 1. SECOND SUBSTITUTE HOUSE BILL NO. 1176, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1494, by House Committee on State Government (originally sponsored by Representatives Miloscia, Kenney, Veloria, Romero, Barlean, Ogden and Wolfe) (by request of Department of General Administration)

Clarifying the duties of the director of general administration.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1494 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1494.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1494 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senators Deccio, Loveland and Sellar - 3.

SUBSTITUTE HOUSE BILL NO. 1494, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1592, by House Committee on State Government (originally sponsored by Representatives D. Schmidt, Bush, Miloscia and Dunshee) (by request of Secretary of State Munro)

Updating write-in voting laws.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1592 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Zarelli: "Senator Patterson, I am concerned in reading--and myself just getting familiar with the bill--it states in there that where they count these votes by optical scanner and if one fails to put a check in an appropriate box, a write-in vote may not count. I wanted to clarify that isn't the case that a vote would not be counted simply because somebody didn't put a check in a box for the purpose of an optical scanner."

Senator Patterson: "Give me a moment. Senator Zarelli, it was never the intent to invalid anyone's vote in this legislation. During the public hearings, there was no concern raised over whether one's vote would be invalidated. If you see language that leads you to believe that that is the case, then it would surprise me."

Further debate ensued.

#### MOTION

On motion of Senator Goings, further consideration of Substitute House Bill No. 1592 was deferred.

#### MOTION

On motion of Senator McCaslin, Senator Hale was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1593, by House Committee on State Government (originally sponsored by Representatives Edmonds, Bush, Miloscia and Dunshee) (by request of Secretary of State Munro)

Regulating poll-site ballot counting devices.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1593 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1593.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1593 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Hale - 1.

SUBSTITUTE HOUSE BILL NO. 1593, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1322, by Representatives Mitchell, Romero, Fisher and Murray (by request of Department of Transportation)

Adding information to motorist information signs.

The bill was read the second time.

#### MOTION

On motion of Senator Goings, the rules were suspended, House Bill No. 1322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1322.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1322 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Snyder - 1.

Excused: Senator Hale - 1.

HOUSE BILL NO. 1322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

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

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1592, deferred on third reading earlier today.

#### REMARKS BY SENATOR PATTERSON

Senator Patterson: "Thank you, Mr. President, and members of the Senate. This is the bill that relates to write-in voting procedures and the good Senator from the Eighteenth District asked if your ballot would be invalidated when using an optical scan ballot system. He asked, 'Would your ballot be invalidated if you did not check the box next to where it asks if you were a write-in--putting in your name.' The answer to his question, is 'yes,' your vote would not count, because in the optical scan ballot system, the entire system is dependent upon you marking the ballot accurately. So, he is correct. If you want to write a name in under this system you have to check the little box that says, 'I am going to write a name in.'

"If you fail to check that box, then your vote would not be counted. But, neither would your vote be counted for anything else on the ballot, if you failed to check the box. So, the system does require that you make that check mark."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1592.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1592 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 3; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 43.

Voting nay: Senators Benton and Zarelli - 2.

Absent: Senators Loveland, McDonald and Snyder - 3.

Excused: Senator Hale - 1.

SUBSTITUTE HOUSE BILL NO. 1592, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### MOTION

On motion of Senator Franklin, Senators Loveland and Snyder were excused

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1376, by House Committee on Transportation (originally sponsored by Representatives G. Chandler, Fisher, Mitchell, K. Schmidt, Romero, Mielke, Skinner, Scott, O'Brien, Wood and Mulliken)

Simplifying disabled parking certification for leg amputees.

The bill was read the second time.

#### MOTION

On motion of Senator Goings, the following Committee on Transportation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.16.381 and 1998 c 294 s 1 are each amended to read as follows:

(1) The director shall grant special parking privileges to any person who has a disability that limits or impairs the ability to walk and meets one of the following criteria, as determined by a licensed physician:

(a) Cannot walk two hundred feet without stopping to rest;

(b) Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;

(c) Is so severely disabled, that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;

(d) Uses portable oxygen;

(e) Is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association; or

(g) Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk. The personal physician of the applicant shall document that the disability is comparable in severity to the others listed in this subsection.

(2) The applications for disabled parking permits and temporary disabled parking permits are official state documents. Knowingly providing false information in conjunction with the application is a gross misdemeanor punishable under chapter 9A.20 RCW. The following statement must appear on each application form immediately below the physician's signature and immediately below the

applicant's signature: "A disabled parking permit may be issued only for a medical necessity that severely affects mobility (RCW 46.16.381). Knowingly providing false information on this application is a gross misdemeanor. The penalty is up to one year in jail and a fine of up to \$5,000 or both."

(3) Those individuals who have lost a lower extremity, partially or completely, are exempt from the physician certification requirement necessary to receive special parking privileges. In order to qualify for special parking privileges, these individuals must apply at a licensing office, and authorized department staff must visually confirm the loss of the lower extremity. The applicant must sign a form certifying that he or she meets the criteria of subsection (1)(a) of this section. Based on this confirmation and certification, the certification of the person's disability is satisfied. The department shall note the criteria for the issuance of the disabled parking permit on the identification card issued under subsection (4) of this section. In addition to other penalties for providing false information on the application, the penalty for providing false information under this subsection is immediate cancellation of the disabled parking permit.

(4) Persons who qualify for special parking privileges are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and an individual serial number, along with a special identification card bearing the photograph, name, and date of birth of the person to whom the placard is issued, and the placard's serial number. The department shall design the placard to be displayed when the vehicle is parked by suspending it from the rearview mirror, or in the absence of a rearview mirror the card may be displayed on the dashboard of any vehicle used to transport the disabled person. Instead of regular motor vehicle license plates, disabled persons are entitled to receive special license plates bearing the international symbol of access for one vehicle registered in the disabled person's name. Disabled persons who are not issued the special license plates are entitled to receive a second special placard upon submitting a written request to the department. Persons who have been issued the parking privileges and who are using a vehicle or are riding in a vehicle displaying the special license plates or placard may park in places reserved for mobility disabled persons. The director shall adopt rules providing for the issuance of special placards and license plates to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen centers, private nonprofit agencies as defined in chapter 24.03 RCW, and vehicles registered with the department as cabulances that regularly transport disabled persons who have been determined eligible for special parking privileges provided under this section. The director may issue special license plates for a vehicle registered in the name of the public transportation authority, nursing home, boarding homes, senior citizen center, private nonprofit agency, or cabulance service if the vehicle is primarily used to transport persons with disabilities described in this section. Public transportation authorities, nursing homes, boarding homes, senior citizen centers, private nonprofit agencies, and cabulance services are responsible for insuring that the special placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

~~((4))~~ (5) Whenever the disabled person transfers or assigns his or her interest in the vehicle, the special license plates shall be removed from the motor vehicle. If another vehicle is acquired by the disabled person and the vehicle owner qualifies for a special plate, the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the disabled person, the removed plate shall be immediately surrendered to the director.

~~((5))~~ (6) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who has a condition expected to improve within six months may be issued a temporary placard for a period not to exceed six months. If the condition exists after six months a new temporary placard shall be issued upon receipt of a new certification from the disabled person's physician. The permanent parking placard and photo identification card of a disabled person shall be renewed at least every five years, as required by the director, by satisfactory proof of the right to continued use of the privileges. In the event of the permit holder's death, the parking placard and photo identification card must be immediately surrendered to the department. The department shall match and purge its disabled permit data base with available death record information at least every twelve months.

~~((6))~~ (7) Each person who has been issued a permanent disabled parking permit on or before July 1, 1998, must renew the permit no later than July 1, 2003, subject to a schedule to be set by the department, or the permit will expire.

~~((7))~~ (8) The department may not require existing permit holders to obtain a physician's recertification of their disability in order to renew their disabled parking permits.

(9) Additional fees shall not be charged for the issuance of the special placards or the photo identification cards. No additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon registration of a motor vehicle.

~~((8))~~ (10) Any unauthorized use of the special placard, special license plate, or photo identification card is a traffic infraction with a monetary penalty of two hundred fifty dollars.

~~((9))~~ (11) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for a person to make inaccessible the access aisle located next to a space reserved for physically disabled persons. The clerk of the court shall report all violations related to this subsection to the department.

~~((10))~~ (12) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special

license plate or placard. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate or placard required under this section. A local jurisdiction providing nonmetered, on-street parking places reserved for physically disabled persons may impose by ordinance time restrictions of no less than four hours on the use of these parking places. A local jurisdiction may impose by ordinance time restrictions of no less than four hours on the use of nonreserved, on-street parking spaces by vehicles displaying the special parking placards. All time restrictions must be clearly posted.

~~((11))~~ (13) The penalties imposed under subsections ~~((9) and (10))~~ (11) and (12) of this section shall be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs it may have incurred in removal and storage of the improperly parked vehicle.

~~((12))~~ (14) Except as provided by subsection (2) of this section, it is a traffic infraction with a monetary penalty of two hundred fifty dollars for any person willfully to obtain a special license plate, placard, or photo identification card in a manner other than that established under this section.

~~((13))~~ (15)(a) A law enforcement agency authorized to enforce parking laws may appoint volunteers, with a limited commission, to issue notices of infractions for violations of this section or RCW 46.61.581. Volunteers must be at least twenty-one years of age. The law enforcement agency appointing volunteers may establish any other qualifications the agency deems desirable.

(b) An agency appointing volunteers under this section must provide training to the volunteers before authorizing them to issue notices of infractions.

(c) A notice of infraction issued by a volunteer appointed under this subsection has the same force and effect as a notice of infraction issued by a police officer for the same offense.

(d) A police officer or a volunteer may request a person to show the person's photo identification card or special parking placard when investigating the possibility of a violation of this section. If the request is refused, the person in charge of the vehicle may be issued a notice of infraction for a violation of this section.

~~((14))~~ (16) For second or subsequent violations of this section, in addition to a monetary fine, the violator must complete a minimum of forty hours of:

(a) Community service for a nonprofit organization that serves the disabled community or persons having disabling diseases; or

(b) Any other community service that may sensitize the violator to the needs and obstacles faced by persons who have disabilities.

~~((15))~~ (17) The court may not suspend more than one-half of any fine imposed under subsection ~~((8), (9),)~~ (10), ~~((11), (12), or (14))~~ of this section."

## MOTIONS

On motion of Senator Goings, the following title amendment was adopted:

On line 1 of the title, after "amputees;" strike the remainder of the title and insert "amending RCW 46.16.381; and prescribing penalties."

On motion of Senator Goings, the rules were suspended, Substitute House Bill No. 1376 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1376.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1376 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Loveland and Snyder - 2.

SUBSTITUTE HOUSE BILL NO. 1376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2200, by Representatives Romero and McMorris (by request of Department of Licensing)

Changing the duties of the director of licensing.

The bill was read the second time.

#### MOTION

On motion of Senator Goings, the rules were suspended, House Bill No. 2200 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2200.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2200 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Absent: Senator Deccio - 1.

HOUSE BILL NO. 2200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2239, by House Committee on Transportation (originally sponsored by Representatives Buck and Wood)

Enhancing storm water control grant programs.

The bill was read the second time.

#### MOTION

On motion of Senator Goings, the following Committee on Transportation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.78.005 and 1996 c 285 s 2 are each amended to read as follows:

The legislature finds that the increasing population and continued development throughout the state have increased the need for storm water control. Storm water impacts have resulted in increased public health risks related to drinking water and agricultural and seafood products; increased disruption of economic activity, transportation facilities, and other public and private land and facilities due to the lack of adequate flood control measures; adverse affects on state fish populations and watershed hydrology; and contamination of sediments.

In addition, current storm water control and management efforts related to transportation projects lack necessary coordination on a watershed, regional, and state-wide basis; have inadequate funding; and fail to maximize use of available resources.

More stringent regulatory requirements have increased the costs that state and local governments must incur to deal with significant sources of pollution such as storm water. The costs estimated to properly maintain and construct storm water facilities far exceed available revenues.

Therefore, it is the intent of the legislature to establish a program to develop a state-wide coordination mechanism for the funding of state, county, and city highway and roadway-related storm water management and control projects that will facilitate the completion of the state's most urgently needed storm water projects in the most cost-effective manner. Unexpended annual utility fee payments that are not collected by virtue of defaulting in preparing a plan must be used in the storm water grant program as defined in RCW 90.78.010 and 90.78.020.

**Sec. 2.** RCW 90.78.010 and 1996 c 285 s 3 are each amended to read as follows:

The department of transportation, in cooperation with the transportation improvement board, the department of ecology, cities, towns, counties, environmental organizations, business organizations, Indian tribes, and port districts, shall develop a storm water management funding and implementation program to address state, county, and city highway and roadway-related storm water control problems. As part of the program, the department may provide grants and may rate and rank local transportation improvement projects to facilitate the construction of the highest priority stand-alone state and local storm water management retrofit projects based on cost-effectiveness and contribution toward improved water quality, mitigating the impacts of altered stream hydrology, improved salmonid habitat, and reduced flooding in a watershed.

The program shall address, but is not limited to, the following objectives: (1) Greater state-wide coordination of the construction of storm water treatment facilities; (2) encouraging multijurisdictional projects; (3) developing priorities and approaches for implementing activities within watersheds; (4) methods to enhance, preserve, and restore salmonid habitat; (5) identification and prioritization of storm water retrofit programs; ~~((5))~~ (6) evaluating methods to determine cost benefits of proposed projects; ~~((6))~~ (7) identifying ways to facilitate the sharing of technical resources; ~~((7))~~ (8) developing methods for monitoring and evaluating activities carried out under the program; and ~~((8))~~ (9) identifying potential funding sources for continuation of the program.

**Sec. 3.** RCW 90.78.020 and 1996 c 285 s 4 are each amended to read as follows:

The department of transportation may provide grants and may rate and rank local transportation improvement projects to implement state, county, and city highway and roadway-related storm water control measures. Cities, towns, counties, port districts, Indian tribes, and the department of transportation are eligible to receive grants, on a matching basis. The transportation improvement board may administer all grant programs specifically designed to assist cities, counties, and local governments with storm water mitigation associated with transportation projects. A committee consisting of two representatives each from the department of transportation, with one as chair, the department of ecology, cities, and counties, and one representative each from the transportation improvement board, the department of fish and wildlife, an environmental organization, and a business organization, shall oversee the grant program. The committee may add representatives of other agencies, organizations, or interest groups to serve as members of the committee or in an advisory capacity. In developing project criteria, the committee shall identify the most urgent state, county, and city highway and roadway-related storm water management and control problems; develop methods for applying priorities across watersheds; give added weight to projects based on local contribution, multijurisdictional involvement, and whether the project is a priority for a local storm water utility; and determine the benefits of, and, if appropriate, provide incentives for off-site placement of storm water facilities and out-of-kind mitigation for storm water impacts.

**Sec. 4.** RCW 75.50.165 and 1998 c 249 s 16 are each amended to read as follows:

(1) The department of transportation ~~((is authorized to))~~ and the department of fish and wildlife may administer ~~((a))~~ and coordinate all state grant programs specifically designed to assist state agencies, local governments, private landowners, tribes, organizations, and volunteer groups in identifying and removing impediments to ~~((anadromous))~~ salmonid fish passage. ~~((The))~~ The transportation improvement board may administer all grant programs specifically designed to assist cities, counties, and local governments with fish passage barrier corrections associated with transportation projects. All grant programs ((shall)) must be administered and be consistent with the following:

(a) ~~((Eligible projects include))~~ Salmonid-related corrective projects, inventory, assessment, and prioritization efforts;

(b) Salmonid projects ~~((shall be))~~ subject to a competitive application process; and

(c) A minimum dollar match rate that is consistent with the funding authority's criteria. If no funding match is specified, a match amount of at least twenty-five percent per project is required. For local, private, and volunteer projects, in-kind contributions may be counted toward the match requirement.

(2) Priority shall be given to projects that immediately increase access to available and improved spawning and rearing habitat for depressed, threatened, and endangered stocks. Priority shall also be given to project applications that are coordinated with other efforts within a watershed~~((;))~~.

~~((d))~~ (3) Except for projects administered by the transportation improvement board, all projects shall be reviewed and approved by the fish passage barrier removal task force~~((; and~~

(e) A match of at least twenty-five percent per project shall be required. For local, private, and volunteer projects, in-kind contributions may be counted toward the match requirement.

(2) The department of transportation shall proceed expeditiously in implementing the grant program during the 1998 summer construction season)) or an alternative oversight committee designated by the state legislature.

(4) Other agencies that administer natural resource based grant programs that may include fish passage barrier removal projects shall use fish passage selection criteria that are consistent with this section.

(5) The departments of transportation and fish and wildlife shall establish a centralized data base directory of all fish passage barrier information. The data base directory must include, but is not limited to, existing fish passage inventories, fish passage projects, grant program applications, and other data bases. These data must be used to coordinate and assist in habitat recovery and project mitigation projects

NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act expire July 1, 2003."

#### MOTIONS

On motion of Senator Going, the following title amendment was adopted:

On line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 90.78.005, 90.78.010, 90.78.020, and 75.50.165; and providing an expiration date."

On motion of Senator Goings, the rules were suspended, Engrossed Substitute House Bill No. 2239, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2239, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2239, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Absent: Senator Roach - 1. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2239, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1150, by Representatives G. Chandler, Linville and Cooper (by request of Department of Agriculture)

Certifying planting stock.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1150 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1150.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1150 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

HOUSE BILL NO. 1150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1810, by Representatives Boldt and Tokuda (by request of Department of Social and Health Services)

Amending the child abuse protection and treatment act.

The bill was read the second time.

#### MOTION

On motion of Senator Hargrove, the following Committee on Human Services and Corrections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.13.500 and 1997 c 305 s 2 are each amended to read as follows:

(1) Consistent with the provisions of chapter 42.17 RCW and applicable federal law, the secretary, or the secretary's designee, shall disclose information regarding the abuse or neglect of a child, the investigation of the abuse ~~((or))~~ neglect, or near fatality of a child, and any services related to the abuse or neglect of a child if any one of the following factors is present:

(a) The subject of the report has been charged in an accusatory instrument with committing a crime related to a report maintained by the department in its case and management information system;

(b) The investigation of the abuse or neglect of the child by the department or the provision of services by the department has been publicly disclosed in a report required to be disclosed in the course of their official duties, by a law enforcement agency or official, a prosecuting attorney, any other state or local investigative agency or official, or by a judge of the superior court;

(c) There has been a prior knowing, voluntary public disclosure by an individual concerning a report of child abuse or neglect in which such individual is named as the subject of the report; or

(d) The child named in the report has died and the child's death resulted from abuse or neglect or the child was in the care of, or receiving services from the department at the time of death or within twelve months before death.

(2) The secretary is not required to disclose information if the factors in subsection (1) of this section are present if he or she specifically determines the disclosure is contrary to the best interests of the child, the child's siblings, or other children in the household.

(3) Except for cases in subsection (1)(d) of this section, requests for information under this section shall specifically identify the case about which information is sought and the facts that support a determination that one of the factors specified in subsection (1) of this section is present.

(4) For the purposes of this section, "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition. The secretary is under no obligation to have an act certified by a physician in order to comply with this section.

**Sec. 2.** RCW 13.34.030 and 1998 c 130 s 1 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years.

(2) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until the child returns home, an adoption decree, a permanent custody order, or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. If the most recent date of removal occurred prior to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode.

(3) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency.

(4) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has expressed either by statement or conduct, an intent to forego, for an extended period, parental rights or parental responsibilities despite an ability to do so. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

(5) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(6) "Guardian ad litem" means a person, appointed by the court to represent the best interest of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(7) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(8) "Judicial proceeding" means an action in which a party challenges a finding of the court.

(9) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

~~((9))~~ (10) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services capable of preventing the need for out-of-home placement while protecting the child.

**Sec. 3.** RCW 13.34.100 and 1996 c 249 s 13 are each amended to read as follows:

(1) The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter ~~(, unless a court for good cause finds the appointment unnecessary))~~ that results in a judicial proceeding. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by independent counsel in the proceedings.

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

- (a) Level of formal education;
- (b) Training related to the guardian's duties;
- (c) Number of years' experience as a guardian ad litem;
- (d) Number of appointments as a guardian ad litem and the county or counties of appointment; and
- (e) Criminal history, as defined in RCW 9.94A.030.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a statement containing his or her training relating to the duties as a guardian ad litem and criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment. The background statement shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through counsel, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter.

(6) If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child's position.

(7) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to RCW 13.34.100 shall be deemed a guardian ad litem to represent the best interests of the minor in proceedings before the court.

(8) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends and the appointment shall be effective immediately. The court shall appoint the person recommended by the program. If a party in a case reasonably believes the court-appointed special advocate or volunteer is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial

days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate on the grounds the advocate or volunteer is inappropriate or unqualified.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

#### MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 74.13.500, 13.34.030, and 13.34.100; and declaring an emergency."

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1810, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1810, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1810, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

HOUSE BILL NO. 1810, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration Substitute House Bill No. 1165 and the pending amendments by Senator Hargrove on page 81, lines 7 and 15, to the Committee on Ways and Means striking amendment, deferred earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Bauer to the scope and object of the amendments on page 81, lines 7 and 15, by Senator Hargrove to the Committee on Ways and Means striking amendment, the President finds that Substitute House Bill No. 1165 is a measure which in the main, funds capital projects. However, the measure also appropriates funds in various sections for general operating purposes. For example, the measure provides funds to the Governor's office for activities related to salmon recovery, including, but not limited to salmon recovery planning and critical area ordinance updates.

"The amendments to the committee amendment would do two things. First, the amendments would reduce funding for the outdoor recreation and habitat conservation accounts. These are reductions that appropriately occur in the capital budget. Second, the amendments would appropriate funds for teacher salary enhancements. The President finds that the appropriation for teacher salaries is not different in kind from an appropriation for salmon recovery planning or other operating purposes funded in Substitute House Bill No. 1165.

"The President, therefore, finds that the amendments to the committee amendment do not change the scope and object of the bill, and the point of order is not well taken.

"The President would again remind the members that he looks to the substance of the bill and not the title in ruling on questions of scope and object."

The amendments by Senator Hargrove on page 81, lines 7 and 15, to the Committee on Ways and Means striking amendment to Substitute House Bill No. 1165 were ruled in order.

The President declared the question before the Senate to be the adoption of the amendments by Senator Hargrove on page 81, lines 7 and 15, to the Committee on Ways and Means striking amendment to Substitute House Bill No. 1165.

Debate ensued.

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

#### PARLIAMENTARY INQUIRY

Senator Goings: "A point of parliamentary inquiry, Mr. President. How many votes will be required to pass the amendments by Senator Hargrove?"

#### REPLY BY THE PRESIDENT

President Owen: "Sixty percent, which would be thirty votes."

Senator Goings: "Thirty votes? Thank you Mr. President."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Hargrove on page 81, lines 7 and 15, to the Committee on Ways and Means striking amendment to Substitute House Bill No. 1165.

#### ROLL CALL

The Secretary called the roll and the amendments to the Committee on Ways and Means striking amendment were not adopted by the following vote: Yeas, 10; Nays, 38; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Hargrove, Hochstatter, Johnson, McCaslin, Morton, Roach, Sheahan, Stevens and Zarelli - 10. Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 38. Absent: Senator Deccio - 1. The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Substitute House Bill No. 1165.

Debate ensued.

The motion by Senator Bauer carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 2 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 43.98A.040, 43.98A.060, 43.98A.070, and 43.98A.050; adding a new section to chapter 43.83B RCW; creating new sections; and declaring an emergency."

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 1165, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1165, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1165, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47. Voting nay: Senators Hargrove and Morton - 2. SUBSTITUTE HOUSE BILL NO. 1165, as amended by the Senate, having

received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1991, by House Committee on Capital Budget (originally sponsored by Representatives Murray and Mitchell)

Consolidating statutes that authorize the board of regents of the University of Washington to control university property.

The bill was read the second time.

## MOTION

On motion of Senator Bauer, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The purpose of this act is to consolidate the statutes authorizing the board of regents of the University of Washington to control the property of the university. Nothing in this act may be construed to diminish in any way the powers of the board of regents to control its property including, but not limited to, the powers now or previously set forth in RCW 28B.20.392 through 28B.20.398.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.20 RCW to read as follows:

For the purposes of this chapter, "university tract" means the tract of land in the city of Seattle, consisting of approximately ten acres, originally known as the "old university grounds," and more recently referred to as the "metropolitan tract," together with all buildings, improvements, facilities, and appurtenances thereon.

**Sec. 3.** RCW 28B.20.382 and 1998 c 245 s 17 are each amended to read as follows:

(1) Until authorized ~~((and empowered to do so))~~ by statute of the legislature, the board of regents of the university, with respect to ~~((that certain tract of land in the city of Seattle originally known as the "old university grounds" and more recently known as the "metropolitan tract" and any land contiguous thereto))~~ the university tract, shall not sell the land or any part thereof or any improvement thereon, or lease the land or any part thereof or any improvement thereon or renew or extend any lease thereof for a term ~~((ending more than sixty years beyond midnight, December 31, 1980))~~ of more than eighty years. Any sale of the land or any part thereof or any improvement thereon, or any lease or renewal or extension of any lease of the land or any part thereof or any improvement thereon for a term ~~((ending more than sixty years after midnight, December 31, 1980,))~~ of more than eighty years made or attempted to be made by the board of regents shall be null and void ~~((unless and))~~ until the same has been approved or ratified and confirmed by legislative act.

(2) The board of regents shall have power from time to time to lease the land, or any part thereof or any improvement thereon for a term ~~((ending not more than sixty years beyond midnight, December 31, 1980: PROVIDED, That))~~ of not more than eighty years. Any and all records, books, accounts, and agreements of any lessee or sublessee under this section, pertaining to compliance with the terms and conditions of such lease or sublease, shall be open to inspection by the board of regents, the ways and means committee of the senate, the appropriations committee of the house of representatives, and the joint legislative audit and review committee or any successor committees. It is not intended ~~((by this proviso))~~ that unrelated records, books, accounts, and agreements of lessees, sublessees, or related companies be open to such inspection. The board of regents shall make a full, detailed report of all leases and transactions pertaining to the land or any part thereof or any improvement thereon to the joint legislative audit and review committee, including one copy to the staff of the committee, during odd-numbered years.

(3) The net proceeds from the sale or lease of land in the university tract, or any part thereof or any improvement thereon, shall be deposited into the University of Washington facilities bond retirement account hereby established outside the state treasury as a nonappropriated local fund to be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings at the University of Washington. The board of regents shall transfer from the University of Washington facilities bond retirement account to the University of Washington building account under RCW 43.79.080 any funds in excess of amounts reasonably necessary for payment of debt service in combination with other nonappropriated local funds related to capital projects for which debt service is required under section 4, chapter . . . (Substitute House Bill No. 1166), Laws of 1999.

**Sec. 4.** RCW 28B.20.394 and 1973 1st ex.s. c 195 s 10 are each amended to read as follows:

In addition to the powers conferred upon the board of regents of the University of Washington by ~~((RCW 28B.20.392 and 28B.20.380, said))~~ section 5 of this act, the board of regents is authorized and shall have the power to enter into an agreement or agreements with the city of Seattle and the county of King, Washington, to pay to ~~((said))~~ the city and ((said)) the county such sums as shall

be mutually agreed upon for governmental services rendered to ~~((said))~~ the university tract, ~~((as defined in RCW 28B.20.390))~~ which sums shall not exceed the amounts that would be received pursuant to limitations imposed by RCW 84.52.043 by the ~~((said))~~ city of Seattle and county of King respectively from real and personal property taxes paid on the university tract or any leaseholds thereon if such taxes could lawfully be levied ~~((; and any such sums so agreed upon shall be paid from the proceeds and other income from said tract as an item of expense of operation and upkeep thereof. PROVIDED, That in the event that it is determined by a court of final jurisdiction that the provisions of chapter 43, Laws of 1971 first ex. sess., insofar as they affect taxes due and payable in 1972 and 1973 by any lessee of the university tract, are held unconstitutional, the sums paid pursuant to this section in such years shall be refunded in accordance with the provisions of chapter 84.69 RCW; and any provision of RCW 28B.20.392 in conflict herewith is superseded)).~~

**NEW SECTION. Sec. 5.** A new section is added to chapter 28B.20 RCW to read as follows:

In addition to the powers conferred under the original deeds of conveyance to the state of Washington and under existing law, and subject to RCW 28B.20.382, the board of regents has full control of the university tract as provided in this chapter including, but not limited to:

(1) With regard to the whole or portions of the land, the authority to manage, to improve, to alter, to operate, to lease, to contract indebtedness, to borrow funds, to issue bonds, notes, and warrants, to provide for the amortization of and to pay the bonds, notes, warrants, and other evidences of indebtedness, at or prior to maturity, to use and pledge the income derived from operating, managing, and leasing the university tract for such purpose, and to otherwise own, operate, and control the university tract to the same extent as any other property of the university;

(2) With regard to the whole or portions of any building or buildings or other improvements thereon or appurtenances thereto, the authority to sell, subject to the terms of any underlying lease on the land, to manage, to improve, to alter, to operate, to lease, to grant a deed of trust or a mortgage lien, to contract indebtedness, to borrow funds, to issue bonds, notes, and warrants, to provide for the amortization thereof and to pay the bonds, notes, warrants, and other evidences of indebtedness, at or prior to maturity, to use and pledge the income derived from operating, managing, and leasing the university tract for such purpose, and to otherwise own, operate, and control the university tract to the same extent as any other property of the university consistent with the purpose of the donors of the metropolitan tract.

**Sec. 6.** RCW 28B.20.396 and 1983 c 167 s 33 are each amended to read as follows:

Bonds issued pursuant to the authority granted under ~~((subdivision (4) of RCW 28B.20.392--))~~ section 5 of this act:

(1) ~~Shall not constitute~~ (a) an obligation, either general or special, of the state or (b) a general obligation of the University of Washington or of the board of regents;

(2) ~~Shall be~~~~((--))~~;

(a) ~~Either~~ in bearer form or in registered form as provided in RCW 39.46.030, and

(b) Issued in denominations of not less than one hundred dollars;

(3) ~~Shall state~~~~((--))~~;

(a) ~~The~~ date of issue, and

(b) ~~The~~ series of the issue and be consecutively numbered within the series, and

(c) ~~That~~ the bond is payable only out of a special fund established for the purpose, and designate the fund;

(4) ~~Shall~~ bear interest, payable either annually, or semiannually as the board of regents may determine;

(5) ~~Shall~~ be payable solely out of~~((--))~~;

(a) ~~Revenue~~ derived from operating, managing and leasing the university tract, and

(b) ~~A~~ special fund, created by the board of regents for the purpose, consisting either of (i) a fixed proportion, or (ii) a fixed amount out of and not exceeding a fixed proportion, or (iii) a fixed amount without regard to any fixed proportion, of the revenue so derived;

(6) ~~May~~ contain covenants by the board of regents in conformity with the provisions of RCW 28B.20.398(2);

(7) ~~Shall~~ be payable at such times over a period of not to exceed thirty years, in such manner and at such place or places as the board of regents determines;

(8) ~~Shall~~ be executed in such manner as the board of regents by resolution determines;

(9) ~~Shall~~ be sold in such manner as the board of regents deems for the best interest of the University of Washington;

~~(10) May be issued under chapter 39.46 RCW.~~

**Sec. 7.** RCW 28B.20.398 and 1983 c 167 s 34 are each amended to read as follows:

(1) Any resolution of the board of regents pursuant to the provisions of ~~((subdivision (4) of RCW 28B.20.392))~~ section 5 of this act shall provide for the creation of a special fund, in conformity with the provisions of ~~((subdivision (5)(b) of))~~ RCW 28B.20.396(5)(b).

(2) Any resolution authorizing the issuance of bonds pursuant to the provisions of section 5 of this act, RCW ~~((28B.20.390, 28B.20.392,))~~ 28B.20.396, and 28B.20.398 may contain covenants of the board of regents to protect and safeguard the security and rights of the owners of any such bonds such as are then customary in connection with similar bonds and considered advisable in order to assure

the maximum marketability for said bonds. Without limiting the generality of the foregoing, any such resolution may contain covenants as to((-));

(a) The creation of a special fund into which the proceeds of all bonds issued pursuant to the provisions of such resolution shall be deposited, the terms and conditions upon which payments may be made from such special fund, and for the payment of interest on bonds issued pursuant to such resolution from the moneys in said fund;

(b) Maintaining rental and leasehold rates and other charges at a level sufficient at all times to provide revenue (i) to pay the interest on and principal of all bonds and other obligations payable from said revenue, (ii) to make all other payments from said revenues required under the provisions of any resolution adopted in connection with the issuance of warrants or bonds under section 5 of this act, RCW ((~~28B.20.390, 28B.20.392,~~)) 28B.20.396<sub>2</sub> and 28B.20.398 and (iii) to pay the operating, management, maintenance, repair and upkeep costs of the university tract;

(c) Collection, deposit, custody and disbursement of the revenues from the university tract or any portions thereof including (i) a specification of the depositories to be designated, and (ii) authorization of such depositories, or other banks or trust companies, to act as fiscal agent of the board of regents for the custody of the proceeds of bonds and the moneys held in any funds created pursuant to section 5 of this act, RCW ((~~28B.20.390, 28B.20.392,~~)) 28B.20.396<sub>2</sub> and 28B.20.398, or any resolution authorizing such bonds, and to represent bond owners in the event of a default on such bonds or in the event of a default in the performance of any duty or obligation of the board of regents in connection therewith, with such power and duty as such resolution may provide;

(d) Creation and administration of reserve and other funds for the payment, at or prior to maturity, of any indebtedness chargeable against the revenues from the university tract and for creation of working funds, depreciation funds, replacement funds, reserves for extraordinary repairs and any other fund deemed necessary or desirable to insure the continued profitable operation of the said university tract;

(e) Deposit of collateral security or indemnity bonds to secure the proceeds (i) of bonds issued pursuant to the provisions of such resolution and (ii) of all revenues which are pledged to secure the repayment of bonds issued pursuant to the provisions of such resolution and (iii) of all moneys deposited in any special fund created under the authority of section 5 of this act, RCW ((~~28B.20.390, 28B.20.392,~~)) 28B.20.396<sub>2</sub> and 28B.20.398 or any covenant thereunder;

(f) The obligation of the board of regents to maintain the building or buildings in good condition and to operate and manage the same in an economical and efficient manner;

(g) The amount and kind of insurance to be carried by the board of regents in connection with the building or buildings, the companies in which such insurance shall be carried, the term thereof, the application of the proceeds of any such insurance, and adjustments of losses under any such policy of insurance;

(h) Limitations upon the amount of additional bonds, warrants and other obligations payable out of the revenues from the building or buildings which may be thereafter issued and the terms and conditions upon which such additional bonds, warrants or other obligations may be issued;

(i) Limitations upon the creation of additional liens or encumbrances on the building or buildings or the personal property used in connection therewith;

(j) The terms and conditions upon which the building or buildings, or any part thereof, may be sold, mortgaged, leased or otherwise disposed of, and the use or other disposition of the proceeds of any such sale, mortgage or lease;

(k) The methods of operation, management and maintenance of the building or buildings;

(l) Accounting and auditing and the keeping of records, reports and audits with respect to the building or buildings;

(m) The amendment or modification of any resolution authorizing the issuance of bonds pursuant to the provisions of section 5 of this act, RCW ((~~28B.20.390, 28B.20.392,~~)) 28B.20.396<sub>2</sub> and 28B.20.398, including the terms and conditions upon which such amendment or modification may be effected and the number, amount or percentage of assenting bonds necessary to effectuate the same;

(n) Limitations upon the use of space or facilities in the building or buildings without payment therefor; and

(o) Such other matters as may be necessary or desirable to insure a successful and profitable operation of the building or buildings.

(3) The term "building or buildings" as used in ((~~subdivision~~)) subsection (2) of this section means the building or buildings or improvements upon the university tract with respect to which the revenues are pledged, under the terms of the resolution, to secure the payment of bonds issued under such resolution.

(4) The provisions of section 5 of this act, RCW ((~~28B.20.390, 28B.20.392,~~)) 28B.20.396<sub>2</sub> and 28B.20.398 and of any resolution adopted in conformity with the provisions of this section shall constitute a contract with the owners of warrants or bonds issued pursuant thereto, and the provisions thereof shall be enforceable in any court of competent jurisdiction by any owner of such warrants or bonds by mandamus or any other appropriate suit, action or proceeding at law or in equity.

(5) Bonds issued pursuant to the provisions of section 5 of this act, RCW ((~~28B.20.390, 28B.20.392,~~)) 28B.20.396<sub>2</sub> and 28B.20.398 may be redeemed, at the option of the board of regents, at such time or times, upon such terms and conditions, and at such premiums as the board of regents specifies in the resolution.

(6) If the board of regents fails to pay the required amounts into the special fund, established in conformity with ((subdivision)) subsection (2) of this section, the owner of any bond or bonds affected thereby may maintain an action against the board of regents to compel compliance with the terms of the resolution in this respect.

(7) Pending the preparation and execution of any bonds the issuance of which is authorized under the provisions of ((subdivision)) subsection (2) of this section, temporary bonds may be issued in such form as the board of regents determines.

**NEW SECTION. Sec. 8.** The following acts or parts of acts are each repealed:

(1) RCW 28B.20.390 (Additional powers of regents as to old university grounds--Definitions) and 1969 ex.s. c 223 s 28B.20.390;

(2) RCW 28B.20.392 (Additional powers of regents as to old university grounds--Enumeration of) and 1969 ex.s. c 223 s 28B.20.392; and

(3) RCW 43.79.090 (Rentals to building fund--Use of fund) and 1965 c 8 s 43.79.090.

**NEW SECTION. Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

#### MOTIONS

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 1 of the title, after "tract;" strike the remainder of the title and insert "amending RCW 28B.20.382, 28B.20.394, 28B.20.396, and 28B.20.398; adding new sections to chapter 28B.20 RCW; creating a new section; repealing RCW 28B.20.390, 28B.20.392, and 43.79.090; and declaring an emergency."

On motion of Senator Bauer, the rules were suspended, Engrossed Substitute House Bill No. 1991, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1991, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1991, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1991, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Rasmussen, Senator Loveland was excused.

#### PARLIAMENTARY INQUIRY

Senator Benton: "May I make an inquiry, please? It is 7:00 p.m. and I am wondering if the Senate is going to break for dinner and come back or are we just going to work all the way through the night without breaking to eat. What is the plan?"

#### REPLY BY THE PRESIDENT

President Owen: "The President can't respond to that. You have to talk to the leadership, Senator Benton."

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1619, by House Committee on Appropriations (originally sponsored by Representatives McDonald, Kagi, Boldt, Lovick, Tokuda, Wood, Clements, Carrell, D. Schmidt, Linville, Dickerson, O'Brien, Mielke, Kenney and Haigh)

Changing the liability insurance of foster parents.

The bill was read the second time.

#### MOTION

On motion of Senator Costa, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that Washington state is experiencing a significant shortage of quality foster homes and that the majority of children entering the system are difficult to place due to their complex needs. The legislature intends to provide additional assistance to those families willing to serve as foster parents.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

Within available funds and subject to such conditions and limitations as may be established by the department or by the legislature in the omnibus appropriations act, the department of social and health services shall reimburse foster parents for property damaged or destroyed by foster children placed in their care. The department shall establish by rule a maximum amount that may be reimbursed for each occurrence. The department shall reimburse the foster parent for the replacement value of any property covered by this section. If the damaged or destroyed property is covered and reimbursed under an insurance policy, the department shall reimburse foster parents for the amount of the deductible associated with the insurance claim, up to the limit per occurrence as established by the department.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

#### MOTION

On motion of Senator Costa, the rules were suspended, Substitute House Bill No. 1619, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1619, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1619, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Excused: Senator Loveland - 1. SUBSTITUTE HOUSE BILL NO. 1619, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1183, by House Committee on State Government (originally sponsored by Representatives H. Sommers, Huff, Romero, McMorris, McIntire and Esser) (by request of State Treasurer Murphy)

Negotiating state-wide custody contracts.

The bill was read the second time.

#### MOTION

Senator Gardner moved that the following Committee on Commerce, Trade, Housing and Financial Institutions striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** Local governments enter into separate, individual contracts with banks for custody services. The rate and terms which each local government obtains from a given bank sometimes varies widely depending upon the size of the local government's portfolio, and thus fails to provide all of the state's taxpayers with the most advantageous rates and terms for such custody services. The purpose of this act is to enable local governments, through a state-wide custody contract, to collectively obtain the most advantageous rate and terms from a single financial institution for custodial banking services. Under such a state-wide custody contract, smaller local governments may receive a higher level of service, while paying lower fees than they might have individually obtained.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.08 RCW to read as follows:

(1) The state treasurer is authorized to negotiate a state-wide custody contract for local government custody services. The term of the contract shall be for a minimum of four years.

(2) The state treasurer shall, as soon as is practical after negotiations have been successfully completed, notify local governments that a state-wide custody contract has been negotiated.

(3) Following such notification, each local government may, at its option, become a signatory to the state-wide contract. Each local government may only become a signatory to the contract by having its authorized local government official or financial officer and the state-wide custodian execute the state-wide contract. The contract is between the state-wide custodian and the respective local government. It is the responsibility of the local government official or financial officer to fully understand the terms and conditions of the state-wide custody contract prior to its execution, and to ensure those terms and conditions are observed by the state-wide custodian during the term of the contract.

(4) The state treasurer may adopt rules to implement this section, including, but not limited to, those rules deemed necessary to provide for an orderly transition in the event of a different state-wide custodian in a new state-wide custody contract.

(5) Any state-wide custodian who becomes a signatory to the state-wide custody contract may be exempted from the requirements of chapter 39.58 RCW for the purposes of this section, based on rules adopted by the public deposit protection commission.

(6) For the purposes of this section:

(a) "Financial institution" means a bank or trust company chartered and supervised under state or federal law;

(b) "Local government" means any county, city, town, special purpose district, political subdivision, municipal corporation, or quasi-municipal corporation, including any public corporation created by such an entity, which legally possesses and exercises investment authority;

(c) "State-wide custody contract" means a contract negotiated between the state treasurer and a financial institution that establishes terms and fees for custody services which are optional to any local government for the term of the contract;

(d) "State-wide custodian" means the financial institution with whom the state treasurer has negotiated a state-wide custody contract;

(e) "Custody services" means services performed by a financial institution such as the settlement, safekeeping, valuation, and market-value reporting of negotiable instruments owned by the local government;

(f) "Local government official" means any officer or employee of a local government who has been designated by statute or local charter, ordinance, or resolution as the officer having the authority to invest the funds of the local government. However, the county treasurer is the only local government official for all political subdivisions for which the county treasurer has statutory or contractual authority to invest the funds thereof;

(g) "Financial officer" means the board-appointed treasurer of a college, university, community or technical college district, or the state board for community and technical colleges.

**NEW SECTION. Sec. 3.** A new section is added to chapter 39.58 RCW to read as follows:

A state-wide custodian under section 2 of this act may be exempted from the requirements of this chapter, based on rules adopted by the public deposit protection commission.

**NEW SECTION. Sec. 4.** This act takes effect September 1, 1999."

#### MOTION

On motion of Senator Gardner, the following amendments by Senators Gardner and Prentice to the Committee on Commerce, Trade, Housing and Financial Institutions were considered simultaneously and were adopted:

On page 1, line 13, after "local governments" insert "and institutions of higher education"

On page 1, line 22, strike "local government custody services" and insert "custody services for local governments and institutions of higher education"

On page 1, line 25, after "local governments" insert "and institutions of higher education"

On page 1, line 27, after "local government" insert "or institution of higher education"

On page 1, line 29, after "local government" insert "or institution of higher education"

On page 1, line 32, after "local government" insert "or institution of higher education"

The President declared the question before the Senate to be the adoption of the Committee on Commerce, Trade, Housing and Financial Institutions striking amendment, as amended, to Substitute House Bill No. 1183.

The motion by Senator Gardner carried and the committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Gardner, the following title amendment was adopted:

On page 1, line 2 of the title, after "contracts;" strike the remainder of the title and insert "adding a new section to chapter 43.08 RCW; adding a new section to chapter 39.58 RCW; creating a new section; and providing an effective date."

On motion of Senator Gardner, the rules were suspended, Substitute House Bill No. 1183, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1183, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1183, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1183, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2264, by Representatives H. Sommers, Huff and O'Brien (by request of Department of Social and Health Services)

Meeting the trust account requirement of the juvenile accountability block grant.

The bill was read the second time.

#### MOTION

On motion of Senator Loveland, the rules were suspended, House Bill No. 2264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2264.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2264 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Absent: Senator Franklin - 1.

HOUSE BILL NO. 2264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1664, by Representatives Dickerson, Thomas and Dunshee (by request of Department of Revenue)

Preventing the use of step transactions to avoid real estate excise tax.

The bill was read the second time.

#### MOTION

On motion of Senator Loveland, the rules were suspended, House Bill No. 1664 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1664.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1664 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 47.

Voting nay: Senators Benton and Zarelli - 2.

HOUSE BILL NO. 1664, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2111, by House Committee on Appropriations (originally sponsored by Representatives Alexander, Benson, Wolfe, Constantine, Hatfield, Grant and H. Sommers (by request of Attorney General Gregoire and Department of General Administration)

Eliminating the tort claims revolving fund.

The bill was read the second time.

#### MOTION

On motion of Senator Loveland, the rules were suspended, Substitute House Bill No. 2111 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2111.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2111 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2111, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1971, by House Committee on Transportation (originally sponsored by Representatives D. Sommers, Wood, Benson, Schindler and Gombosky)

Enhancing traffic safety.

The bill was read the second time.

## MOTION

On motion of Senator Goings, the following Committee on Transportation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.59.150 and 1998 c 165 s 3 are each amended to read as follows:

(1) The Washington state traffic safety commission shall establish a program for improving bicycle and pedestrian safety, and shall cooperate with the stakeholders and independent representatives to form an advisory committee to develop programs and create public private partnerships which promote bicycle and pedestrian safety. The traffic safety commission shall periodically report and make recommendations to the legislative transportation committee ~~((and the fiscal committees of the house of representatives and the senate by December 1, 1998, regarding the conclusions of the advisory))~~ on the progress of the bicycle and pedestrian safety committee.

(2) The bicycle and pedestrian safety account is created in the state treasury to support bicycle and pedestrian education or safety programs. ~~((To the extent that private contributions are received by the traffic safety commission for the purposes of bicycle and pedestrian safety programs established under this section, the appropriations from the highway safety account for this purpose shall lapse.))~~

**Sec. 2.** RCW 46.52.070 and 1998 c 165 s 8 are each amended to read as follows:

(1) Any police officer of the state of Washington or of any county, city, town or other political subdivision, present at the scene of any accident or in possession of any facts concerning any accident whether by way of official investigation or otherwise shall make report thereof in the same manner as required of the parties to such accident and as fully as the facts in his possession concerning such accident will permit.

(2) The police officer shall report to the department, on a form prescribed by the director: (a) When ~~((an accident))~~ a collision has occurred that results in a fatality ~~((or serious injury))~~; and (b) the identity of the operator of a vehicle involved in the ~~((accident))~~ collision when the officer has reasonable grounds to believe the operator ~~((who))~~ caused the ~~((fatality or serious injury may not be competent to operate a motor vehicle; and (c) the reason or reasons for such belief))~~ collision.

(3) The police officer shall report to the department, on a form prescribed by the director: (a) When a collision has occurred that results in a serious injury; (b) the identity of the operator of a vehicle involved in the collision when the officer has reasonable grounds to believe the operator who caused the serious injury may not be competent to operate a motor vehicle; and (c) the reason or reasons for the officer's belief.

**Sec. 3.** RCW 46.20.305 and 1998 c 165 s 13 are each amended to read as follows:

(1) The department, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed may upon notice require him or her to submit to an examination.

(2) The department shall require a driver reported under RCW 46.52.070 (2)~~((, when a fatality occurred,))~~ and (3) to submit to an examination. The examination must be completed no later than one hundred twenty days after the accident report required under RCW 46.52.070(2) is received by the department unless the department, at the request of the operator, extends the time for examination.

(3) ~~((The department may require a driver reported under RCW 46.52.070(2) to submit to an examination, or suspend the person's license subject to RCW 46.20.322, when a serious injury occurred. The examination must be completed no later than one hundred twenty days after the accident report required under RCW 46.52.070(2) is received by the department.~~

~~(4))~~ The department may in addition to an examination under this section require such person to obtain a certificate showing his or her condition signed by a licensed physician or other proper authority designated by the department.

~~((5))~~ (4) Upon the conclusion of an examination under this section the department shall take driver improvement action as may be appropriate and may suspend or revoke the license of such person or permit him or her to retain such license, or may issue a license subject to restrictions as permitted under RCW 46.20.041. The department may suspend or revoke the license of such person who refuses or neglects to submit to such examination.

~~((6))~~ (5) The department may require payment of a fee by a person subject to examination under this section. The department shall set the fee in an amount that is sufficient to cover the additional cost of administering examinations required by this section.

NEW SECTION. Sec. 4. A new section is added to chapter 46.16 RCW to read as follows:

When applicable, the certificate of registration must include a statement that the owner or entity operating a commercial vehicle must be in compliance with the requirements of the United States department of transportation federal motor carrier safety regulations contained in Title 49 C.F.R. Part 382, controlled substances and alcohol use and testing.

NEW SECTION. Sec. 5. A new section is added to chapter 46.32 RCW to read as follows:

A person or employer operating as a motor carrier shall comply with the requirements of the United States department of transportation federal motor carrier safety regulations as contained in Title 49 C.F.R. Part 382, controlled substances and alcohol use and testing. A person or employer who begins or conducts commercial motor vehicle operations without having a controlled substance and alcohol testing program that is in compliance with the requirements of Title 49 C.F.R. Part 382 is subject to a penalty, under the process set forth in RCW 46.32.100, of up to one thousand five hundred dollars and up to an additional five hundred dollars for each motor vehicle driver employed by the person or employer who is not in compliance with the motor vehicle driver testing requirements. A person or employer having actual knowledge that a driver has tested positive for controlled substances or alcohol who allows a positively tested person to continue to perform a safety-sensitive function is subject to a penalty, under the process set forth in RCW 46.32.100, of one thousand five hundred dollars.

NEW SECTION. Sec. 6. A new section is added to chapter 81.04 RCW to read as follows:

A person or employer operating as a motor carrier shall comply with the requirements of the United States department of transportation federal motor carrier safety regulations as contained in Title 49 C.F.R. Part 382, controlled substances and alcohol use and testing. A person or employer who begins or conducts commercial motor vehicle operations without having a controlled substance and alcohol testing program that is in compliance with the requirements of Title 49 C.F.R. Part 382 is subject to a penalty, under the process set forth in RCW 81.04.405, of up to one thousand five hundred dollars and up to an additional five hundred dollars for each motor vehicle driver employed by the person or employer who is not in compliance with the motor vehicle driver testing requirements. A person or employer having actual knowledge that a driver has tested positive for controlled substances or alcohol who allows a positively tested person to continue to perform a safety-sensitive function is subject to a penalty, under the process set forth in RCW 81.04.405, of one thousand five hundred dollars."

## MOTIONS

On motion of Senator Goings, the following title amendment was adopted:

On page 1, line 1 of the title, after "safety;" strike the remainder of the title and insert "amending RCW 43.59.150, 46.52.070, and 46.20.305; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.32 RCW; adding a new section to chapter 81.04 RCW; and prescribing penalties."

On motion of Senator Goings, the rules were suspended, Substitute House Bill No. 1971, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1971, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1971, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Absent: Senator Hale - 1. SUBSTITUTE HOUSE BILL NO. 1971, as amended by the Senate, having

received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1304, by House Committee on Transportation (originally sponsored by Representatives Hankins, Fisher and K. Schmidt) (by request of Transportation Improvement Board)

Updating references to the transportation improvement board bond retirement account.

The bill was read the second time.

#### MOTION

On motion of Senator Goings, the rules were suspended, Substitute House Bill No. 1304 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1304.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1304 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1304, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### POINT OF INQUIRY

Senator Deccio: "Would you yield to a question?"

#### REPLY BY THE PRESIDENT

President Owen: "Maybe."

Senator Deccio: "Are you going to accompany this young violinist on the guitar tomorrow for our benefit?"

President Owen: "Not tomorrow morning."

Senator Deccio: "Some of us have not witnessed your musical talents and we are kind of curious."

President Owen: "You are very lucky. I'll play with him at noon only. He is a capella tomorrow morning. He is a great amazing young man."

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1392, by House Committee on Judiciary (originally sponsored by Representatives Hurst, Constantine, Sheahan and McDonald)

Revising provisions relating to vacation of records of conviction.

The bill was read the second time.

#### MOTION

Senator Heavey moved that the following Committee on Judiciary striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 9.96 RCW to read as follows:

(1) Every person convicted of a misdemeanor or gross misdemeanor offense who has completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the tests prescribed in subsection (2) of this section, the court may in its discretion clear the record of conviction by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information or indictment against the applicant.

(2) An applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense cleared if any one of the following is present: (a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense; (c) the offense was a violation of RCW 46.61.502 (Driving while under the influence), 46.61.504 (Actual physical control while under the influence), or 9.91.020 (Operating a railroad, etc. while intoxicated); (d) the offense was any misdemeanor or gross misdemeanor attempt to commit a sex offense as defined in RCW 9.94A.030; (e) the offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 (Obscenity and pornography) or 9.68A (Sexual exploitation of children) RCW; (f) the applicant has been convicted of a new crime in this state, another state, or federal court since the date the applicant completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense; or (g) less than five years have passed since the date the applicant completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense.

(3) Once the court vacates a record of conviction under subsection (1) of this section, the person shall be released from all penalties and disabilities resulting from the offense, except that the fact that the person had been convicted of the offense may be used in any subsequent criminal prosecution consistent with any other legal use and may be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all other purposes, including responding to questions on employment applications, a person whose conviction has been vacated may state that the person has never been convicted of that crime.

(4) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

(5) Any conviction that is vacated under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order vacating the conviction to the Washington state patrol. The Washington state patrol shall transmit the order vacating the conviction to the federal bureau of investigation.

(6) No person may seek or be granted a vacation of record of conviction for an offense committed after the date upon which the person received a vacation of record of conviction for any other offense.

**Sec. 2.** RCW 9.94A.230 and 1987 c 486 s 7 are each amended to read as follows:

(1) Every offender who has been discharged under RCW 9.94A.220 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may in its discretion clear the record of conviction by: (a)(i) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or ~~((b))~~ (ii) if the offender has been convicted after a plea of not guilty, ~~((b))~~ the court setting aside the verdict of guilty; and ~~((c-by))~~ (b) the court dismissing the information or indictment against the offender.

(2) An offender may not have the record of conviction cleared if any one of the following is present: (a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offense was a domestic violence offense as defined in RCW 10.99.020; (d) the offense was a crime against persons as defined in RCW 43.43.830; ~~((d))~~ (e) the offender has been convicted of a new crime in this state, another state, or federal court since the date of the offender's discharge under RCW 9.94A.220; ~~((e))~~ (f) the offense is a class B felony and less than ten years have passed since the date the applicant was discharged under RCW 9.94A.220; ~~((and-f))~~ or (g) the offense was a class C felony and less than five years have passed since the date the applicant was discharged under RCW 9.94A.220.

(3) Once the court vacates a record of conviction under subsection (1) of this section, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(4) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

(5) Any conviction that is vacated under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order vacating the conviction to the Washington state patrol. The Washington state patrol shall transmit the order vacating the conviction to the federal bureau of investigation.

(6) No person may seek or be granted a vacation of record of conviction for an offense committed after the date upon which the person received a vacation of record of conviction for any other offense.

**Sec. 3.** RCW 9.95.240 and 1957 c 227 s 7 are each amended to read as follows:

(1) Every defendant who has fulfilled the conditions of his of her probation for the entire period thereof, or who ~~((shall have))~~ has been discharged from probation prior to the termination of the period thereof, may ~~((at any time prior to the expiration of the maximum period of punishment for the offense for which he has been convicted be permitted in the discretion of the court to withdraw his plea of guilty and enter a plea of not guilty, or if he has been convicted after a plea of not guilty, the court may in its discretion set aside the verdict of guilty; and in either case, the court may thereupon dismiss the information or indictment against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted. The probationer shall be informed of this right in his probation papers: PROVIDED, That in any subsequent prosecution, for any other offense, such prior conviction may be pleaded and proved, and shall have the same effect as if probation had not been granted, or the information or indictment dismissed))~~ apply to the sentencing court for a vacation of the defendant's record of conviction. If the court finds the defendant meets the tests prescribed in subsection (2) of this section, the court may in its discretion clear the record of conviction by: (a)(i) Permitting the defendant to withdraw the defendant's plea of guilty and to enter a plea of not guilty; or (ii) if the defendant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information or indictment against the defendant.

(2) An offender may not have the record of conviction cleared if: (a) There are any criminal charges against the defendant pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offense was a felony crime against persons as defined in RCW 43.43.830; (d) the defendant has been convicted of a new crime in this state, another state, or federal court since the date the defendant successfully completed probation; (e) the offense is a class B felony and less than ten years have passed since the date the defendant successfully completed probation; (f) the offense was a class C felony and less than five years have passed since the date the defendant successfully completed probation; (g) the offense was a misdemeanor or gross misdemeanor and less than five years have passed since the date the defendant successfully completed probation; or (h) the offense was a misdemeanor or gross misdemeanor and operated to interrupt the washout of a class B felony under RCW 9.94A.360 and less than ten years have passed since the date of the conviction for the misdemeanor or gross misdemeanor.

(3) Once the court vacates a record of conviction under subsection (1) of this section, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal case.

(4) No person may seek or be granted a vacation of record of conviction for an offense committed after the date upon which the person received a vacation of record of conviction for any other offense.

(5) Any conviction that is vacated under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order vacating the conviction to the Washington state patrol. The Washington state patrol shall transmit the order vacating the conviction to the federal bureau of investigation.

(6) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

**Sec. 4.** RCW 13.50.050 and 1997 c 338 s 40 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection ~~((11))~~ (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the

juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection ~~((22))~~ (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court has the discretion to grant the motion to seal records made pursuant to subsection (10) of this section if it finds that for class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition:

(a) The person has spent five consecutive years in the community without committing another offense or crime that results in conviction in this state, another state, or federal court;

(b) There are no criminal charges against the person pending in any court of this state, another state, or federal court;

(c) Through credible evidence presented to the court that the person has a present career path that is impeded by the record of the courts order and findings;

(d) That the person is twenty-one years of age or older; and

(e) The person has lived an exemplary life since the court's order and findings.

(12) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) For class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent ten consecutive years in the community without committing any offense or crime that subsequently results in conviction. For class C offenses, gross misdemeanors, and misdemeanors, other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(c) No proceeding is pending seeking the formation of a diversion agreement with that person;

(d) The person has not been convicted of a class A or sex offense; and

(e) Full restitution has been paid.

~~((12))~~ (13) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

~~((13))~~ (14) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall, subject to subsection ~~((22))~~ (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual. Any record that is sealed under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the

purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order sealing the record to the Washington state patrol. The Washington state patrol shall transmit the order sealing the record to the federal bureau of investigation.

~~((14))~~ (15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection ~~((22))~~ (23) of this section.

~~((15))~~ (16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW.

~~((16))~~ (17) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection ~~((22))~~ (23) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

~~((17))~~ (18) If the court grants the motion to destroy records made pursuant to subsection ~~((16))~~ (17) of this section, it shall, subject to subsection ~~((22))~~ (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

~~((18))~~ (19) The person making the motion pursuant to subsection ~~((16))~~ (17) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

~~((19))~~ (20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

~~((20))~~ (21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

~~((21))~~ (22) Any juvenile justice or care agency may, subject to the limitations in subsection ~~((22))~~ (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

~~((22))~~ (23) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

~~((23))~~ (24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

(25) All costs incurred by the court and probation services shall be paid by the person making the motion to seal the record under subsection (10) of this section unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought."

## MOTION

Senator Costa moved that the following amendment by Senators Costa, Winsley, Fairley, Gardner, Kline, Kohl-Welles, B. Sheldon, Long, Thibaudeau, McCaslin and Sheahan to the Committee on Judiciary striking amendment be adopted:

On page 1, line 30 of the amendment, after "(d)" insert "the offense was a domestic violence offense as defined in RCW 10.99.020;

(e)"

Reletter the subsections consecutively and correct any internal references accordingly.

## POINT OF INQUIRY

Senator Heavey: "Senator Costa, if your amendment were to pass, would all simple assaults--fourth degree assaults--be precluded from any vacation?"

Senator Costa: "No, only those that are identified as domestic violence assaults."

Senator Heavey: "Thank you very much."

The President declared the question before the Senate to be the adoption of the amendment by Senators Costa, Winsley, Fairley, Gardner, Kline, Kohl-Welles, B. Sheldon, Long, Thibaudeau, McCaslin and Sheahan on page 1, line 30, to the Committee on Judiciary striking amendment to Substitute House Bill No. 1392.

The motion by Senator Costa carried and the amendment to the Committee on Judiciary striking amendment was adopted.

## MOTION

Senator Benton moved that the following amendment by Senators Benton, Zarelli and Hargrove to the Committee on Judiciary striking amendment be adopted:

On page 10, after line 28, insert the following:

"**Sec. 5.** RCW 9.41.070 and 1996 c 295 s 6 are each amended to read as follows:

(1) The chief of police of a municipality or the sheriff of a county shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within this state either permanently or for five years from date of issue, as the person may elect upon application for the license, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours. A permanent license issued under this section is valid until suspended or revoked or until the person to whom the license was issued becomes otherwise ineligible to possess a firearm or to obtain a concealed pistol license. Any person whose eligibility is restored under this section, RCW 9.41.040, or other law, may apply for a permanent license under this section. A permanent license issued under this section entitles a person to carry a pistol concealed on his or her person in accordance with this section regardless of the date of issuance of the license, and the license need not be renewed for that purpose. However, such a license does not entitle a person to take delivery of a pistol under RCW 9.41.090(1)(a) if more than five years have passed since the date of the issuance or latest renewal of the license, and such a license may be renewed as authorized by this section for the purpose of taking the delivery.

The applicant's constitutional right to bear arms shall not be denied, unless:

- (a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045;
- (b) The applicant's concealed pistol license is in a revoked status;
- (c) He or she is under twenty-one years of age;
- (d) He or she is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070;
- (e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;
- (f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or
- (g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person.

No person convicted of a felony may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2) The issuing authority shall check with the national crime information center, the Washington state patrol electronic data base, the department of social and health services electronic data base, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm and therefore ineligible for a concealed pistol license. This subsection applies whether the applicant is applying for a ((new)) permanent concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, date and place of birth, race, gender, description, not more than two complete sets of fingerprints, and signature of the licensee, and the licensee's

driver's license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for ~~((an original))~~ either a permanent or five-year license shall include two complete sets of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's eligibility under RCW 9.41.040 to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall meet the additional requirements of RCW 9.41.170 and produce proof of compliance with RCW 9.41.170 upon application. The license shall be in triplicate and in a form to be prescribed by the department of licensing.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5)(a) The nonrefundable fee, paid upon application, for the ~~((original five-year))~~ license ~~((shall be))~~ is thirty-six dollars for the five-year license and one hundred dollars for the permanent license plus additional charges imposed by the Federal Bureau of Investigation that are passed on to the applicant for either license. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of ~~((the))~~ either license.

(b) The fee for the five-year license shall be distributed as follows:

~~((a))~~ (i) Fifteen dollars ~~((shall be paid))~~ to the state general fund;

~~((b))~~ (ii) Four dollars ~~((shall be paid))~~ to the agency taking the fingerprints of the person licensed;

~~((c))~~ (iii) Fourteen dollars ~~((shall be paid))~~ to the issuing authority for the purpose of enforcing this chapter; and

~~((d))~~ (iv) Three dollars to the firearms range account in the general fund.

(c) The fee for the permanent license shall be distributed as follows:

(i) Forty-seven dollars to the state general fund;

(ii) Four dollars to the agency taking the fingerprints of the person licensed;

(iii) Fourteen dollars to the issuing authority for the purpose of enforcing this chapter; and

(iv) Thirty-five dollars to the firearms range account in the general fund.

(6) A person with a five-year license may renew the license for the purpose of being eligible to take delivery of a pistol under RCW 9.41.090(1)(a). A renewal is valid for that purpose for five years from the date of its issuance. The nonrefundable fee for the renewal of ~~((such))~~ a five-year license ~~((shall be))~~ is thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(c) Three dollars to the firearms range account in the general fund.

(7) The nonrefundable fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

(8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(9) A licensee may renew a five-year license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (6) of this section. The fee shall be distributed as follows:

(a) Three dollars shall be deposited in the state wildlife fund and used exclusively for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law. The pamphlet shall be given to each applicant for a license; and

(b) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(10) Notwithstanding the requirements of subsections (1) through (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

(11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

(13) A person may apply for a concealed pistol license:

(a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;

(b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or

(c) Anywhere in the state if the applicant is a nonresident.

**Sec. 6.** RCW 9.41.090 and 1996 c 295 s 8 are each amended to read as follows:

(1) In addition to the other requirements of this chapter, no dealer may deliver a pistol to the purchaser thereof until:

(a) The purchaser produces a valid concealed pistol license and the dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed as provided in subsection (5) of this section. For purposes of this subsection (1)(a), a "valid concealed pistol license" does not include a temporary emergency license, and does not include any license issued before July 1, 1996, unless the issuing agency conducted a records search for disqualifying crimes under RCW 9.41.070 at the time of issuance, and does not include any license more than five years after the date of its issuance or latest renewal;

(b) The dealer is notified in writing by the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a pistol under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or

(c) Five business days, meaning days on which state offices are open, have elapsed from the time of receipt of the application for the purchase thereof as provided herein by the chief of police or sheriff designated in subsection (5) of this section, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. However, if the purchaser does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, the waiting period under this subsection (1)(c) shall be up to sixty days.

(2)(a) Except as provided in (b) of this subsection, in determining whether the purchaser meets the requirements of RCW 9.41.040, the chief of police or sheriff, or the designee of either, shall check with the national crime information center, the Washington state patrol electronic data base, the department of social and health services electronic data base, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 to possess a firearm.

(b) Once the system is established, a dealer shall use the state system and national instant criminal background check system, provided for by the Brady Handgun Violence Prevention Act (18 U.S.C. Sec. 921 et seq.), to make criminal background checks of applicants to purchase firearms. However, a chief of police or sheriff, or a designee of either, shall continue to check the department of social and health services' electronic data base and with other agencies or resources as appropriate, to determine whether applicants are ineligible under RCW 9.41.040 to possess a firearm.

(3) In any case under subsection (1)(c) of this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the dealer shall hold the delivery of the pistol until the warrant for arrest is served and satisfied by appropriate court appearance. The local jurisdiction for purposes of the sale shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the dealer so that the hold may be released if the warrant was for an offense other than an offense making a person ineligible under RCW 9.41.040 to possess a pistol.

(4) In any case where the chief or sheriff of the local jurisdiction has reasonable grounds based on the following circumstances:

(a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for an offense making a person ineligible under RCW 9.41.040 to possess a pistol, or (e) an arrest for an offense making a person ineligible under RCW 9.41.040 to possess a pistol, if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a pistol, the local jurisdiction may hold the sale and delivery of the pistol beyond five days up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court or municipal court for good cause shown. A dealer shall be notified of each hold placed on the sale by local law enforcement and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.

(5) At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the dealer an application containing his or her full name, residential address, date and place of birth, race, and gender; the date and hour of the application; the applicant's driver's license number or state identification card number; a description of the pistol including the make, model, caliber and manufacturer's number if available at the time of applying for the purchase of a pistol. If the manufacturer's number is not available, the application may be processed, but delivery of the pistol to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the chief of police of the municipality or the sheriff of the county in which the purchaser resides; and a statement that the purchaser is eligible to possess a pistol under RCW 9.41.040.

The application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. State permission to purchase a firearm is not a defense to a federal prosecution.

The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms, firearms safety, and the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The dealer shall, by the end of the business day, sign and attach his or her address and deliver a copy of the application and such other documentation as required under subsection (1) of this section to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident. The triplicate shall be retained by the dealer for six years. The dealer shall deliver the pistol to the purchaser following the period of time specified in this section unless the dealer is notified of an investigative hold under subsection (4) of this section in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser is not eligible to possess a pistol under RCW 9.41.040 or 9.41.045, or federal law.

The chief of police of the municipality or the sheriff of the county shall retain or destroy applications to purchase a pistol in accordance with the requirements of 18 U.S.C. Sec. 922.

(6) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a pistol is guilty of false swearing under RCW 9A.72.040.

(7) This section does not apply to sales to licensed dealers for resale or to the sale of antique firearms."

#### POINT OF ORDER

Senator Heavey: "A point of order, Mr. President. I submit that this amendment is outside the scope and object of the bill and request your opinion thereon. The underlying bill develops a process for vacating misdemeanor convictions. This deals with concealed pistol licenses and other weapon's issues, which are--I don't know what they have to do with misdemeanor convictions."

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Heavey to the scope and object of amendment by Senators Benton, Zarelli and Hargrove on page 10, after line 28, to the Committee on Judiciary striking amendment, the President finds that Substitute House Bill No. 1392 is a measure which relates solely to the vacation of records of conviction.

"The amendment by Senators Benton, Zarelli and Hargrove to the committee striking amendment concerns concealed weapons licenses. "The President, therefore, finds that the amendment to the committee striking amendment does change the scope and object of the bill, and the point of order is well taken."

The amendment on page 10, after line 28, by Senators Benton, Zarelli and Hargrove to the Committee on Judiciary striking amendment to Substitute House Bill No. 1392 was ruled out of order.

The President declared the question before the Senate to be the adoption of the Committee on Judiciary striking amendment, as amended, to Substitute House Bill No. 1392.

The motion by Senator Heavey carried and the committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 1 of the title, after "conviction;" strike the remainder of the title and insert "amending RCW 9.94A.230, 9.95.240, and 13.50.050; and adding a new section to chapter 9.96 RCW."

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 1392, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1392, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1392, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1392, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 7:42 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Thursday, April 15, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

NINETY-FOURTH DAY, APRIL 14, 1999

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

**NINETY-FIFTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Thursday, April 15, 1999

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Costa, Morton, Rasmussen and Zarelli. On motion of Senator Deccio, Senator Morton was excused. On motion of Senator Franklin, Senators Brown and Rasmussen were excused.

The Sergeant at Arms Color Guard consisting of Pages Tiffany Wentz and Holly Westerfield, presented the Colors. Eight year old John Michael Brooks of Longview, played *Amazing Grace* on his violin.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

April 14, 1999

SHB 1125 Prime Sponsor, House Committee on Transportation: Funding transportation. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Jacobsen, Morton, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

MINORITY Report: Do not pass. Signed by Senators Finkbeiner, Johnson and Oke.

April 14, 1999

SHB 2152 Prime Sponsor, House Committee on Health Care: Concerning long-term care payment rates. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio and Winsley.

April 14, 1999

HB 2259 Prime Sponsor, Representative Murray: Extending the term of drivers' licenses. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

**MOTION**

On motion of Senator Betti Sheldon, the rules were suspended, Substitute House Bill No. 1125, Substitute House Bill No. 2152 and House Bill No. 2259 were advanced to second reading and placed on the second reading calendar.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

April 14, 1999

GA 9008 HARRY DUDLEY, appointed January 30, 1998, for a term ending December 26, 2000, as a member of the Board of Pilotage Commissioners.

Reported by Committee on Transportation.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin, and Swecker.

Passed to Committee on Rules.

April 14, 1999

GA 9030 DENNIS MARSHALL, appointed January 29, 1998, for a term ending December 26, 2000, as a member of the Board of Pilotage Commissioners.

Reported by Committee on Transportation.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin, and Swecker.

Passed to Committee on Rules.

April 14, 1999

GA 9187 CHARLES DAVIS, appointed December 24, 1998, for a term ending December 26, 2001, as a member of the Board of Pilotage Commissioners.

Reported by Committee on Transportation.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin, and Swecker.

Passed to Committee on Rules.

April 14, 1999

GA 9198 ANDREW PALMER, reappointed December 24, 1998, for a term ending December 26, 2002, as a member of the Board of Pilotage Commissioners.

Reported by Committee on Transportation.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Costa, Finkbeiner, Horn, Morton, Oke, Prentice, Sellar, Sheahan, T. Sheldon, Shin, and Swecker.

Passed to Committee on Rules.

#### MESSAGE FROM THE HOUSE

April 14, 1999

MR. PRESIDENT:

The Co-Speakers have signed:

SENATE BILL NO. 5021,

SECOND SUBSTITUTE SENATE BILL NO. 5102,

SENATE BILL NO. 5105,

SENATE BILL NO. 5122,

SENATE BILL NO. 5233,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5348,

SUBSTITUTE SENATE BILL NO. 5352,

SENATE BILL NO. 5606,

SUBSTITUTE SENATE BILL NO. 5745,

ENGROSSED SENATE BILL NO. 5798,

SENATE BILL NO. 5986,

SENATE BILL NO. 5987,

SUBSTITUTE SENATE BILL NO. 6012,

SUBSTITUTE SENATE BILL NO. 6052,

SUBSTITUTE SENATE BILL NO. 6063, and the same are herewith transmitted

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6095 by Senators Spanel, Swecker, Eide, Fraser and Jacobsen

AN ACT Relating to water conservation and reuse; and creating a new section.  
Referred to Committee on Environmental Quality and Water Resources.

SB 6097 by Senators Fraser, Swecker, Spanel and Eide

AN ACT Relating to streamflows; and creating a new section.  
Referred to Committee on Environmental Quality and Water Resources.

SB 6098 by Senators Jacobsen, Swecker, Fraser, Eide and Spanel

AN ACT Relating to public water systems; and creating a new section.  
Referred to Committee on Environmental Quality and Water Resources.

SB 6099 by Senators Eide, Swecker, Spanel, Fraser and Jacobsen

AN ACT Relating to water resources changes and transfers; adding a new section to chapter 90.03 RCW; and creating a new section.  
Referred to Committee on Environmental Quality and Water Resources.

SB 6100 by Senators Eide, Swecker, Spanel and Fraser

AN ACT Relating to improving shorelines and land uses to facilitate salmon recovery; and creating a new section.

Referred to Committee on Environmental Quality and Water Resources.

SB 6101 by Senators Spanel, Swecker, Eide and Fraser

AN ACT Relating to compliance with water resource and habitat protection requirements; and creating a new section.

Referred to Committee on Environmental Quality and Water Resources.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9137, Hartly Kruger, as a member of the Horse Racing Commission, was confirmed.

Senators Prentice, West and Deccio spoke to the confirmation of Hartly Kruger as a member of the Horse Racing Commission.

APPOINTMENT OF HARTLY KRUGER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Bauer, Benton, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 44.

Absent: Senators Costa and Zarelli - 2.

Excused: Senators Brown, Morton and Rasmussen - 3.

MOTION

On motion of Senator Franklin, Senator Haugen was excused.

MOTION

On motion of Senator Honeyford, Senators McDonald and Oke were excused.

MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9119, Gerald Grinstein, as a member of the Board of Regents for the University of Washington, was confirmed.

Senators Jacobsen and Sellar spoke to the confirmation of Gerald Grinstein as a member of the Board of Regents for the University of Washington.

APPOINTMENT OF GERALD GRINSTEIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, Morton,

Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 43.

Absent: Senators McAuliffe, Snyder and Zarelli - 3.

Excused: Senators Haugen, McDonald and Oke - 3.

#### MOTION

On motion of Senator McCaslin, Senator Zarelli was excused.

#### MOTION

On motion of Senator Franklin, Senators Betti Sheldon, Kohl-Welles and Snyder were excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1826, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Grant, Linville, Mastin and G. Chandler)

Requiring appointment of water masters in watershed management areas with WRIA plans.

The bill was read the second time.

#### MOTION

Senator Fraser moved that the following Committee on Environmental Quality and Water Resources striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 90.03.060 and 1987 c 109 s 69 are each amended to read as follows:

(1) Water masters shall be appointed by the department whenever it shall find the interests of the state or of the water users to require them. The districts for or in which the water masters serve shall be designated water master districts, which shall be fixed from time to time by the department, as required, and they shall be subject to revision as to boundaries or to complete abandonment as local conditions may indicate to be expedient, the spirit of this provision being that no district shall be created or continued where the need for the same does not exist. Water masters shall be supervised by the department, shall be compensated for services from funds of the department, and shall be technically qualified to the extent of understanding the elementary principals of hydraulics and irrigation, and of being able to make water measurements in streams and in open and closed conduits of all characters, by the usual methods employed for that purpose. Counties and municipal and public corporations of the state are authorized to contribute moneys to the department to be used as compensation to water masters in carrying out their duties. All such moneys received by the department shall be used exclusively for said purpose.

(2) A water master may be appointed by the department for a watershed management area for which a plan adopted by a planning unit and by the counties with territory in the watershed management area under RCW 90.82.130 contains a requirement or request that a water master be appointed, subject to availability of state or nonstate funding."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Environmental Quality and Water Resources striking amendment to Substitute House Bill No. 1826.

The motion by Senator Fraser carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "masters;" strike the remainder of the title and insert "and amending RCW 90.03.060."

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1826, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1826, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1826, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 41.

Absent: Senator Bauer - 1.

Excused: Senators Haugen, Kohl-Welles, McDonald, Oke, Sheldon, B., Snyder and Zarelli - 7.

SUBSTITUTE HOUSE BILL NO. 1826, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE JOINT MEMORIAL NO. 4012, by Representatives Regala, Eickmeyer, Buck, Clements, Anderson, Veloria and Conway

Requesting Congress to pass legislation to restore and revitalize federal funding for the land and water conservation fund.

The joint memorial was read the second time.

#### MOTION

Senator Hargrove moved that the following amendment be adopted:

On page 2, beginning on line 31, strike all material through "service." on line 35, and insert the following:

"NOW, THEREFORE, Your Memorialists respectfully pray that Congress pass legislation to restore and revitalize federal funding for the Land and Water Conservation Fund. Lands shall be open for public use and enjoyment. We pray that Congress create a new dedicated fund for state-level fish and wildlife management, which would be administered by the United States fish and wildlife service."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 2, beginning on line 31, to House Joint Memorial 4012.

The motion by Senator Hargrove carried and the amendment was adopted.

#### MOTION

On motion of Senator Fraser, the rules were suspended, House Joint Memorial No. 4012, as amended by the Senate, was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4012, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4012, as amended by the Senate, and the joint memorial passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin,

McDonald, Morton, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 44.

Absent: Senator Prentice - 1.

Excused: Senators Haugen, Oke, Sheldon, B. and Zarelli - 4.

HOUSE JOINT MEMORIAL NO. 4012, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SECOND READING

HOUSE BILL NO. 2081, by Representatives Ruderman, Crouse, Dunshee, Thomas, Kessler, Murray, O'Brien, Ogden, Rockefeller, Stensen, Constantine and Lantz (by request of Governor Locke)

Continuing a moratorium that prohibits a city or town from imposing a specific fee or tax on an internet service provider.

The bill was read the second time.

#### MOTION

On motion of Senator Brown, the rules were suspended, House Bill No. 2081 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2081.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2081 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 46.

Excused: Senators Haugen, Sheldon, B. and Zarelli - 3.

HOUSE BILL NO. 2081, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1240, by House Committee on Education (originally sponsored by Representatives McMorris, Quall, Sump, Haigh, Keiser and Kenney) (by request of Superintendent of Public Instruction Bergeson)

Increasing medicaid reimbursements to second class school districts.

The bill was read the second time.

#### MOTION

On motion of Senator McAuliffe, the following Committee on Education striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.09.5255 and 1994 c 180 s 6 are each amended to read as follows:

Of the projected federal medicaid and private insurance revenue collected under RCW 74.09.5249, ((twenty)) **one-half** of the percent of potential medicaid eligible students billed by the school district as calculated by the superintendent multiplied by the

federal portion of medicaid payments, after deduction for billing fees, shall be for incentive payments to districts. Incentive payments shall only be used by districts for children with disabilities.

**Sec. 2.** RCW 74.09.5256 and 1994 c 180 s 7 are each amended to read as follows:

(1) Districts shall reassign medicaid payments to be received under RCW 74.09.5249 through 74.09.5253, 74.09.5254 and 74.09.5255, and this section to the superintendent of public instruction.

(2) The superintendent of public instruction shall receive medicaid payments from the department of social and health services for all state and federal moneys under Title XIX of the federal social security act due to districts for medical assistance provided in the district's special education program.

(3) The superintendent shall use reports from the department of social and health services, the state billing agent, districts acting as their own billing agent, and firms to calculate the appropriate amounts of incentive payments and state special education program moneys due each district.

(4) Moneys received by the superintendent of public instruction shall be disbursed for the following purposes:

(a) Reimbursement to the department of social and health services for the state-funded portion of medicaid payments;

(b) Reimbursement for billing agent's fees, including those of districts acting as their own agent and billing fees of firms;

(c) Incentive payments to each school district((s)) equal to ~~((twenty))~~ one-half of the percent of potential medicaid eligible students billed by the school district as calculated by the superintendent multiplied by the federal portion of medicaid payments after deduction for billing fees; and

(d) The remainder shall be distributed to districts as part of state allocations for the special education program provided under RCW 28A.150.390.

(5) With respect to private insurer funds received by districts, the superintendent of public instruction shall reduce state special education program allocations to the districts by ~~((eighty percent of the amount received))~~ one minus the percent calculated by the superintendent in subsection (4)(c) of this section, after deduction for billing fees."

#### MOTIONS

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "and amending RCW 74.09.5255 and 74.09.5256."

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1240, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1240, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1240, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 47.

Excused: Senators Haugen and Zarelli - 2.

SUBSTITUTE HOUSE BILL NO. 1240, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Goings, Senator Betti Sheldon was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1770, by House Committee on Education (originally sponsored by Representatives Stensen and Talcott) (by request of Board of Education)

Adopting recommendations of the state board of education.

The bill was read the second time.

#### MOTION

On motion of Senator McAuliffe, the following Committee on Education striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** During 1997 and 1998, a committee of the state board of education reviewed all board rules and related authorizing statutes. Based on the findings and recommendations resulting from the review, the state board prepared a report to the legislature requesting action be taken. It is the intent of this act to implement recommendations of the state board of education.

**Sec. 2.** RCW 28A.205.010 and 1993 c 211 s 1 are each amended to read as follows:

(1) As used in this chapter, unless the context thereof shall clearly indicate to the contrary:

"Education center" means any private school operated on a profit or nonprofit basis which does the following:

(a) Is devoted to the teaching of basic academic skills, including specific attention to improvement of student motivation for achieving, and employment orientation.

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities, determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program.

(c) Conducts courses of instruction by professionally trained personnel certificated by the state board of education according to rules ~~((and regulations promulgated))~~ adopted for the purposes of this chapter and providing, for certification purposes, that a year's teaching experience in an education center shall be deemed equal to a year's teaching experience in a common or private school.

(2) For purposes of this chapter, basic academic skills shall include the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting of the common schools or the approval of private schools under RCW 28A.305.130.

(3) The state board of education shall certify an education center only upon application and (a) determination that such school comes within the definition thereof as set forth in subsection (1) ~~((above))~~ of this section and (b) demonstration on the basis of actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that are a direct result of the applicants' educational program. Such certification may be withdrawn if the board finds that a center fails to provide adequate instruction in basic academic skills. No education center certified by the state board of education pursuant to this section shall be deemed a common school under RCW 28A.150.020 or a private school for the purposes of RCW 28A.195.010 through 28A.195.050.

**Sec. 3.** RCW 28A.205.020 and 1997 c 265 s 7 are each amended to read as follows:

Only eligible common school dropouts shall be enrolled in a certified education center for reimbursement by the superintendent of public instruction as provided in RCW 28A.205.040. A person is not an eligible common school dropout if: (1) The person has completed high school, (2) the person has not reached his or her twelfth birthday or has passed his or her twentieth birthday, (3) the person shows proficiency beyond the high school level in a test approved by the ~~((superintendent of public instruction))~~ state board of education to be given as part of the initial diagnostic procedure, or (4) less than one month has passed after the person has dropped out of any common school and the education center has not received written verification from a school official of the common school last attended in this state that the person is no longer in attendance at the school. A person is an eligible common school dropout even if one month has not passed since the person dropped out if the board of directors or its designee, of that common school, requests the center to admit the person because the person has dropped out or because the person is unable to attend a particular common school because of disciplinary reasons, including suspension and/or expulsion. The fact that any person may be subject to RCW 28A.225.010 through ~~((28A.225.150))~~ 28A.225.140, 28A.200.010, and 28A.200.020 shall not affect his or her qualifications as an eligible common school dropout under this chapter.

**Sec. 4.** RCW 28A.205.040 and 1990 c 33 s 183 are each amended to read as follows:

~~(1)(a)~~ From funds appropriated for that purpose, the superintendent of public instruction shall pay fees to a certified ~~((clinic))~~ center on a monthly basis for each student enrolled in compliance with RCW 28A.205.020 ~~((fees in accordance with the following conditions:~~

~~(1)(a)~~ The fee for the initial diagnostic procedure shall be not more than fifty dollars per student, and hourly fees for each student shall be sixteen dollars if the class size is no greater than one, ten dollars if the class size is at least two and no greater than five, and five dollars if the class size is at least six: ~~PROVIDED, That~~). The superintendent shall set fees by rule.

~~(b)~~ Revisions in such fees proposed by an education ~~((clinic))~~ center shall become effective after thirty days notice unless the superintendent finds such a revision is unreasonable in which case the revision shall not take effect ~~((: PROVIDED FURTHER, That))~~. An education ((clinic)) center may, within fifteen days after such a finding by the superintendent, file notification of appeal with the state board of education which shall, no later than its second regularly scheduled meeting following notification of such appeal, either grant or deny the proposed revision((: AND PROVIDED FURTHER, That)). The administration of any general education development test shall not be a part of such initial diagnostic procedure.

~~((b))~~ ~~(c)~~ Reimbursements shall not be made for students who are absent.

~~((c))~~ ~~(d)~~ No ~~((clinic))~~ center shall make any charge to any student, or the student's parent, guardian or custodian, for whom a fee is being received under the provisions of this section.

(2) Payments shall be made from available funds first to those ~~((clinic(s) which))~~ centers that have in the judgment of the superintendent demonstrated superior performance based upon consideration of students' educational gains taking into account such students' backgrounds, and upon consideration of cost effectiveness. In considering the cost effectiveness of nonprofit ~~((clinics))~~ centers the superintendent shall take into account not only payments made under this section but also factors such as tax exemptions, direct and indirect subsidies or any other cost to taxpayers at any level of government which result from such nonprofit status.

(3) To be eligible for such payment, every such ~~((clinic))~~ center, without prior notice, shall permit a review of its accounting records by personnel of the state auditor during normal business hours.

(4) If total funds for this purpose approach depletion, the superintendent shall notify the ~~((clinics))~~ centers of the date after which further funds for reimbursement of the ~~((clinics'))~~ centers' services will be exhausted.

**Sec. 5.** RCW 28A.225.160 and 1986 c 166 s 1 are each amended to read as follows:

Except as otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons who are five years of age and less than twenty-one years residing in that school district. Except as otherwise provided by law or rules adopted by the state board of education, ~~((the state board of education is hereby authorized to adopt rules in accordance with chapter 34.05 RCW which))~~ districts may establish uniform entry qualifications, including but not limited to birth date requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may provide for exceptions based upon the ability, or the need, or both, of an individual student. For the purpose of complying with any rule adopted by the state board of education which authorizes a preadmission screening process as a prerequisite to granting exceptions to the uniform entry qualifications, a school district may collect fees ~~((not to exceed seventy-five dollars per preadmission student))~~ to cover expenses incurred in the administration of ~~((such a))~~ any preadmission screening process: PROVIDED, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those persons whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

**Sec. 6.** RCW 28A.300.040 and 1992 c 198 s 6 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state~~((:))~~;

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools~~((:))~~;

(3) To prepare and have printed such forms, registers, courses of study, rules ~~((and regulations))~~ for the government of the common schools, ~~((questions prepared for the examination of persons as provided for in RCW 28A.305.130(9),))~~ and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents~~((:))~~;

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, of consulting educational service district superintendents or other school officials~~((:))~~;

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system and which shall be sold at approximate actual cost of publication and distribution per volume to all other public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules ~~((and regulations))~~

related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount((-));

(6) To act as ex officio member and the chief executive officer of the state board of education((-));

(7) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to((-));

(8) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct((-));

(9) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state((-);

(10) To issue certificates as provided by law((-));

(11) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education((-);

(12) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction((-);

(13) To administer oaths and affirmations in the discharge of the superintendent's official duties((-);

(14) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office((-);

(15) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025((-);

(16) To perform such other duties as may be required by law.

**NEW SECTION. Sec. 7.** The following sections are each recodified as a new chapter in Title 28A RCW:

RCW 28A.315.350

RCW 28A.315.380

RCW 28A.315.390

RCW 28A.315.400

RCW 28A.315.410

RCW 28A.315.420

RCW 28A.315.430

RCW 28A.315.440

**NEW SECTION. Sec. 8.** The following sections are each recodified as a new chapter in Title 28A RCW:

RCW 28A.315.450

RCW 28A.315.650

RCW 28A.315.470

RCW 28A.315.480

RCW 28A.315.490

RCW 28A.315.500

RCW 28A.315.530

RCW 28A.315.510

RCW 28A.315.540

**NEW SECTION. Sec. 9.** The following sections are each recodified as a new chapter in Title 28A RCW:

RCW 28A.315.570

RCW 28A.315.460

RCW 28A.315.600

RCW 28A.315.610

RCW 28A.315.620

RCW 28A.315.630

RCW 28A.315.670

RCW 28A.315.680

RCW 28A.315.550

**NEW SECTION. Sec. 10.** The following sections are each recodified as a new chapter in Title 28A RCW:

RCW 28A.315.560

RCW 28A.315.580

RCW 28A.315.590

RCW 28A.315.593

RCW 28A.315.660

RCW 28A.315.597

RCW 28A.315.640

**NEW SECTION. Sec. 11.** The following acts or parts of acts are each repealed:

(1) RCW 28A.04.172 (Post-baccalaureate professional teacher preparation program--Masters degree--Implementation--Standards) and 1987 c 525 s 214; and

(2) RCW 28A.410.013 (Teacher assessment for certification--Study--Report to the legislature) and 1995 c 222 s 1."

## MOTIONS

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 2 of the title, after "authority;" strike the remainder of the title and insert "amending RCW 28A.205.010, 28A.205.020, 28A.205.040, 28A.225.160, and 28A.300.040; adding new chapters to Title 28A RCW; creating a new section; recodifying RCW 28A.315.350, 28A.315.380, 28A.315.390, 28A.315.400, 28A.315.410, 28A.315.420, 28A.315.430, 28A.315.440, 28A.315.450, 28A.315.650, 28A.315.470, 28A.315.480, 28A.315.490, 28A.315.500, 28A.315.530, 28A.315.510, 28A.315.540, 28A.315.570, 28A.315.460, 28A.315.600, 28A.315.610, 28A.315.620, 28A.315.630, 28A.315.670, 28A.315.680, 28A.315.550, 28A.315.560, 28A.315.580, 28A.315.590, 28A.315.593, 28A.315.660, 28A.315.597, and 28A.315.640; and repealing RCW 28A.04.172 and 28A.410.013."

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1770, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1770, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1770, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Absent: Senators McDonald and Patterson - 2.

Excused: Senators Sheldon, B. and Zarelli - 2.

SUBSTITUTE HOUSE BILL NO. 1770, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Franklin, Senator Prentice was excused.

## SECOND READING

HOUSE BILL NO. 1539, by Representative Parlette

Clarifying medicare supplement policies.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the following striking amendment by Senators Thibaudeau and Deccio was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 48.66.045 and 1995 c 85 s 3 are each amended to read as follows:

Every issuer of a medicare supplement insurance policy or certificate providing coverage to a resident of this state issued on or after January 1, 1996, shall:

(1) Issue coverage under its approved standardized benefit plans (~~(B, C, D, E, F, and G)~~) without evidence of insurability to any resident of this state who is eligible for both medicare hospital and physician services by reason of age or by reason of disability or end-stage renal disease, if the medicare supplement policy replaces another (~~(medicare supplement standardized)~~) benefit plan, policy, or certificate (~~(B, C, D, E, F, or G)~~) or other (~~(more comprehensive)~~) coverage (~~(than the replaced policy)~~). The replacing issuer shall waive any time periods applicable to preexisting conditions in the medicare supplement contract for similar benefits to the extent that similar exclusions have been satisfied under the original coverage; and

(2) (~~Issue coverage under its standardized plans A, H, I, and J without evidence of insurability to any resident of this state who is eligible for both medicare hospital and physician services by reason of age or by reason of disability or end-stage renal disease, if the medicare supplement policy replaces another medicare supplement policy or certificate which is the same standardized plan as the replaced policy; and~~

(3)) Set rates only on a community-rated basis. Premiums shall be equal for all policyholders and certificate holders under a standardized medicare supplement benefit plan form, except that an issuer may develop no more than two rating pools that distinguish between an insured's eligibility for medicare by reason of:

(a) Age; or

(b) Disability or end-stage renal disease.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, House Bill No. 1539, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1539, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1539, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 47.

Excused: Senators Prentice and Zarelli - 2.

HOUSE BILL NO. 1539, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1291, by House Committee on State Government (originally sponsored by Representatives D. Schmidt, McMorris, Romero, Scott, Wensman, Esser, Miloscia, Benson, D. Sommers and Dunn)

Making various changes in election laws.

The bill was read the second time.

## MOTION

Senator Patterson moved that the following Committee on State and Local Government striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 29.04.050 and 1989 c 278 s 1 are each amended to read as follows:

(1) Every voting precinct must be wholly within a single congressional district, a single legislative district, and a single district of a county legislative authority.

(2) Every voting precinct shall be composed, as nearly as practicable, of contiguous and compact areas.

(3) Except as provided in this subsection, changes to the boundaries of any precinct shall follow visible, physical features delineated on the most current maps provided by the United States census bureau. A change need not follow such visible, physical features if (a) it is necessitated by an annexation or incorporation and the proposed precinct boundary is identical to an exterior boundary of the annexed or incorporated area which does not follow a visible, physical feature; or (b) doing so would substantially impair election administration in the involved area.

(4) After a change to precinct boundaries is adopted by the county legislative authority, the county auditor shall send to the secretary of state a copy of the legal description and a map or maps of the changes and, if all or part of the changes do not follow visible, physical features, a statement of the applicable exception under subsection (3) of this section. For boundary changes made pursuant to subsection (3)(b) of this section, the auditor shall include a statement of the reasons why following visible, physical features would have substantially impaired election administration.

(5) Every voting precinct within each county shall be designated (~~(consecutively)~~) by number for the purpose of preparation of maps and the tabulation of population for apportionment purposes. These precincts may be identified with names or other numbers for other election purposes.

(6) After a change to precinct boundaries in a city or town, the county auditor shall send one copy of the map or maps delineating the new precinct boundaries within that city or town to the city or town clerk.

(7) Precinct maps are public records and shall be available for inspection by the public during normal office hours in the offices where they are kept. Copies shall be made available to the public for a fee necessary to cover the cost of reproduction.

**Sec. 2.** RCW 29.04.120 and 1992 c 7 s 32 are each amended to read as follows:

(1) Any person who uses registered voter data furnished under RCW 29.04.100 or 29.04.110 for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value shall be guilty of a felony punishable by imprisonment in a state correctional facility for a period of not more than five years or a fine of not more than (~~(five)~~) ten thousand dollars or both such fine and imprisonment, and shall be liable to each person provided such advertisement or solicitation, without the person's consent, for the nuisance value of such person having to dispose of it, which value is herein established at five dollars for each item mailed or delivered to the person's residence: PROVIDED, That any person who mails or delivers any advertisement, offer or solicitation for a political purpose shall not be liable under this section, unless the person is liable under subsection (2) of this section. For purposes of this subsection, two or more attached papers or sheets or two or more papers which are enclosed in the same envelope or container or are folded together shall be deemed to constitute one item. Merely having a mailbox or other receptacle for mail on or near the person's residence shall not be any indication that such person consented to receive the advertisement or solicitation. A class action may be brought to recover damages under this section and the court may award a reasonable attorney's fee to any party recovering damages under this section.

(2) It shall be the responsibility of each person furnished data under RCW 29.04.100 or 29.04.110 to take reasonable precautions designed to assure that the data is not used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value: PROVIDED, That such data may be used for any political purpose. Where failure to exercise due care in carrying out this responsibility results in the data being used for such purposes, then such person shall be jointly and severally liable for damages under the provisions of subsection (1) of this section along with any other person liable under subsection (1) of this section for the misuse of such data.

**Sec. 3.** RCW 29.04.170 and 1980 c 35 s 7 are each amended to read as follows:

(1) The legislature finds that certain laws are in conflict governing the election of various local officials. The purpose of (~~(this legislation)~~) chapter 126, Laws of 1979 ex. sess. is to provide a common date for the assumption of office for all the elected officials of counties, cities, towns, and special purpose districts other than school districts where the ownership of property is not a prerequisite of voting. A person elected to the office of school director begins his or her term of office at the first official meeting of

the board of directors after certification of the election results. It is also the purpose of ~~((this legislation))~~ chapter 126, Laws of 1979 ex. sess. to remove these conflicts and delete old statutory language concerning such elections which is no longer necessary.

(2) For elective offices of counties, cities, towns, and special purpose districts other than school districts where the ownership of property is not a prerequisite of voting, the term of incumbents shall end and the term of successors shall begin after the successor is elected and qualified, and the term shall commence immediately after December 31st following the election, except as follows:

(a) Where the term of office varies from this standard according to statute; and

(b) If the election results have not been certified prior to January 1st after the election, in which event the time of commencement for the new term shall occur when the successor becomes qualified in accordance with RCW 29.01.135.

(3) For elective offices governed by this section, the oath of office shall be taken as the last step of qualification as defined in RCW 29.01.135 but may be taken either:

(a) Up to ten days prior to the scheduled date of assuming office; or

(b) At the last regular meeting of the governing body of the applicable county, city, town, or special district held before the winner is to assume office.

**Sec. 4.** RCW 29.07.010 and 1994 c 57 s 8 are each amended to read as follows:

(1) In all counties, the county auditor shall be the chief registrar of voters for every precinct within the county. The auditor may appoint a registration assistant for each precinct or group of precincts and shall appoint city or town clerks as registration assistants to assist in registering persons residing in cities, towns, and rural precincts within the county.

(2) In addition, the auditor may appoint a registration assistant for each common school. The auditor may appoint a registration assistant for each fire station. ~~((All common schools, fire stations, and public libraries shall make voter registration application forms available to the public.))~~

(3) A registration assistant must be a registered voter. Except for city and town clerks, each registration assistant holds office at the pleasure of the county auditor.

(4) The county auditor shall be the custodian of the official registration records of that county. The county auditor shall ensure that mail-in voter registration application forms are readily available to the public at locations to include but not limited to the elections office, and all common schools, fire stations, and public libraries.

**Sec. 5.** RCW 29.07.120 and 1994 c 57 s 16 are each amended to read as follows:

~~((On each Monday next following the registration of any voter each))~~ Once each week the county auditor shall transmit all cards required by RCW 29.07.090 ~~((received in the auditor's office during the prior week))~~ to the secretary of state ~~((for filing))~~. The secretary of state may exempt a county auditor who is providing electronic voter registration and electronic voter signature information to the secretary of state from the requirements of this section.

**Sec. 6.** RCW 29.07.260 and 1994 c 57 s 21 are each amended to read as follows:

(1) A person may register to vote ~~((or))~~, transfer a voter registration, or change his or her name for voter registration purposes when he or she applies for or renews a driver's license or identification card under chapter 46.20 RCW.

(2) To register to vote ~~((or))~~, transfer ((a)) his or her voter registration, or change his or her name for voter registration purposes under this section, the applicant shall provide the following:

(a) His or her full name;

(b) Whether the address in the driver's license file is the same as his or her residence for voting purposes;

(c) The address of the residence for voting purposes if it is different from the address in the driver's license file;

(d) His or her mailing address if it is not the same as the address in (c) of this subsection;

(e) Additional information on the geographic location of that voting residence if it is only identified by route or box;

(f) The last address at which he or she was registered to vote in this state;

(g) A declaration that he or she is a citizen of the United States; and

(h) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and to prevent duplicate or fraudulent voter registrations.

(3) The following warning shall appear in a conspicuous place on the voter registration form:

"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, or by a fine of up to ten thousand dollars, or both imprisonment and fine."

(4) The applicant shall sign a portion of the form that can be used as an initiative signature card for the verification of petition signatures by the secretary of state and shall sign and attest to the following oath:

"I declare that the facts on this voter registration form are true. I am a citizen of the United States, I am not presently denied my civil rights as a result of being convicted of a felony, I will have lived in Washington at this address for thirty days before the next election at which I vote, and I will be at least eighteen years old when I vote."

(5) The driver licensing agent shall record that the applicant has requested to register to vote or transfer a voter registration.

**Sec. 7.** RCW 29.08.080 and 1993 c 434 s 8 are each amended to read as follows:

The secretary of state shall furnish registration forms necessary to carry out the registration of voters as provided by this chapter without cost to the respective counties. ~~((However, costs incurred by the secretary of state during 1994 and 1995 in the printing and distribution of voter registration forms shall be reimbursed by the counties. This cost shall be considered an election cost under RCW 29.13.045 and be prorated as part of the 1994 and 1995 general election costs.))~~

**Sec. 8.** RCW 29.10.100 and 1994 c 57 s 43 are each amended to read as follows:

~~((On the Monday next following))~~ Once each week after the cancellation of the registration of any voter or the change of name of a voter, each county auditor ~~((must))~~ shall certify ~~((to))~~ all cancellations or name changes ~~((made during the prior week))~~ to the secretary of state. The certificate shall set forth the name of each voter whose registration has been canceled or whose name was changed, and the county, city or town, and precinct in which the voter was registered.

**Sec. 9.** RCW 29.15.025 and 1993 c 317 s 10 are each amended to read as follows:

(1) A person filing a declaration and affidavit of candidacy for an office shall, at the time of filing, be a registered voter and possess the qualifications specified by law for persons who may be elected to the office.

(2) The name of a candidate for an office shall not appear on a ballot for that office unless, except as provided in RCW 3.46.067 and 3.50.057, the candidate is, at the time the candidate's declaration and affidavit of candidacy is filed, properly registered to vote in the geographic area represented by the office. For the purposes of this section, each geographic area in which registered voters may cast ballots for an office is represented by that office. If a person elected to an office must be nominated from a district or similar division of the geographic area represented by the office, the name of a candidate for the office shall not appear on a primary ballot for that office unless the candidate is, at the time the candidate's declaration and affidavit of candidacy is filed, properly registered to vote in that district or division. The officer with whom declarations and affidavits of candidacy must be filed under this title shall review each such declaration filed regarding compliance with this subsection.

(3) This section does not apply to the office of a member of the United States congress.

**Sec. 10.** RCW 29.15.050 and 1990 c 59 s 85 are each amended to read as follows:

A filing fee of one dollar shall accompany each declaration of candidacy for precinct committee officer; a filing fee of ten dollars shall accompany the declaration of candidacy for any office with a fixed annual salary of one thousand dollars or less; a filing fee equal to one percent of the annual salary of the office at the time of filing shall accompany the declaration of candidacy for any office with a fixed annual salary of more than one thousand dollars per annum. No filing fee need accompany a declaration of candidacy for any office for which compensation is on a per diem or per meeting attended basis ~~((, nor for the filing of any declaration of candidacy by a write-in candidate))~~.

A candidate who lacks sufficient assets or income at the time of filing to pay the filing fee required by this section shall submit with his or her declaration of candidacy a nominating petition. The petition shall contain not less than a number of signatures of registered voters equal to the number of dollars of the filing fee. The signatures shall be of voters registered to vote within the jurisdiction of the office for which the candidate is filing.

When the candidacy is for:

(1) A legislative or judicial office that includes territory from more than one county, the fee shall be paid to the secretary of state for equal division between the treasuries of the counties comprising the district.

(2) A city or town office, the fee shall be paid to the county auditor who shall transmit it to the city or town clerk for deposit in the city or town treasury.

**Sec. 11.** RCW 29.30.101 and 1990 c 59 s 14 are each amended to read as follows:

The names of the persons certified as nominees by the secretary of state or the county canvassing board shall be printed on the ballot at the ensuing election.

No name of any candidate whose nomination at a primary is required by law shall be placed upon the ballot at a general or special election unless it appears upon the certificate of either (1) the secretary of state, or (2) the county canvassing board, or (3) a minor party convention or the state or county central committee of a major political party to fill a vacancy on its ticket under RCW 29.18.160.

Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, a candidate's name shall not appear more than once upon a ballot for a position regularly nominated or elected at the same election.

**Sec. 12.** RCW 29.36.013 and 1993 c 418 s 1 are each amended to read as follows:

Any voter may apply, in writing, for status as an ongoing absentee voter. Each qualified applicant shall automatically receive an absentee ballot for each ensuing election for which he or she is entitled to vote and need not submit a separate request

for each election. Ballots received from ongoing absentee voters shall be validated, processed, and tabulated in the same manner as other absentee ballots.

Status as an ongoing absentee voter shall be terminated upon any of the following events:

- (1) The written request of the voter;
- (2) The death or disqualification of the voter;
- (3) The cancellation of the voter's registration record; ~~((er))~~
- (4) The return of an ongoing absentee ballot as undeliverable; or
- (5) Upon placing a voter on inactive status under RCW 29.10.071.

**Sec. 13.** RCW 29.57.010 and 1985 c 205 s 1 are each amended to read as follows:

The intent of this chapter is to ~~((implement Public Law 98-435 which))~~ require~~((s))~~ state and local election officials~~((, wherever possible,))~~ to designate and use polling places in ~~((federal))~~ all elections and permanent registration locations which are accessible to elderly and handicapped persons. County auditors ~~((are encouraged to))~~ shall:

- (1) Make modifications such as installation of temporary ramps or relocation of polling places within buildings, where appropriate;
- (2) Designate new, accessible polling places to replace those that are inaccessible; and
- (3) Continue to use polling places and voter registration locations which are accessible to elderly and handicapped persons.

**Sec. 14.** RCW 29.57.070 and 1985 c 205 s 3 are each amended to read as follows:

No later than April 1st of each even-numbered year ~~((until and including 1994))~~, each county auditor shall ~~((report))~~ submit to the secretary of state~~((, on the form provided by the secretary of state,))~~ a list showing the number of ~~((all))~~ polling places in the county~~((,))~~ and specifying any that have been found inaccessible. The auditor shall indicate the reasons for inaccessibility, and what efforts have been made pursuant to this chapter to locate alternative polling places or to make the existing facilities temporarily accessible. ~~((Each county auditor shall notify the secretary of state of any changes in polling place locations before the next state general election, including any changes required due to alteration of precinct boundaries.))~~

If a county auditor's list shows, for two consecutive reporting periods, that no polling places have been found inaccessible, the auditor need not submit further reports unless the secretary of state specifically reinstates the requirement for that county. Notice of reinstatement must be in writing and delivered at least sixty days before the reporting date.

**Sec. 15.** RCW 29.57.090 and 1985 c 205 s 5 are each amended to read as follows:

The secretary of state shall establish procedures to assure that, in any ~~((state))~~ primary or ~~((state general))~~ election ~~((in an even-numbered year))~~, any handicapped or elderly voter assigned to an inaccessible polling place will, upon advance request of that voter, either be permitted to vote at an alternative accessible polling place not overly inconvenient to that voter or be provided with an alternative means of casting a ballot on the day of the primary or election. The county auditor shall make any accommodations in voting procedures necessary to allow the use of alternative polling places by elderly or handicapped voters under this section.

**Sec. 16.** RCW 29.57.100 and 1985 c 205 s 6 are each amended to read as follows:

Each polling place ~~((for a state primary or state general election in an even-numbered year shall))~~ must be accessible unless:

- (1) The ~~((secretary of state has reviewed that polling place,))~~ county auditor has determined that it is inaccessible, that no alternative accessible polling place is available, that no temporary modification of that polling place or any alternative polling place is possible, and that the county auditor has complied with the procedures established under RCW 29.57.090; or
- (2) The secretary of state determines that a state of emergency exists that would otherwise interfere with the efficient administration of ~~((that))~~ the primary or election.

**Sec. 17.** RCW 29.57.130 and 1985 c 205 s 9 are each amended to read as follows:

- (1) Each county auditor shall provide voting and registration instructions, printed in large type, to be conspicuously displayed at each polling place and permanent registration facility.
- (2) The ~~((secretary of state))~~ county auditor shall make information available for deaf persons throughout the state by telecommunications.

**Sec. 18.** RCW 29.57.140 and 1985 c 205 s 10 are each amended to read as follows:

The ~~((secretary of state))~~ county auditor shall provide public notice of the availability of registration and voting aids, assistance to elderly and handicapped persons ~~((under RCW 29.51.200 and 42 U.S.C. Section 1973aa-6))~~, and procedures for voting by absentee ballot calculated to reach elderly and handicapped persons not later than public notice of the closing of registration for ~~((the state))~~ a primary ~~((and state general))~~ or election ~~((in each even-numbered year))~~.

**Sec. 19.** RCW 29.57.150 and 1985 c 205 s 11 are each amended to read as follows:

Each county auditor shall include a notice of the accessibility of polling places in the notice of election published under RCW 29.27.030 and 29.27.080 ~~((for the state primary and state general election in each even-numbered year))~~.

**Sec. 20.** RCW 29.57.160 and 1985 c 205 s 12 are each amended to read as follows:

(1) County auditors shall seek alternative polling places or other low-cost alternatives including, but not limited to, procedural changes and assistance from local disabled groups, service organizations, and other private sources before incurring costs for modifications under this chapter ~~((and Public Law 98-435))~~.

(2) ~~((In a state primary or state general election in an even-numbered year,))~~ The cost of those modifications to buildings or other facilities, including signs designating handicapped accessible parking and entrances, that are necessary to permit the use of those facilities for polling places under this chapter ~~((and Public Law 98-435))~~ or any procedures established under RCW 29.57.090 shall be treated as election costs and prorated under RCW 29.13.045.

**Sec. 21.** RCW 29.62.090 and 1990 c 262 s 1 are each amended to read as follows:

(1) Immediately after the official results of a state primary or general election in a county are ascertained, the county auditor or other election officer shall make an abstract of the number of registered voters in each precinct and of all the votes cast in the county at such state primary or general election for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The abstract shall be entered on blanks furnished by the secretary of state or on compatible computer printouts approved by the secretary of state, and transmitted to the secretary of state no later than the next business day following the certification by the county canvassing board.

(2) After each general election ~~((in an even-numbered year,))~~, the county auditor or other election officer shall provide to the secretary of state a report of the number of absentee ballots cast in each precinct for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The report may be included in the abstract required by this section or may be transmitted to the secretary of state separately, but in no event later than March 31 of the year following the election. Absentee ballot results may be incorporated into votes cast at the polls for each precinct or may be reported separately on a precinct-by-precinct basis.

(3) If absentee ballot results are not incorporated into votes cast at the polls, the county auditor or other election official may aggregate results from more than one precinct if the auditor, pursuant to rules adopted by the secretary of state, finds that reporting a single precinct's absentee ballot results would jeopardize the secrecy of a person's ballot. To the extent practicable, precincts for which absentee results are aggregated shall be contiguous.

**NEW SECTION. Sec. 22.** The following acts or parts of acts are each repealed:

- (1) RCW 29.57.030 and 1985 c 205 s 2 & 1979 ex.s. c 64 s 3;
- (2) RCW 29.57.080 and 1985 c 205 s 4;
- (3) RCW 29.57.110 and 1985 c 205 s 7; and
- (4) RCW 29.57.120 and 1985 c 205 s 8."

## MOTION

Senator Benton moved that the following amendments to the Committee on State and Local Government striking amendment be considered simultaneously and be adopted:

On page 8, after line 3, insert the following:

**"Sec. 11.** RCW 29.30.025 and 1990 c 59 s 80 are each amended to read as follows:

After the close of business on the last day for candidates to ~~((file for office))~~ withdraw, the ~~((filing officer))~~ county auditor of each county shall ~~((, from among those filings made in person and by mail,))~~ determine by lot the single order in which the names of ~~((these))~~ candidates will appear on all ~~((sample and absentee))~~ ballots for any partisan or nonpartisan office that will be voted upon by voters in the county at the primary. ~~((In the case of candidates for city, town, and district office, this procedure shall also determine the order for candidate names on the official primary ballot used at the polling place. The determination shall be done publicly and may be witnessed by the media and by any candidate.))~~ After the primary, or if no primary is required for any nonpartisan office under RCW 29.15.150 or 29.21.015, the county auditor of each county shall determine by lot the single order in which the names ~~((shall))~~ of nominees or candidates will appear on all ballots for any partisan or nonpartisan office that will be voted upon by the voters in that county at the general election ~~((ballot in the order determined by lot)).~~

A determination by lot under this section must be done publicly and may be witnessed by the media and by any candidate or nominee for the office, or a representative of the candidate or nominee.

**Sec. 12.** RCW 29.30.081 and 1990 c 59 s 13 are each amended to read as follows:

(1) On the top of each ballot there shall be printed instructions directing the voters how to mark the ballot, including write-in votes. After the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters at that election.

(2) ~~((The candidate or candidates of the major political party which received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election shall appear first following the appropriate~~

~~office heading, the candidate or candidates of the other major political parties shall follow according to the votes cast for their nominees for president at the last presidential election, and independent candidates and the candidate or candidates of all other parties shall follow in the order of their qualification with the secretary of state.~~

~~(3))~~ The names of candidates for president and vice-president for each political party shall be grouped together with a single response position for a voter to indicate his or her choice.

~~((4))~~ (3) All paper ballots and ballot cards shall be sequentially numbered in such a way to permit removal of such numbers without leaving any identifying marks on the ballot."

Renumber the sections consecutively and correct any internal references accordingly.

On page 12, after line 18, insert the following:

**"Sec. 21.** RCW 29.80.060 and 1965 c 9 s 29.80.060 are each amended to read as follows:

Whenever practical, the secretary of state shall cause the pamphlets to be printed so that no candidate's picture or statement shall be included in the copy of the pamphlet going to any county where such candidate is not to be voted for.

~~((The candidates' photographs and statements shall appear in the pamphlet in the same sequence as the positions sought appear on the state general election ballot.))~~ The secretary of state shall determine by lot the single order in which the names of nominees or candidates will appear for federal and state offices in the state candidates' pamphlet."

Renumber the sections consecutively and correct any internal references accordingly.

On page 12, line 21, after "(1)", insert the following:

"RCW 29.30.040 and 1990 c 59 s 94, 1977 ex.s. c 361 s 54, & 1965 c 9 s 29.30.040;

(2)"

Renumber the sections and subsections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Benton on page 8, after line 3; page 12, lines 18 and 21; to the Committee on State and Local Government striking amendment to Substitute House Bill No. 1291.

The motion by Senator Benton failed and the amendments to the committee striking amendment were not adopted.

The President declared the question before the Senate to be the adoption of the Committee on State and Local Government striking amendment to Substitute House Bill No. 1291.

The motion by Senator Patterson carried and the committee striking amendment was adopted.

## MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 1 of the title, after "laws;" strike the remainder of the title and insert "amending RCW 29.04.050, 29.04.120, 29.04.170, 29.07.010, 29.07.120, 29.07.260, 29.08.080, 29.10.100, 29.15.025, 29.15.050, 29.30.101, 29.36.013, 29.57.010, 29.57.070, 29.57.090, 29.57.100, 29.57.130, 29.57.140, 29.57.150, 29.57.160, and 29.62.090; and repealing RCW 29.57.030, 29.57.080, 29.57.110, and 29.57.120."

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1291, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1291, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1291, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 48.

Excused: Senator Zarelli - 1.

SUBSTITUTE HOUSE BILL NO. 1291, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1574, by House Committee on Appropriations (originally sponsored by Representatives Alexander, Parlette, Cody, Radcliff, O'Brien, Schual-Berke, Reardon, Quall, Santos, Cooper, Linville, Ericksen and Hurst)

Administering atypical antipsychotic medications.

The bill was read the second time.

## MOTION

On motion of Senator Hargrove, the following Committee on Human Services and Corrections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 13.34.030 and 1998 c 130 s 1 are each amended to read as follows:

For purposes of this chapter:

(1) "Chemical dependency treatment" means a service certified by the department as qualified in helping individuals successfully recover from the nonprescription use of controlled substances.

~~(2)~~ (2) "Child" and "juvenile" means any individual under the age of eighteen years.

~~((2))~~ (3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until the child returns home, an adoption decree, a permanent custody order, or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. If the most recent date of removal occurred prior to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode.

~~((3))~~ (4) "Department" means the department of social and health services.

(5) "Dependency finding" means a determination by the court that a child is a dependent child.

(6) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency.

~~((4))~~ (7) "Dependency petition" means a petition filed under this chapter.

(8) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has expressed either by statement or conduct, an intent to forego, for an extended period, parental rights or parental responsibilities despite an ability to do so. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;  
or

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

~~((5))~~ (9) "Drug-affected infant" has the definition created by the department of health in conjunction with the department of social and health services under RCW 13.34.801 and the infant requires treatment for withdrawal from controlled substances the infant was exposed to from the mother's use of nonprescription controlled substances or the infant requires treatment and services related to conditions that extend beyond the point of withdrawal.

(10) "Family planning" means the process of limiting or spacing the birth of children, education, counseling, information, and services. "Family planning" does not include pregnancy termination.

(11) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

~~((6))~~ (12) "Guardian ad litem" means a person, appointed by the court to represent the best interest of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

~~((7))~~ (13) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

~~((8))~~ (14) "Newborn infant" means an infant within seven days after birth.

(15) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

~~((9))~~ (16) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services capable of preventing the need for out-of-home placement while protecting the child.

(17) "Test" means use of a medically accepted standard of care for determining whether a newborn infant is a drug-affected infant.

**NEW SECTION. Sec. 2.** A new section is added to chapter 13.34 RCW to read as follows:

In an effort to reduce the harmful effects of drug-affected infants:

(1)(a) A woman's primary health care provider shall:

(i) Screen pregnant and lactating women for nonprescription use of controlled substances while pregnant. Screening criteria may include, but is not limited to, the criteria developed by the department of health pursuant to chapter 70.83E RCW;

(ii) Convey to the infant's primary health care provider screening findings that would suggest the need for testing of the infant, or conduct the testing; and

(iii) Inform each woman identified by screening for testing of her infant that if her infant is born drug-affected she can have a tubal ligation at no cost to her within six months following the birth if she is eligible for support under RCW 74.09.310, and how to access appropriate chemical dependency treatment.

(b) The provider shall not be liable for a decision regarding testing or reporting unless the decision amounts to gross negligence or intentional misconduct.

(2)(a) The health care provider of a newborn infant shall:

(i) Test any infant the provider reasonably believes is drug-affected; and

(ii) Notify the department of the name and address of the parent or parents of a drug-affected infant.

(b) The provider shall not be liable for a decision regarding testing or reporting unless the decision amounts to gross negligence or intentional misconduct.

(3) The department shall investigate all reports received under this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 13.34 RCW to read as follows:

When an infant is determined to be a first drug-affected infant, the department shall file a dependency petition in appropriate cases. The drug-affected status of an infant is not by itself sufficient to establish a finding that the drug-affected infant is dependent.

(1) The department and the mother may enter an agreement in which the mother agrees to chemical dependency treatment on an inpatient or outpatient basis. The mother must be offered education regarding family planning and medically appropriate pharmaceutical pregnancy prevention during the course of chemical dependency treatment with a preference for those methods administered not less than once every thirty days. In addition, the agreement shall:

(a) Specify completion dates for each of the conditions of treatment;

(b) Expire within twelve months of the date of execution; and

(c) Not be renegotiated or extended beyond twelve months of the date of execution unless the conditions, which were negotiated, cannot be fulfilled in twelve months and the reason the conditions cannot be fulfilled are completely beyond the control of the mother.

(2) If the department has filed a dependency petition and the department and the mother enter an agreement under subsection (1) of this section, the department shall request the court defer entry of a dependency finding for as long as the mother abides by the terms of the agreement subject to the department's monitoring compliance.

(3) As a condition of deferral of the dependency finding, the parties shall stipulate to facts sufficient to constitute a dependency. In the event a party unreasonably refuses to stipulate to facts sufficient to constitute a dependency, the court may proceed with hearings on the petition.

(4) If the court orders deferral of the dependency finding, the court shall order performance of the agreement and shall prohibit nonprescription use of controlled substances.

(5) The department or any party to the petition may request the court dismiss a deferred finding at any time if the mother demonstrates by clear and convincing evidence that she has not used controlled substances for at least twelve consecutive months unless the court finds compelling reasons to shorten the time after consulting with the substance abuse provider, but under no circumstances less than six months, and she can safely provide for the child's welfare without continuing supervision by the department or court.

(6) In the event the department does not file a petition or enter an agreement, the department shall refer the mother to available chemical dependency treatment.

**NEW SECTION. Sec. 4.** A new section is added to chapter 13.34 RCW to read as follows:

When an infant is determined to be a second drug-affected infant, the department shall file a dependency petition for the second drug-affected infant unless compelling reasons exist to the contrary. The department may proceed immediately with a dependency petition on the first drug-affected infant. The drug-affected status of an infant is not by itself sufficient to establish a finding that the drug-affected infant is dependent.

(1) The department and the mother may enter an agreement in which the mother agrees to inpatient chemical dependency treatment unless the department determines outpatient treatment is in the best interest of the child and participation in a model project developed under RCW 13.34.800 for aftercare services if the model project is available. The mother must be offered education regarding family planning and medically appropriate pharmaceutical pregnancy prevention during the course of chemical dependency treatment with a preference for those methods administered not less than once every thirty days. In addition, the agreement shall:

(a) Specify completion dates for each of the conditions of treatment;

(b) Expire within twelve months of the date of execution; and

(c) Not be renegotiated or extended beyond twelve months of the date of execution unless the conditions, which were negotiated, cannot be fulfilled in twelve months and the reason the conditions cannot be fulfilled are completely outside the control of the mother.

(2) If the department has filed a dependency petition and the department and the mother enter an agreement under subsection (1) of this section, the department shall request the court defer entry of a dependency finding for as long as the mother abides by the terms of the agreement subject to the department's monitoring compliance.

(3) As a condition of deferral of the dependency finding, the parties shall stipulate to facts sufficient to constitute a dependency. In the event a party unreasonably refuses to stipulate to facts sufficient to constitute a dependency, the court may proceed with hearings on the petition.

(4) If the court orders deferral of the dependency finding, the court shall order performance of the agreement and shall prohibit nonprescription use of controlled substances.

(5) The department or the mother may request the court dismiss a deferred finding at any time if the mother demonstrates by clear and convincing evidence that she has not used controlled substances for at least twelve consecutive months unless the court finds compelling reasons to shorten the time after consulting with the substance abuse provider, but under no circumstances less than six months, and she can safely provide for the child's welfare without continuing supervision by the department or court.

(6) In the event the department does not file a petition or enter an agreement, the department shall refer the mother to available chemical dependency treatment programs.

**NEW SECTION. Sec. 5.** A new section is added to chapter 13.34 RCW to read as follows:

Unless compelling reasons exist to the contrary, the department shall file a dependency petition when an infant is determined to be a third or subsequent drug-affected infant. Unless compelling reasons exist to the contrary, the department shall proceed with dependency petitions on all drug-affected children born before the third or subsequent birth. The drug-affected status of an infant is not by itself sufficient to establish a finding that the drug-affected infant is dependent.

(1) The court shall order evaluation by a designated chemical dependency specialist, as defined in RCW 70.96A.020, who shall undertake the processes described in RCW 70.96A.140. If the mother enters chemical dependency treatment, the mother must be offered education regarding family planning and medically appropriate pharmaceutical pregnancy prevention during the course of chemical dependency treatment with a preference for those methods administered not less than once every thirty days.

(2) If the court has ordered removal of a child or children, the out-of-home placement order shall remain in effect until the petition is dismissed or the mother has successfully completed inpatient chemical dependency treatment and an aftercare chemical dependency treatment program unless compelling reasons exist to the contrary. The mother must establish to the court that she can safely provide for the welfare of her child or children.

**NEW SECTION. Sec. 6.** A new section is added to chapter 13.34 RCW to read as follows:

Nothing in sections 2 through 5 of this act may be interpreted to prohibit or compel action in the best interests of the child by the department independent from the drug-affected status of an infant.

**NEW SECTION. Sec. 7.** A new section is added to chapter 13.34 RCW to read as follows:

Notwithstanding sections 2 through 5 of this act, no provider of chemical dependency treatment services may be required by law or contract in any circumstance to participate in the provision of family planning services if the provider objects to so doing for reasons of conscience or religion. Each provider of chemical dependency treatment that invokes the exemption provided under this section shall promptly provide written notice to persons admitted to treatment listing the family planning services the provider refuses to provide for the reason of conscience or religion and how a person admitted to treatment may access family planning in an expeditious manner. When negotiating contracts for chemical dependency treatment services, the department shall prioritize contracted services under sections 3 through 5 of this act for the purpose of maximizing the number of providers who can show effective measurable outcomes in reducing chemical dependency and the birth of drug-affected infants through effective treatment regardless of whether or not they provide family planning services.

**Sec. 8.** RCW 13.34.070 and 1993 c 358 s 1 are each amended to read as follows:

(1) Upon the filing of the petition, the clerk of the court shall issue a summons, one directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. If the child is developmentally disabled and not living at home, the notice shall be given to the child's custodian as well as to the child's parent. The developmentally disabled child shall not be required to appear unless requested by the court. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons. The fact-finding hearing on the petition shall be held no later than seventy-five days after the filing of the petition, unless exceptional reasons for a continuance are found. In cases of a drug-affected infant, exceptional reasons for a continuance exist if the mother and the department have executed an agreement that will take more than seventy-five days to fulfill. The party requesting the continuance shall have the burden of proving by a preponderance of the evidence that exceptional circumstances do exist. To ensure that the hearing on the petition occurs within the seventy-five day time limit, the court shall schedule and hear the matter on an expedited basis.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel. The summons shall also inform the child's parent, guardian, or legal custodian of his or (~~her~~) her right to appointed counsel, if indigent, and of the procedure to use to secure appointed counsel.

(4) The summons shall advise the parents that they may be held responsible for the support of the child if the child is placed in out-of-home care.

(5) The judge may endorse upon the summons an order directing any parent, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

(6) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to RCW 13.34.050, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take him to the place of shelter designated by the court.

(7) If the person summoned as provided in this section is subject to an order of the court pursuant to subsection (5) or (6) of this section, and if the person fails to abide by the order, he may be proceeded against as for contempt of court. The order endorsed upon the summons shall conspicuously display the following legend:

NOTICE:  
VIOLATION OF THIS ORDER  
IS SUBJECT TO PROCEEDING  
FOR CONTEMPT OF COURT  
PURSUANT TO RCW 13.34.070.

(8) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally as soon as possible following the filing of the petition, but in no case later than fifteen court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail as soon as possible following the filing of the petition, but in no case later than fifteen court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party

personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

(9) Service of summons may be made under the direction of the court by any person eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department of social and health services social worker.

(10) In any proceeding brought under this chapter where the court knows or has reason to know that the child involved is a member of an Indian tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's tribe. If the identity or location of the tribe cannot be determined, such notice shall be transmitted to the secretary of the interior of the United States.

**Sec. 9.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is related to the child as defined in RCW 74.15.020~~((4))~~ (2)(a) and with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(i) There is no parent or guardian available to care for such child;

(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iii) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds: (a) Termination is recommended by the supervising agency; (b) termination is in the best interests of the child; and (c) that because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interest of the child. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(i) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(ii) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(iii) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(iv) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(v) Conviction of the parent of attempting, soliciting, or conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of this subsection;

(vi) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(vii) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. (~~(Sec.)~~) Sec. 1903), the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;

(viii) An infant under three years of age has been abandoned as defined in RCW 13.34.030(~~(4)~~) (8)(a);

(ix) The mother has given birth to three or more drug-affected infants, resulting in the department filing a petition under (~~section 23 of this act~~) section 5 of this act.

(3) If reasonable efforts are not ordered under subsection (2) of this section a permanency (~~(plan-planning))~~ planning hearing shall be held within thirty days. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

(4) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; and independent living, if appropriate and if the child is age sixteen or older. Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(5) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after

placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(7) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

**Sec. 10.** RCW 74.09.310 and 1998 c 314 s 34 are each amended to read as follows:

The department may make available, or cause to be made available, pharmaceutical birth control services, information, and counseling to any person who enters chemical dependency treatment under ~~((section 20 or 21 of this act))~~ sections 3 through 5 of this act. Within available funds, the department may pay for any tubal ligations requested under ~~((section 19 of this act))~~ section 2 of this act if the mother's income is less than two hundred percent of the federal poverty level. The department shall report by December 1st of each year to the governor and legislature: (1) The number of tubal ligations performed as a result of ~~((chapter 314, Laws of 1998))~~ this act; (2) the number of women who decline to undergo the surgery; (3) the number of women who obtain pharmaceutical birth control, by type of birth control; and (4) the number of women who are reported to the department.

**Sec. 11.** RCW 18.71.950 and 1998 c 314 s 36 are each amended to read as follows:

~~(((1)))~~ Nothing in ~~((section 19 of this act))~~ sections 2 through 5 of this act imposes any additional duties or responsibilities on, or removes any duties or responsibilities from, a physician licensed under this chapter, except as specifically included in chapter 13.34 RCW ~~((and RCW 70.96A.330))~~ and RCW 74.09.310.

~~(((2) This section expires June 30, 2002.))~~

**Sec. 12.** RCW 18.57.920 and 1998 c 314 s 37 are each amended to read as follows:

~~(((1)))~~ Nothing in ~~((section 19 of this act))~~ sections 2 through 5 of this act imposes any additional duties or responsibilities on, or removes any duties or responsibilities from, an osteopath licensed under this chapter, except as specifically included in chapter 13.34 RCW ~~((and RCW 70.96A.330))~~ and RCW 74.09.310.

~~(((2) This section expires June 30, 2002.))~~

**Sec. 13.** RCW 18.79.903 and 1998 c 314 s 38 are each amended to read as follows:

~~(((1)))~~ Nothing in ~~((section 19 of this act))~~ sections 2 through 5 of this act imposes any additional duties or responsibilities on, or removes any duties or responsibilities from, an advanced registered nurse practitioner licensed under this chapter, except as specifically included in chapter 13.34 RCW ~~((and RCW 70.96A.330))~~ and RCW 74.09.310.

~~((2) This section expires June 30, 2002.))~~

**NEW SECTION. Sec. 14.** The following acts or parts of acts are each repealed:

- (1) RCW 18.57.930 (Application--1998 c 314) and 1998 c 314 s 43;
- (2) RCW 18.71.960 (Application--1998 c 314) and 1998 c 314 s 42;
- (3) RCW 18.79.904 (Application--1998 c 314) and 1998 c 314 s 44;
- (4) RCW 70.96A.330 (Treatment programs and model projects--Provision of family planning) and 1998 c 314 s 33; and
- (5) RCW 70.96A.340 (Treatment programs and model projects--Provision of family planning) and 1998 c 314 s 41.

**NEW SECTION. Sec. 15.** This act applies only to drug-affected infants born on or after the effective date of this act.

**NEW SECTION. Sec. 16.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 17.** The Washington institute for public policy shall evaluate the outcomes of this act and report its findings to the legislature and governor not later than December 1, 2001. The evaluation shall include:

- (1) The number of women who use nonprescription controlled substances during pregnancy and give birth to drug-affected infants;
- (2) The number of women who use nonprescription controlled substances during pregnancy and give birth to subsequent drug-affected infants;
- (3) The number of women who accept pharmaceutical pregnancy prevention while in chemical dependency treatment;
- (4) The number of women who continue to engage in pharmaceutical pregnancy prevention or other reliable pregnancy prevention methods after concluding chemical dependency treatment;
- (5) The number of women who accept the offer of free tubal ligation;
- (6) The rate of successful completion of chemical dependency treatment among women who enter treatment under this act;
- (7) The number of dependencies filed and deferred under this act and outcomes of the deferrals; and
- (8) A description of the mother's chemical dependency including identification of the drugs and/or alcohol abused.

**Sec. 18.** RCW 71.24.310 and 1989 c 205 s 6 are each amended to read as follows:

The legislature finds that administration of chapter 71.05 RCW and this chapter can be most efficiently and effectively implemented as part of the regional support network defined in RCW 71.24.025. For this reason, the legislature intends that any enhanced program funding for implementation of chapter 71.05 RCW or this chapter, except for funds allocated for implementation of mandatory state-wide programs as required by federal statute, and except for funds appropriated for the purposes under section 19 of this act, be made available primarily to those counties participating in regional support networks.

**NEW SECTION. Sec. 19.** A new section is added to chapter 71.24 RCW to read as follows:

- (1) To the extent funds are specifically appropriated for this purpose, the department shall establish a mechanism for providing financial assistance in accessing atypical antipsychotic medications for low-income persons not eligible for such assistance through medicaid or other third party payors or who are transitioning to medicaid eligibility. Persons eligible for atypical antipsychotic medication financial assistance through the mechanism established by the department shall include persons who:
  - (a) Have been appropriately prescribed atypical antipsychotic medications for a mental health condition; and
  - (b)(i) Are unable to function in daily activities, or (ii) cannot retain employment; or (iii) pose a likelihood of serious harm as defined in RCW 71.05.020; and
  - (c) Are low income and not eligible for such assistance through medicaid or other third party payors or are in the process of transitioning to medicaid eligibility. Persons must actively pursue medicaid eligibility or other third party payment. The department shall offer assistance in achieving medicaid eligibility to those persons who need assistance.
- (2) The mechanism shall include an evaluation component measuring the outcomes and cost savings resulting from state financial assistance for atypical antipsychotic medications.
- (3) Atypical antipsychotic medications purchased through the mechanism shall be competitively procured at a rate not greater than the rates paid for atypical antipsychotic medications under the department's medicaid program.
- (4) The mechanism shall include provisions for distribution to communities state-wide based upon need.
- (5) Any funds appropriated for this purpose shall not be subject to the funding formula developed pursuant to RCW 71.24.310.
- (6) The mechanism shall include performance standards deemed appropriate by the department.
- (7) The department shall pursue both state and federal funding sources for atypical antipsychotic medications.
- (8) The department is authorized to adopt rules to implement the provisions of this section.

**NEW SECTION. Sec. 20.** If specific funding for the purposes of section 19 of this act, referencing section 19 of this act by section and bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, section 19 of this act is null and void."

## MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 2 of the title, after "Relating to" strike the remainder of the title and insert "services to pregnant or mentally ill persons using pharmaceuticals; amending RCW 13.34.030, 13.34.070, 74.09.310, 18.71.950, 18.57.920, 18.79.903, and 71.24.310; reenacting and amending RCW 13.34.130; adding new sections to chapter 13.34 RCW; adding a new section to chapter 71.24 RCW; creating new sections; and repealing RCW 18.57.930, 18.71.960, 18.79.904, 70.96A.330, and 70.96A.340."

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 1574, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1574, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1574, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 48.

Excused: Senator Zarelli - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1574, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1525, by House Committee on Judiciary (originally sponsored by Representatives Dickerson, Constantine and Lambert)

Authorizing mediation in guardianship proceedings.

The bill was read the second time.

## MOTION

On motion of Senator Franklin, the following striking amendment by Senators Franklin, Long, Hargrove, Zarelli, and Stevens was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 2.56.030 and 1997 c 41 s 2 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

- (1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;
- (2) Examine the state of the dockets of the courts and determine the need for assistance by any court;
- (3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;
- (4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;
- (5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;
- (6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Submit annually, as of February 1st, to the chief justice, a report of the activities of the administrator's office for the preceding calendar year including activities related to courthouse security;

(10) Administer programs and standards for the training and education of judicial personnel;

(11) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration which shall make recommendations to the legislature. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective;

(12) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(13) Attend to such other matters as may be assigned by the supreme court of this state;

(14) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers and be updated yearly to reflect changes in statutes, court rules, or case law;

(15) Develop, in consultation with the entities set forth in RCW 2.56.150(3), a comprehensive state-wide curriculum, training requirements, and continuing education requirements for persons who act as guardians ad litem under Title 13 or 26 RCW except these requirements do not apply to the attorney general or any prosecuting attorney functioning as the guardian ad litem pursuant to RCW 74.20.310. The curriculum, training requirements, and continuing education requirements shall ~~((be made available July 1, 1997, and))~~ include specialty sections on child development, child sexual abuse, child physical abuse, child neglect, clinical and forensic investigative and interviewing techniques, family reconciliation and mediation services, and relevant statutory and legal requirements. The curriculum, training requirements, and continuing education requirements shall be made available to all superior court judges, court personnel, and all persons who act as guardians ad litem and be updated yearly to reflect changes in statutes, court rules, or case law;

(16) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be made available to all superior court and court of appeals judges and to all justices of the supreme court;

(17) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel. Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts state-wide;

(18) Authorize the use of closed circuit television and other electronic equipment in judicial proceedings. The administrator shall promulgate necessary standards and procedures and shall provide technical assistance to courts as required;

(19) Maintain a list of all guardians ad litem or investigators under RCW 26.09.220 appointed pursuant to Titles 11, 13, and 26 RCW, who have been removed from the guardian ad litem registry in any superior court within the state pursuant to a grievance action that orders removal from the registry. Superior courts shall report to the administrator for the courts any order removing a guardian ad litem, investigator under RCW 26.09.220 from the registry; and

(20) Develop a model grievance procedure for use by the superior courts when dealing with complaints against: A guardian ad litem under chapter 11.88, 13.34, or 26.12 RCW; a court-appointed special advocate appointed under chapter 13.34 or 26.12 RCW; or an investigator appointed under RCW 26.09.220.

**Sec. 2.** RCW 11.88.090 and 1996 c 249 s 10 are each amended to read as follows:

(1) Nothing contained in RCW 11.88.080 through 11.88.120, 11.92.010 through 11.92.040, 11.92.060 through 11.92.120, 11.92.170, and 11.92.180 shall affect or impair the power of any court to appoint a guardian ad litem to defend the interests of any incapacitated person interested in any suit or matter pending therein, or to commence and prosecute any suit in his or her behalf.

(2) Prior to the appointment of a guardian or a limited guardian, whenever it appears that the incapacitated person or incapacitated person's estate could benefit from mediation and such mediation would likely result in overall reduced costs to the estate, upon the motion of the alleged incapacitated person or the guardian ad litem, or subsequent to such appointment, whenever it appears that the incapacitated person or incapacitated person's estate could benefit from mediation and such mediation would likely result in overall reduced costs to the estate, upon the motion of any interested person, the court may:

(a) Require any party or other person subject to the jurisdiction of the court to participate in mediation;

(b) Establish the terms of the mediation; and

(c) Allocate the cost of the mediation pursuant to RCW 11.96.140.

(3) Upon receipt of a petition for appointment of guardian or limited guardian, except as provided herein, the court shall appoint a guardian ad litem to represent the best interests of the alleged incapacitated person, who shall be a person found or known by the court to:

(a) Be free of influence from anyone interested in the result of the proceeding; and

(b) Have the requisite knowledge, training, or expertise to perform the duties required by this section.

The guardian ad litem shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, each party with a statement including: His or her training relating to the duties as a guardian ad litem; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the guardian ad litem has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the guardian ad litem's statement, any party may set a hearing and file and serve a motion for an order to show cause why the guardian ad litem should not be removed for one of the following three reasons: (i) Lack of expertise necessary for the proceeding; (ii) an hourly rate higher than what is reasonable for the particular proceeding; or (iii) a conflict of interest. Notice of the hearing shall be provided to the guardian ad litem and all parties. If, after a hearing, the court enters an order replacing the guardian ad litem, findings shall be included, expressly stating the reasons for the removal. If the guardian ad litem is not removed, the court has the authority to assess to the moving party, attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

No guardian ad litem need be appointed when a parent is petitioning for a guardian or a limited guardian to be appointed for his or her minor child and the minority of the child, as defined by RCW 11.92.010, is the sole basis of the petition. The order appointing the guardian ad litem shall recite the duties set forth in subsection ~~((4))~~ (5) of this section. The appointment of a guardian ad litem shall have no effect on the legal competency of the alleged incapacitated person and shall not overcome the presumption of competency or full legal and civil rights of the alleged incapacitated person.

~~((3))~~ (4)(a) The superior court of each county shall develop and maintain a registry of persons who are willing and qualified to serve as guardians ad litem in guardianship matters. The court shall choose as guardian ad litem a person whose name appears on the registry in a system of consistent rotation, except in extraordinary circumstances such as the need for particular expertise. The court shall develop procedures for periodic review of the persons on the registry and for probation, suspension, or removal of persons on the registry for failure to perform properly their duties as guardian ad litem. In the event the court does not select the person next on the list, it shall include in the order of appointment a written reason for its decision.

(b) To be eligible for the registry a person shall:

(i) Present a written statement outlining his or her background and qualifications. The background statement shall include, but is not limited to, the following information:

(A) Level of formal education;

(B) Training related to the guardian ad litem's duties;

(C) Number of years' experience as a guardian ad litem;

(D) Number of appointments as a guardian ad litem and the county or counties of appointment;

(E) Criminal history, as defined in RCW 9.94A.030; and

(F) Evidence of the person's knowledge, training, and experience in each of the following: Needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities, and other areas relevant to the needs of incapacitated persons, legal procedure, and the requirements of chapters 11.88 and 11.92 RCW.

The written statement of qualifications shall include a statement of the number of times the guardian ad litem has been removed for failure to perform his or her duties as guardian ad litem; and

(ii) Complete the model training program as described in (d) of this subsection.

(c) The background and qualification information shall be updated annually.

(d) The department of social and health services shall convene an advisory group to develop a model guardian ad litem training program and shall update the program biennially. The advisory group shall consist of representatives from consumer, advocacy, and professional groups knowledgeable in developmental disabilities, neurological impairment, physical disabilities, mental illness, aging, legal, court administration, the Washington state bar association, and other interested parties.

(e) The superior court shall require utilization of the model program developed by the advisory group as described in (d) of this subsection, to assure that candidates applying for registration as a qualified guardian ad litem shall have satisfactorily completed training to attain these essential minimum qualifications to act as guardian ad litem.

~~((4))~~ (5) The guardian ad litem appointed pursuant to this section shall have the following duties:

(a) To meet and consult with the alleged incapacitated person as soon as practicable following appointment and explain, in language which such person can reasonably be expected to understand, the substance of the petition, the nature of the resultant proceedings, the person's right to contest the petition, the identification of the proposed guardian or limited guardian, the right to a jury trial on the issue of his or her alleged incapacity, the right to independent legal counsel as provided by RCW 11.88.045, and the right to be present in court at the hearing on the petition;

(b) To obtain a written report according to RCW 11.88.045; and such other written or oral reports from other qualified professionals as are necessary to permit the guardian ad litem to complete the report required by this section;

(c) To meet with the person whose appointment is sought as guardian or limited guardian and ascertain:

(i) The proposed guardian's knowledge of the duties, requirements, and limitations of a guardian; and

(ii) The steps the proposed guardian intends to take or has taken to identify and meet the needs of the alleged incapacitated person;

(d) To consult as necessary to complete the investigation and report required by this section with those known relatives, friends, or other persons the guardian ad litem determines have had a significant, continuing interest in the welfare of the alleged incapacitated person;

(e) To investigate alternate arrangements made, or which might be created, by or on behalf of the alleged incapacitated person, such as revocable or irrevocable trusts, or durable powers of attorney; whether good cause exists for any such arrangements to be discontinued; and why such arrangements should not be continued or created in lieu of a guardianship;

(f) To provide the court with a written report which shall include the following:

(i) A description of the nature, cause, and degree of incapacity, and the basis upon which this judgment was made;

(ii) A description of the needs of the incapacitated person for care and treatment, the probable residential requirements of the alleged incapacitated person and the basis upon which these findings were made;

(iii) An evaluation of the appropriateness of the guardian or limited guardian whose appointment is sought and a description of the steps the proposed guardian has taken or intends to take to identify and meet current and emerging needs of the incapacitated person;

(iv) A description of any alternative arrangements previously made by the alleged incapacitated person or which could be made, and whether and to what extent such alternatives should be used in lieu of a guardianship, and if the guardian ad litem is recommending discontinuation of any such arrangements, specific findings as to why such arrangements are contrary to the best interest of the alleged incapacitated person;

(v) A description of the abilities of the alleged incapacitated person and a recommendation as to whether a guardian or limited guardian should be appointed. If appointment of a limited guardian is recommended, the guardian ad litem shall recommend the specific areas of authority the limited guardian should have and the limitations and disabilities to be placed on the incapacitated person;

(vi) An evaluation of the person's mental ability to rationally exercise the right to vote and the basis upon which the evaluation is made;

(vii) Any expression of approval or disapproval made by the alleged incapacitated person concerning the proposed guardian or limited guardian or guardianship or limited guardianship;

(viii) Identification of persons with significant interest in the welfare of the alleged incapacitated person who should be advised of their right to request special notice of proceedings pursuant to RCW 11.92.150; and

(ix) Unless independent counsel has appeared for the alleged incapacitated person, an explanation of how the alleged incapacitated person responded to the advice of the right to jury trial, to independent counsel and to be present at the hearing on the petition.

Within forty-five days after notice of commencement of the guardianship proceeding has been served upon the guardian ad litem, and at least fifteen days before the hearing on the petition, unless an extension or reduction of time has been granted by the court for good cause, the guardian ad litem shall file its report and send a copy to the alleged incapacitated person and his or her counsel, spouse, all children not residing with a notified person, those persons described in (f)(viii) of this subsection, and persons who have filed a request for special notice pursuant to RCW 11.92.150. If the guardian ad litem needs additional time to finalize his or her report, then the guardian ad litem shall petition the court for a postponement of the hearing or, with the consent of all other parties, an extension or reduction of time for filing the report. If the hearing does not occur within sixty days of filing the petition, then upon the two-month anniversary of filing the petition and on or before the same day of each following month until the hearing, the guardian ad litem shall file interim reports summarizing his or her activities on the proceeding during that time period as well as fees and costs incurred;

(g) To advise the court of the need for appointment of counsel for the alleged incapacitated person within five court days after the meeting described in (a) of this subsection unless (i) counsel has appeared, (ii) the alleged incapacitated person affirmatively communicated a wish not to be represented by counsel after being advised of the right to representation and of the

conditions under which court-provided counsel may be available, or (iii) the alleged incapacitated person was unable to communicate at all on the subject, and the guardian ad litem is satisfied that the alleged incapacitated person does not affirmatively desire to be represented by counsel.

~~((5))~~ (6) If the petition is brought by an interested person or entity requesting the appointment of some other qualified person or entity and a prospective guardian or limited guardian cannot be found, the court shall order the guardian ad litem to investigate the availability of a possible guardian or limited guardian and to include the findings in a report to the court pursuant to subsection ~~((4))~~ (5)(f) of this section.

~~((6))~~ (7) The parties to the proceeding may file responses to the guardian ad litem report with the court and deliver such responses to the other parties and the guardian ad litem at any time up to the second day prior to the hearing. If a guardian ad litem fails to file his or her report in a timely manner, the hearing shall be continued to give the court and the parties at least fifteen days before the hearing to review the report. At any time during the proceeding upon motion of any party or on the court's own motion, the court may remove the guardian ad litem for failure to perform his or her duties as specified in this chapter, provided that the guardian ad litem shall have five days' notice of any motion to remove before the court enters such order. In addition, the court in its discretion may reduce a guardian ad litem's fee for failure to carry out his or her duties.

~~((7))~~ (8) The court appointed guardian ad litem shall have the authority, in the event that the alleged incapacitated person is in need of emergency life-saving medical services, and is unable to consent to such medical services due to incapacity pending the hearing on the petition to give consent for such emergency life-saving medical services on behalf of the alleged incapacitated person.

~~((8))~~ (9) The court-appointed guardian ad litem shall have the authority to move for temporary relief under chapter 7.40 RCW to protect the alleged incapacitated person from abuse, neglect, abandonment, or exploitation, as those terms are defined in RCW 74.34.020, or to address any other emergency needs of the alleged incapacitated person. Any alternative arrangement executed before filing the petition for guardianship shall remain effective unless the court grants the relief requested under chapter 7.40 RCW, or unless, following notice and a hearing at which all parties directly affected by the arrangement are present, the court finds that the alternative arrangement should not remain effective.

~~((9))~~ (10) The guardian ad litem shall receive a fee determined by the court. The fee shall be charged to the alleged incapacitated person unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That if no guardian or limited guardian is appointed the court may charge such fee to the petitioner or the alleged incapacitated person, or divide the fee, as it deems just; and if the petition is found to be frivolous or not brought in good faith, the guardian ad litem fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency.

~~((10))~~ (11) Upon the presentation of the guardian ad litem report and the entry of an order either dismissing the petition for appointment of guardian or limited guardian or appointing a guardian or limited guardian, the guardian ad litem shall be dismissed and shall have no further duties or obligations unless otherwise ordered by the court. If the court orders the guardian ad litem to perform further duties or obligations, they shall not be performed at county expense.

~~((11))~~ (12) The guardian ad litem shall appear in person at all hearings on the petition unless all parties provide a written waiver of the requirement to appear.

~~((12))~~ (13) At any hearing the court may consider whether any person who makes decisions regarding the alleged incapacitated person or estate has breached a statutory or fiduciary duty.

**Sec. 3.** RCW 11.88.090 and 1996 c 249 s 10 are each amended to read as follows:

(1) Nothing contained in RCW 11.88.080 through 11.88.120, 11.92.010 through 11.92.040, 11.92.060 through 11.92.120, 11.92.170, and 11.92.180 shall affect or impair the power of any court to appoint a guardian ad litem to defend the interests of any incapacitated person interested in any suit or matter pending therein, or to commence and prosecute any suit in his or her behalf.

(2) Upon receipt of a petition for appointment of guardian or limited guardian, except as provided herein, the court shall appoint a guardian ad litem to represent the best interests of the alleged incapacitated person, who shall be a person found or known by the court to:

- (a) Be free of influence from anyone interested in the result of the proceeding; and
- (b) Have the requisite knowledge, training, or expertise to perform the duties required by this section.

The guardian ad litem shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, each party with a statement including: His or her training relating to the duties as a guardian ad litem; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the guardian ad litem has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the guardian ad litem's statement, any party may set a hearing and file and serve a motion for an order to show cause why the guardian ad litem should not be removed for one of the following three reasons: (i) Lack of expertise

necessary for the proceeding; (ii) an hourly rate higher than what is reasonable for the particular proceeding; or (iii) a conflict of interest. Notice of the hearing shall be provided to the guardian ad litem and all parties. If, after a hearing, the court enters an order replacing the guardian ad litem, findings shall be included, expressly stating the reasons for the removal. If the guardian ad litem is not removed, the court has the authority to assess to the moving party, attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

No guardian ad litem need be appointed when a parent is petitioning for a guardian or a limited guardian to be appointed for his or her minor child and the minority of the child, as defined by RCW 11.92.010, is the sole basis of the petition. The order appointing the guardian ad litem shall recite the duties set forth in subsection (4) of this section. The appointment of a guardian ad litem shall have no effect on the legal competency of the alleged incapacitated person and shall not overcome the presumption of competency or full legal and civil rights of the alleged incapacitated person.

(3)(a) The superior court of each county shall develop and maintain a registry of persons who are willing and qualified to serve as guardians ad litem in guardianship matters. The court shall choose as guardian ad litem a person whose name appears on the registry in a system of consistent rotation, except in extraordinary circumstances such as the need for particular expertise. A person appointed under exceptional circumstances because of a particular expertise may be exempt from the training and continuing education requirements by the court if the court limits the scope of the person's appointment and finds the training and continuing education requirements are unrelated to the tasks the court has assigned to the person. The court shall develop procedures for periodic review of the persons on the registry and for probation, suspension, or removal of persons on the registry for failure to perform properly their duties as guardian ad litem. In the event the court does not select the person next on the list, it shall include in the order of appointment a written reason for its decision.

(b) To be eligible for the registry a person shall:

(i) Present a written statement outlining his or her background and qualifications. The background statement shall include, but is not limited to, the following information:

(A) Level of formal education;

(B) Training related to the guardian ad litem's duties;

(C) Number of years' experience as a guardian ad litem;

(D) Number of appointments as a guardian ad litem and the county or counties of appointment;

(E) Criminal history, as defined in RCW 9.94A.030; and

(F) Evidence of the person's knowledge, training, and experience in each of the following: Needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities, and other areas relevant to the needs of incapacitated persons, legal procedure, and the requirements of chapters 11.88 and 11.92 RCW.

The written statement of qualifications shall include ~~((a statement of the number of times the guardian ad litem has been removed for failure to perform his or her duties as guardian ad litem))~~ the names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action that orders removal from the registry, and the cause number of any case in which the court orders removal of the person because the person fails to perform his or her duties as guardian ad litem; and

(ii) Complete the ~~((model))~~ training ~~((program))~~ and continuing educational requirements as described in ~~((d))~~ (e) of this subsection. The training and continuing education requirements are not applicable to guardians ad litem appointed pursuant to court rule solely for the limited purpose of assessing a personal injury settlement.

(c) Superior court shall remove any person from the guardian ad litem registry who misrepresents his or her qualifications.

~~(d)~~ The background and qualification information shall be updated annually.

~~((d))~~ (e) The department of social and health services shall convene an advisory group to develop a model guardian ad litem training program and establish training and continuing educational requirements. The department, in consultation with the advisory group, shall update the model training program biennially. The advisory group shall consist of representatives from consumer, advocacy, and professional groups knowledgeable in developmental disabilities, neurological impairment, physical disabilities, mental illness, aging, legal, court administration, the Washington state bar association, and other interested parties.

~~((e))~~ (f) The superior court shall require ~~((utilization of the model program developed by the advisory group as))~~ that any guardian ad litem appointed pursuant to this chapter comply with the training and continuing education requirements described in ~~((d))~~ (e) of this subsection~~((, to assure that candidates applying for registration as a qualified guardian ad litem shall have satisfactorily completed training to attain these essential minimum qualifications to act as guardian ad litem)),~~ unless the guardian ad litem is appointed solely for the limited purposes of assessing a personal injury settlement.

(4) The guardian ad litem appointed pursuant to this section shall have the following duties:

(a) To meet and consult with the alleged incapacitated person as soon as practicable following appointment and explain, in language which such person can reasonably be expected to understand, the substance of the petition, the nature of the resultant proceedings, the person's right to contest the petition, the identification of the proposed guardian or limited guardian, the right to a

jury trial on the issue of his or her alleged incapacity, the right to independent legal counsel as provided by RCW 11.88.045, and the right to be present in court at the hearing on the petition;

(b) To obtain a written report according to RCW 11.88.045; and such other written or oral reports from other qualified professionals as are necessary to permit the guardian ad litem to complete the report required by this section;

(c) To meet with the person whose appointment is sought as guardian or limited guardian and ascertain:

(i) The proposed guardian's knowledge of the duties, requirements, and limitations of a guardian; and

(ii) The steps the proposed guardian intends to take or has taken to identify and meet the needs of the alleged incapacitated person;

(d) To consult as necessary to complete the investigation and report required by this section with those known relatives, friends, or other persons the guardian ad litem determines have had a significant, continuing interest in the welfare of the alleged incapacitated person;

(e) To investigate alternate arrangements made, or which might be created, by or on behalf of the alleged incapacitated person, such as revocable or irrevocable trusts, or durable powers of attorney, or blocked accounts in cases of personal injury settlements; whether good cause exists for any such arrangements to be discontinued; and why such arrangements should not be continued or created in lieu of a guardianship;

(f) To provide the court with a written report which shall include the following:

(i) A description of the nature, cause, and degree of incapacity, and the basis upon which this judgment was made;

(ii) A description of the needs of the incapacitated person for care and treatment, the probable residential requirements of the alleged incapacitated person and the basis upon which these findings were made;

(iii) An evaluation of the appropriateness of the guardian or limited guardian whose appointment is sought and a description of the steps the proposed guardian has taken or intends to take to identify and meet current and emerging needs of the incapacitated person;

(iv) A description of any alternative arrangements previously made by the alleged incapacitated person or which could be made, and whether and to what extent such alternatives should be used in lieu of a guardianship, and if the guardian ad litem is recommending discontinuation of any such arrangements, specific findings as to why such arrangements are contrary to the best interest of the alleged incapacitated person;

(v) A description of the abilities of the alleged incapacitated person and a recommendation as to whether a guardian or limited guardian should be appointed. If appointment of a limited guardian is recommended, the guardian ad litem shall recommend the specific areas of authority the limited guardian should have and the limitations and disabilities to be placed on the incapacitated person;

(vi) An evaluation of the person's mental ability to rationally exercise the right to vote and the basis upon which the evaluation is made;

(vii) Any expression of approval or disapproval made by the alleged incapacitated person concerning the proposed guardian or limited guardian or guardianship or limited guardianship;

(viii) Identification of persons with significant interest in the welfare of the alleged incapacitated person who should be advised of their right to request special notice of proceedings pursuant to RCW 11.92.150; ~~(and)~~

(ix) Unless independent counsel has appeared for the alleged incapacitated person, an explanation of how the alleged incapacitated person responded to the advice of the right to jury trial, to independent counsel and to be present at the hearing on the petition; and

(x) In cases of personal injury settlements, information relevant to the court's analysis of the offered settlement. The information relevant to the court's analysis may be specified by local court rule, and need not include information specified in subsection (4)(f)(i) through (ix) of this section.

Within forty-five days after notice of commencement of the guardianship proceeding has been served upon the guardian ad litem, and at least fifteen days before the hearing on the petition, unless an extension or reduction of time has been granted by the court for good cause, the guardian ad litem shall file its report and send a copy to the alleged incapacitated person and his or her counsel, spouse, all children not residing with a notified person, those persons described in (f)(viii) of this subsection, and persons who have filed a request for special notice pursuant to RCW 11.92.150. If the guardian ad litem needs additional time to finalize his or her report, then the guardian ad litem shall petition the court for a postponement of the hearing or, with the consent of all other parties, an extension or reduction of time for filing the report. If the hearing does not occur within sixty days of filing the petition, then upon the two-month anniversary of filing the petition and on or before the same day of each following month until the hearing, the guardian ad litem shall file interim reports summarizing his or her activities on the proceeding during that time period as well as fees and costs incurred;

(g) To advise the court of the need for appointment of counsel for the alleged incapacitated person within five court days after the meeting described in (a) of this subsection unless (i) counsel has appeared, (ii) the alleged incapacitated person

affirmatively communicated a wish not to be represented by counsel after being advised of the right to representation and of the conditions under which court-provided counsel may be available, or (iii) the alleged incapacitated person was unable to communicate at all on the subject, and the guardian ad litem is satisfied that the alleged incapacitated person does not affirmatively desire to be represented by counsel.

(5) If the petition is brought by an interested person or entity requesting the appointment of some other qualified person or entity and a prospective guardian or limited guardian cannot be found, the court shall order the guardian ad litem to investigate the availability of a possible guardian or limited guardian and to include the findings in a report to the court pursuant to subsection (4)(f) of this section.

(6) The parties to the proceeding may file responses to the guardian ad litem report with the court and deliver such responses to the other parties and the guardian ad litem at any time up to the second day prior to the hearing. If a guardian ad litem fails to file his or her report in a timely manner, the hearing shall be continued to give the court and the parties at least fifteen days before the hearing to review the report. At any time during the proceeding upon motion of any party or on the court's own motion, the court may remove the guardian ad litem for failure to perform his or her duties as specified in this chapter, provided that the guardian ad litem shall have five days' notice of any motion to remove before the court enters such order. In addition, the court in its discretion may reduce a guardian ad litem's fee for failure to carry out his or her duties.

(7) The court appointed guardian ad litem shall have the authority, in the event that the alleged incapacitated person is in need of emergency life-saving medical services, and is unable to consent to such medical services due to incapacity pending the hearing on the petition to give consent for such emergency life-saving medical services on behalf of the alleged incapacitated person.

(8) The court-appointed guardian ad litem shall have the authority to move for temporary relief under chapter 7.40 RCW to protect the alleged incapacitated person from abuse, neglect, abandonment, or exploitation, as those terms are defined in RCW 74.34.020, or to address any other emergency needs of the alleged incapacitated person. Any alternative arrangement executed before filing the petition for guardianship shall remain effective unless the court grants the relief requested under chapter 7.40 RCW, or unless, following notice and a hearing at which all parties directly affected by the arrangement are present, the court finds that the alternative arrangement should not remain effective.

(9) The guardian ad litem shall receive a fee determined by the court. The fee shall be charged to the alleged incapacitated person unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That if no guardian or limited guardian is appointed the court may charge such fee to the petitioner or the alleged incapacitated person, or divide the fee, as it deems just; and if the petition is found to be frivolous or not brought in good faith, the guardian ad litem fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency. In cases of personal injury settlements, guardian ad litem fees shall be negotiated among the parties, and approved by the court.

(10) Upon the presentation of the guardian ad litem report and the entry of an order either dismissing the petition for appointment of guardian or limited guardian or appointing a guardian or limited guardian, the guardian ad litem shall be dismissed and shall have no further duties or obligations unless otherwise ordered by the court. If the court orders the guardian ad litem to perform further duties or obligations, they shall not be performed at county expense.

(11) The guardian ad litem shall appear in person at all hearings on the petition unless all parties provide a written waiver of the requirement to appear.

(12) At any hearing the court may consider whether any person who makes decisions regarding the alleged incapacitated person or estate has breached a statutory or fiduciary duty.

**NEW SECTION. Sec. 4.** A new section is added to chapter 11.88 RCW to read as follows:

The court shall, in each order of appointment, specify the hourly rate the guardian ad litem may charge for his or her services, and shall specify the maximum amount the guardian ad litem may charge without additional court review and approval.

**NEW SECTION. Sec. 5.** A new section is added to chapter 11.88 RCW to read as follows:

All guardians ad litem are prohibited from engaging in ex parte communications with any judicial officer regarding the matter for which he or she is appointed, except as approved pursuant to a hearing conducted with appropriate notice to all parties. All guardians ad litem may petition the court to shorten time to hear any emergency motions pursuant to court rules. Unauthorized communication shall be immediately reported to all parties and their attorneys. The court, upon its own motion, or upon the motion of a party, may consider the removal of any guardian ad litem who violates this section from any pending case or the guardian ad litem rotational registry, and if so removed may require forfeiture of any fees for professional services on any pending cases.

**Sec. 6.** RCW 13.34.100 and 1996 c 249 s 13 are each amended to read as follows:

(1) The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter, unless a court for good cause finds the appointment unnecessary. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by independent counsel in the proceedings.

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) Training related to the guardian's duties;

(c) Number of years' experience as a guardian ad litem;

(d) Number of appointments as a guardian ad litem and the county or counties of appointment; ~~((and))~~

(e) The name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action that orders removal from the registry, and the cause number of any case in which the court orders removal of the person because the person fails to perform his or her duties as guardian ad litem; and

(f) Criminal history, as defined in RCW 9.94A.030.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a statement containing: His or her training relating to the duties as a guardian ad litem; the name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action that orders removal from the registry, and the cause number of any case in which the court orders removal of the person because the person fails to perform his or her duties as guardian ad litem; and his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment. The background statement shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through counsel, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter.

(6) If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child's position.

(7) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to RCW 13.34.100 shall be deemed a guardian ad litem to represent the best interests of the minor in proceedings before the court.

(8) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends and the appointment shall be effective immediately. The court shall appoint the person recommended by the program. If a party in a case reasonably believes the court-appointed special advocate or volunteer is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate on the grounds the advocate or volunteer is inappropriate or unqualified.

**Sec. 7.** RCW 13.34.102 and 1997 c 41 s 6 are each amended to read as follows:

(1)(a) All guardians ad litem~~((, who have not previously served or been trained as a guardian ad litem in this state, who are appointed after January 1, 1998,))~~ must ~~((complete the curriculum developed by the office of the administrator for the courts))~~ comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 13 RCW, except that volunteer guardians ad litem or court-appointed special advocates ~~((accepted into a volunteer program after January 1, 1998,))~~ may ~~((complete an alternative curriculum))~~ comply with alternative training requirements approved by the office of the administrator for the courts that meet((s) or exceed((s)) the state-wide ((curriculum)) requirements.

(b) All persons appointed as guardians ad litem or court-appointed special advocates must comply with the continuing education requirements established under RCW 2.56.030(15).

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem. If a judicial district does not have a program the court shall establish the rotational registry

system. Guardians ad litem shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as specified in RCW 13.34.100(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) Upon the motion of any party the court shall, if located in a judicial district with a population over one hundred thousand, remove a compensated guardian ad litem who was not selected from a rotational registry system. This subsection (2)(d) does not apply when the guardian ad litem was appointed: (i) Under exceptional circumstances authorized under (a) of this subsection; or (ii) as a result of a joint recommendation of the parties.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

**Sec. 8.** RCW 13.34.105 and 1993 c 241 s 3 are each amended to read as follows:

(1) Unless otherwise directed by the court, the duties of the guardian ad litem include but are not limited to the following:

(a) To ~~((represent))~~ investigate and ~~((be an advocate for))~~ report to the court factual information regarding the best interests of the child;

(b) To collect relevant information about the child's situation;

(c) To monitor all court orders for compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order; ~~((and))~~

(d) To report to the court information on: (i) The legal status of a child's membership in any Indian tribe or band; and (ii) the facts relating to the child's best interests; and

(e) Court-appointed special advocates may make recommendations based upon an independent investigation in the best interests of the child, which the court may consider and weigh in conjunction with the recommendations of all of the parties.

(2) ~~((The))~~ A guardian ad litem shall be deemed an officer of the court for the purpose of immunity from civil liability.

(3) Except for information or records specified in RCW 13.50.100(4), the guardian ad litem shall have access to all information available to the state or agency on the case. Upon presentation of the order of appointment by the guardian ad litem, any agency, hospital, school organization, division or department of the state, doctor, nurse, or other health care provider, psychologist, psychiatrist, police department, or mental health clinic shall permit the guardian ad litem to inspect and copy any records relating to the child or children involved in the case, without the consent of the parent or guardian of the child, or of the child if the child is under the age of thirteen years, unless such access is otherwise specifically prohibited by law.

(4) A guardian ad litem may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.

(5) The guardian ad litem shall release case information in accordance with the provisions of RCW 13.50.100.

**NEW SECTION. Sec. 9.** A new section is added to chapter 13.34 RCW to read as follows:

The court shall, in each order of appointment, specify the hourly rate the guardian ad litem may charge for his or her services, and shall specify the maximum amount the guardian ad litem may charge without additional court review and approval.

**NEW SECTION. Sec. 10.** A new section is added to chapter 13.34 RCW to read as follows:

All guardians ad litem and court-appointed special advocates are prohibited from engaging in ex parte communications with any judicial officer regarding the matter for which he or she is appointed, except as approved pursuant to a hearing conducted with appropriate notice to all parties. All guardians ad litem may petition the court to shorten time to hear any emergency motions pursuant to court rules. Unauthorized communication shall be immediately reported to all parties and their attorneys. The court, upon its own motion, or upon the motion of a party, may consider the removal of any guardian ad litem or court-appointed special advocate who violates this section from any pending case or from any court-authorized registry, and if so removed may require forfeiture of any fees for professional services on any pending cases.

**Sec. 11.** RCW 26.12.175 and 1996 c 249 s 15 are each amended to read as follows:

(1)(a) The court may appoint a guardian ad litem to represent the interests of a minor or dependent child when the court believes the appointment of a guardian ad litem is necessary to protect the best interests of the child in any proceeding under this chapter. The family court services professionals may also make a recommendation to the court regarding whether a guardian ad litem should be appointed for the child. The court may appoint a guardian ad litem from the court-appointed special advocate program, if that program exists in the county.

(b) Unless otherwise ordered, the guardian ad litem's role is to investigate and report to the court concerning parenting arrangements for the child ~~((, and to represent the child's best interests))~~. This should include factual information regarding the best interests of the child. Additionally, if a minor expresses his or her custody wishes, the guardian ad litem must report the wishes to the court. The child's wishes do not determine placement. The court may require the guardian ad litem to provide periodic reports to the parties regarding the status of his or her investigation. The guardian ad litem shall file his or her report at least sixty days prior to trial.

(c) The court shall enter an order for costs, fees, and disbursements to cover the costs of the guardian ad litem. The court may order either or both parents to pay for the costs of the guardian ad litem, according to their ability to pay. If both parents are indigent, the county shall bear the cost of the guardian, subject to appropriation for guardians' ad litem services by the county legislative authority. Guardians ad litem who are not volunteers shall provide the parties with an itemized accounting of their time and billing for services each month.

(2)(a) If the guardian ad litem appointed is from the county court-appointed special advocate program, the program shall supervise any guardian ad litem assigned to the case. The court-appointed special advocate program shall be entitled to notice of all proceedings in the case.

(b) The legislative authority of each county may authorize creation of a court-appointed special advocate program. The county legislative authority may adopt rules of eligibility for court-appointed special advocate program services.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) Training related to the guardian's duties;

(c) Number of years' experience as a guardian ad litem;

(d) Number of appointments as a guardian ad litem and county or counties of appointment; ~~((and))~~

(e) The name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action that orders removal from the registry, and the cause number of any case in which the court orders removal of the person because the person fails to perform his or her duties as guardian ad litem; and

(f) Criminal history, as defined in RCW 9.94A.030.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a statement containing: His or her training relating to the duties as a guardian ad litem; the name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action that orders removal from the registry, and the cause number of any case in which the court orders removal of the person because the person fails to perform his or her duties as guardian ad litem; and his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment. The background statement shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends and the appointment shall be effective immediately. The court shall appoint the person recommended by the program. If a party in a case reasonably believes the court-appointed special advocate or volunteer is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate on the grounds the advocate or volunteer is inappropriate or unqualified.

**Sec. 12.** RCW 26.12.177 and 1997 c 41 s 7 are each amended to read as follows:

(1)(a) All guardians ad litem ~~((, who have not previously served or been trained as a guardian ad litem in this state, who are appointed after January 1, 1998,))~~ and investigators appointed under RCW 26.09.220 must ~~((complete the curriculum developed by the office of the administrator for the courts))~~ comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 26 RCW, except that volunteer guardians ad litem or court-appointed special advocates ((accepted into a volunteer program after January 1, 1998,)) may ((complete an alternative curriculum)) comply with alternative training requirements approved by the office of the administrator for the courts that meet((s) or exceed((s)) the state-wide ~~((curriculum))~~ requirements.

(b) All persons appointed as guardians ad litem, investigators under RCW 26.09.220, or court-appointed special advocates must comply with the continuing education requirements established under RCW 2.56.030(15).

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem and investigators under RCW 26.09.220. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem and investigators under RCW 26.09.220 shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) Upon the motion of any party the court shall, if located in a judicial district with a population over one hundred thousand, remove a compensated guardian ad litem who was not selected from a rotational registry system. This subsection (2)(d) does not apply when the guardian ad litem was appointed: (i) Under exceptional circumstances authorized under (a) of this subsection; or (ii) as a result of a joint recommendation of the parties.

(e) Under this section, within either registry referred to in (a) of this subsection, a subregistry may be created that consists of guardians ad litem under contract with the department of social and health services' division of child support. Guardians ad litem on such a subregistry shall be selected and appointed in state-initiated paternity cases only.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

**NEW SECTION. Sec. 13.** A new section is added to chapter 26.12 RCW to read as follows:

The court shall, in each order of appointment, specify the hourly rate the guardian ad litem or investigator under RCW 26.09.220 may charge for his or her services, and shall specify the maximum amount the guardian ad litem or investigator under RCW 26.09.220 may charge without additional court review and approval.

**NEW SECTION. Sec. 14.** A new section is added to chapter 26.12 RCW to read as follows:

All guardians ad litem, court-appointed special advocates, and investigators under RCW 26.09.220 are prohibited from engaging in ex parte communications with any judicial officer regarding the matter for which he or she is appointed, except as approved pursuant to a hearing conducted with appropriate notice to all parties. All guardians ad litem or investigators under RCW 26.09.220 may petition the court to shorten time to hear any emergency motions pursuant to court rules. Unauthorized communication shall be immediately reported to all parties and their attorneys. The court, upon its own motion, or upon the motion of a party, may consider the removal of any guardian ad litem, court-appointed special advocate, or investigator who violates this section from any pending case or from any court-authorized registry, and if so removed may require forfeiture of any fees for professional services on any pending cases.

**NEW SECTION. Sec. 15.** A new section is added to chapter 26.12 RCW to read as follows:

All information, records, and reports obtained or created by a guardian ad litem, court-appointed special advocate, or investigator under RCW 26.09.220, shall be discoverable pursuant to court rule to the parties and their attorneys. The guardian ad litem, court-appointed special advocate, or investigator shall maintain the privacy of the parties and the confidentiality of information obtained, pursuant to the investigation, as to third parties. Any guardian ad litem or investigator under RCW 26.09.220 can move the court to seal the court file to protect information obtained by the guardian ad litem from disclosure to third persons, particularly in cases where no evidentiary rulings have been made on information introduced by affidavit, declaration, or other means. Nothing in this section shall be interpreted to authorize disclosure of guardian ad litem or investigator records in personal injury actions.

**NEW SECTION. Sec. 16.** A new section is added to chapter 26.12 RCW to read as follows:

Any guardian ad litem or investigator under RCW 26.09.220 appointed under this chapter may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.

**NEW SECTION. Sec. 17.** (1) Sections 1, 3 through 6, 8 through 11, and 13 through 16 of this act take effect June 1, 2000.

(2) Sections 7 and 12 of this act take effect January 1, 2001."

## MOTIONS

On motion of Senator Franklin, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "guardianship and guardian ad litem proceedings; amending RCW 2.56.030, 11.88.090, 11.88.090, 13.34.100, 13.34.102, 13.34.105, 26.12.175, and 26.12.177; adding new sections to chapter 11.88 RCW; adding new sections to chapter 13.34 RCW; adding new sections to chapter 26.12 RCW; providing effective dates; and declaring an emergency."

On motion of Senator Franklin, the rules were suspended, Substitute House Bill No. 1525, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1525, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1525, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 48.

Excused: Senator Zarelli - 1.

SUBSTITUTE HOUSE BILL NO. 1525, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2078, by House Committee on Natural Resources (originally sponsored by Representatives Buck, Regala, Eickmeyer and Anderson)

Merging Titles 75 and 77 RCW.

The bill was read the second time.

#### MOTION

Senator Jacobsen moved that the following Committee on Natural Resources, Parks and Recreation striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"PART I  
TITLE 75  
Amendments**

**Sec. 1.** RCW 75.08.012 and 1983 1st ex.s. c 46 s 5 are each amended to read as follows:

Wildlife, fish, and shellfish are the property of the state. The commission, director, and the department shall preserve, protect, perpetuate and manage the ((føøð)) fish and shellfish in state waters and offshore waters.

The department shall conserve the ((føøð)) fish and shellfish resources in a manner that does not impair the resource. In a manner consistent with this goal, the department shall seek to maintain the economic well-being and stability of the fishing industry in the state. The department shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state.

The commission may authorize the taking of wildlife, fish, and shellfish only at times or places, or in manners or quantities as in the judgment of the commission maximizes public recreational opportunities without impairing the supply of these resources. The commission shall attempt to maximize the public recreational fishing and hunting opportunities of all citizens, including juvenile, handicapped, and senior citizens.

Nothing in this title shall be construed to infringe on the right of a private property owner to control the owner's private property.

**Sec. 2.** RCW 75.08.020 and 1988 c 36 s 31 are each amended to read as follows:

(1) The director shall investigate the habits, supply, and economic use of food fish and shellfish in state and offshore waters.

(2) The director shall make an annual report to the governor on the operation of the department and the statistics of the fishing industry.

(3) Subject to RCW 40.07.040, the director shall provide a comprehensive biennial report of all departmental operations to the chairs of the committees on natural resources (~~((and ways and means))~~) of the senate and house of representatives, the senate ways and means committee, and the house of representatives appropriations committee, including one copy to the staff of each of the committees, to reflect the previous fiscal period. The format of the report shall be similar to reports issued by the department from 1964-1970 and the report shall include, but not be limited to, descriptions of all department activities including: Revenues generated, program costs, capital expenditures, personnel, special projects, new and ongoing research, environmental controls, cooperative projects, intergovernmental agreements, and outlines of ongoing litigation, recent court decisions and orders on major issues with the potential for state liability. The report shall describe the status of the resource and its recreational, commercial, and tribal utilization. The report (~~((shall be given to the house and senate committees on ways and means and the house and senate committees on natural resources and))~~) shall be made available to the public.

**Sec. 3.** RCW 75.08.045 and 1995 1st sp.s. c 2 s 24 are each amended to read as follows:

The (~~((commission))~~) director may accept money or real property from persons under conditions requiring the use of the property or money for the protection, rehabilitation, preservation, or conservation of the state wildlife, food fish, and shellfish resources, or in settlement of claims for damages to wildlife, food fish, and shellfish resources. The (~~((commission))~~) director shall only accept real property useful for the protection, rehabilitation, preservation, or conservation of these fisheries resources.

**Sec. 4.** RCW 75.08.055 and 1995 1st sp.s. c 2 s 8 are each amended to read as follows:

(1) The commission may enter into agreements with and receive funds from the United States for the construction, maintenance, and operation of fish cultural stations, laboratories, and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions.

(2) The (~~((commission))~~) director and the department may acquire by gift, purchase, lease, easement, or condemnation the use of lands where the construction or improvement is to be carried on by the United States.

**Sec. 5.** RCW 75.08.080 and 1995 1st sp.s. c 2 s 11 are each amended to read as follows:

(1) The commission may adopt, amend, or repeal rules as follows:

(a) Specifying the times when the taking of wildlife, food fish, or shellfish is lawful or unlawful.

(b) Specifying the areas and waters in which the taking and possession of wildlife, food fish, or shellfish is lawful or unlawful.

(c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take wildlife, food fish, or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed.

(d) Regulating the possession, disposal, landing, and sale of wildlife, food fish, or shellfish within the state, whether acquired within or without the state.

(e) Regulating the prevention and suppression of diseases and pests affecting wildlife, food fish, or shellfish.

(f) Regulating the size, sex, species, and quantities of wildlife, food fish, or shellfish that may be taken, possessed, sold, or disposed of.

(g) Specifying the statistical and biological reports required from fishermen, dealers, boathouses, or processors of wildlife, food fish, or shellfish.

(h) Classifying species of marine and freshwater life as wildlife, food fish, or shellfish.

(i) Classifying the species of wildlife, food fish, and shellfish that may be used for purposes other than human consumption.

(j) Other rules necessary to carry out this title and the purposes and duties of the department.

(2) Subsections (1)(a), (b), (c), (d), and (f) of this section do not apply to private tideland owners and lessees and the immediate family members of the owners or lessees of state tidelands, when they take or possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.

"Immediate family member" for the purposes of this section means a spouse, brother, sister, grandparent, parent, child, or grandchild.

(3) Except for subsection (1)(g) of this section, this section does not apply to private sector cultured aquatic products as defined in RCW 15.85.020. Subsection (1)(g) of this section does apply to such products.

**Sec. 6.** RCW 75.08.206 and 1983 1st ex.s. c 46 s 20 are each amended to read as follows:

The director shall provide compensation insurance for fisheries patrol officers, insuring these employees against injury or death in the performance of enforcement duties not covered under the workers' compensation act of the state. The beneficiaries and the compensation and benefits under the compensation insurance shall be the same as provided in chapter 51.32 RCW, and the compensation insurance also shall provide for medical aid and hospitalization to the extent and amount as provided in RCW 51.36.010 and 51.36.020.

The recodification of this section into Title 77 RCW does not make any current or former employees eligible for compensation or benefits under this section who were not otherwise eligible under this section before the recodification.

**Sec. 7.** RCW 75.08.208 and 1983 1st ex.s. c 46 s 22 are each amended to read as follows:

The director shall relieve from active duty fisheries patrol officers who are injured in the performance of their official duties to such an extent as to be incapable of active service. While relieved from active duty, the employees shall receive one-half of their salary less any compensation received through the provisions of RCW 41.40.200, 41.40.220, and 75.08.206.

The recodification of this section into Title 77 RCW does not make any current or former employees eligible for compensation or benefits under this section who were not otherwise eligible under this section before the recodification.

**Sec. 8.** RCW 75.08.230 and 1996 c 267 s 3 are each amended to read as follows:

(1) Except as provided in this section, state and county officers receiving the following moneys shall deposit them in the state general fund:

- (a) The sale of licenses required under this title;
- (b) The sale of property seized or confiscated under this title;
- (c) Fines and forfeitures collected under this title;
- (d) The sale of real or personal property held for department purposes;
- (e) Rentals or concessions of the department;
- (f) Moneys received for damages to food fish, shellfish or department property; and
- (g) Gifts.

(2) The director shall make weekly remittances to the state treasurer of moneys collected by the department.

(3) All fines and forfeitures collected or assessed by a district court for a violation of this title or rule of the department shall be remitted as provided in chapter 3.62 RCW.

(4) Proceeds from the sale of food fish or shellfish taken in test fishing conducted by the department, to the extent that these proceeds exceed the estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270 to reimburse the department for unanticipated costs for test fishing operations in excess of the allowance in the budget approved by the legislature.

(5) Proceeds from the sale of salmon carcasses and salmon eggs from state general funded hatcheries by the department of general administration shall be deposited in the regional fisheries enhancement group account established in RCW 75.50.100 (as recodified by this act).

(6) Moneys received by the commission under RCW 75.08.045 (as recodified by this act), to the extent these moneys exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for the specific purpose for which the moneys were received, unless the moneys were received in settlement of a claim for damages to food fish or shellfish, in which case the moneys may be expended for the conservation of these resources.

(7) Proceeds from the sale of herring spawn on kelp fishery licenses by the department, to the extent those proceeds exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for herring management, enhancement, and enforcement.

**Sec. 9.** RCW 75.08.245 and 1988 c 115 s 1 are each amended to read as follows:

The department may supply, at a reasonable charge, surplus salmon eggs to a person for use in the cultivation of salmon. The department shall not intentionally create a surplus of salmon to provide eggs for sale. The department shall only sell salmon eggs from stocks that are not suitable for salmon population rehabilitation or enhancement in state waters in Washington. All sales or transfers shall be consistent with the department's egg transfer and aquaculture disease control regulations as now existing or hereafter amended. Prior to department determination that eggs of a salmon stock are surplus and available for sale, the department shall assess the productivity of each watershed that is suitable for receiving eggs.

~~((The salmon enhancement advisory council, created in RCW 75.48.120, shall consider egg sales at each meeting.))~~

**Sec. 10.** RCW 75.10.150 and 1996 c 267 s 14 are each amended to read as follows:

Since violation of the rules of the department relating to the accounting of the commercial harvest of food fish and shellfish result in damage to the resources of the state, liability for damage to food fish and shellfish resources is imposed on a wholesale fish dealer for violation of a provision in chapter 75.28 RCW (as recodified by this act) or a rule of the department related to the

accounting of the commercial harvest of food fish and shellfish and shall be for the actual damages or for damages imposed as follows:

(1) For violation of rules requiring the timely presentation to the department of documents relating to the accounting of commercial harvest, fifty dollars for each of the first fifteen documents in a series and ten dollars for each subsequent document in the same series. If documents relating to the accounting of commercial harvest of food fish and shellfish are lost or destroyed and the wholesale dealer notifies the department in writing within seven days of the loss or destruction, the director shall waive the requirement for timely presentation of the documents.

(2) For violation of rules requiring accurate and legible information relating to species, value, harvest area, or amount of harvest, twenty-five dollars for each of the first five violations of this subsection following July 28, 1985, and fifty dollars for each violation after the first five violations.

(3) For violations of rules requiring certain signatures, fifty dollars for each of the first two violations and one hundred dollars for each subsequent violation. For the purposes of this subsection, each signature is a separate requirement.

(4) For other violations of rules relating to the accounting of the commercial harvest, fifty dollars for each separate violation.

**Sec. 11.** RCW 75.12.230 and 1998 c 190 s 81 are each amended to read as follows:

Within the waters described in RCW 75.12.210 (as recodified by this act), a person shall not transport or possess salmon on board a vessel carrying fishing gear of a type other than troll lines or angling gear, unless accompanied by a certificate issued by a state or country showing that the salmon have been lawfully taken within the territorial waters of the state or country.

**Sec. 12.** RCW 75.20.061 and 1983 1st ex.s. c 46 s 73 are each amended to read as follows:

If the director determines that a fishway or fish guard described in RCW 75.20.040 and 75.20.060 (as recodified by this act) and in existence on September 1, 1963, is inadequate, in addition to other authority granted in this chapter, the director may remove, relocate, reconstruct, or modify the device, without cost to the owner. The director shall not materially modify the amount of flow of water through the device. After the department has completed the improvements, the fishways and fish guards shall be operated and maintained at the expense of the owner in accordance with RCW 75.20.040 and 75.20.060 (as recodified by this act).

**Sec. 13.** RCW 75.20.098 and 1997 c 424 s 6 are each amended to read as follows:

When reviewing a mitigation plan under RCW 75.20.100 or 75.20.103 (as recodified by this act), the department shall, at the request of the project proponent, follow the guidance contained in RCW 90.74.005 through 90.74.030.

**Sec. 14.** RCW 75.20.100 and 1998 c 190 s 87 are each amended to read as follows:

(1) In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the approval of the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld.

(2)(a) Except as provided in RCW 75.20.1001 (as recodified by this act), the department shall grant or deny approval of a standard permit within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section.

(b) The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life.

(c) The forty-five day requirement shall be suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection; or

(iii) The applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(d) For purposes of this section, "standard permit" means a written permit issued by the department when the conditions under subsections (3) and (5)(b) of this section are not met.

(3)(a) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources. Expedited permit requests require a complete written application as provided in subsection (2)(b) of this section and shall be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance.

(b) For the purposes of this subsection, "imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(d) The department or the county legislative authority may determine if an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists.

(4) Approval of a standard permit is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent.

(5)(a) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately, upon request, oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval to protect fish life shall be established by the department and reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately, upon request, for a stream crossing during an emergency situation.

(b) For purposes of this section and RCW 75.20.103 (as recodified by this act), "emergency" means an immediate threat to life, the public, property, or of environmental degradation.

(c) The department or the county legislative authority may declare and continue an emergency when one or more of the criteria under (b) of this subsection are met. The county legislative authority shall immediately notify the department if it declares an emergency under this subsection.

(6) The department shall, at the request of a county, develop five-year maintenance approval agreements, consistent with comprehensive flood control management plans adopted under the authority of RCW 86.12.200, or other watershed plan approved by a county legislative authority, to allow for work on public and private property for bank stabilization, bridge repair, removal of sand bars and debris, channel maintenance, and other flood damage repair and reduction activity under agreed-upon conditions and times without obtaining permits for specific projects.

(7) This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103 (as recodified by this act).

A landscape management plan approved by the department and the department of natural resources under RCW 76.09.350(2), shall serve as a hydraulic project approval for the life of the plan if fish are selected as one of the public resources for coverage under such a plan.

(8) For the purposes of this section and RCW 75.20.103 (as recodified by this act), "bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

(9) The phrase "to construct any form of hydraulic project or perform other work" does not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

**Sec. 15.** RCW 75.20.1001 and 1993 sp.s. c 2 s 31 are each amended to read as follows:

The department shall process hydraulic project applications submitted under RCW 75.20.100 or 75.20.103 (as recodified by this act) within thirty days of receipt of the application. This requirement is only applicable for the repair and reconstruction of legally constructed dikes, seawalls, and other flood control structures damaged as a result of flooding or windstorms that occurred in November and December 1990.

**Sec. 16.** RCW 75.20.104 and 1993 sp.s. c 2 s 33 are each amended to read as follows:

Whenever the placement of woody debris is required as a condition of a hydraulic permit approval issued pursuant to RCW 75.20.100 or 75.20.103 (as recodified by this act), the department, upon request, shall invite comment regarding that placement from the local governmental authority, affected tribes, affected federal and state agencies, and the project applicant.

**Sec. 17.** RCW 75.20.1041 and 1993 sp.s. c 2 s 34 are each amended to read as follows:

The department and the department of ecology will work cooperatively with the United States army corps of engineers to develop a memorandum of agreement outlining dike vegetation management guidelines so that dike owners are eligible for

coverage under P.L. 84-99, and state requirements established pursuant to RCW 75.20.100 and 75.20.103 (as recodified by this act) are met.

**Sec. 18.** RCW 75.20.106 and 1993 sp.s. c 2 s 35 are each amended to read as follows:

The department may levy civil penalties of up to one hundred dollars per day for violation of any provisions of RCW 75.20.100 or 75.20.103 (as recodified by this act). The penalty provided shall be imposed by notice in writing, either by certified mail or personal service to the person incurring the penalty, from the director or the director's designee describing the violation. Any person incurring any penalty under this chapter may appeal the same under chapter 34.05 RCW to the director. Appeals shall be filed within thirty days of receipt of notice imposing any penalty. The penalty imposed shall become due and payable thirty days after receipt of a notice imposing the penalty unless an appeal is filed. Whenever an appeal of any penalty incurred under this chapter is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

If the amount of any penalty is not paid within thirty days after it becomes due and payable the attorney general, upon the request of the director shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action. All penalties recovered under this section shall be paid into the state's general fund.

**Sec. 19.** RCW 75.20.130 and 1996 c 276 s 2 are each amended to read as follows:

(1) There is hereby created within the environmental hearings office under RCW 43.21B.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board shall consist of three members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, and the director or the director's designee of the department whose action is appealed under subsection (6) of this section. A decision must be agreed to by at least two members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it, and that finding and decision shall be effective upon being signed by two or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by the department: (a) Under the authority granted in RCW 75.20.103 (as recodified by this act) for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020; or (b) under the authority granted in RCW 75.20.190 (as recodified by this act) for off-site mitigation proposals.

(6)(a) Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic approval pursuant to RCW 75.20.103 (as recodified by this act) may seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of such approval.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

**Sec. 20.** RCW 75.20.320 and 1995 c 328 s 1 are each amended to read as follows:

The department may not require mitigation for adverse impacts on fish life or habitat that occurred at the time a wetland was filled, if the wetland was filled under the provisions of RCW 75.20.300 (as recodified by this act).

**Sec. 21.** RCW 75.24.060 and 1998 c 245 s 152 are each amended to read as follows:

It is the policy of the state to improve state oyster reserves so that they are productive and yield a revenue sufficient for their maintenance. In fixing the price of oysters and other shellfish sold from the reserves, the director shall take into consideration this policy. It is also the policy of the state to maintain the oyster reserves to furnish shellfish to growers and processors and to stock public beaches.

Shellfish may be harvested from state oyster reserves for personal use as prescribed by rule of the director.

The ((department)) director shall periodically inventory the state oyster reserves and assign the reserve lands into management categories:

- (1) Native Olympia oyster broodstock reserves;
- (2) Commercial shellfish harvesting zones;
- (3) Commercial shellfish propagation zones designated for long-term leasing to private aquaculturists;
- (4) Public recreational shellfish harvesting zones;
- (5) Unproductive land.

The ((department)) director shall manage each category of oyster reserve land to maximize the sustained yield production of shellfish consistent with the purpose for establishment of each management category.

The ((department)) commission shall develop an oyster reserve management plan, to include recommendations for leasing reserve lands, in coordination with the shellfish industry, by January 1, 1986.

The director shall protect, reseed, improve the habitat of, and replant state oyster reserves ((and)). The director shall also issue cultch permits and oyster reserve fishery licenses.

**Sec. 22.** RCW 75.24.065 and 1993 sp.s. c 2 s 40 are each amended to read as follows:

The legislature finds that current environmental and economic conditions warrant a renewal of the state's historical practice of actively cultivating and managing its oyster reserves in Puget Sound to produce the state's native oyster, the Olympia oyster. The ((department)) director shall reestablish dike cultivated production of Olympia oysters on such reserves on a trial basis as a tool for planning more comprehensive cultivation by the state.

**Sec. 23.** RCW 75.24.070 and 1983 1st ex.s. c 46 s 82 are each amended to read as follows:

The director shall determine the time, place, and method of sale of oysters and other shellfish from state oyster reserves. Any person who commercially takes shellfish from state oyster reserves must possess an oyster reserve fishery license issued by the director pursuant to RCW 75.28.290 (as recodified by this act). Any person engaged in the commercial cultching of oysters on state oyster reserves must possess an oyster cultch permit issued by the director pursuant to RCW 75.28.295 (as recodified by this act).

To maintain local communities and industries and to restrain the formation of monopolies in the industry, the director shall determine the number of bushels which shall be sold to a person. When the shellfish are sold at public auction, the director may reject any and all bids.

**Sec. 24.** RCW 75.24.100 and 1998 c 190 s 91 are each amended to read as follows:

(1) The ((department)) director may not authorize a person to take geoduck clams for commercial purposes outside the harvest area designated in a current department of natural resources geoduck harvesting agreement issued under RCW 79.96.080. The ((department)) director may not authorize commercial harvest of geoduck clams from bottoms that are shallower than eighteen feet below mean lower low water (0.0. ft.), or that lie in an area bounded by the line of ordinary high tide (mean high tide) and a line two hundred yards seaward from and parallel to the line of ordinary high tide. This section does not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020.

(2) Commercial geoduck harvesting shall be done with a hand-held, manually operated water jet or suction device guided and controlled from under water by a diver. Periodically, the ((commission)) director shall determine the effect of each type or unit of gear upon the geoduck population or the substrate they inhabit. The ((commission)) director may require modification of the gear or stop its use if it is being operated in a wasteful or destructive manner or if its operation may cause permanent damage to the bottom or adjacent shellfish populations.

**Sec. 25.** RCW 75.24.130 and 1995 1st sp.s. c 2 s 30 are each amended to read as follows:

The commission may examine the clam, mussel, and oyster beds located on aquatic lands belonging to the state and request the commissioner of public lands to withdraw these lands from sale and lease for the purpose of establishing reserves or public beaches. The ((commission)) director shall conserve, protect, and develop these reserves and the oyster, shrimp, clam, and mussel beds on state lands.

**Sec. 26.** RCW 75.25.092 and 1998 c 191 s 2 are each amended to read as follows:

(1) A personal use shellfish and seaweed license is required for all persons other than residents or nonresidents under fifteen years of age to fish for, take, dig for, or possess seaweed or shellfish for personal use from state waters or offshore waters including national park beaches.

(2) The fees for annual personal use shellfish and seaweed licenses are:

- (a) For a resident fifteen years of age or older, seven dollars;
- (b) For a nonresident fifteen years of age or older, twenty dollars; and
- (c) For a senior, five dollars.

(3) The personal use shellfish and seaweed license shall be visible on the licensee while harvesting shellfish or seaweed.

**Sec. 27.** RCW 75.28.011 and 1997 c 418 s 1 are each amended to read as follows:

(1) Unless otherwise provided in this title, a license issued under this chapter is not transferable from the license holder to any other person.

(2) The following restrictions apply to transfers of commercial fishery licenses, salmon delivery licenses, and salmon charter licenses that are transferable between license holders:

- (a) The license holder shall surrender the previously issued license to the department.
- (b) The department shall complete no more than one transfer of the license in any seven-day period.
- (c) The fee to transfer a license from one license holder to another is:

(i) The same as the resident license renewal fee if the license is not limited under chapter 75.30 RCW (as recodified by this act):

(ii) Three and one-half times the resident renewal fee if the license is not a commercial salmon license and the license is limited under chapter 75.30 RCW (as recodified by this act);

(iii) Fifty dollars if the license is a commercial salmon license and is limited under chapter 75.30 RCW (as recodified by this act);

(iv) Five hundred dollars if the license is a Dungeness crab-coastal fishery license; or

(v) If a license is transferred from a resident to a nonresident, an additional fee is assessed that is equal to the difference between the resident and nonresident license fees at the time of transfer, to be paid by the transferee.

(3) A commercial license that is transferable under this title survives the death of the holder. Though such licenses are not personal property, they shall be treated as analogous to personal property for purposes of inheritance and intestacy. Such licenses are subject to state laws governing wills, trusts, estates, intestate succession, and community property, except that such licenses are exempt from claims of creditors of the estate and tax liens. The surviving spouse, estate, or beneficiary of the estate may apply for a renewal of the license. There is no fee for transfer of a license from a license holder to the license holder's surviving spouse or estate, or to a beneficiary of the estate.

**Sec. 28.** RCW 75.28.020 and 1994 c 244 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this title, a person (~~(as defined in RCW 75.08.011)~~) may hold a commercial license established by this chapter.

(2) Except as otherwise provided in this title, an individual may hold a commercial license only if the individual is sixteen years of age or older and a bona fide resident of the United States.

(3) A corporation may hold a commercial license only if it is authorized to do business in this state.

(4) No person may hold a limited-entry license unless the person meets the qualifications that this title establishes for the license.

(5) The residency requirements in subsection (2) of this section do not apply to holders of nonsalmon delivery licenses.

**Sec. 29.** RCW 75.28.034 and 1995 c 227 s 1 are each amended to read as follows:

If, for any reason, the department does not allow any opportunity for a commercial fishery during a calendar year, the ~~((department))~~ director shall either: (1) Waive the requirement to obtain a license for that commercial fishery for that year; or (2) refund applicable license fees upon return of the license.

**Sec. 30.** RCW 75.28.042 and 1997 c 58 s 882 are each amended to read as follows:

(1) The department shall immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order.

(2) A listing on the department of licensing's data base that an individual's license is currently suspended pursuant to RCW 46.20.291(~~((7))~~) (8) shall be prima facie evidence that the individual is in noncompliance with a support order or residential or visitation order. Presentation of a written release issued by the department of social and health services or a court stating that the person is in compliance with an order shall serve as proof of compliance.

**Sec. 31.** RCW 75.28.046 and 1998 c 267 s 2 are each amended to read as follows:

This section applies to all commercial fishery licenses and delivery licenses, except for whiting--Puget Sound fishery licenses and emergency salmon delivery licenses.

(1) The license holder may engage in the activity authorized by a license subject to this section. With the exception of Dungeness crab--coastal fishery class B licensees licensed under RCW 75.30.350(4) (as recodified by this act), the holder of a license subject to this section may also designate up to two alternate operators for the license. Dungeness crab--coastal fishery class B licensees may not designate alternate operators. A person designated as an alternate operator must possess an alternate operator license issued under RCW 75.28.048 (as recodified by this act).

(2) The fee to change the alternate operator designation is twenty-two dollars.

**Sec. 32.** RCW 75.28.047 and 1998 c 267 s 3 are each amended to read as follows:

(1) Only the license holder and any alternate operators designated on the license may sell or deliver food fish or shellfish under a commercial fishery license or delivery license. A commercial fishery license or delivery license authorizes no taking or delivery of food fish or shellfish unless the license holder or an alternate operator designated on the license is present or aboard the vessel.

(2) Notwithstanding RCW 75.28.010(1)(c) (as recodified by this act), an alternate operator license is not required for an individual to operate a vessel as a charter boat.

**Sec. 33.** RCW 75.28.048 and 1998 c 267 s 4 are each amended to read as follows:

(1) A person who holds a commercial fishery license or a delivery license may operate the vessel designated on the license. A person who is not the license holder may operate the vessel designated on the license only if:

(a) The person holds an alternate operator license issued by the director; and

(b) The person is designated as an alternate operator on the underlying commercial fishery license or delivery license under RCW 75.28.046 (as recodified by this act).

(2) Only an individual at least sixteen years of age may hold an alternate operator license.

(3) No individual may hold more than one alternate operator license. An individual who holds an alternate operator license may be designated as an alternate operator on an unlimited number of commercial fishery licenses or delivery licenses under RCW 75.28.046 (as recodified by this act).

(4) An individual who holds two Dungeness crab--Puget Sound fishery licenses may operate the licenses on one vessel if the vessel owner or alternate operator is on the vessel. The department shall allow a license holder to operate up to one hundred crab pots for each license.

(5) As used in this section, to "operate" means to control the deployment or removal of fishing gear from state waters while aboard a vessel or to operate a vessel delivering food fish or shellfish taken in offshore waters to a port within the state.

**Sec. 34.** RCW 75.28.055 and 1997 c 421 s 1 are each amended to read as follows:

The ~~((fish and wildlife commission))~~ director may, by rule, increase the number of alternate operators beyond the level authorized by RCW 75.28.030 and 75.28.046 (as recodified by this act) for a commercial fishery license, delivery license, or charter license.

**Sec. 35.** RCW 75.28.095 and 1998 c 190 s 95 are each amended to read as follows:

(1) The director shall issue the charter licenses and angler permits listed in this section according to the requirements of this title. The licenses and permits and their annual fees and surcharges are:

License or Permit	Annual Fee	Governing (RCW 75.50.100 Surcharge) Section
-------------------	------------	--

Resident Nonresident

(a) Nonsalmon charter \$225 \$375

(b) Salmon charter \$380 \$685 RCW 75.30.065

(as recodified by this act)

(plus \$100) (plus \$100)

(c) Salmon angler \$ 0 \$ 0 RCW 75.30.070

(as recodified by this act)

(d) Salmon roe \$ 95 \$ 95 RCW 75.28.690

(as recodified by this act)

(2) A salmon charter license designating a vessel is required to operate a charter boat to take salmon, other food fish, and shellfish. The director may issue a salmon charter license only to a person who meets the qualifications of RCW 75.30.065 (as recodified by this act).

(3) A nonsalmon charter license designating a vessel is required to operate a charter boat to take food fish other than salmon and shellfish. As used in this subsection, "food fish" does not include salmon.

(4) "Charter boat" means a vessel from which persons may, for a fee, fish for food fish or shellfish for personal use, and that brings food fish or shellfish into state ports or brings food fish or shellfish taken from state waters into United States ports. The director may specify by rule when a vessel is a "charter boat" within this definition. "Charter boat" does not mean a vessel used by a guide for clients fishing for food fish for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

(5) A charter boat licensed in Oregon may fish without a Washington charter license under the same rules as Washington charter boat operators in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point, as long as the Oregon vessel does not land at any Washington port with the purpose of taking on or discharging passengers. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.

(6) A salmon charter license under subsection (1)(b) of this section may be renewed if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. The license holder

must pay the one hundred-dollar enhancement surcharge, plus a fifteen-dollar handling charge, in order to be considered a valid renewal and eligible to renew the license the following year.

**Sec. 36.** RCW 75.28.110 and 1997 c 76 s 1 are each amended to read as follows:

(1) The following commercial salmon fishery licenses are required for the license holder to use the specified gear to fish for salmon in state waters. Only a person who meets the qualifications of RCW 75.30.120 (as recodified by this act) may hold a license listed in this subsection. The licenses and their annual fees and surcharges under RCW 75.50.100 (as recodified by this act) are:

Fishery Resident Nonresident Surcharge  
License Fee Fee

- (a) Salmon Gill Net--Grays Harbor-Columbia river \$380 \$685 plus \$100
- (b) Salmon Gill Net--Puget Sound \$380 \$685 plus \$100
- (c) Salmon Gill Net--Willapa Bay-Columbia river \$380 \$685 plus \$100
- (d) Salmon purse seine \$530 \$985 plus \$100
- (e) Salmon reef net \$380 \$685 plus \$100
- (f) Salmon troll \$380 \$685 plus \$100

(2) A license issued under this section authorizes no taking or delivery of salmon or other food fish unless a vessel is designated under RCW 75.28.045 (as recodified by this act).

(3) Holders of commercial salmon fishery licenses may retain incidentally caught food fish other than salmon, subject to rules of the department.

(4) A salmon troll license includes a salmon delivery license.

(5) A salmon gill net license authorizes the taking of salmon only in the geographical area for which the license is issued. The geographical designations in subsection (1) of this section have the following meanings:

(a) "Puget Sound" includes waters of the Strait of Juan de Fuca, Georgia Strait, Puget Sound and all bays, inlets, canals, coves, sounds, and estuaries lying easterly and southerly of the international boundary line and a line at the entrance to the Strait of Juan de Fuca projected northerly from Cape Flattery to the lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver Island.

(b) "Grays Harbor-Columbia river" includes waters of Grays Harbor and tributary estuaries lying easterly of a line projected northerly from Point Chehalis Light to Point Brown and those waters of the Columbia river and tributary sloughs and estuaries easterly of a line at the entrance to the Columbia river projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.

(c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and tributary estuaries and easterly of a line projected northerly from Leadbetter Point to the Cape Shoalwater tower and those waters of the Columbia river and tributary sloughs described in (b) of this subsection.

(6) A commercial salmon troll fishery license may be renewed under this section if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. A commercial salmon gill net, reef net, or seine fishery license may be renewed under this section if the license holder notifies the department by August 1st of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the one hundred-dollar enhancement surcharge, plus a fifteen-dollar handling charge, in order to be considered a valid renewal and eligible to renew the license the following year.

**Sec. 37.** RCW 75.28.113 and 1998 c 190 s 96 are each amended to read as follows:

(1) A salmon delivery license is required to deliver salmon taken in offshore waters to a place or port in the state. The annual fee for a salmon delivery license is three hundred eighty dollars for residents and six hundred eighty-five dollars for nonresidents. The annual surcharge under RCW 75.50.100 (as recodified by this act) is one hundred dollars for each license. Holders of nonlimited entry delivery licenses issued under RCW 75.28.125 (as recodified by this act) may apply the nonlimited entry delivery license fee against the salmon delivery license fee.

(2) Only a person who meets the qualifications established in RCW 75.30.120 (as recodified by this act) may hold a salmon delivery license issued under this section.

(3) A salmon delivery license authorizes no taking of salmon or other food fish or shellfish from the waters of the state.

(4) If the director determines that the operation of a vessel under a salmon delivery license results in the depletion or destruction of the state's salmon resource or the delivery into this state of salmon products prohibited by law, the director may revoke the license under the procedures of chapter 34.05 RCW.

**Sec. 38.** RCW 75.28.116 and 1993 sp.s. c 17 s 37 are each amended to read as follows:

A person who does not qualify for a license under RCW 75.30.120 (as recodified by this act) shall obtain a nontransferable emergency salmon delivery license to make one delivery of salmon taken in offshore waters. The director shall not issue an emergency salmon delivery license unless, as determined by the director, a bona fide emergency exists. The license fee is two hundred twenty-five dollars for residents and four hundred seventy-five dollars for nonresidents. An applicant for an emergency salmon delivery license shall designate no more than one vessel that will be used with the license. Alternate operator licenses are not required of persons delivering salmon under an emergency salmon delivery license. Emergency salmon delivery licenses are not renewable.

**Sec. 39.** RCW 75.28.120 and 1993 sp.s. c 17 s 38 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for food fish fisheries and the annual fees for those licenses. As used in this section, "food fish" does not include salmon. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

Fishery	Annual Fee	Vessel	Limited	Entry
Fishery Annual Fee Vessel Limited				
(Governing section(s)) Resident Nonresident Required? Entry?				
(a) Baitfish Lampara	\$185	\$295	Yes	No
(b) Baitfish purse seine	\$530	\$985	Yes	No
(c) Bottom fish jig	\$130	\$185	Yes	No
(d) Bottom fish pot	\$130	\$185	Yes	No
(e) Bottom fish troll	\$130	\$185	Yes	No
(f) Carp	\$130	\$185	No	No
(g) Columbia river smelt	\$380	\$685	No	No
(h) Dog fish set net	\$130	\$185	Yes	No
(i) Emerging commercial fishery (RCW 75.30.220 and 75.28.740 ( <u>as recodified by this act</u> ))	\$185	\$295	Determined	Determined
(j) Food fish drag seine	\$130	\$185	Yes	No
(k) Food fish set line	\$130	\$185	Yes	No
(l) Food fish trawl- Non-Puget Sound	\$240	\$405	Yes	No
(m) Food fish trawl- Puget Sound	\$185	\$295	Yes	No
(n) Herring dip bag net (RCW 75.30.140 ( <u>as recodified by this act</u> ))	\$175	\$275	Yes	Yes
(o) Herring drag seine (RCW 75.30.140 ( <u>as recodified by this act</u> ))	\$175	\$275	Yes	Yes
(p) Herring gill net (RCW 75.30.140 ( <u>as recodified by this act</u> ))	\$175	\$275	Yes	Yes
(q) Herring Lampara (RCW 75.30.140 ( <u>as recodified by this act</u> ))	\$175	\$275	Yes	Yes
(r) Herring purse seine (RCW 75.30.140 ( <u>as recodified by this act</u> ))	\$175	\$275	Yes	Yes
(s) Herring spawn-on-kelp (RCW 75.30.270 ( <u>as recodified by this act</u> ))	N/A	N/A	Yes	Yes

- (t) Smelt dip bag net \$130 \$185 No No
- (u) Smelt gill net \$380 \$685 Yes No
- (v) Whiting-Puget Sound \$295 \$520 Yes Yes  
(RCW 75.30.170 (as recodified by this act))

(2) The director may by rule determine the species of food fish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take food fish in that fishery.

**Sec. 40.** RCW 75.28.125 and 1998 c 190 s 97 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person may not use a commercial fishing vessel to deliver food fish or shellfish taken in offshore waters to a port in the state without a nonlimited entry delivery license. As used in this section, "food fish" does not include salmon. As used in this section, "shellfish" does not include ocean pink shrimp or coastal crab. The annual license fee for a nonlimited entry delivery license is one hundred ten dollars for residents and two hundred dollars for nonresidents.

(2) Holders of salmon troll fishery licenses issued under RCW 75.28.110 (as recodified by this act), salmon delivery licenses issued under RCW 75.28.113 (as recodified by this act), crab pot fishery licenses issued under RCW 75.28.130 (as recodified by this act), food fish trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.120 (as recodified by this act), Dungeness crab--coastal fishery licenses, ocean pink shrimp delivery licenses, and shrimp trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.130 (as recodified by this act) may deliver food fish or shellfish taken in offshore waters without a nonlimited entry delivery license.

(3) A nonlimited entry delivery license authorizes no taking of food fish or shellfish from state waters.

**Sec. 41.** RCW 75.28.130 and 1994 c 260 s 14 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for shellfish fisheries and the annual fees for those licenses. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

- | Fishery                 | Annual Fee | Vessel Limited | (Governing section(s))               | Resident   | Nonresident | Required? | Entry? |
|-------------------------|------------|----------------|--------------------------------------|------------|-------------|-----------|--------|
| (a) Burrowing shrimp    | \$185      | \$295          |                                      | Yes        | No          |           |        |
| (b) Crab ring net-      | \$130      | \$185          | Yes                                  | No         |             |           |        |
|                         |            |                | Non-Puget Sound                      |            |             |           |        |
| (c) Crab ring net-      | \$130      | \$185          | Yes                                  | No         |             |           |        |
|                         |            |                | Puget Sound                          |            |             |           |        |
| (d) Dungeness crab-     | \$295      | \$520          | Yes                                  | Yes        |             |           |        |
|                         |            |                | coastal (RCW 75.30.350               |            |             |           |        |
|                         |            |                | <u>(as recodified by this act)</u> ) |            |             |           |        |
| (e) Dungeness crab-     | \$295      | \$520          | Yes                                  | Yes        |             |           |        |
|                         |            |                | coastal, class B                     |            |             |           |        |
|                         |            |                | (RCW 75.30.350                       |            |             |           |        |
|                         |            |                | <u>(as recodified by this act)</u> ) |            |             |           |        |
| (f) Dungeness crab-     | \$130      | \$185          | Yes                                  | Yes        |             |           |        |
|                         |            |                | Puget Sound                          |            |             |           |        |
|                         |            |                | (RCW 75.30.130                       |            |             |           |        |
|                         |            |                | <u>(as recodified by this act)</u> ) |            |             |           |        |
| (g) Emerging commercial | \$185      | \$295          | Determined                           | Determined |             |           |        |
|                         |            |                | fishery (RCW 75.30.220               |            |             |           |        |
|                         |            |                | by rule by rule                      |            |             |           |        |
|                         |            |                | and 75.28.740 <u>(as recodified</u>  |            |             |           |        |
|                         |            |                | <u>by this act)</u> )                |            |             |           |        |
| (h) Geoduck (RCW \$     | 0          | \$ 0           | Yes                                  | Yes        |             |           |        |
|                         |            |                | 75.30.280 <u>(as recodified</u>      |            |             |           |        |
|                         |            |                | <u>by this act)</u> )                |            |             |           |        |
| (i) Hardshell clam      | \$530      | \$985          | Yes                                  | No         |             |           |        |

- mechanical harvester  
(RCW 75.28.280 (as recodified by this act))
- (j) Oyster reserve \$130 \$185 No No  
(RCW 75.28.290  
(as recodified by this act))
- (k) Razor clam \$130 \$185 No No
- (l) Sea cucumber dive \$130 \$185 Yes Yes  
(RCW 75.30.250  
(as recodified by this act))
- (m) Sea urchin dive \$130 \$185 Yes Yes  
(RCW 75.30.210  
(as recodified by this act))
- (n) Shellfish dive \$130 \$185 Yes No
- (o) Shellfish pot \$130 \$185 Yes No
- (p) Shrimp pot- \$325 \$575 Yes No  
Hood Canal
- (q) Shrimp trawl- \$240 \$405 Yes No  
Non-Puget Sound
- (r) Shrimp trawl- \$185 \$295 Yes No  
Puget Sound
- (s) Squid \$185 \$295 Yes No

(2) The director may by rule determine the species of shellfish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take shellfish in that fishery.

**Sec. 42.** RCW 75.28.132 and 1994 c 260 s 15 are each amended to read as follows:

A surcharge of fifty dollars shall be collected with each Dungeness crab-coastal fishery license issued under RCW 75.28.130 (as recodified by this act) until June 30, 2000, and with each Dungeness crab-coastal class B fishery license issued under RCW 75.28.130 (as recodified by this act) until December 31, 1997. Moneys collected under this section shall be placed in the Dungeness crab appeals account hereby created in the state treasury. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. Expenditures from the account shall only be used for processing appeals related to the issuance of Dungeness crab-coastal fishery licenses.

**Sec. 43.** RCW 75.28.133 and 1997 c 418 s 5 are each amended to read as follows:

A surcharge of one hundred twenty dollars shall be collected with each Dungeness crab-coastal fishery license and with each Dungeness crab-coastal class B fishery license issued under RCW 75.28.130 (as recodified by this act). Moneys collected under this section shall be placed in the coastal crab account created under RCW 75.30.390 (as recodified by this act).

**Sec. 44.** RCW 75.28.280 and 1993 c 340 s 19 are each amended to read as follows:

A hardshell clam mechanical harvester fishery license is required to operate a mechanical or hydraulic device for commercially harvesting clams, other than geoduck clams, unless the requirements of RCW 75.20.100 (as recodified by this act) are fulfilled for the proposed activity.

**Sec. 45.** RCW 75.28.290 and 1993 c 340 s 20 are each amended to read as follows:

A person who commercially takes shellfish from state oyster reserves under RCW 75.24.070 (as recodified by this act) must have an oyster reserve fishery license.

**Sec. 46.** RCW 75.28.300 and 1993 sp.s. c 17 s 43 are each amended to read as follows:

A wholesale fish dealer's license is required for:

(1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.

(2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) Fishermen who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state.

(4) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.

(5) A business employing a fish buyer as defined under RCW 75.28.340 (as recodified by this act).

The annual license fee for a wholesale dealer is two hundred fifty dollars. A wholesale fish dealer's license is not required for persons engaged in the processing, wholesale selling, buying, or brokering of private sector cultured aquatic products as defined in RCW 15.85.020. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

**Sec. 47.** RCW 75.28.323 and 1996 c 267 s 30 are each amended to read as follows:

(1) A wholesale fish dealer shall not take possession of food fish or shellfish until the dealer has deposited with the department an acceptable performance bond on forms prescribed and furnished by the department. This performance bond shall be a corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under chapter 48.28 RCW and approved by the department. The bond shall be filed and maintained in an amount equal to one thousand dollars for each buyer engaged by the wholesale dealer. In no case shall the bond be less than two thousand dollars nor more than fifty thousand dollars.

(2) A wholesale dealer shall, within seven days of engaging additional fish buyers, notify the department and increase the amount of the bonding required in subsection (1) of this section.

(3) The director may suspend and refuse to reissue a wholesale fish dealer's license of a dealer who has taken possession of food fish or shellfish without an acceptable performance bond on deposit with the department.

(4) The bond shall be conditioned upon the compliance with the requirements of this chapter and rules of the department relating to the payment of fines for violations of rules for the accounting of the commercial harvest of food fish or shellfish. In lieu of the surety bond required by this section the wholesale fish dealer may file with the department a cash deposit, negotiable securities acceptable to the department, or an assignment of a savings account or of a savings certificate in a Washington bank on an assignment form prescribed by the department.

(5) Liability under the bond shall be maintained as long as the wholesale fish dealer engages in activities under RCW 75.28.300 (as recodified by this act) unless released. Liability under the bond may be released only upon written notification from the department. Notification shall be given upon acceptance by the department of a substitute bond or forty-five days after the expiration of the wholesale fish dealer's annual license. In no event shall the liability of the surety exceed the amount of the surety bond required under this chapter.

**Sec. 48.** RCW 75.28.340 and 1993 sp.s. c 17 s 46 are each amended to read as follows:

(1) A fish buyer's license is required of and shall be carried by each individual engaged by a wholesale fish dealer to purchase food fish or shellfish from a licensed commercial fisherman. A fish buyer may represent only one wholesale fish dealer.

(2) (~~Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,~~) The annual fee for a fish buyer's license is ninety-five dollars.

**Sec. 49.** RCW 75.28.730 and 1993 c 376 s 4 are each amended to read as follows:

An ocean pink shrimp delivery license is required to deliver ocean pink shrimp taken in offshore waters and delivered to a port in the state. (~~Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,~~) The annual license fee is one hundred fifty dollars for residents and three hundred dollars for nonresidents. Ocean pink shrimp delivery licenses are transferable.

**Sec. 50.** RCW 75.28.740 and 1998 c 190 s 99 are each amended to read as follows:

(1) The director may by rule designate a fishery as an emerging commercial fishery. The director shall include in the designation whether the fishery is one that requires a vessel.

(2) "Emerging commercial fishery" means the commercial taking of a newly classified species of food fish or shellfish, the commercial taking of a classified species with gear not previously used for that species, or the commercial taking of a classified species in an area from which that species has not previously been commercially taken. Any species of food fish or shellfish commercially harvested in Washington state as of June 7, 1990, may be designated as a species in an emerging commercial fishery, except that no fishery subject to a license limitation program in chapter 75.30 RCW (as recodified by this act) may be designated as an emerging commercial fishery.

(3) A person shall not take food fish or shellfish in a fishery designated as an emerging commercial fishery without an emerging commercial fishery license and a permit from the director. The director shall issue two types of permits to accompany emerging commercial fishery licenses: Trial fishery permits and experimental fishery permits. Trial fishery permits are governed by subsection (4) of this section. Experimental fishery permits are governed by RCW 75.30.220 (as recodified by this act).

(4) The director shall issue trial fishery permits for a fishery designated as an emerging commercial fishery unless the director determines there is a need to limit the number of participants under RCW 75.30.220 (as recodified by this act). A person

who meets the qualifications of RCW 75.28.020 (as recodified by this act) may hold a trial fishery permit. The holder of a trial fishery permit shall comply with the terms of the permit. Trial fishery permits are not transferable from the permit holder to any other person.

**Sec. 51.** RCW 75.28.760 and 1993 sp.s. c 4 s 2 are each amended to read as follows:

By July 1, 1994, the (~~departments of fisheries and wildlife~~) commission jointly with the appropriate Indian tribes, shall each establish a wild salmonid policy. The policy shall ensure that department actions and programs are consistent with the goals of rebuilding wild stock populations to levels that permit commercial and recreational fishing opportunities.

**Sec. 52.** RCW 75.28.770 and 1998 c 245 s 153 are each amended to read as follows:

The (~~department~~) director shall evaluate and recommend, in consultation with the Indian tribes, salmon fishery management strategies and gear types, as well as a schedule for implementation, that will minimize the impact of commercial and recreational fishing in the mixed stock fishery on critical and depressed wild stocks of salmonids. As part of this evaluation, the (~~department~~) director, in conjunction with the commercial and recreational fishing industries, shall evaluate commercial and recreational salmon fishing gear types developed by these industries.

**Sec. 53.** RCW 75.28.780 and 1993 sp.s. c 17 s 42 are each amended to read as follows:

The director shall issue the personal licenses listed in this section according to the requirements of this title. The licenses and their annual fees are:

Personal License Annual Fee Governing

(RCW 75.50.100 (as recodified by this act) Surcharge) Section

Resident Nonresident

(1) Alternate Operator \$ 35 \$ 35 RCW 75.28.048

(as recodified by this act)

(2) Geoduck Diver \$185 \$295 RCW 75.28.750

(as recodified by this act)

(3) Salmon Guide \$130 \$630 RCW 75.28.710

(as recodified by this act)

(plus \$20) (plus \$100)

**Sec. 54.** RCW 75.30.021 and 1995 c 227 s 2 are each amended to read as follows:

(1) The (~~department~~) director shall waive license requirements, including landing or poundage requirements, if, during the calendar year that a license issued pursuant to chapter 75.28 RCW (as recodified by this act) is valid, no harvest opportunity occurs in the fishery corresponding to the license.

(2) For each license limitation program, where the person failed to hold the license and failed to make landing or poundage requirements because of a license waiver by the (~~department~~) director during the previous year, the person shall qualify for a license by establishing that the person held the license during the last year in which the license was not waived.

**Sec. 55.** RCW 75.30.050 and 1995 c 269 s 3101 are each amended to read as follows:

(1) The director shall appoint three-member advisory review boards to hear cases as provided in RCW 75.30.060 (as recodified by this act). Members shall be from:

- (a) The commercial crab fishing industry in cases involving Dungeness crab-Puget Sound fishery licenses;
  - (b) The commercial herring fishery in cases involving herring fishery licenses;
  - (c) The commercial sea urchin and sea cucumber fishery in cases involving sea urchin and sea cucumber dive fishery licenses;
  - (d) The commercial ocean pink shrimp industry (*Pandalus jordani*) in cases involving ocean pink shrimp delivery licenses;
- and

(e) The commercial coastal crab fishery in cases involving Dungeness crab-coastal fishery licenses and Dungeness crab-coastal class B fishery licenses. The members shall include one person from the commercial crab processors, one Dungeness crab-coastal fishery license holder, and one citizen representative of a coastal community.

(2) Members shall serve at the discretion of the director and shall be reimbursed for travel expenses as provided in RCW 43.03.050, 43.03.060, and 43.03.065.

**Sec. 56.** RCW 75.30.060 and 1995 1st sp.s. c 2 s 32 are each amended to read as follows:

A person aggrieved by a decision of the department under this chapter may request administrative review under the informal procedure established by this section.

In an informal hearing before a review board, the rules of evidence do not apply. A record of the proceeding shall be kept as provided by chapter 34.05 RCW. After hearing the case the review board shall notify in writing the ~~((commission))~~ director and the initiating party whether the review board agrees or disagrees with the department's decision and the reasons for the review board's findings. Upon receipt of the review board's findings the ~~((commission))~~ director may order such relief as the ~~((commission))~~ director deems appropriate under the circumstances.

Nothing in this section: (1) Impairs an aggrieved person's right to proceed under chapter 34.05 RCW; or (2) imposes a liability on members of a review board for their actions under this section.

**Sec. 57.** RCW 75.30.065 and 1993 c 340 s 28 are each amended to read as follows:

(1) After May 28, 1977, the director shall issue no new salmon charter licenses. A person may renew an existing salmon charter license only if the person held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person.

(2) Salmon charter licenses may be renewed each year. A salmon charter license which is not renewed each year shall not be renewed further.

(3) Subject to the restrictions in ~~((section 11 of this act))~~ RCW 75.28.011 (as recodified by this act), salmon charter licenses are transferrable from one license holder to another.

**Sec. 58.** RCW 75.30.070 and 1998 c 190 s 100 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, a person shall not operate a vessel as a charter boat from which salmon are taken in salt water without an angler permit. The angler permit shall specify the maximum number of persons that may fish from the charter boat per trip. The angler permit expires if the salmon charter license is not renewed.

(2) Only a person who holds a salmon charter license issued under RCW 75.28.095 and 75.30.065 (as recodified by this act) may hold an angler permit.

(3) An angler permit shall not be required for charter boats licensed in Oregon and fishing in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point under the same regulations as Washington charter boat operators, as long as the Oregon vessel does not land at any Washington port with the purpose of taking on or discharging passengers. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.

**Sec. 59.** RCW 75.30.090 and 1993 c 340 s 30 are each amended to read as follows:

A salmon charter boat may not carry more anglers than the number specified in the angler permit issued under RCW 75.30.070 (as recodified by this act). Members of the crew may fish from the boat only to the extent that the number of anglers specified in the angler permit exceeds the number of noncrew passengers on the boat at that time.

**Sec. 60.** RCW 75.30.100 and 1993 c 340 s 31 are each amended to read as follows:

(1) The total number of anglers authorized by the ~~((department))~~ director shall not exceed the total number authorized for 1980.

(2) Angler permits issued under RCW 75.30.070 (as recodified by this act) are transferable. All or a portion of the permit may be transferred to another salmon charter license holder.

(3) The angler permit holder and proposed transferee shall notify the department when transferring an angler permit, and the ~~((department))~~ director shall issue a new angler permit certificate. If the original permit holder retains a portion of the permit, the ~~((department))~~ director shall issue a new angler permit certificate reflecting the decrease in angler capacity.

(4) The department shall collect a fee of ten dollars for each certificate issued under subsection (3) of this section.

**Sec. 61.** RCW 75.30.120 and 1995 c 135 s 7 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, after May 6, 1974, the director shall issue no new commercial salmon fishery licenses or salmon delivery licenses. A person may renew an existing license only if the person held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person.

(2) Where the person failed to obtain the license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

(3) Subject to the restrictions in RCW 75.28.011 (as recodified by this act), commercial salmon fishery licenses and salmon delivery licenses are transferable from one license holder to another.

**Sec. 62.** RCW 75.30.125 and 1993 c 340 s 33 are each amended to read as follows:

Any commercial salmon fishery license issued under RCW 75.28.110 (as recodified by this act) or salmon delivery license issued under RCW 75.28.113 (as recodified by this act) shall revert to the department when any government confiscates and sells the vessel designated on the license. Upon application of the person named on the license as license holder and the approval of the director, the department shall transfer the license to the applicant. Application for transfer of the license must be made within the calendar year for which the license was issued.

**Sec. 63.** RCW 75.30.130 and 1998 c 190 s 101 are each amended to read as follows:

(1) A person shall not commercially take Dungeness crab (*Cancer magister*) in Puget Sound without first obtaining a Dungeness crab--Puget Sound fishery license. As used in this section, "Puget Sound" has the meaning given in RCW 75.28.110(5)(a)(as recodified by this act). A Dungeness crab--Puget Sound fishery license is not required to take other species of crab, including red rock crab (*Cancer productus*).

(2) Except as provided in subsections (3) and (6) of this section, after January 1, 1982, the director shall issue no new Dungeness crab--Puget Sound fishery licenses. Only a person who meets the following qualification may renew an existing license: The person shall have held the Dungeness crab--Puget Sound fishery license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and shall not have subsequently transferred the license to another person.

(3) Where the person failed to obtain the license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

(4) This section does not restrict the issuance of commercial crab licenses for areas other than Puget Sound or for species other than Dungeness crab.

(5) Dungeness crab--Puget Sound fishery licenses are transferable from one license holder to another.

(6) If fewer than one hundred twenty-five persons are eligible for Dungeness crab--Puget Sound fishery licenses, the director may accept applications for new licenses. The director shall determine by random selection the successful applicants for the additional licenses. The number of additional licenses issued shall be sufficient to maintain one hundred twenty-five licenses in the Puget Sound Dungeness crab fishery. The director shall adopt rules governing the application, selection, and issuance procedures for new Dungeness crab--Puget Sound fishery licenses, based upon recommendations of ~~((a board of))~~ an advisory review board established under RCW 75.30.050 (as recodified by this act).

**Sec. 64.** RCW 75.30.140 and 1998 c 190 s 102 are each amended to read as follows:

(1) A person shall not fish commercially for herring in state waters without a herring fishery license. As used in this section, "herring fishery license" means any of the following commercial fishery licenses issued under RCW 75.28.120 (as recodified by this act): Herring dip bag net; herring drag seine; herring gill net; herring lampara; herring purse seine.

(2) Except as provided in this section, a herring fishery license may be issued only to a person who held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person.

(3) Herring fishery licenses may be renewed each year. A herring fishery license that is not renewed each year shall not be renewed further.

(4) The ~~((department))~~ director may issue additional herring fishery licenses if the stocks of herring will not be jeopardized by granting additional licenses.

(5) Subject to the restrictions of RCW 75.28.011 (as recodified by this act), herring fishery licenses are transferable from one license holder to another.

**Sec. 65.** RCW 75.30.170 and 1993 c 340 s 39 are each amended to read as follows:

(1) A person shall not commercially take whiting from areas that the department designates within the waters described in RCW 75.28.110(5)(a) (as recodified by this act) without a whiting-Puget Sound fishery license.

~~(2)~~ A whiting-Puget Sound fishery license may be issued only to an individual who:

(a) Delivered at least fifty thousand pounds of whiting during the period from January 1, 1981, through February 22, 1985, as verified by fish delivery tickets;

(b) Possessed, on January 1, 1986, all equipment necessary to fish for whiting; and

(c) Held a whiting-Puget Sound fishery license during the previous year or acquired such a license by transfer from someone who held it during the previous year.

~~((2))~~ (3) After January 1, 1995, the director shall issue no new whiting-Puget Sound fishery licenses. After January 1, 1995, only an individual who meets the following qualifications may renew an existing license: The individual shall have held the

license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and shall not have subsequently transferred the license to another person.

~~((3))~~ (4) Whiting-Puget Sound fishery licenses may be renewed each year. A whiting-Puget Sound fishery license that is not renewed each year shall not be renewed further.

**Sec. 66.** RCW 75.30.180 and 1993 c 340 s 40 are each amended to read as follows:

A whiting-Puget Sound fishery license may be transferred through gift, devise, bequest, or descent to members of the license holder's immediate family which shall be limited to spouse, children, or stepchildren. The holder of a whiting-Puget Sound fishery license shall be present on any vessel taking whiting under the license. In no instance may temporary permits be issued.

The director may adopt rules necessary to implement RCW ~~((75.30.160 through))~~ 75.30.170 and 75.30.180 (as recodified by this act).

**Sec. 67.** RCW 75.30.210 and 1998 c 190 s 104 are each amended to read as follows:

(1) A person shall not commercially take any species of sea urchin using shellfish diver gear without first obtaining a sea urchin dive fishery license.

(2) Except as provided in subsections (3) and (6) of this section, after December 31, 1991, the director shall issue no new sea urchin dive fishery licenses. Only a person who meets the following qualifications may renew an existing license:

(a) The person shall have held the sea urchin dive fishery license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year; and

(b) The person shall document, by valid shellfish receiving tickets issued by the department, that twenty thousand pounds of sea urchins were caught and sold under the license sought to be renewed during the two-year period ending March 31 of the most recent odd-numbered year.

(3) Where the person failed to obtain the license during the previous year because of a license suspension or revocation by the ~~((department))~~ director or the court, the person may qualify for a license by establishing that the person held such a license during the last year in which the person was eligible.

(4) The director may reduce or waive the poundage requirement of subsection (2)(b) of this section upon the recommendation of ~~((a board of))~~ an advisory review board established under RCW 75.30.050 (as recodified by this act). The review board ~~((of review))~~ may recommend a reduction or waiver of the poundage requirement in individual cases if, in the review board's judgment, extenuating circumstances prevent achievement of the poundage requirement. The director shall adopt rules governing the operation of the ~~((board of))~~ review board and defining "extenuating circumstances."

(5) Sea urchin dive fishery licenses are not transferable from one license holder to another, except from parent to child, or from spouse to spouse during marriage or as a result of marriage dissolution, or upon the death of the license holder.

(6) If fewer than forty-five persons are eligible for sea urchin dive fishery licenses, the director may accept applications for new licenses. The director shall determine by random selection the successful applicants for the additional licenses. The number of additional licenses issued shall be sufficient to maintain up to forty-five licenses in the sea urchin dive fishery. The director shall adopt rules governing the application, selection, and issuance procedure for new sea urchin dive fishery licenses, based upon recommendations of ~~((a board of))~~ an advisory review board established under RCW 75.30.050 (as recodified by this act).

**Sec. 68.** RCW 75.30.220 and 1993 c 340 s 42 are each amended to read as follows:

(1) The director may issue experimental fishery permits for commercial harvest in an emerging commercial fishery for which the director has determined there is a need to limit the number of participants. The director shall determine by rule the number and qualifications of participants for such experimental fishery permits. Only a person who holds an emerging commercial fishery license issued under RCW 75.28.740 (as recodified by this act) and who meets the qualifications established in those rules may hold an experimental fishery permit. The director shall limit the number of these permits to prevent habitat damage, ensure conservation of the resource, and prevent overharvesting. In developing rules for limiting participation in an emerging or expanding commercial fishery, the director shall appoint a five-person advisory board representative of the affected fishery industry. The advisory board shall review and make recommendations to the director on rules relating to the number and qualifications of the participants for such experimental fishery permits.

(2) RCW 34.05.422(3) does not apply to applications for new experimental fishery permits.

(3) Experimental fishery permits are not transferable from the permit holder to any other person.

**Sec. 69.** RCW 75.30.250 and 1998 c 190 s 105 are each amended to read as follows:

(1) A person shall not commercially take while using shellfish diver gear any species of sea cucumber without first obtaining a sea cucumber dive fishery license.

(2) Except as provided in subsection (6) of this section, after December 31, 1991, the director shall issue no new sea cucumber dive fishery licenses. Only a person who meets the following qualifications may renew an existing license:

(a) The person shall have held the sea cucumber dive fishery license sought to be renewed during the previous two years or acquired the license by transfer from someone who held it during the previous year; and

(b) The person shall establish, by means of dated shellfish receiving documents issued by the department, that thirty landings of sea cucumbers totaling at least ten thousand pounds were made under the license during the previous two-year period ending December 31 of the odd-numbered year.

(3) Where the person failed to obtain the license during either of the previous two years because of a license suspension by the ((department)) director or the court, the person may qualify for a license by establishing that the person held such a license during the last year in which the person was eligible.

(4) The director may reduce or waive any landing or poundage requirement established under this section upon the recommendation of ((a board of)) an advisory review board established under RCW 75.30.050 (as recodified by this act). The ((board of)) review board may recommend a reduction or waiver of any landing or poundage requirement in individual cases if, in the review board's judgment, extenuating circumstances prevent achievement of the landing or poundage requirement. The director shall adopt rules governing the operation of the ((board of)) review board and defining "extenuating circumstances."

(5) Sea cucumber dive fishery licenses are not transferable from one license holder to another except from parent to child, from spouse to spouse during marriage or as a result of marriage dissolution, or upon death of the license holder.

(6) If fewer than fifty persons are eligible for sea cucumber dive fishery licenses, the director may accept applications for new licenses from those persons who can demonstrate two years' experience in the Washington state sea cucumber dive fishery. The director shall determine by random selection the successful applicants for the additional licenses. The number of additional licenses issued shall be sufficient to maintain up to fifty licenses in the sea cucumber dive fishery. The director shall adopt rules governing the application, selection, and issuance procedure for new sea cucumber dive fishery licenses, based upon recommendations of ((a board of)) an advisory review board established under RCW 75.30.050 (as recodified by this act).

**Sec. 70.** RCW 75.30.270 and 1993 c 340 s 37 are each amended to read as follows:

(1) A herring spawn on kelp fishery license is required to commercially take herring eggs which have been deposited on vegetation of any type.

(2) A herring spawn on kelp fishery license may be issued only to a person who:

(a) Holds a herring fishery license issued under RCW 75.28.120 and 75.30.140 (as recodified by this act); and

(b) Is the highest bidder in an auction conducted under subsection (3) of this section.

(3) The department shall sell herring spawn on kelp commercial fishery licenses at auction to the highest bidder. Bidders shall identify their sources of kelp. Kelp harvested from state-owned aquatic lands as defined in RCW 79.90.465 requires the written consent of the department of natural resources. The department shall give all holders of herring fishery licenses thirty days' notice of the auction.

**Sec. 71.** RCW 75.30.280 and 1998 c 190 s 106 are each amended to read as follows:

(1) A person shall not harvest geoduck clams commercially without a geoduck fishery license. This section does not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020.

(2) Only a person who has entered into a geoduck harvesting agreement with the department of natural resources under RCW 79.96.080 may hold a geoduck fishery license.

(3) A geoduck fishery license authorizes no taking of geoducks outside the boundaries of the public lands designated in the underlying harvesting agreement, or beyond the harvest ceiling set in the underlying harvesting agreement.

(4) A geoduck fishery license expires when the underlying geoduck harvesting agreement terminates.

(5) The director shall determine the number of geoduck fishery licenses that may be issued for each geoduck harvesting agreement, the number of units of gear whose use the license authorizes, and the type of gear that may be used, subject to RCW 75.24.100 (as recodified by this act). In making those determinations, the director shall seek to conserve the geoduck resource and prevent damage to its habitat.

(6) The holder of a geoduck fishery license and the holder's agents and representatives shall comply with all applicable commercial diving safety regulations adopted by the federal occupational safety and health administration established under the federal occupational safety and health act of 1970 as such law exists on May 8, 1979, 84 Stat. 1590 et seq.; 29 U.S.C. Sec. 651 et seq. A violation of those regulations is a violation of this subsection. For the purposes of this section, persons who dive for geoducks are "employees" as defined by the federal occupational safety and health act. A violation of this subsection is grounds for suspension or revocation of a geoduck fishery license following a hearing under the procedures of chapter 34.05 RCW. The ((department)) director shall not suspend or revoke a geoduck fishery license if the violation has been corrected within ten days of the date the license holder receives written notice of the violation. If there is a substantial probability that a violation of the commercial diving standards could result in death or serious physical harm to a person engaged in harvesting geoduck clams, the ((department)) director shall suspend the license immediately until the violation has been corrected. If the license holder is not the operator of the harvest vessel and has contracted with another person for the harvesting of geoducks, the ((department)) director shall not suspend or revoke the license if the license holder terminates its business relationship with that person until compliance with this subsection is secured.

**Sec. 72.** RCW 75.30.290 and 1998 c 190 s 107 are each amended to read as follows:

A person shall not commercially deliver into any Washington state port ocean pink shrimp caught in offshore waters without an ocean pink shrimp delivery license issued under RCW 75.28.730 (as recodified by this act), or an ocean pink shrimp single delivery license issued under RCW 75.30.320 (as recodified by this act). An ocean pink shrimp delivery license shall be issued to a vessel that:

(1) Landed a total of at least five thousand pounds of ocean pink shrimp in Washington in any single calendar year between January 1, 1983, and December 31, 1992, as documented by a valid shellfish receiving ticket; and

(2) Can show continuous participation in the Washington, Oregon, or California ocean pink shrimp fishery by being eligible to land ocean pink shrimp in either Washington, Oregon, or California each year since the landing made under subsection (1) of this section. Evidence of such eligibility shall be a certified statement from the relevant state licensing agency that the applicant for a Washington ocean pink shrimp delivery license held at least one of the following permits:

(a) For Washington: Possession of a delivery permit or delivery license issued under RCW 75.28.125 (~~or a trawl license (other than Puget Sound) issued under RCW 75.28.140~~) (as recodified by this act);

(b) For Oregon: Possession of a vessel permit issued under Oregon Revised Statute 508.880; or

(c) For California: A trawl permit issued under California Fish and Game Code sec. 8842.

**Sec. 73.** RCW 75.30.300 and 1993 c 376 s 6 are each amended to read as follows:

An applicant who can show historical participation under RCW 75.30.290(1) (as recodified by this act) but does not satisfy the continuous participation requirement of RCW 75.30.290(2) (as recodified by this act) shall be issued an ocean pink shrimp delivery license if:

(1) The owner can prove that the owner was in the process on December 31, 1992, of constructing a vessel for the purpose of ocean pink shrimp harvest. For purposes of this section, "construction" means having the keel laid, and "for the purpose of ocean pink shrimp harvest" means the vessel is designed as a trawl vessel. An ocean pink shrimp delivery license issued to a vessel under construction is not renewable after December 31, 1994, unless the vessel lands a total of at least five thousand pounds of ocean pink shrimp into a Washington state port before December 31, 1994; or

(2) The applicant's vessel is a replacement for a vessel that is otherwise eligible for an ocean pink shrimp delivery license.

**Sec. 74.** RCW 75.30.320 and 1993 c 376 s 8 are each amended to read as follows:

The owner of an ocean pink shrimp fishing vessel that does not qualify for an ocean pink shrimp delivery license issued under RCW 75.28.730 (as recodified by this act) shall obtain an ocean pink shrimp single delivery license in order to make a landing into a state port of ocean pink shrimp taken in offshore waters. The director shall not issue an ocean pink shrimp single delivery license unless, as determined by the director, a bona fide emergency exists. A maximum of six ocean pink shrimp single delivery licenses may be issued annually to any vessel. (~~Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,~~) The fee for an ocean pink shrimp single delivery license is one hundred dollars.

**Sec. 75.** RCW 75.30.330 and 1993 c 376 s 10 are each amended to read as follows:

The director may reduce the landing requirements established under RCW 75.30.290 (as recodified by this act) upon the recommendation of an advisory review board established under RCW 75.30.050 (as recodified by this act), but the director may not entirely waive the landing requirement. The advisory review board may recommend a reduction of the landing requirement in individual cases if in the advisory review board's judgment, extenuating circumstances prevented achievement of the landing requirement. The director shall adopt rules governing the operation of the advisory review board and defining "extenuating circumstances."

**Sec. 76.** RCW 75.30.350 and 1998 c 190 s 108 are each amended to read as follows:

(1) A person shall not commercially fish for coastal crab in Washington state waters without a Dungeness crab--coastal or a Dungeness crab--coastal class B fishery license. Gear used must consist of one buoy attached to each crab pot. Each crab pot must be fished individually.

(2) A Dungeness crab--coastal fishery license is transferable. Except as provided in subsection (3) of this section, such a license shall only be issued to a person who proved active historical participation in the coastal crab fishery by having designated, after December 31, 1993, a vessel or a replacement vessel on the qualifying license that singly or in combination meets the following criteria:

(a) Made a minimum of eight coastal crab landings totaling a minimum of five thousand pounds per season in at least two of the four qualifying seasons identified in subsection (5) of this section, as documented by valid Washington state shellfish receiving tickets; and showed historical and continuous participation in the coastal crab fishery by having held one of the following licenses or their equivalents each calendar year beginning 1990 through 1993, and was designated on the qualifying license of the person who held one of the following licenses in 1994:

(i) Crab pot--Non-Puget Sound license, issued under RCW 75.28.130(1)(b) (as recodified by this act);

(ii) Nonsalmon delivery license, issued under RCW 75.28.125 (as recodified by this act);

- (iii) Salmon troll license, issued under RCW 75.28.110 (as recodified by this act);
- (iv) Salmon delivery license, issued under RCW 75.28.113 (as recodified by this act);
- (v) Food fish trawl license, issued under RCW 75.28.120 (as recodified by this act); or
- (vi) Shrimp trawl license, issued under RCW 75.28.130 (as recodified by this act); or

(b) Made a minimum of four Washington landings of coastal crab totaling two thousand pounds during the period from December 1, 1991, to March 20, 1992, and made a minimum of eight crab landings totaling a minimum of five thousand pounds of coastal crab during each of the following periods: December 1, 1991, to September 15, 1992; December 1, 1992, to September 15, 1993; and December 1, 1993, to September 15, 1994. For landings made after December 31, 1993, the vessel shall have been designated on the qualifying license of the person making the landings; or

(c) Made any number of coastal crab landings totaling a minimum of twenty thousand pounds per season in at least two of the four qualifying seasons identified in subsection (5) of this section, as documented by valid Washington state shellfish receiving tickets, showed historical and continuous participation in the coastal crab fishery by having held one of the qualifying licenses each calendar year beginning 1990 through 1993, and the vessel was designated on the qualifying license of the person who held that license in 1994.

(3) A Dungeness crab-coastal fishery license shall be issued to a person who had a new vessel under construction between December 1, 1988, and September 15, 1992, if the vessel made coastal crab landings totaling a minimum of five thousand pounds by September 15, 1993, and the new vessel was designated on the qualifying license of the person who held that license in 1994. All landings shall be documented by valid Washington state shellfish receiving tickets. License applications under this subsection may be subject to review by the advisory review board in accordance with RCW 75.30.050 (as recodified by this act). For purposes of this subsection, "under construction" means either:

- (a)(i) A contract for any part of the work was signed before September 15, 1992; and
- (ii) The contract for the vessel under construction was not transferred or otherwise alienated from the contract holder between the date of the contract and the issuance of the Dungeness crab-coastal fishery license; and
- (iii) Construction had not been completed before December 1, 1988; or
- (b)(i) The keel was laid before September 15, 1992; and
- (ii) Vessel ownership was not transferred or otherwise alienated from the owner between the time the keel was laid and the issuance of the Dungeness crab-coastal fishery license; and
- (iii) Construction had not been completed before December 1, 1988.

(4) A Dungeness crab--coastal class B fishery license is not transferable. Such a license shall be issued to persons who do not meet the qualification criteria for a Dungeness crab--coastal fishery license, if the person has designated on a qualifying license after December 31, 1993, a vessel or replacement vessel that, singly or in combination, made a minimum of four landings totaling a minimum of two thousand pounds of coastal crab, documented by valid Washington state shellfish receiving tickets, during at least one of the four qualifying seasons, and if the person has participated continuously in the coastal crab fishery by having held or by having owned a vessel that held one or more of the licenses listed in subsection (2) of this section in each calendar year subsequent to the qualifying season in which qualifying landings were made through 1994. Dungeness crab--coastal class B fishery licenses cease to exist after December 31, 1999, and the continuing license provisions of RCW 34.05.422(3) are not applicable.

(5) The four qualifying seasons for purposes of this section are:

- (a) December 1, 1988, through September 15, 1989;
- (b) December 1, 1989, through September 15, 1990;
- (c) December 1, 1990, through September 15, 1991; and
- (d) December 1, 1991, through September 15, 1992.

(6) For purposes of this section and RCW 75.30.420 (as recodified by this act), "coastal crab" means Dungeness crab (cancer magister) taken in all Washington territorial and offshore waters south of the United States-Canada boundary and west of the Bonilla-Tatoosh line (a line from the western end of Cape Flattery to Tatoosh Island lighthouse, then to the buoy adjacent to Duntz Rock, then in a straight line to Bonilla Point of Vancouver island), Grays Harbor, Willapa Bay, and the Columbia river.

(7) For purposes of this section, "replacement vessel" means a vessel used in the coastal crab fishery in 1994, and that replaces a vessel used in the coastal crab fishery during any period from 1988 through 1993, and which vessel's licensing and catch history, together with the licensing and catch history of the vessel it replaces, qualifies a single applicant for a Dungeness crab--coastal or Dungeness crab--coastal class B fishery license. A Dungeness crab--coastal or Dungeness crab--coastal class B fishery license may only be issued to a person who designated a vessel in the 1994 coastal crab fishery and who designated the same vessel in 1995.

**Sec. 77.** RCW 75.30.370 and 1994 c 260 s 4 are each amended to read as follows:

A person commercially fishing for Dungeness crab in offshore waters outside of Washington state jurisdiction shall obtain a Dungeness crab offshore delivery license from the director if the person does not possess a valid Dungeness crab-coastal fishery

license or a valid Dungeness crab-coastal class B fishery license and the person wishes to land Dungeness crab into a place or a port in the state. The annual fee for a Dungeness crab offshore delivery license is two hundred fifty dollars. The director may specify restrictions on landings of offshore Dungeness crab in Washington state as authorized in RCW 75.30.360 (as recodified by this act).

Fees from the offshore Dungeness crab delivery license shall be placed in the ~~((coastal-coastal))~~ coastal crab account created in RCW 75.30.390 (as recodified by this act).

**Sec. 78.** RCW 75.30.380 and 1997 c 418 s 3 are each amended to read as follows:

Dungeness crab-coastal fishery licenses are freely transferable on a willing seller-willing buyer basis after paying the transfer fee in RCW 75.28.011 (as recodified by this act).

**Sec. 79.** RCW 75.30.390 and 1997 c 418 s 4 are each amended to read as follows:

The coastal crab account is created in the custody of the state treasurer. The account shall consist of revenues from fees from the transfer of each Dungeness crab-coastal fishery license assessed under RCW 75.28.011 (as recodified by this act), delivery fees assessed under RCW 75.30.370 (as recodified by this act), and the license surcharge under RCW 75.28.133 (as recodified by this act). Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW but no appropriation is required for expenditures. Funds may be used for coastal crab management activities as provided in RCW 75.30.410 (as recodified by this act).

**Sec. 80.** RCW 75.30.420 and 1994 c 260 s 9 are each amended to read as follows:

(1) An Oregon resident who can show historical and continuous participation in the Washington state coastal crab fishery by having held a nonresident non-Puget Sound crab pot license issued under RCW 75.28.130 (as recodified by this act) each year from 1990 through 1994, and who has delivered a minimum of eight landings totaling five thousand pounds of crab into Oregon during any two of the four qualifying seasons as provided in RCW 75.30.350~~((4))~~ (5) (as recodified by this act) as evidenced by valid Oregon fish receiving tickets, shall be issued a nonresident Dungeness crab-coastal fishery license valid for fishing in Washington state waters north from the Oregon-Washington boundary to United States latitude forty-six degrees thirty minutes north. Such license shall be issued upon application and submission of proof of delivery.

(2) This section shall become effective contingent upon reciprocal statutory authority in the state of Oregon providing for equal access for Washington state coastal crab fishers to Oregon territorial coastal waters north of United States latitude forty-five degrees fifty-eight minutes north, and Oregon waters of the Columbia river.

**Sec. 81.** RCW 75.30.440 and 1994 c 260 s 13 are each amended to read as follows:

Except as provided under RCW 75.30.460 (as recodified by this act), the director shall issue no new Dungeness crab-coastal fishery licenses after December 31, 1995. A person may renew an existing license only if the person held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person. Where the person failed to obtain the license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

**Sec. 82.** RCW 75.30.460 and 1994 c 260 s 17 are each amended to read as follows:

If fewer than one hundred seventy-five persons are eligible for Dungeness crab-coastal fishery licenses, the director may accept applications for new licenses. Additional licenses issued may maintain a maximum of one hundred seventy-five licenses in the Washington coastal crab fishery. If additional licenses are to be issued, the director shall adopt rules governing the notification, application, selection, and issuance procedures for new Dungeness crab-coastal fishery licenses, based on recommendations of the advisory review board established under RCW 75.30.050 (as recodified by this act).

**Sec. 83.** RCW 75.30.470 and 1994 c 260 s 19 are each amended to read as follows:

The director may reduce the landing requirements established under RCW 75.30.350 (as recodified by this act) upon the recommendation of an advisory review board established under RCW 75.30.050 (as recodified by this act), but the director may not entirely waive the landing requirement. The advisory review board may recommend a reduction of the landing requirement in individual cases if in the advisory review board's judgment, extenuating circumstances prevented achievement of the landing requirement. The director shall adopt rules governing the operation of the advisory review board and defining "extenuating circumstances." Extenuating circumstances may include situations in which a person had a vessel under construction such that qualifying landings could not be made. In defining extenuating circumstances, special consideration shall be given to individuals who can provide evidence of lack of access to capital based on past discrimination due to race, creed, color, sex, national origin, or disability.

**Sec. 84.** RCW 75.40.020 and 1995 1st sp.s. c 2 s 19 are each amended to read as follows:

The commission may give to the state of Oregon such consent and approbation of the state of Washington as is necessary under the compact set out in RCW 75.40.010 (as recodified by this act). For the purposes of RCW 75.40.010 (as

recodified by this act), the states of Washington and Oregon have concurrent jurisdiction in the concurrent waters of the Columbia river ((~~as defined in RCW 75.08.011~~)).

**Sec. 85.** RCW 75.40.110 and 1994 c 148 s 2 are each amended to read as follows:

Until such time as the agencies in California, Idaho, Oregon, and Washington present a final proposed interstate compact for enactment by their respective legislative bodies, the governor may establish cooperative agreements with the states of California, Idaho, and Oregon that allow the states to coordinate their individual efforts in developing state programs that further the region-wide goals set forth under RCW 75.40.100 (as recodified by this act).

**Sec. 86.** RCW 75.44.100 and 1985 c 7 s 150 are each amended to read as follows:

As used in this chapter:

(1) "Case areas" means those areas of the Western district of Washington and in the adjacent offshore waters which are within the jurisdiction of the state of Washington, as defined in *United States of America et al. v. State of Washington et al.*, Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, and in *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976), or an area in which fishing rights are affected by court decision in a manner consistent with the above-mentioned decisions;

(2) "Program" means the program established under RCW 75.44.100 through 75.44.150 (as recodified by this act).

**Sec. 87.** RCW 75.44.120 and 1983 1st ex.s. c 46 s 157 are each amended to read as follows:

The purchase price of a vessel and appurtenant gear shall be based on a survey conducted by a qualified marine surveyor. A license or delivery permit shall be valued separately.

The director may specify a maximum price to be paid for a vessel, gear, license, or delivery permit purchased under RCW 75.44.110 (as recodified by this act). A license or delivery permit purchased under RCW 75.44.110 (as recodified by this act) shall be permanently retired by the department.

**Sec. 88.** RCW 75.44.130 and 1983 1st ex.s. c 46 s 158 are each amended to read as follows:

The department may arrange for the insurance, storage, and resale or other disposition of vessels and gear purchased under RCW 75.44.110 (as recodified by this act). Vessels shall not be resold by the department to the seller or the seller's immediate family. The vessels shall not be used by any owner or operator: (1) As a commercial fishing or charter vessel in state waters; or (2) to deliver fish to a place or port in the state. The department shall require that the purchasers and other users of vessels sold by the department execute suitable instruments to insure compliance with the requirements of this section. The director may commence suit or be sued on such an instrument in a state court of record or United States district court having jurisdiction.

**Sec. 89.** RCW 75.44.150 and 1983 1st ex.s. c 46 s 160 are each amended to read as follows:

The director is responsible for the administration and disbursement of all funds, goods, commodities, and services received by the state under the program.

There is created within the state treasury a fund to be known as the "vessel, gear, license, and permit reduction fund". This fund shall be used for purchases under RCW 75.44.110 (as recodified by this act) and for the administration of the program. This fund shall be credited with federal or other funds received to carry out the purposes of the program and the proceeds from the sale or other disposition of property purchased under RCW 75.44.110 (as recodified by this act).

**Sec. 90.** RCW 75.46.010 and 1998 c 246 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Critical pathways methodology" means a project scheduling and management process for examining interactions between habitat projects and salmonid species, prioritizing habitat projects, and assuring positive benefits from habitat projects.

(3) "Habitat project list" is the list of projects resulting from the critical pathways methodology under RCW 75.46.070(2) (as recodified by this act). Each project on the list must have a written agreement from the landowner on whose land the project will be implemented. Projects include habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, and habitat project maintenance and monitoring activities.

(4) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

(5) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.

(6) "Project sponsor" is a county, city, special district, tribal government, a combination of such governments through interlocal agreements provided under chapter 39.34 RCW, a nonprofit organization, or one or more private citizens.

(7) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production.

(8) "Salmon recovery plan" means a state plan developed in response to a proposed or actual listing under the federal endangered species act that addresses limiting factors including, but not limited to harvest, hatchery, hydropower, habitat, and other factors of decline.

(9) "Tribe" or "tribes" means federally recognized Indian tribes.

(10) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.

(11) "Owner" means the person holding title to the land or the person under contract with the owner to lease or manage the legal owner's property.

**Sec. 91.** RCW 75.46.040 and 1998 c 246 s 5 are each amended to read as follows:

(1) The salmon recovery office is created within the office of the governor to coordinate state strategy to allow for salmon recovery to healthy sustainable population levels with productive commercial and recreational fisheries. The primary purpose of the office is to coordinate and assist in the development of salmon recovery plans for evolutionarily significant units, and submit those plans to the appropriate tribal governments and federal agencies in response to the federal endangered species act. The governor's salmon recovery office may also:

(a) Act as liaison to local governments, the state congressional delegation, the United States congress, federally recognized tribes, and the federal executive branch agencies for issues related to the state's endangered species act salmon recovery plans; and

(b) Provide the biennial state of the salmon report to the legislature pursuant to RCW 75.46.030 (as recodified by this act).

(2) This section expires June 30, 2006.

**Sec. 92.** RCW 75.46.050 and 1998 c 246 s 6 are each amended to read as follows:

(1) The governor shall request the national academy of sciences, the American fisheries society, or a comparable institution to screen candidates to serve as members on the independent science panel. The institution that conducts the screening of the candidates shall submit a list of the nine most qualified candidates to the governor, the speaker of the house of representatives, and the majority leader of the senate. The candidates shall reflect expertise in habitat requirements of salmon, protection and restoration of salmon populations, artificial propagation of salmon, hydrology, or geomorphology.

(2) The speaker of the house of representatives and the majority leader in the senate shall each remove one name from the nomination list. The governor shall consult with tribal representatives and the governor shall appoint five scientists from the remaining names on the nomination list.

(3) The members of the independent science panel shall serve four-year terms. The independent science panel members shall elect the chair of the panel among themselves every two years. The members of the independent science panel shall be compensated as provided in RCW 43.03.250 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) The independent science panel shall be governed by generally accepted guidelines and practices governing the activities of independent science boards such as the national academy of sciences. The purpose of the independent science panel is to help ensure that sound science is used in salmon recovery efforts. The governor's salmon recovery office shall request review of salmon recovery plans by the science review panel. The science review panel does not have the authority to review individual projects or project lists developed under RCW 75.46.060, 75.46.070, and 75.46.080 (as recodified by this act) or to make policy decisions.

(5) The independent science panel shall submit its findings to the legislature and the governor.

**Sec. 93.** RCW 75.46.070 and 1998 c 246 s 8 are each amended to read as follows:

(1) Critical pathways methodology shall be used to develop a habitat project list and a habitat work schedule that ensures salmon restoration activities will be prioritized and implemented in a logical sequential manner that produces habitat capable of sustaining healthy populations of salmon.

(2) The critical pathways methodology shall:

(a) Include a limiting factors analysis for salmon in streams, rivers, tributaries, estuaries, and subbasins in the region. The technical advisory group shall have responsibility for the limiting factors analysis;

(b) Identify local habitat projects that sponsors are willing to undertake. The projects identified must have a written agreement from the landowner on which the project is to be implemented. Project sponsors shall have the lead responsibility for this task;

(c) Identify how projects will be monitored and evaluated. The project sponsor, in consultation with the technical advisory group and the appropriate landowner, shall have responsibility for this task; and

(d) Describe the adaptive management strategy that will be used. The committee established under RCW 75.46.060 (as recodified by this act) shall have responsibility for this task. If a committee has not been formed, the technical advisory group shall have the responsibility for this task.

(3) The habitat work list shall include all projects developed pursuant to subsection (2) of this section as well as any other salmon habitat restoration project implemented in the region. The work list shall also include the start date, duration, estimated date of completion, estimated cost, and, if appropriate, the affected salmonid species of each project. Each schedule shall be updated on an annual basis to depict new activities.

**Sec. 94.** RCW 75.46.080 and 1998 c 246 s 9 are each amended to read as follows:

(1) Representatives from the conservation commission, the department of transportation, and the department of fish and wildlife shall establish an interagency review team. Except as provided in subsection (6) of this section, habitat restoration project lists shall be submitted to the interagency review team by January 1st and July 1st of each year beginning in 1999.

(2) If no lead entity has been formed under RCW 75.46.060 (as recodified by this act), the interagency review team shall rank, prioritize, and dispense funds for habitat restoration projects by giving preference to the projects that:

- (a) Provide a greater benefit to salmon recovery;
- (b) Will be implemented in a more critical area;
- (c) Are the most cost-effective;
- (d) Have the greatest matched, or in-kind funding; and
- (e) Will be implemented by a sponsor with a successful record of project implementation.

(3) If a lead entity established under RCW 75.46.060 (as recodified by this act) has been formed, the interagency review team shall evaluate project lists and may remove, but not add, projects from a habitat project list.

(4) The interagency review team shall provide a summary of funding for habitat restoration project lists to the governor and to the legislature by December 1st of each year.

(5) The interagency review team may annually establish a maximum amount of funding available for any individual project, subject to available funding. The interagency review team shall attempt to assure a geographical balance in assigning priorities to projects.

(6) For fiscal year 1998, the department of fish and wildlife, the conservation commission, and the department of transportation may authorize, subject to appropriations, expenditures for projects that have been developed to restore salmon habitat before completion of the project lists required in RCW 75.46.060(2) (as recodified by this act).

(7) Where a lead entity has been established pursuant to RCW 75.46.060 (as recodified by this act), the interagency review team may provide block grants to the lead entity, subject to available funding.

**Sec. 95.** RCW 75.46.090 and 1998 c 246 s 10 are each amended to read as follows:

(1) The conservation commission, in consultation with local government and the tribes, shall invite private, federal, state, tribal, and local government personnel with appropriate expertise to act as a technical advisory group.

(2) For state personnel, involvement on the technical advisory group shall be at the discretion of the particular agency. Unless specifically provided for in the budget, technical assistance participants shall be provided from existing full-time equivalent employees.

(3) The technical advisory group shall identify the limiting factors for salmonids to respond to the limiting factors relating to habitat pursuant to RCW 75.46.070(2) (as recodified by this act).

(4) Where appropriate, the conservation district within the area implementing this chapter shall take the lead in developing and maintaining relationships between the technical advisory group and the private landowners under RCW 75.46.080 (as recodified by this act). The conservation districts may assist landowners to organize around river, tributary, estuary, or subbasins of a watershed.

(5) Fishery enhancement groups and other volunteer organizations may participate in the activities under this section.

**Sec. 96.** RCW 75.46.110 and 1998 c 246 s 12 are each amended to read as follows:

The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created. ((If chapter 60, Laws of 1998 is not enacted by July 1, 1998, this section is null and void.))

**Sec. 97.** RCW 75.46.120 and 1998 c 246 s 16 are each amended to read as follows:

(1) The departments of transportation, fish and wildlife, and ecology, and tribes shall convene a work group to develop policy guidance to evaluate mitigation alternatives. The policy guidance shall be designed to enable committees established under RCW 75.46.060 (as recodified by this act) to develop and implement habitat project lists that maximize environmental benefits from project mitigation while reducing project design and permitting costs. The work group shall seek technical assistance to ensure that federal, state, treaty right, and local environmental laws and ordinances are met. The purpose of this section is not to increase regulatory requirements or expand departmental authority.

(2) The work group shall develop guidance for determining alternative mitigation opportunities. Such guidance shall include criteria and procedures for identifying and evaluating mitigation opportunities within a watershed. Such guidance shall create procedures that provide alternative mitigation that has a low risk to the environment, yet has high net environmental, social, and economic benefits compared to status quo options.

(3) The evaluation shall include:

(a) All elements of mitigation, including but not limited to data requirements, decision making, state and tribal agency coordination, and permitting; and

(b) Criteria and procedures for identifying and evaluating mitigation opportunities, including but not limited to the criteria in chapter 90.74 RCW.

(4) Committees established under RCW 75.46.060 (as recodified by this act) shall coordinate voluntary collaborative efforts between habitat project proponents and mitigation project proponents. Mitigation funds may be used to implement projects identified by a work plan to mitigate for the impacts of a transportation or other development proposal or project.

(5) For the purposes of this section, "mitigation" has the same meaning as provided in RCW 90.74.010.

**Sec. 98.** RCW 75.46.130 and 1998 c 246 s 17 are each amended to read as follows:

Only those funds appropriated for the habitat restoration projects under this chapter are subject to the requirements of RCW 75.46.080 (as recodified by this act).

**Sec. 99.** RCW 75.48.100 and 1983 1st ex.s. c 46 s 170 are each amended to read as follows:

The bonds authorized by this chapter shall be issued only after the director has certified, based upon reasonable estimates and data provided to the department, that sufficient revenues will be available from sport and commercial salmon license sales and from salmon fees and taxes to meet the requirements of RCW 75.48.080 (as recodified by this act) during the life of the bonds.

**Sec. 100.** RCW 75.50.080 and 1997 c 389 s 5 are each amended to read as follows:

Regional fisheries enhancement groups, consistent with the long-term regional policy statements developed under RCW 75.50.020 (as recodified by this act), shall seek to:

(1) Enhance the salmon and steelhead resources of the state;

(2) Maximize volunteer efforts and private donations to improve the salmon and steelhead resources for all citizens;

(3) Assist the department in achieving the goal to double the state-wide salmon and steelhead catch by the year 2000;

and

(4) Develop projects designed to supplement the fishery enhancement capability of the department.

**Sec. 101.** RCW 75.50.100 and 1998 c 245 s 155 and 1998 c 191 s 27 are each reenacted and amended to read as follows:

The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the commission or the commission's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

A portion of each recreational fishing license fee shall be used as provided in RCW 77.32.440. A surcharge of one hundred dollars shall be collected on each commercial salmon fishery license, each salmon delivery license, and each salmon charter license sold in the state. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects for the purposes of RCW 75.50.110 (as recodified by this act). Funds from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on January 1, 1991.

All revenue from the department's sale of salmon carcasses and eggs that return to group facilities shall be deposited in the regional fisheries enhancement group account for use by the regional fisheries enhancement group that produced the surplus. The commission shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

**Sec. 102.** RCW 75.50.105 and 1997 c 389 s 2 are each amended to read as follows:

The department may provide start-up funds to regional fisheries enhancement groups for costs associated with any enhancement project. The regional fisheries enhancement group advisory board and the (~~department~~) commission shall develop guidelines for providing funds to the regional fisheries enhancement groups.

**Sec. 103.** RCW 75.50.110 and 1995 1st sp.s. c 2 s 40 and 1995 c 367 s 5 are each reenacted and amended to read as follows:

(1) A regional fisheries enhancement group advisory board is established to make recommendations to the commission. The members shall be appointed by the commission and consist of two commercial fishing representatives, two recreational fishing representatives, and three at-large positions. At least two of the advisory board members shall be members of a regional fisheries enhancement group. Advisory board members shall serve three-year terms. The advisory board membership shall include two members serving ex officio to be nominated, one through the Northwest Indian fisheries commission, and one through the Columbia

river intertribal fish commission. The chair of the regional fisheries enhancement group advisory board shall be elected annually by members of the regional fisheries enhancement (~~((group))~~) group advisory board. The advisory board shall meet at least quarterly. All meetings of the advisory board shall be open to the public under the open public meetings act, chapter 42.30 RCW.

The department shall invite the advisory board to comment and provide input into all relevant policy initiatives, including, but not limited to, wild stock, hatcheries, and habitat restoration efforts.

(2) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department may use account funds to provide agency assistance to the groups, to provide professional, administrative or clerical services to the advisory board, or to implement the training and technical (~~((assistance))~~) assistance services plan as developed by the advisory board pursuant to RCW 75.50.115 (as recodified by this act). The level of account funds used by the department shall be determined by the commission after review of recommendation by the regional fisheries enhancement group advisory board and shall not exceed twenty percent of annual contributions to the account.

**Sec. 104.** RCW 75.50.115 and 1998 c 96 s 1 are each amended to read as follows:

(1) The regional fisheries enhancement group advisory board shall:

(a) Assess the training and technical assistance needs of the regional fisheries enhancement groups;

(b) Develop a training and technical assistance services plan in order to provide timely, topical technical assistance and training services to regional fisheries enhancement groups. The plan shall be provided to the director and to the senate and house of representatives natural resources committees no later than October 1, 1995, and shall be updated not less than every year. The advisory board shall provide ample opportunity for the public and interested parties to participate in the development of the plan. The plan shall include but is not limited to:

(i) Establishment of an information clearinghouse service that is readily available to regional fisheries enhancement groups. The information clearinghouse shall collect, collate, and make available a broad range of information on subjects that affect the development, implementation, and operation of diverse fisheries and habitat enhancement projects. The information clearinghouse service may include periodical news and informational bulletins;

(ii) An ongoing program in order to provide direct, on-site technical assistance and services to regional fisheries enhancement groups. The advisory board shall assist regional fisheries enhancement groups in soliciting federal, state, and local agencies, tribal governments, institutions of higher education, and private business for the purpose of providing technical assistance and services to regional fisheries enhancement group projects; and

(iii) A cost estimate for implementing the plan;

(c) Propose a budget to the director for operation of the advisory board and implementation of the technical assistance plan;

(d) Make recommendations to the director regarding regional enhancement group project proposals and funding of those proposals; and

(e) Establish criteria for the redistribution of unspent project funds for any regional enhancement group that has a year ending balance exceeding one hundred thousand dollars.

(2) The regional fisheries enhancement group advisory board may:

(a) Facilitate resolution of disputes between regional fisheries enhancement groups and the department;

(b) Promote community and governmental partnerships that enhance the salmon resource and habitat;

(c) Promote environmental ethics and watershed stewardship;

(d) Advocate for watershed management and restoration;

(e) Coordinate regional fisheries enhancement group workshops and training;

(f) Monitor and evaluate regional fisheries enhancement projects;

(g) Provide guidance to regional fisheries enhancement groups; and

(h) Develop recommendations to the director to address identified impediments to the success of regional fisheries enhancement groups.

(3)(a) The regional fisheries enhancement group advisory board shall develop recommendations for limitations on the amount of overhead that a regional fisheries enhancement group may charge from each of the following categories of funding provided to the group:

(i) Federal funds;

(ii) State funds;

(iii) Local funds; and

(iv) Private donations.

(b) The advisory board shall develop recommendations for limitations on the number and salary of paid employees that are employed by a regional fisheries enhancement group. The regional fisheries enhancement group advisory board shall adhere to

the founding principles for regional groups that emphasize the volunteer nature of the groups, maximization of field-related fishery resource benefits, and minimization of overhead.

(c) The advisory board shall evaluate and make recommendations for the limitation or elimination of commissions, finders fees, or other reimbursements to regional fisheries enhancement group employees.

~~((d) The regional fisheries enhancement group advisory board shall report to the appropriate legislative committees by January 1, 1999, on the board recommendations for overhead limitations, paid employee limitations, and commission limitations for regional fisheries enhancement groups.))~~

**Sec. 105.** RCW 75.50.160 and 1997 c 389 s 6 are each amended to read as follows:

The department and the department of transportation shall convene a fish passage barrier removal task force. The task force shall consist of one representative each from the department, the department of transportation, the department of ecology, tribes, cities, counties, a business organization, an environmental organization, regional fisheries enhancement groups, and other interested entities as deemed appropriate by the cochair. The persons representing the department and the department of transportation shall serve as cochair of the task force and shall appoint members to the task force. The task force shall make recommendations to expand the program in RCW 75.50.170 (as recodified by this act) to identify and expedite the removal of human-made or caused impediments to anadromous fish passage in the most efficient manner practical. Program recommendations shall include a funding mechanism and other necessary mechanisms to coordinate and prioritize state, tribal, local, and volunteer efforts within each water resource inventory area. A priority shall be given to projects that immediately increase access to available and improved spawning and rearing habitat for depressed, threatened, and endangered stocks. The department or the department of transportation may contract with cities and counties to assist in the identification and removal of impediments to anadromous fish passage.

~~((A report on the recommendations to develop a program to identify and remove fish passage barriers and any additional legislative action needed to implement the program shall be submitted to the appropriate standing committees of the legislature no later than December 1, 1997.))~~

**Sec. 106.** RCW 75.52.020 and 1993 sp.s. c 2 s 50 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Volunteer group" means any person or group of persons interested in or party to an agreement with the department relating to a cooperative fish or wildlife project.

(2) "Cooperative project" means a project conducted by a volunteer group that will benefit the fish, shellfish, game bird, nongame wildlife, or game animal resources of the state and for which the benefits of the project, including fish and wildlife reared and released, are available to all citizens of the state. Indian tribes may elect to participate in cooperative fish and wildlife projects with the department.

~~((3) "Department" means the department of fish and wildlife.))~~

**Sec. 107.** RCW 75.52.050 and 1995 1st sp.s. c 2 s 42 are each amended to read as follows:

The commission shall establish by rule:

(1) The procedure for entering a cooperative agreement and the application forms for a permit to release fish or wildlife required by RCW 75.08.295 ~~((or 77.16.150))~~ (as recodified by this act). The procedure shall indicate the information required from the volunteer group as well as the process of review by the department. The process of review shall include the means to coordinate with other agencies and Indian tribes when appropriate and to coordinate the review of any necessary hydraulic permit approval applications.

(2) The procedure for providing within forty-five days of receipt of a proposal a written response to the volunteer group indicating the date by which an acceptance or rejection of the proposal can be expected, the reason why the date was selected, and a written summary of the process of review. The response should also include any suggested modifications to the proposal which would increase its likelihood of approval and the date by which such modified proposal could be expected to be accepted. If the proposal is rejected, the department must provide in writing the reasons for rejection. The volunteer group may request the director or the director's designee to review information provided in the response.

(3) The priority of the uses to which eggs, seed, juveniles, or brood stock are put. Use by cooperative projects shall be second in priority only to the needs of programs of the department or of other public agencies within the territorial boundaries of the state. Sales of eggs, seed, juveniles, or brood stock have a lower priority than use for cooperative projects.

(4) The procedure for ~~((notice in writing to a volunteer group of cause to revoke))~~ the director to notify a volunteer group that the agreement for the project is being revoked for cause and the procedure for revocation. Revocation shall be documented in writing to the volunteer group. Cause for revocation may include: (a) The unavailability of adequate biological or financial resources; (b) the development of unacceptable biological or resource management conflicts; or (c) a violation of agreement provisions. Notice of cause to revoke for a violation of agreement provisions may specify a reasonable period of time within which the volunteer group must comply with any violated provisions of the agreement.

(5) An appropriate method of distributing among volunteer groups fish, bird, or animal food or other supplies available for the program.

**Sec. 108.** RCW 75.52.070 and 1984 c 72 s 7 are each amended to read as follows:

(1) The volunteer group shall:

(a) Provide care and diligence in conducting the cooperative project; and

(b) Maintain accurately the required records of the project on forms provided by the department.

(2) The volunteer group shall acknowledge that fish and game reared in cooperative projects are public property and must be handled and released for the benefit of all citizens of the state. The fish and game are to remain public property until reduced to private ownership under rules of the ~~((department))~~ commission.

**Sec. 109.** RCW 75.52.100 and 1993 sp.s. c 2 s 52 are each amended to read as follows:

A salmon spawning channel shall be constructed on the Cedar river with the assistance and cooperation of the department. The department shall use existing personnel and the volunteer fisheries enhancement program outlined under chapter 75.52 RCW (as recodified by this act) to assist in the planning, construction, and operation of the spawning channel.

**Sec. 110.** RCW 75.52.110 and 1998 c 245 s 156 are each amended to read as follows:

The department shall chair a technical committee, which shall review the preparation of enhancement plans and construction designs for a Cedar river sockeye spawning channel. The technical committee shall consist of not more than eight members: One representative each from the department, national marine fisheries service, United States fish and wildlife service, and Muckleshoot Indian tribe; and four representatives from the public utility described in RCW 75.52.130 (as recodified by this act). The technical committee will be guided by a policy committee, also to be chaired by the department, which shall consist of not more than six members: One representative from the department, one from the Muckleshoot Indian tribe, and one from either the national marine fisheries service or the United States fish and wildlife service; and three representatives from the public utility described in RCW 75.52.130 (as recodified by this act). The policy committee shall oversee the operation and evaluation of the spawning channel. The policy committee will continue its oversight until the policy committee concludes that the channel is meeting the production goals specified in RCW 75.52.120 (as recodified by this act).

**Sec. 111.** RCW 75.52.130 and 1989 c 85 s 6 are each amended to read as follows:

The legislature recognizes that, if funding for planning, design, evaluation, construction, and operating expenses is provided by a public utility that diverts water for beneficial public use, and if the performance of the spawning channel meets the production goals described in RCW 75.52.120 (as recodified by this act), the spawning channel project will serve, at a minimum, as compensation for lost sockeye salmon spawning habitat upstream of the Landsburg diversion. The amount of funding to be supplied by ~~((said))~~ the utility will fully fund the total cost of planning, design, evaluation, and construction of the spawning channel.

**Sec. 112.** RCW 75.52.140 and 1989 c 85 s 7 are each amended to read as follows:

In order to provide operation and maintenance funds for the facility authorized by RCW 75.52.100 through 75.52.160 (as recodified by this act), the utility shall place two million five hundred thousand dollars in the state general fund Cedar river channel construction and operation account herein created. The interest from the fund shall be used for operation and maintenance of the spawning channel and any unused interest shall be added to the fund to increase the principal to cover possible future operation cost increases. The state treasurer may invest funds from the account as provided by law.

**Sec. 113.** RCW 75.52.160 and 1993 sp.s. c 2 s 54 are each amended to read as follows:

Should the requirements of RCW 75.52.100 through 75.52.160 (as recodified by this act) not be met, the department shall seek immediate legal clarification of the steps which must be taken to fully mitigate water diversion projects on the Cedar river.

**Sec. 114.** RCW 75.54.140 and 1998 c 191 s 28 are each amended to read as follows:

As provided in RCW 77.32.440, a portion of each saltwater and combination fishing license fee shall be deposited in the recreational fisheries enhancement account created in RCW 75.54.150 (as recodified by this act).

**Sec. 115.** RCW 75.54.150 and 1993 sp.s. c 2 s 98 are each amended to read as follows:

The recreational fisheries enhancement account is created in the state treasury. All receipts from RCW 75.54.140 (as recodified by this act) shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for recreational fisheries enhancement programs.

**Sec. 116.** RCW 75.56.050 and 1998 c 60 s 2 are each amended to read as follows:

(1) A pilot program for steelhead recovery is established in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum counties within the habitat area classified as evolutionarily significant unit 4 by the federal national marine fisheries service. The management board created under subsection (2) of this section is responsible for implementing the habitat portion of the approved steelhead recovery initiative and is empowered to receive and disburse funds for the approved steelhead recovery initiative. The management board created pursuant to this section shall constitute the ~~((regional council for this area responsible for fulfilling the requirements and exercising the powers of a regional council under chapter 246, Laws of 1998))~~ lead entity and the committee

established under RCW 75.46.060 (as recodified by this act) responsible for fulfilling the requirements and exercising powers under this chapter.

(2) A management board consisting of fifteen voting members is created within evolutionarily significant unit 4. The members shall consist of one county commissioner or designee from each of the five participating counties selected by each county legislative authority; one member representing the cities contained within evolutionarily significant unit 4 as a voting member selected by the cities in evolutionarily significant unit 4; a representative of the Cowlitz Tribe appointed by the tribe; one state legislator elected from one of the legislative districts contained within evolutionarily significant unit 4 selected by that group of state legislators representing the area; five representatives to include at least one member who represents private property interests appointed by the five county commissioners or designees; one hydro utility representative nominated by hydro utilities and appointed by the five county commissioners or designees; and one representative nominated from the environmental community who resides in evolutionarily significant unit 4 appointed by the five county commissioners or designees. The board shall appoint and consult a technical advisory committee, which shall include four representatives of state agencies one each appointed by the directors of the departments of ecology, fish and wildlife, and transportation, and the commissioner of public lands. The board may also appoint additional persons to the technical advisory committee as needed. The chair of the board shall be selected from among the five county commissioners or designees and the legislator on the board. In making appointments under this subsection, the county commissioners shall consider recommendations of interested parties. Vacancies shall be filled in the same manner as the original appointments were selected. No action may be brought or maintained against any management board member, the management board, or any of its agents, officers, or employees for any noncontractual acts or omissions in carrying out the purposes of this section.

(3)(a) The management board shall participate in the development of a recovery plan to implement its responsibilities under (b) of this subsection. The management board shall consider local watershed efforts and activities as well as habitat conservation plans in the implementation of the recovery plan. Any of the participating counties may continue its own efforts for restoring steelhead habitat. Nothing in this section limits the authority of units of local government to enter into interlocal agreements under chapter 39.34 RCW or any other provision of law.

(b) The management board is responsible for implementing the habitat portions of the local government responsibilities of the lower Columbia steelhead conservation initiative approved by the state and the national marine fisheries service. The management board may work in cooperation with the state and the national marine fisheries service to modify the initiative, or to address habitat for other aquatic species that may be subsequently listed under the federal endangered species act. The management board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of any units of local government.

(c) The management board shall prioritize as appropriate and approve projects and programs related to the recovery of lower Columbia river steelhead runs, including the funding of those projects and programs, and coordinate local government efforts as prescribed in the recovery plan. The management board shall establish criteria for funding projects and programs based upon their likely value in steelhead recovery. The management board may consider local economic impact among the criteria, but jurisdictional boundaries and factors related to jurisdictional population may not be considered as part of the criteria.

(d) The management board shall assess the factors for decline along each prioritized stream as listed in the lower Columbia steelhead conservation initiative. The management board is encouraged to take a stream-by-stream approach in conducting the assessment which utilizes state and local expertise, including volunteer groups, interest groups, and affected units of local government.

(4) The management board has the authority to hire and fire staff, including an executive director, enter into contracts, accept grants and other moneys, disburse funds, make recommendations to cities and counties about potential code changes and the development of programs and incentives upon request, pay all necessary expenses, and may choose a fiduciary agent. The management board shall report on its progress on a quarterly basis to the legislative bodies of the five participating counties and the state natural resource-related agencies.

(5) The pilot program terminates on July 1, 2002.

(6) For purposes of this section, "evolutionarily significant unit" means the habitat area identified for an evolutionarily significant unit of an aquatic species listed or proposed for listing as a threatened or endangered species under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.).

**Sec. 117.** RCW 75.58.010 and 1998 c 190 s 110 are each amended to read as follows:

(1) The director of agriculture and the director shall jointly develop a program of disease inspection and control for aquatic farmers as defined in RCW 15.85.020. The program shall be administered by the department under rules established under this section. The purpose of the program is to protect the aquaculture industry and wildstock fisheries from a loss of productivity due to aquatic diseases or maladies. As used in this section "diseases" means, in addition to its ordinary meaning, infestations of parasites or pests. The disease program may include, but is not limited to, the following elements:

- (a) Disease diagnosis;
- (b) Import and transfer requirements;
- (c) Provision for certification of stocks;
- (d) Classification of diseases by severity;
- (e) Provision for treatment of selected high-risk diseases;
- (f) Provision for containment and eradication of high-risk diseases;
- (g) Provision for destruction of diseased cultured aquatic products;
- (h) Provision for quarantine of diseased cultured aquatic products;
- (i) Provision for coordination with state and federal agencies;
- (j) Provision for development of preventative or control measures;
- (k) Provision for cooperative consultation service to aquatic farmers; and
- (l) Provision for disease history records.

(2) The commission shall adopt rules implementing this section. However, such rules shall have the prior approval of the director of agriculture and shall provide therein that the director of agriculture has provided such approval. The director of agriculture or the director's designee shall attend the rule-making hearings conducted under chapter 34.05 RCW and shall assist in conducting those hearings. The authorities granted the department by these rules and by RCW 75.08.080(1)(g), 75.24.080, 75.24.110, 75.28.125, 75.58.020, 75.58.030, and 75.58.040 (as recodified by this act) constitute the only authorities of the department to regulate private sector cultured aquatic products and aquatic farmers as defined in RCW 15.85.020. Except as provided in subsection (3) of this section, no action may be taken against any person to enforce these rules unless the department has first provided the person an opportunity for a hearing. In such a case, if the hearing is requested, no enforcement action may be taken before the conclusion of that hearing.

(3) The rules adopted under this section shall specify the emergency enforcement actions that may be taken by the department, and the circumstances under which they may be taken, without first providing the affected party with an opportunity for a hearing. Neither the provisions of this subsection nor the provisions of subsection (2) of this section shall preclude the department from requesting the initiation of criminal proceedings for violations of the disease inspection and control rules.

(4) A person shall not violate the rules adopted under subsection (2) or (3) of this section or violate RCW 75.58.040 (as recodified by this act).

(5) In administering the program established under this section, the department shall use the services of a pathologist licensed to practice veterinary medicine.

(6) The director in administering the program shall not place constraints on or take enforcement actions in respect to the aquaculture industry that are more rigorous than those placed on the department or other fish-rearing entities.

**Sec. 118.** RCW 75.58.020 and 1993 sp.s. c 2 s 56 are each amended to read as follows:

The directors of agriculture and fish and wildlife shall jointly adopt by rule, in the manner prescribed in RCW 75.58.010(2) (as recodified by this act), a schedule of user fees for the disease inspection and control program established under RCW 75.58.010 (as recodified by this act). The fees shall be established such that the program shall be entirely funded by revenues derived from the user fees by the beginning of the 1987-89 biennium.

There is established in the state treasury an account known as the aquaculture disease control account which is subject to appropriation. Proceeds of fees charged under this section shall be deposited in the account. Moneys from the account shall be used solely for administering the disease inspection and control program established under RCW 75.58.010 (as recodified by this act).

**Sec. 119.** RCW 75.58.030 and 1993 sp.s. c 2 s 57 are each amended to read as follows:

(1) The director shall consult regarding the disease inspection and control program established under RCW 75.58.010 (as recodified by this act) with federal agencies and Indian tribes to assure protection of state, federal, and tribal aquatic resources and to protect private sector cultured aquatic products from disease that could originate from waters or facilities managed by those agencies.

(2) With regard to the program, the director may enter into contracts or interagency agreements for diagnostic field services with government agencies and institutions of higher education and private industry.

(3) The director shall provide for the creation and distribution of a roster of biologists having a ((speciality-[speciality])) specialty in the diagnosis or treatment of diseases of fish or shellfish. The director shall adopt rules specifying the qualifications which a person must have in order to be placed on the roster.

#### Repealed Sections

NEW SECTION. **Sec. 120.** The following acts or parts of acts are each repealed:

- (1) RCW 75.08.010 (Fisheries Code) and 1983 1st ex.s. c 46 s 2 & 1955 c 12 s 75.08.010;
- (2) RCW 75.08.011 (Definitions) and 1998 c 190 s 70, 1996 c 267 s 2, 1995 1st sp.s. c 2 s 6, & 1994 c 255 s 2;
- (3) RCW 75.08.014 (Authority of director to administer department--Qualifications of director) and 1995 1st sp.s. c 2 s 22, 1993 sp.s. c 2 s 21, 1983 1st ex.s. c 46 s 6, & 1953 c 207 s 10;
- (4) RCW 75.08.035 (Senior environmental corps--Department powers and duties) and 1993 sp.s. c 2 s 22 & 1992 c 63 s 11;
- (5) RCW 75.08.274 (Taking food fish for propagation or scientific purposes--Permit required) and 1998 c 190 s 72, 1995 1st sp.s. c 2 s 15, 1983 1st ex.s. c 46 s 28, 1971 c 35 s 1, & 1955 c 12 s 75.16.010;
- (6) RCW 75.10.070 (Service of summons and forfeiture if unable to prosecute violator) and 1983 1st ex.s. c 46 s 38 & 1955 c 12 s 75.36.030;
- (7) RCW 75.10.160 (Enforcement of watercraft registration and boating safety education) and 1989 c 393 s 16;
- (8) RCW 75.25.090 (Personal use fishing licenses--Fees) and 1993 c 215 s 1, 1989 c 305 s 5, & 1987 c 87 s 1;
- (9) RCW 75.25.160 (Recreational licenses--Penalties) and 1989 c 305 s 15, 1987 c 87 s 8, 1984 c 80 s 10, 1983 1st ex.s. c 46 s 100, & 1977 ex.s. c 327 s 16;
- (10) RCW 75.25.210 (Duplicate licenses, permits, tags, stamps, and catch record cards--Fees) and 1994 c 255 s 9;
- (11) RCW 75.28.012 (Licensing districts--Created) and 1993 c 20 s 3, 1983 1st ex.s. c 46 s 102, 1971 ex.s. c 283 s 2, & 1957 c 171 s 1;
- (12) RCW 75.28.335 (Wholesale fish dealers--Additional penalties) and 1985 c 248 s 8; and
- (13) RCW 75.30.160 (Whiting license required in designated areas) and 1998 c 190 s 103, 1993 c 340 s 38, & 1986 c 198 s 6.

#### **Recodified Sections**

**NEW SECTION. Sec. 121.** RCW 75.08.012, 75.08.013, 75.08.020, 75.08.090, and 75.08.110 are each recodified as sections in chapter 77.04 RCW.

**NEW SECTION. Sec. 122.** RCW 75.08.025, 75.08.040, 75.08.045, 75.08.055, 75.08.058, 75.08.065, 75.08.070, 75.08.080, 75.08.120, 75.08.160, 75.08.206, 75.08.208, 75.08.230, 75.08.235, 75.08.255, 75.08.265, 75.08.285, 75.08.295, and 75.08.300 are each recodified as sections in chapter 77.12 RCW.

**NEW SECTION. Sec. 123.** RCW 75.12.010, 75.12.015, 75.12.040, 75.12.132, 75.12.140, 75.12.155, 75.12.210, 75.12.230, 75.12.390, 75.12.440, and 75.12.650 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 124.** RCW 75.20.005, 75.20.015, 75.20.025, 75.20.040, 75.20.050, 75.20.060, 75.20.061, 75.20.090, 75.20.098, 75.20.100, 75.20.1001, 75.20.103, 75.20.104, 75.20.1041, 75.20.106, 75.20.108, 75.20.110, 75.20.130, 75.20.140, 75.20.150, 75.20.160, 75.20.170, 75.20.180, 75.20.190, 75.20.310, 75.20.320, 75.20.325, 75.20.330, 75.20.340, 75.20.350, and 77.12.830 are each recodified as sections in a new chapter added to Title 77 RCW.

**NEW SECTION. Sec. 125.** RCW 75.24.010, 75.24.030, 75.24.060, 75.24.065, 75.24.070, 75.24.080, 75.24.100, 75.24.110, 75.24.120, 75.24.130, 75.24.140, and 75.24.150 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 126.** RCW 75.28.010, 75.28.011, 75.28.014, 75.28.020, 75.28.030, 75.28.034, 75.28.040, 75.28.042, 75.28.044, 75.28.045, 75.28.046, 75.28.047, 75.28.048, 75.28.055, 75.28.095, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.132, 75.28.133, 75.28.280, 75.28.290, 75.28.295, 75.28.300, 75.28.302, 75.28.305, 75.28.315, 75.28.323, 75.28.328, 75.28.340, 75.28.690, 75.28.700, 75.28.710, 75.28.720, 75.28.730, 75.28.740, 75.28.750, 75.28.760, 75.28.770, 75.28.780, 75.28.900, 77.32.191, 77.32.197, 77.32.199, and 77.32.211 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 127.** RCW 75.30.015, 75.30.021, 75.30.050, 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120, 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.210, 75.30.220, 75.30.230, 75.30.240, 75.30.250, 75.30.260, 75.30.270, 75.30.280, 75.30.290, 75.30.300, 75.30.310, 75.30.320, 75.30.330, 75.30.350, 75.30.360, 75.30.370, 75.30.380, 75.30.390, 75.30.410, 75.30.420, 75.30.430, 75.30.440, 75.30.450, 75.30.460, 75.30.470, and 75.30.480 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 128.** A new chapter is added to Title 77 RCW and is named "Compacts and other agreements." The following sections are recodified under the following subchapter headings:

(1) "Columbia river compact" as follows:

RCW 75.40.010; and

RCW 75.40.020.

(2) "Pacific marine fisheries compact" as follows:

RCW 75.40.030; and

RCW 75.40.040.

(3) "Coastal ecosystems compact" as follows:

RCW 75.40.100; and

RCW 75.40.110.

(4) "Wildlife violator compact" as follows:

RCW 77.17.010;

RCW 77.17.020; and

RCW 77.17.030.

(5) "Snake river boundary" as follows:

RCW 77.12.450;

RCW 77.12.470;

RCW 77.12.480; and

RCW 77.12.490.

(6) "Miscellaneous" as follows:

RCW 75.40.060;

RCW 77.12.430; and

RCW 77.12.440.

**NEW SECTION. Sec. 129.** RCW 75.44.100, 75.44.110, 75.44.120, 75.44.130, 75.44.140, and 75.44.150 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 130.** RCW 75.46.005, 75.46.010, 75.46.020, 75.46.030, 75.46.040, 75.46.050, 75.46.060, 75.46.070, 75.46.080, 75.46.090, 75.46.100, 75.46.110, 75.46.120, 75.46.130, 75.56.050, and 75.46.900 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 131.** RCW 75.48.020, 75.48.040, 75.48.050, 75.48.060, 75.48.070, 75.48.080, 75.48.100, and 75.48.110 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 132.** RCW 75.50.010, 75.50.020, 75.50.030, 75.50.040, 75.50.060, 75.50.070, 75.50.080, 75.50.090, 75.50.100, 75.50.105, 75.50.110, 75.50.115, 75.50.125, 75.50.130, 75.50.150, 75.50.160, 75.50.165, 75.50.170, 75.50.180, 75.50.190, 75.08.245, 75.08.400, 75.08.410, 75.08.420, 75.08.430, 75.08.440, 75.08.450, 75.08.500, 75.08.510, 75.08.520, 75.08.530, and 75.50.900 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 133.** RCW 75.52.010, 75.52.020, 75.52.030, 75.52.035, 75.52.040, 75.52.050, 75.52.060, 75.52.070, 75.08.047, 75.52.080, 75.52.100, 75.52.110, 75.52.120, 75.52.130, 75.52.140, 75.52.150, 75.52.160, and 75.52.900 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 134.** RCW 75.54.005, 75.54.010, 75.54.020, 75.54.030, 75.54.040, 75.54.050, 75.54.060, 75.54.070, 75.54.080, 75.54.090, 75.54.100, 75.54.110, 75.54.120, 75.54.130, 75.54.140, 75.54.150, 75.54.900, and 75.54.901 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 135.** RCW 75.56.010, 75.56.020, 75.56.030, 75.56.040, 75.56.900, and 75.56.905 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 136.** RCW 75.58.010, 75.58.020, 75.58.030, and 75.58.040 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 137.** RCW 75.25.092 is recodified as a new section in chapter 77.32 RCW.

**NEW SECTION. Sec. 138.** RCW 75.10.150 is recodified as a new section in chapter 77.15 RCW.

**NEW SECTION. Sec. 139.** RCW 75.25.901, 75.25.902, 75.30.055, 75.98.005, 75.98.006, 75.98.007, and 75.98.030 are each decodified.

## PART II TITLE 77 Amendments

**Sec. 201.** RCW 77.04.010 and 1990 c 84 s 1 are each amended to read as follows:

This title is known and may be cited as "Fish and Wildlife Code of the State of Washington."

**Sec. 202.** RCW 77.04.020 and 1996 c 267 s 32 are each amended to read as follows:

The department consists of the state fish and wildlife commission and the director. ~~((The director is responsible for the administration and operation of the department, subject to the provisions of this title.))~~ The commission may delegate to the director any of the powers and duties vested in the commission. ~~((The director shall perform the duties prescribed by law and shall carry out the basic goals and objectives prescribed under RCW 77.04.055.))~~

**Sec. 203.** RCW 77.04.030 and 1994 c 264 s 52 are each amended to read as follows:

The fish and wildlife commission consists of nine registered voters of the state. In January of each odd-numbered year, the governor shall appoint with the advice and consent of the senate two registered voters to the commission to serve for terms of six years from that January or until their successors are appointed and qualified. If a vacancy occurs on the commission prior to the expiration of a term, the governor shall appoint a registered voter within sixty days to complete the term. Three members shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. Three additional members shall be appointed at-large (~~effective July 1, 1993; one of whom shall serve a one and one-half year term to end December 31, 1994; one of whom shall serve a three and one-half year term to end December 31, 1996; and one of whom shall serve a five and one-half year term to end December 31, 1998. Thereafter all members are to serve a six-year term~~). No two members may be residents of the same county. The legal office of the commission is at the administrative office of the department in Olympia.

**Sec. 204.** RCW 77.04.055 and 1995 1st sp.s. c 2 s 4 are each amended to read as follows:

(1) In establishing policies to preserve, protect, and perpetuate wildlife, fish, and wildlife and fish habitat, the commission shall meet annually with the governor to:

- (a) Review and prescribe basic goals and objectives related to those policies; and
- (b) Review the performance of the department in implementing fish and wildlife policies.

The commission shall maximize fishing, hunting, and outdoor recreational opportunities compatible with healthy and diverse fish and wildlife populations.

(2) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.

(3) The commission shall establish provisions regulating food fish and shellfish as provided in RCW 75.08.080 (as recodified by this act).

(4) The commission shall have final approval authority for tribal, interstate, international, and any other department agreements relating to fish and wildlife.

(5) The commission shall adopt rules to implement the state's fish and wildlife laws.

(6) The commission shall have final approval authority for the department's budget proposals.

(7) The commission shall select its own staff and shall appoint the director of the department. The director and commission staff shall serve at the pleasure of the commission.

**Sec. 205.** RCW 77.04.080 and 1995 1st sp.s. c 2 s 5 are each amended to read as follows:

Persons eligible for appointment as director shall have practical knowledge of the habits and distribution of fish and wildlife. The director shall supervise the administration and operation of the department and perform the duties prescribed by law and delegated by the commission. The director shall carry out the basic goals and objectives prescribed under RCW 77.04.055. The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

Only persons having general knowledge of the fisheries and wildlife resources and of the commercial and recreational fishing industry in this state are eligible for appointment as director. The director shall not have a financial interest in the fishing industry or a directly related industry. The director shall receive the salary fixed by the governor under RCW 43.03.040.

The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.

~~((The director may appoint and employ necessary departmental personnel. The director may delegate to department personnel the duties and powers necessary for efficient operation and administration of the department.))~~

**Sec. 206.** RCW 77.04.100 and 1993 sp.s. c 2 s 65 are each amended to read as follows:

The director shall develop proposals to reinstate the natural salmon and steelhead trout fish runs in the Tilton and upper Cowlitz rivers in accordance with RCW 75.08.020(3) (as recodified by this act).

**Sec. 207.** RCW 77.08.010 and 1998 c 190 s 111 are each amended to read as follows:

As used in this title (~~(or Title 75 RCW)~~) or rules adopted (~~((pursuant to these))~~) under this title((s)), unless the context clearly requires otherwise:

(1) "Director" means the director of fish and wildlife.

(2) "Department" means the department of fish and wildlife.

(3) "Commission" means the state fish and wildlife commission.

(4) "Person" means and includes an individual~~((;))~~; a corporation~~((;))~~; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(5) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce laws and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(6) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) "To fish," "to harvest," and "to take," and ((its)) their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, ((or)) game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(11) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, or game fish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, or possess by rule of the commission as an open season.

(12) "Closed area" means a place where the hunting of some species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing for game fish is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, the family Muridae of the order Rodentia (old world rats and mice), or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

(28) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(29) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(30) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(31) "Senior" means a person seventy years old or older.

(32) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(33) "Saltwater" means those marine waters seaward of river mouths.

(34) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(35) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(36) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(37) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(38) "Resident" means a person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state.

(39) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(40) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(41) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

(42) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

(43) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

(44) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(45) "Fishery" means the taking of one or more particular species of food fish or shellfish with particular gear in a particular geographical area.

(46) "Limited-entry license" means a license subject to a license limitation program established in chapter 75.30 RCW (as recodified by this act).

(47) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

**NEW SECTION. Sec. 208.** A new section is added to chapter 77.08 RCW to read as follows:

"Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that have been classified and that shall not be fished for except as authorized by rule of the commission. The term "food fish" includes all stages of development and the bodily parts of food fish species.

**NEW SECTION. Sec. 209.** A new section is added to chapter 77.08 RCW to read as follows:

"Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in RCW 77.08.020, and includes:

Scientific Name Common Name

*Oncorhynchus tshawytscha* Chinook salmon

*Oncorhynchus kisutch* Coho salmon

*Oncorhynchus keta* Chum salmon

*Oncorhynchus gorbuscha* Pink salmon

*Oncorhynchus nerka* Sockeye salmon

**Sec. 210.** RCW 77.12.010 and 1985 c 438 s 1 are each amended to read as follows:

~~(Wildlife is the property of the state. The department shall preserve, protect, and perpetuate wildlife. Game animals, game birds, and game fish may be taken only at times or places, or in manners or quantities as in the judgment of the commission maximizes public recreational opportunities without impairing the supply of wildlife.)~~

The commission shall not adopt rules that categorically prohibit fishing with bait or artificial lures in streams, rivers, beaver ponds, and lakes except that the commission may adopt rules and regulations restricting fishing methods upon a determination by the director that an individual body of water or part thereof clearly requires a fishing method prohibition to conserve or enhance the fisheries resource or to provide selected fishing alternatives. ~~((The commission shall attempt to maximize the public recreational fishing opportunities of all citizens, particularly juvenile, handicapped, and senior citizens.~~

~~Nothing contained herein shall be construed to infringe on the right of a private property owner to control the owner's private property.)~~

**Sec. 211.** RCW 77.12.035 and 1995 c 370 s 1 are each amended to read as follows:

The ~~((department))~~ commission shall protect grizzly bears and develop management programs on publicly owned lands that will encourage the natural regeneration of grizzly bears in areas with suitable habitat. Grizzly bears shall not be transplanted or introduced into the state. Only grizzly bears that are native to Washington state may be utilized by the department for management programs. The department is directed to fully participate in all discussions and negotiations with federal and state agencies relating to grizzly bear management and shall fully communicate, support, and implement the policies of this section.

**Sec. 212.** RCW 77.12.055 and 1998 c 190 s 112 are each amended to read as follows:

(1) Fish and wildlife officers and ex officio fish and wildlife officers shall enforce this title, ~~((Title 75 RCW,))~~ rules of the department, and other statutes as prescribed by the legislature. However, when acting within the scope of these duties and when an offense occurs in the presence of the fish and wildlife officer who is not an ex officio fish and wildlife officer, the fish and wildlife officer may enforce all criminal laws of the state. The fish and wildlife officer must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a course approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(2) Fish and wildlife officers are peace officers.

(3) Any liability or claim of liability under chapter 4.92 RCW that arises out of the exercise or alleged exercise of authority by a fish and wildlife officer rests with the department unless the fish and wildlife officer acts under the direction and control of another agency or unless the liability is otherwise assumed under an agreement between the department and another agency.

(4) Fish and wildlife officers may serve and execute warrants and processes issued by the courts.

(5) Fish and wildlife officers may enforce RCW 79.01.805 and 79.01.810.

(6) Fish and wildlife officers are authorized to enforce all provisions of chapter 88.02 RCW and any rules adopted under that chapter, and the provisions of RCW 43.51.400 and any rules adopted under that section.

~~(7) To enforce the laws of this title ((and Title 75 RCW)), fish and wildlife officers may call to their aid any ex officio fish and wildlife officer or citizen and that person shall render aid.~~

**Sec. 213.** RCW 77.12.080 and 1998 c 190 s 114 are each amended to read as follows:

Fish and wildlife officers and ex officio fish and wildlife officers may arrest without warrant persons found violating the law or rules adopted pursuant to this title ~~((and Title 75 RCW))~~.

**Sec. 214.** RCW 77.12.090 and 1998 c 190 s 115 are each amended to read as follows:

Fish and wildlife officers and ex officio fish and wildlife officers may make a reasonable search without warrant of a vessel, container, or conveyances, vehicles, packages, game baskets, game coats, or other receptacles for fish and wildlife, or tents, camps, or similar places which they have reason to believe contain evidence of a violation of law or rules adopted pursuant to this title or Title 75 RCW and seize evidence as needed for law enforcement. This does not preclude seizure of property if authorized for forfeiture as authorized by law.

**Sec. 215.** RCW 77.12.103 and 1993 sp.s. c 2 s 68 are each amended to read as follows:

(1) The burden of proof of any exemption or exception to seizure or forfeiture of personal property involved with wildlife offenses is upon the person claiming it.

(2) An authorized state, county, or municipal officer may be subject to civil liability under RCW 77.12.101 (as recodified by this act) for willful misconduct or gross negligence in the performance of his or her duties.

(3) The director, the fish and wildlife commission, or the department may be subject to civil liability for their willful or reckless misconduct in matters involving the seizure and forfeiture of personal property involved with fish or wildlife offenses.

**Sec. 216.** RCW 77.12.200 and 1987 c 506 s 28 are each amended to read as follows:

The commission may authorize the director to acquire by gift, purchase, lease, or condemnation lands, buildings, waters, water rights, rights of way, or other necessary property for purposes consistent with this title, together with rights of way for access

to the property so acquired. Except to clear title and acquire access rights of way, the power of condemnation may be exercised by the director only when an appropriation has been made by the legislature for the acquisition of a specific property.

**Sec. 217.** RCW 77.12.204 and 1993 sp.s. c 4 s 6 are each amended to read as follows:

The department of fish and wildlife shall implement practices necessary to meet the standards developed under RCW 79.01.295 on agency-owned and managed agricultural and grazing lands. The standards may be modified on a site-specific basis as necessary and as determined by the department of ~~((fisheries or))~~ fish and wildlife, for species that these agencies respectively manage, to achieve the goals established under RCW 79.01.295(1). Existing lessees shall be provided an opportunity to participate in any site-specific field review. Department agricultural and grazing leases issued after December 31, 1994, shall be subject to practices to achieve the standards that meet those developed pursuant to RCW 79.01.295.

This section shall in no way prevent the department of fish and wildlife from managing its lands to accomplish its statutory mandate pursuant to RCW 77.12.010, nor shall it prevent the department from managing its lands according to the provisions of RCW 77.12.210 or rules adopted pursuant to this chapter.

**Sec. 218.** RCW 77.12.210 and 1987 c 506 s 30 are each amended to read as follows:

The director shall maintain and manage real or personal property owned, leased, or held by the department and shall control the construction of buildings, structures, and improvements in or on the property. The director may adopt rules for the operation and maintenance of the property.

The commission may authorize the director to sell, lease, convey, or grant concessions upon real or personal property under the control of the department. This includes the authority to sell timber, gravel, sand, and other materials or products from real property held by the department ~~((and may authorize the director)),~~ and to sell or lease the department's real or personal property or grant concessions or rights of way for roads or utilities in the property. Oil and gas resources owned by the state which lie below lands owned, leased, or held by the department shall be offered for lease by the commissioner of public lands pursuant to chapter 79.14 RCW with the proceeds being deposited in the state wildlife fund: PROVIDED, That the commissioner of public lands shall condition such leases at the request of the department to protect wildlife and its habitat.

If the commission determines that real or personal property held by the department cannot be used advantageously by the department, the director may dispose of that property if it is in the public interest.

If the state acquired real property with use limited to specific purposes, the director may negotiate terms for the return of the property to the donor or grantor. Other real property shall be sold to the highest bidder at public auction. After appraisal, notice of the auction shall be published at least once a week for two successive weeks in a newspaper of general circulation within the county where the property is located at least twenty days prior to sale.

Proceeds from the sales shall be deposited in the state wildlife fund.

**Sec. 219.** RCW 77.12.220 and 1987 c 506 s 31 are each amended to read as follows:

For purposes of this title, the commission may make agreements to obtain real or personal property or to transfer or convey property held by the state to the United States or its agencies or instrumentalities, ~~((political subdivisions))~~ units of local government of this state, public service companies, or other persons, if in the judgment of the commission and the attorney general the transfer and conveyance is consistent with public interest. For purposes of this section, "local government" means any city, town, county, special district, municipal corporation, or quasi-municipal corporation.

If the commission agrees to a transfer or conveyance under this section or to a sale or return of real property under RCW 77.12.210, the director shall certify, with the attorney general, to the governor that the agreement has been made. The certification shall describe the real property. The governor then may execute and the secretary of state attest and deliver to the appropriate entity or person the instrument necessary to fulfill the agreement.

**Sec. 220.** RCW 77.12.250 and 1980 c 78 s 42 are each amended to read as follows:

The director, ~~((wildlife agents))~~ fish and wildlife officers, ex officio ~~((wildlife agents))~~ fish and wildlife officers, and department employees may enter upon lands or waters and remain there while performing their duties without liability for trespass. It is lawful for aircraft operated by the department to land and take off from beaches or waters of the state.

**Sec. 221.** RCW 77.12.315 and 1987 c 506 s 40 are each amended to read as follows:

If the director determines that a severe problem exists in an area of the state because deer and elk are being pursued, harassed, attacked or killed by dogs, the director may declare by emergency rule that an emergency exists and specify the area where it is lawful for fish and wildlife ~~((agents))~~ officers to take into custody or destroy the dogs if necessary. Fish and wildlife ~~((agents))~~ officers who take into custody or destroy a dog pursuant to this section are immune from civil or criminal liability arising from their actions.

**Sec. 222.** RCW 77.12.470 and 1980 c 78 s 63 are each amended to read as follows:

To enforce RCW 77.12.480 and 77.12.490 (as recodified by this act), courts in the counties contiguous to the boundary waters, fish and wildlife ~~((agents))~~ officers, and ex officio fish and wildlife ~~((agents))~~ officers have jurisdiction over the boundary waters to the furthest shoreline. This jurisdiction is concurrent with the courts and law enforcement officers of Idaho.

**Sec. 223.** RCW 77.12.480 and 1980 c 78 s 64 are each amended to read as follows:

The taking of wildlife from the boundary waters or islands of the Snake river shall be in accordance with the wildlife laws of the respective states. Fish and wildlife ((agents)) officers and ex officio fish and wildlife ((agents)) officers shall honor the license of either state and the right of the holder to take wildlife from the boundary waters and islands in accordance with the laws of the state issuing the license.

**Sec. 224.** RCW 77.12.490 and 1980 c 78 s 65 are each amended to read as follows:

The purpose of RCW 77.12.450 through 77.12.490 (as recodified by this act) is to avoid the conflict, confusion, and difficulty of locating the state boundary in or on the boundary waters and islands of the Snake river. These sections do not allow the holder of a Washington license to fish or hunt on the shoreline, sloughs, or tributaries on the Idaho side, nor allow the holder of an Idaho license to fish or hunt on the shoreline, sloughs, or tributaries on the Washington side.

**Sec. 225.** RCW 77.12.610 and 1982 c 155 s 1 are each amended to read as follows:

The purposes of RCW 77.12.610 through 77.12.630 (~~and 77.16.640~~) are to facilitate the department's gathering of biological data for managing wildlife resources of this state and to protect wildlife resources by assuring compliance with Title 77 RCW, and rules adopted thereunder, in a manner designed to minimize inconvenience to the public.

**Sec. 226.** RCW 77.12.620 and 1982 c 155 s 2 are each amended to read as follows:

The department is authorized to require hunters and fishermen occupying a motor vehicle approaching or entering a check station to stop and produce for inspection: (1) Any wildlife in their possession; (2) licenses, permits, tags, stamps, or (~~punchcards~~) catch record cards, required under Title 77 RCW, or rules adopted thereunder. For these purposes, the department is authorized to operate check stations which shall be plainly marked by signs, operated by at least one uniformed fish and wildlife ((agent)) officer, and operated in a safe manner.

**Sec. 227.** RCW 77.12.630 and 1982 c 155 s 4 are each amended to read as follows:

The powers conferred by RCW 77.12.610 through 77.12.630 (~~and 77.16.640~~) are in addition to all other powers conferred by law upon the department. Nothing in RCW 77.12.610 through 77.12.630 (~~and 77.16.640~~) shall be construed to prohibit the department from operating wildlife information stations at which persons shall not be required to stop and report, or from executing arrests, searches, or seizures otherwise authorized by law.

**Sec. 228.** RCW 77.12.830 and 1997 c 425 s 3 are each amended to read as follows:

(1) Beginning in January 1998, the department of fish and wildlife and the department of natural resources shall implement a habitat incentives program based on the recommendations of federally recognized Indian tribes, landowners, the regional fisheries enhancement groups, the timber, fish, and wildlife cooperators, and other interested parties. The program shall allow a private landowner to enter into an agreement with the departments to enhance habitat on the landowner's property for food fish, game fish, or other wildlife species. In exchange, the landowner shall receive state regulatory certainty with regard to future applications for hydraulic project approval or a forest practices permit on the property covered by the agreement. The overall goal of the program is to provide a mechanism that facilitates habitat development on private property while avoiding an adverse state regulatory impact to the landowner at some future date. A single agreement between the departments and a landowner may encompass up to one thousand acres. A landowner may enter into multiple agreements with the departments, provided that the total acreage covered by such agreements with a single landowner does not exceed ten thousand acres. The departments are not obligated to enter into an agreement unless the departments find that the agreement is in the best interest of protecting fish or wildlife species or their habitat.

(2) A habitat incentives agreement shall be in writing and shall contain at least the following: A description of the property covered by the agreement, an expiration date, a description of the condition of the property prior to the implementation of the agreement, and other information needed by the landowner and the departments for future reference and decisions.

(3) As part of the agreement, the department of fish and wildlife may stipulate the factors that will be considered when the department evaluates a landowner's application for hydraulic project approval under RCW 75.20.100 or 75.20.103 (as recodified by this act) on property covered by the agreement. The department's identification of these evaluation factors shall be in concurrence with the department of natural resources and affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of hydraulic project approval shall be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(4) As part of the agreement, the department of natural resources may stipulate the factors that will be considered when the department evaluates a landowner's application for a forest practices permit under chapter 76.09 RCW on property covered by the agreement. The department's identification of these evaluation factors shall be in concurrence with the department of fish and wildlife and affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of forest practices permits shall be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(5) The agreement is binding on and may be used by only the landowner who entered into the agreement with the department. The agreement shall not be appurtenant with the land. However, if a new landowner chooses to maintain the habitat enhancement efforts on the property, the new landowner and the departments may jointly choose to retain the agreement on the property.

(6) If the departments receive multiple requests for agreements with private landowners under the habitat incentives program, the departments shall prioritize these requests and shall enter into as many agreements as possible within available budgetary resources.

**Sec. 229.** RCW 77.15.070 and 1998 c 190 s 69 are each amended to read as follows:

(1) Fish and wildlife officers and ex officio fish and wildlife officers may seize without warrant boats, airplanes, vehicles, gear, appliances, or other articles they have probable cause to believe have been used in violation of this chapter. However, fish and wildlife officers or ex officio fish and wildlife officers may not seize any item or article, other than for evidence, if under the circumstances, it is reasonable to conclude that the violation was inadvertent. The property seized is subject to forfeiture to the state under this section regardless of ownership. Property seized may be recovered by its owner by depositing into court a cash bond equal to the value of the seized property but not more than twenty-five thousand dollars. Such cash bond is subject to forfeiture in lieu of the property. Forfeiture of property seized under this section is a civil forfeiture against property and is intended to be a remedial civil sanction.

(2) In the event of a seizure of property under this section, jurisdiction to begin the forfeiture proceedings shall commence upon seizure. Within fifteen days following the seizure, the seizing authority shall serve a written notice of intent to forfeit property on the owner of the property seized and on any person having any known right or interest in the property seized. Notice may be served by any method authorized by law or court rule, including service by certified mail with return receipt requested. Service by mail is deemed complete upon mailing within the fifteen-day period following the seizure.

(3) Persons claiming a right of ownership or right to possession of property are entitled to a hearing to contest forfeiture. Such a claim shall specify the claim of ownership or possession and shall be made in writing and served on the director within forty-five days of the seizure. If the seizing authority has complied with notice requirements and there is no claim made within forty-five days, then the property shall be forfeited to the state.

(4) If any person timely serves the director with a claim to property, the person shall be afforded an opportunity to be heard as to the person's claim or right. The hearing shall be before the director or director's designee, or before an administrative law judge appointed under chapter 34.12 RCW, except that a person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the property seized is more than five thousand dollars.

(5) The hearing to contest forfeiture and any subsequent appeal shall be as provided for in Title 34 RCW. The seizing authority has the burden to demonstrate that it had reason to believe the property was held with intent to violate or was used in violation of this title or rule of the commission or director. The person contesting forfeiture has the burden of production and proof by a preponderance of evidence that the person owns or has a right to possess the property and:

(a) That the property was not held with intent to violate or used in violation of this title (~~or Title 75 RCW~~); or

(b) If the property is a boat, airplane, or vehicle, that the illegal use or planned illegal use of the boat, airplane, or vehicle occurred without the owner's knowledge or consent, and that the owner acted reasonably to prevent illegal uses of such boat, airplane, or vehicle.

(6) A forfeiture of a conveyance encumbered by a perfected security interest is subject to the interest of the secured party if the secured party neither had knowledge (~~(of)~~) of nor consented to the act or omission. No security interest in seized property may be perfected after seizure.

(7) If seized property is forfeited under this section the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release such property to the agency for the use of enforcing this title, or sell such property, and deposit the proceeds to the wildlife fund, as provided for in RCW 77.12.170.

**Sec. 230.** RCW 77.15.080 and 1998 c 190 s 113 are each amended to read as follows:

Based upon articulable facts that a person is engaged in fishing or hunting activities, fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title (~~and Title 75 RCW~~).

**Sec. 231.** RCW 77.15.090 and 1998 c 190 s 117 are each amended to read as follows:

On a showing of probable cause that there has been a violation of any fish or wildlife law of the state of Washington, or upon a showing of probable cause to believe that evidence of such violation may be found at a place, a court shall issue a search warrant or arrest warrant. Fish and wildlife officers may execute any such arrest or search warrant reasonably necessary to their duties under this title (~~or Title 75 RCW~~) and may seize fish and wildlife or any evidence of a crime and the fruits or instrumentalities

of a crime as provided by warrant. The court may have a building, enclosure, vehicle, vessel, container, or receptacle opened or entered and the contents examined.

**Sec. 232.** RCW 77.15.100 and 1998 c 190 s 63 are each amended to read as follows:

(1) Unless otherwise provided in this title (~~or Title 75 RCW~~), fish, shellfish, or wildlife unlawfully taken or possessed, or involved in a violation shall be forfeited to the state upon conviction. Unless already held by, sold, destroyed, or disposed of by the department, the court shall order such fish or wildlife to be delivered to the department. Where delay will cause loss to the value of the property and a ready wholesale buying market exists, the department may sell property to a wholesale buyer at a fair market value.

(2) (~~The department may use, sell, or destroy any other~~) When seized property is forfeited (by the court or) to the department, the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release the property to the agency for the use of enforcing this title, or sell such property and deposit the proceeds into the state wildlife fund established under RCW 77.12.170. Any sale of other property shall be at public auction or after public advertisement reasonably designed to obtain the highest price. The time, place, and manner of holding the sale shall be determined by the director. The director may contract for the sale to be through the department of general administration as state surplus property, or, except where not justifiable by the value of the property, the director shall publish notice of the sale once a week for at least two consecutive weeks before the sale in at least one newspaper of general circulation in the county in which the sale is to be held. (~~Proceeds of the sale shall be deposited in the state treasury to be credited to the state wildlife fund.~~)

**Sec. 233.** RCW 77.15.120 and 1998 c 190 s 13 are each amended to read as follows:

(1) A person is guilty of unlawful taking of endangered fish or wildlife in the second degree if the person hunts, fishes, possesses, maliciously harasses or kills fish or wildlife, or maliciously destroys the nests or eggs of fish or wildlife and the fish or wildlife is designated by the commission as endangered, and the taking has not been authorized by rule of the commission.

(2) A person is guilty of unlawful taking of endangered fish or wildlife in the first degree if the person has been:

(a) Convicted under subsection (1) of this section or convicted of any crime under this title involving the killing, possessing, harassing, or harming of endangered fish or wildlife; and

(b) Within five years of the date of the prior conviction the person commits the act described by subsection (1) of this section.

(3)(a) Unlawful taking of endangered fish or wildlife in the second degree is a gross misdemeanor.

(b) Unlawful taking of endangered fish or wildlife in the first degree is a class C felony. The department shall revoke any licenses or tags used in connection with the crime and order the person's privileges to hunt, fish, trap, or obtain licenses under this title (~~and Title 75 RCW~~) to be suspended for two years.

**Sec. 234.** RCW 77.15.160 and 1998 c 190 s 17 are each amended to read as follows:

A person is guilty of an infraction, which shall be cited and punished as provided under chapter 7.84 RCW, if the person:

(1) Fails to immediately record a catch of fish or shellfish on a catch record card required by RCW (~~75.25.190 or 77.32.050~~) 77.32.430, or required by rule of the commission under this title (~~or Title 75 RCW~~); or

(2) Fishes for personal use using barbed hooks in violation of any rule; or

(3) Violates any other rule of the commission or director that is designated by rule as an infraction.

**NEW SECTION. Sec. 235.** A new section is added to chapter 77.15 RCW to read as follows:

Any person who is damaged by any act prohibited in RCW 77.15.210 may bring a civil action to enjoin further violations, and recover damages sustained, including a reasonable attorneys' fee. The trial court may increase the award of damages to an amount not to exceed three times the damages sustained. A party seeking civil damages under this section may recover upon proof of a violation by a preponderance of the evidence. The state of Washington may bring a civil action to enjoin violations of this section.

**Sec. 236.** RCW 77.15.300 and 1998 c 190 s 52 are each amended to read as follows:

(1) A person is guilty of unlawfully undertaking hydraulic project activities if the person constructs any form of hydraulic project or performs other work on a hydraulic project and:

(a) Fails to have a hydraulic project approval required under chapter 75.20 RCW (as recodified by this act) for such construction or work; or

(b) Violates any requirements or conditions of the hydraulic project approval for such construction or work.

(2) Unlawfully undertaking hydraulic project activities is a gross misdemeanor.

**Sec. 237.** RCW 77.15.310 and 1998 c 190 s 53 are each amended to read as follows:

(1) A person is guilty of unlawful failure to use or maintain an approved fish guard on a diversion device if the person owns, controls, or operates a device used for diverting or conducting water from a lake, river, or stream and:

(a) The device is not equipped with a fish guard, screen, or bypass approved by the director as required by RCW 75.20.040 ((~~or 77.16.220~~)) (as recodified by this act); or

(b) The person knowingly fails to maintain or operate an approved fish guard, screen, or bypass so as to effectively screen or prevent fish from entering the intake.

(2) Unlawful failure to use or maintain an approved fish guard, screen, or bypass on a diversion device is a gross misdemeanor. Following written notification to the person from the department that there is a violation, each day that a diversion device is operated without an approved or maintained fish guard, screen, or bypass is a separate offense.

**Sec. 238.** RCW 77.15.320 and 1998 c 190 s 54 are each amended to read as follows:

(1) A person is guilty of unlawful failure to provide, maintain, or operate a fishway for dam or other obstruction if the person owns, operates, or controls a dam or other obstruction to fish passage on a river or stream and:

(a) The dam or obstruction is not provided with a durable and efficient fishway approved by the director as required by RCW 75.20.060 (as recodified by this act);

(b) Fails to maintain a fishway in efficient operating condition; or

(c) Fails to continuously supply a fishway with a sufficient supply of water to allow the free passage of fish.

(2) Unlawful failure to provide, maintain, or operate a fishway for dam or other obstruction is a gross misdemeanor.

Following written notification to the person from the department that there is a violation, each day of unlawful failure to provide, maintain, or operate a fishway is a separate offense.

**Sec. 239.** RCW 77.15.350 and 1998 c 190 s 58 are each amended to read as follows:

(1) A person is guilty of violating a rule regarding inspection and disease control of aquatic farms if the person:

(a) Violates any rule adopted under chapter 75.58 RCW (as recodified by this act) regarding the inspection and disease control program for an aquatic farm; or

(b) Fails to register or report production from an aquatic farm as required by chapter 75.58 RCW (as recodified by this act).

(2) A violation of a rule regarding inspection and disease control of aquatic farms is a misdemeanor.

**Sec. 240.** RCW 77.15.360 and 1998 c 190 s 61 are each amended to read as follows:

(1) A person is guilty of unlawful interfering in department operations if the person prevents department employees from carrying out duties authorized by this title ((~~or Title 75 RCW~~)), including but not limited to interfering in the operation of department vehicles, vessels, or aircraft.

(2) Unlawful interfering in department operations is a gross misdemeanor.

**Sec. 241.** RCW 77.15.380 and 1998 c 190 s 18 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the second degree if the person fishes for, takes, possesses, or harvests fish or shellfish and:

(a) The person does not have and possess the license or the catch record card required by chapter 75.25 (as recodified by this act) or 77.32 RCW for such activity; or

(b) The action violates any rule of the commission or the director regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas, closed times, or any other rule addressing the manner or method of fishing or possession of fish, except for use of a net to take fish as provided for in RCW 77.15.580.

(2) Unlawful recreational fishing in the second degree is a misdemeanor.

**Sec. 242.** RCW 77.15.390 and 1998 c 190 s 20 are each amended to read as follows:

(1) A person is guilty of unlawful taking of seaweed if the person takes, possesses, or harvests seaweed and:

(a) The person does not have and possess the license required by chapter 75.25 RCW (as recodified by this act) for taking seaweed; or

(b) The action violates any rule of the department or the department of natural resources regarding seasons, possession limits, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed.

(2) Unlawful taking of seaweed is a misdemeanor. This does not affect rights of the state to recover civilly for trespass, conversion, or theft of state-owned valuable materials.

**Sec. 243.** RCW 77.15.470 and 1998 c 190 s 29 are each amended to read as follows:

(1) A person is guilty of unlawfully avoiding wildlife check stations or field inspections if the person fails to:

(a) Obey check station signs;

(b) Stop and report at a check station if directed to do so by a uniformed fish and wildlife officer; or

(c) Produce for inspection upon request by a fish and wildlife officer: (i) Hunting or fishing equipment; (ii) seaweed, fish, shellfish, or wildlife; or (iii) licenses, permits, tags, stamps, or catch record cards required by this title ((~~or Title 75 RCW~~)).

(2) Unlawfully avoiding wildlife check stations or field inspections is a gross misdemeanor.

(3) Wildlife check stations may not be established upon interstate highways or state routes.

**Sec. 244.** RCW 77.15.480 and 1980 c 78 s 27 are each amended to read as follows:

Articles or devices unlawfully used, possessed, or maintained for catching, taking, killing, attracting, or decoying wildlife are public nuisances. If necessary, fish and wildlife ((agents)) officers and ex officio fish and wildlife ((agents)) officers may seize, abate, or destroy these public nuisances without warrant or process.

**Sec. 245.** RCW 77.15.500 and 1998 c 190 s 35 are each amended to read as follows:

(1) A person is guilty of commercial fishing without a license in the second degree if the person fishes for, takes, or delivers food fish, shellfish, or game fish while acting for commercial purposes and:

(a) The person does not hold a fishery license or delivery license under chapter 75.28 RCW (as recodified by this act) for the food fish or shellfish; or

(b) The person is not a licensed operator designated as an alternate operator on a fishery or delivery license under chapter 75.28 RCW (as recodified by this act) for the food fish or shellfish.

(2) A person is guilty of commercial fishing without a license in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The violation involves taking, delivery, or possession of food fish or shellfish with a value of two hundred fifty dollars or more; or

(b) The violation involves taking, delivery, or possession of food fish or shellfish from an area that was closed to the taking of such food fish or shellfish by any statute or rule.

(3)(a) Commercial fishing without a license in the second degree is a gross misdemeanor.

(b) Commercial fishing without a license in the first degree is a class C felony.

**Sec. 246.** RCW 77.15.530 and 1998 c 190 s 38 are each amended to read as follows:

(1) A person who holds a fishery license required by chapter 75.28 RCW (as recodified by this act), or who holds an operator's license and is designated as an alternate operator on a fishery license required by chapter 75.28 RCW (as recodified by this act), is guilty of unlawful use of a nondesignated vessel if the person takes, fishes for, or delivers from that fishery using a vessel not designated on the person's license, when vessel designation is required by chapter 75.28 RCW (as recodified by this act).

(2) Unlawful use of a nondesignated vessel is a gross misdemeanor.

(3) A nondesignated vessel may be used, subject to appropriate notification to the department and in accordance with rules established by the commission, when a designated vessel is inoperative because of accidental damage or mechanical breakdown.

(4) If the person commits the act described by subsection (1) of this section and the vessel designated on the person's fishery license was used by any person in the fishery on the same day, then the violation for using a nondesignated vessel is a class C felony. Upon conviction the department shall order revocation and suspension of all commercial fishing privileges under chapter 75.28 RCW (as recodified by this act) for a period of one year.

**Sec. 247.** RCW 77.15.540 and 1998 c 190 s 39 are each amended to read as follows:

(1) A person who holds a fishery license required by chapter 75.28 RCW (as recodified by this act), or who holds an operator's license and is designated as an alternate operator on a fishery license required by chapter 75.28 RCW (as recodified by this act), is guilty of unlawful use of a commercial fishery license if the person:

(a) Does not have the commercial fishery license or operator's license in possession during fishing or delivery; or

(b) Violates any rule of the department regarding the use, possession, display, or presentation of the person's license, decals, or vessel numbers.

(2) Unlawful use of a commercial fishery license is a misdemeanor.

**Sec. 248.** RCW 77.15.570 and 1998 c 190 s 49 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, it is unlawful for a person who is not a treaty Indian fisherman to participate in the taking of fish or shellfish in a treaty Indian fishery, or to be on board a vessel, or associated equipment, operating in a treaty Indian fishery. A violation of this subsection is a gross misdemeanor.

(2) A person who violates subsection (1) of this section with the intent of acting for commercial purposes, including any sale of catch, control of catch, profit from catch, or payment for fishing assistance, is guilty of a class C felony. Upon conviction, the department shall order revocation of any license and a one-year suspension of all commercial fishing privileges requiring a license under chapter 75.28 or 75.30 RCW (as recodified by this act).

(3)(a) The spouse, forebears, siblings, children, and grandchildren of a treaty Indian fisherman may assist the fisherman in exercising treaty Indian fishing rights when the treaty Indian fisherman is present at the fishing site.

(b) Other treaty Indian fishermen with off-reservation treaty fishing rights in the same usual and accustomed places, whether or not the fishermen are members of the same tribe or another treaty tribe, may assist a treaty Indian fisherman in exercising treaty Indian fishing rights when the treaty Indian fisherman is present at the fishing site.

(c) Biologists approved by the department may be on board a vessel operating in a treaty Indian fishery.

(4) For the purposes of this section:

(a) "Treaty Indian fisherman" means a person who may exercise treaty Indian fishing rights as determined under United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), or Sohappay v. Smith, 302 F. Supp. 899 (D. Oregon 1969), and post-trial orders of those courts;

(b) "Treaty Indian fishery" means a fishery open to only treaty Indian fishermen by tribal or federal regulation;

(c) "To participate" and its derivatives mean an effort to operate a vessel or fishing equipment, provide immediate supervision in the operation of a vessel or fishing equipment, or otherwise assist in the fishing operation, to claim possession of a share of the catch, or to represent that the catch was lawfully taken in an Indian fishery.

(5) A violation of this section constitutes illegal fishing and is subject to the suspensions provided for commercial fishing violations.

**Sec. 249.** RCW 77.15.580 and 1998 c 190 s 50 are each amended to read as follows:

(1) A person is guilty of unlawful use of a net to take fish in the second degree if the person:

(a) Lays, sets, uses, or controls a net or other device or equipment capable of taking fish from the waters of this state, except if the person has a valid license for such fishing gear from the director under this title and is acting in accordance with all rules of the commission and director; or

(b) Fails to return unauthorized fish to the water immediately while otherwise lawfully operating a net under a valid license.

(2) A person is guilty of unlawful use of a net to take fish in the first degree if the person:

(a) Commits the act described by subsection (1) of this section; and

(b) The violation occurs within five years of entry of a prior conviction for a gross misdemeanor or felony under this title ((or Title 75 RCW)) involving fish, other than a recreational fishing violation, or involving unlawful use of nets.

(3)(a) Unlawful use of a net to take fish in the second degree is a gross misdemeanor. Upon conviction, the department shall revoke any license held under this title ((or Title 75 RCW)) allowing commercial net fishing used in connection with the crime.

(b) Unlawful use of a net to take fish in the first degree is a class C felony. Upon conviction, the department shall order a one-year suspension of all commercial fishing privileges requiring a license under this title ((or Title 75 RCW)).

(4) Notwithstanding subsections (1) and (2) of this section, it is lawful to use a landing net to land fish otherwise legally hooked.

**Sec. 250.** RCW 77.15.620 and 1998 c 190 s 43 are each amended to read as follows:

(1) A person is guilty of engaging in fish dealing activity without a license in the second degree if the person:

(a) Engages in the commercial processing of fish or shellfish, including custom canning or processing of personal use fish or shellfish and does not hold a wholesale dealer's license required by RCW 75.28.300(1) or 77.32.211 (as recodified by this act), for anadromous game fish;

(b) Engages in the wholesale selling, buying, or brokering of food fish or shellfish and does not hold a wholesale dealer's or buying license required by RCW 75.28.300(2) or 77.32.211 (as recodified by this act) for anadromous game fish;

(c) Is a fisher who lands and sells his or her catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state and does not hold a wholesale dealer's license required by RCW 75.28.300(3) or 77.32.211 (as recodified by this act) for anadromous game fish; or

(d) Engages in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish and does not hold a wholesale dealer's license required by RCW 75.28.300(4) or 77.32.211 (as recodified by this act) for anadromous game fish.

(2) Engaging in fish dealing activity without a license in the second degree is a gross misdemeanor.

(3) A person is guilty of engaging in fish dealing activity without a license in the first degree if the person commits the act described by subsection (1) of this section and the violation involves fish or shellfish worth two hundred fifty dollars or more. Engaging in fish dealing activity without a license in the first degree is a class C felony.

**Sec. 251.** RCW 77.15.630 and 1998 c 190 s 44 are each amended to read as follows:

(1) A person who holds a fish dealer's license required by RCW 75.28.300 (as recodified by this act), an anadromous game fish buyer's license required by RCW 77.32.211 (as recodified by this act), or a fish buyer's license required by RCW 75.28.340 (as recodified by this act) is guilty of unlawful use of fish buying and dealing licenses in the second degree if the person:

(a) Possesses or receives fish or shellfish for commercial purposes worth less than two hundred fifty dollars; and

(b) Fails to document such fish or shellfish with a fish-receiving ticket required by statute or rule of the department.

(2) A person is guilty of unlawful use of fish buying and dealing licenses in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The violation involves fish or shellfish worth two hundred fifty dollars or more;

(b) The person acted with knowledge that the fish or shellfish were taken from a closed area, at a closed time, or by a person not licensed to take such fish or shellfish for commercial purposes; or

(c) The person acted with knowledge that the fish or shellfish were taken in violation of any tribal law.

(3)(a) Unlawful use of fish buying and dealing licenses in the second degree is a gross misdemeanor.

(b) Unlawful use of fish buying and dealing licenses in the first degree is a class C felony. Upon conviction, the department shall suspend all privileges to engage in fish buying or dealing for two years.

**Sec. 252.** RCW 77.15.640 and 1998 c 190 s 45 are each amended to read as follows:

(1) A person who holds a wholesale fish dealer's license required by RCW 75.28.300 (as recodified by this act), an anadromous game fish buyer's license required by RCW 77.32.211 (as recodified by this act), or a fish buyer's license required by RCW 75.28.340 (as recodified by this act) is guilty of violating rules governing wholesale fish buying and dealing if the person:

(a) Fails to possess or display his or her license when engaged in any act requiring the license;

(b) Fails to display or uses the license in violation of any rule of the department;

(c) Files a signed fish-receiving ticket but fails to provide all information required by rule of the department; or

(d) Violates any other rule of the department regarding wholesale fish buying and dealing.

(2) Violating rules governing wholesale fish buying and dealing is a gross misdemeanor.

**Sec. 253.** RCW 77.15.650 and 1998 c 190 s 59 are each amended to read as follows:

(1) A person is guilty of unlawful purchase or use of a license in the second degree if the person buys, holds, uses, displays, transfers, or obtains any license, tag, permit, or approval required by this title ~~((or Title 75 RCW))~~ and the person:

(a) Uses false information to buy, hold, use, display, or obtain a license, permit, tag, or approval;

(b) Acquires, holds, or buys in excess of one license, permit, or tag for a license year if only one license, permit, or tag is allowed per license year;

(c) Uses or displays a license, permit, tag, or approval that was issued to another person;

(d) Permits or allows a license, permit, tag, or approval to be used or displayed by another person not named on the license, permit, tag, or approval;

(e) Acquires or holds a license while privileges for the license are revoked or suspended.

(2) A person is guilty of unlawful purchase or use of a license in the first degree if the person commits the act described by subsection (1) of this section and the person was acting with intent that the license, permit, tag, or approval be used for any commercial purpose. A person is presumed to be acting with such intent if the violation involved obtaining, holding, displaying, or using a license or permit for participation in any commercial fishery issued under this title ~~((or Title 75 RCW))~~ or a license authorizing fish or wildlife buying, trafficking, or wholesaling.

(3)(a) Unlawful purchase or use of a license in the second degree is a gross misdemeanor. Upon conviction, the department shall revoke any unlawfully used or held licenses and order a two-year suspension of participation in the activities for which the person unlawfully obtained, held, or used a license.

(b) Unlawful purchase or use of a license in the first degree is a class C felony. Upon conviction, the department shall revoke any unlawfully used or held licenses and order a five-year suspension of participation in any activities for which the person unlawfully obtained, held, or used a license.

(4) For purposes of this section, a person "uses" a license, permit, tag, or approval if the person engages in any activity authorized by the license, permit, tag, or approval held or possessed by the person. Such uses include but are not limited to fishing, hunting, taking, trapping, delivery or landing fish or wildlife, and selling, buying, or wholesaling of fish or wildlife.

(5) Any license obtained in violation of this section is void upon issuance and is of no legal effect.

**Sec. 254.** RCW 77.16.020 and 1998 c 190 s 119 are each amended to read as follows:

For the purposes of establishing a season or bag limit restriction on Canada goose hunting, the ~~((department))~~ commission shall not consider leg length or bill length of dusky Canada geese (*Branta canadensis occidentalis*).

**Sec. 255.** RCW 77.16.360 and 1997 c 1 s 1 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 77.12.240 ~~((and 77.12.265))~~ or other provisions of law, it is unlawful to take, hunt, or attract black bear with the aid of bait.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear with the aid of bait by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety.

(b) Nothing in this subsection shall be construed to prevent the establishment and operation of feeding stations for black bear in order to prevent damage to commercial timberland.

(c) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of bait to attract black bear for scientific purposes.

(d) As used in this subsection, "bait" means a substance placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting black bears to an area where one or more persons hunt or intend to hunt them.

(2) Notwithstanding RCW 77.12.240 or any other provisions of law, it is unlawful to hunt or pursue black bear, cougar, bobcat, or lynx with the aid of a dog or dogs.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear, cougar, bobcat, or lynx with the aid of a dog or dogs by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety. A dog or dogs may be used by the owner or tenant of real property consistent with a permit issued and conditioned by the director (~~under RCW 77.12.265~~).

(b) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the pursuit of black bear, cougar, bobcat, or lynx for scientific purposes.

(3) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor. In addition to appropriate criminal penalties, the director shall revoke the hunting license of a person who violates subsection (1) or (2) of this section and a hunting license shall not be issued for a period of five years following the revocation. Following a subsequent violation of subsection (1) or (2) of this section by the same person, a hunting license shall not be issued to the person at any time.

**Sec. 256.** RCW 77.17.020 and 1994 c 264 s 56 are each amended to read as follows:

For purposes of Article VII of RCW 77.17.010 (as recodified by this act), the term "licensing authority," with reference to this state, means the department. The director is authorized to appoint a compact administrator.

**Sec. 257.** RCW 77.18.010 and 1993 sp.s. c 2 s 76 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) (~~"Department" means the department of fish and wildlife.~~

~~(2))~~ "Contract" means an agreement setting at a minimum, price, quantity of fish to be delivered, time of delivery, and fish health requirements.

~~((3))~~ ~~(2)~~ "Fish health requirements" means those site specific fish health and genetic requirements actually used by the department of fish and wildlife in fish stocking.

~~((4))~~ ~~(3)~~ "Aquatic farmer" means a private sector person who commercially farms and manages private sector cultured aquatic products on the person's own land or on land in which the person has a present right of possession.

~~((5) "Person" means a natural person, corporation, trust, or other legal entity.)~~

~~(4)~~ "Warm water game fish" includes the following species: Bass, channel catfish, walleye, crappie, and other species as defined by the department.

**Sec. 258.** RCW 77.21.090 and 1993 c 82 s 5 are each amended to read as follows:

(1) Upon receipt of a report of failure to comply with the terms of a citation from the licensing authority of a state that is a party to the wildlife violator compact under RCW 77.17.010 (as recodified by this act), the department shall suspend the violator's license privileges under this title until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the department. The department shall adopt by rule procedures for the timely notification and administrative review of such suspension of licensing privileges.

(2) Upon receipt of a report of a conviction from the licensing authority of a state that is a party to the wildlife violator compact under RCW 77.17.010 (as recodified by this act), the department shall enter such conviction in its records and shall treat such conviction as if it occurred in the state of Washington for the purposes of suspension, revocation, or forfeiture of license privileges.

**Sec. 259.** RCW 77.32.014 and 1998 c 191 s 8 are each amended to read as follows:

(1) Licenses, tags, and stamps issued pursuant to this chapter shall be invalid for any period in which a person is certified by the department of social and health services or a court of competent jurisdiction as a person in noncompliance with a support order. Fish and wildlife officers and ex officio fish and wildlife officers shall enforce this section through checks of the department of licensing's computer data base. A listing on the department of licensing's data base that an individual's license is currently suspended pursuant to RCW 46.20.291(~~((7))~~) ~~(8)~~ shall be prima facie evidence that the individual is in noncompliance with a support order. Presentation of a written release issued by the department of social and health services stating that the person is in compliance with an order shall serve as prima facie proof of compliance with a support order.

(2) It is unlawful to purchase, obtain, or possess a license required by this chapter during any period in which a license is suspended.

**Sec. 260.** RCW 77.32.199 and 1987 c 372 s 4 are each amended to read as follows:

The ~~(commission)~~ director may revoke the trapper's license of a person placing unauthorized traps on private property and may remove those traps.

**Sec. 261.** RCW 77.32.350 and 1998 c 191 s 25 are each amended to read as follows:

In addition to a small game hunting license, a supplemental permit or stamp is required to hunt for western Washington pheasant or migratory birds.

(1) A western Washington pheasant permit is required to hunt for pheasant in western Washington. Western Washington pheasant permits must contain numbered spaces for recording the location and date of harvest of each western Washington pheasant. ~~((It is unlawful to harvest a western Washington pheasant without immediately recording this information on the permit.))~~

(2) The permit shall be available as a season option, a youth full season option, or a three-day option. The fee for this permit is:

- (a) For the resident and nonresident full season option, thirty-six dollars;
- (b) For the youth full season option, eighteen dollars;
- (c) For the three-day option, twenty dollars.

(3) A migratory bird stamp affixed to a hunting license designated by rule of the commission is required for all persons sixteen years of age or older to hunt migratory birds. The fee for the stamp for hunters is six dollars for residents and nonresidents. The fee for the stamp for collectors is six dollars.

(4) The migratory bird stamp shall be validated by the signature of the licensee written across the face of the stamp.

**Sec. 262.** RCW 77.32.380 and 1998 c 87 s 1 are each amended to read as follows:

(1) Persons who enter upon or use clearly identified department improved access facilities with a motor vehicle may be required to display a current annual fish and wildlife lands vehicle use permit on the motor vehicle while within or while using an improved access facility. An "improved access facility" is a clearly identified area specifically created for motor vehicle parking, and includes any boat launch or boat ramp associated with the parking area, but does not include the department parking facilities at the Gorge Concert Center near George, Washington. The vehicle use permit is issued in the form of a decal. One decal shall be issued at no charge with each annual saltwater, freshwater, combination, small game hunting, big game hunting, and trapping license issued by the department. The annual fee for a fish and wildlife lands vehicle use permit, if purchased separately, is ten dollars. A person to whom the department has issued a decal or who has purchased a vehicle use permit separately may purchase a decal from the department for each additional vehicle owned by the person at a cost of five dollars per decal upon a showing of proof to the department that the person owns the additional vehicle or vehicles. Revenue derived from the sale of fish and wildlife lands vehicle use permits shall be used solely for the stewardship and maintenance of department improved access facilities. ~~((Revenue derived from the sale of fish and wildlife lands vehicle use permits shall be used solely for the stewardship and maintenance of department improved access facilities.))~~

Youth groups may use department improved access facilities without possessing a vehicle use permit when accompanied by a vehicle use permit holder.

The department may accept contributions into the state wildlife fund for the sound stewardship of fish and wildlife. Contributors shall be known as "conservation patrons" and, for contributions of twenty dollars or more, shall receive a fish and wildlife lands vehicle use permit free of charge.

(2) The decal must be affixed in a permanent manner to the motor vehicle before entering upon or using the motor vehicle on a department improved access facility, and must be displayed on the rear window of the motor vehicle, or, if the motor vehicle does not have a rear window, on the rear of the motor vehicle.

(3) Failure to display the fish and wildlife lands vehicle use permit if required by this section is an infraction under chapter 7.84 RCW, and department employees are authorized to issue a notice of infraction to the registered owner of any motor vehicle entering upon or using a department improved access facility without such a decal. The penalty for failure to display or improper display of the decal is sixty-six dollars.

**Sec. 263.** RCW 77.32.420 and 1998 c 191 s 4 are each amended to read as follows:

~~((1))~~ Recreational licenses are not transferable. Upon request of a fish and wildlife officer, ex officio fish and wildlife officer, or authorized fish and wildlife employee, a person digging for, fishing for, or possessing shellfish, or seaweed or fishing for or possessing food fish or game fish for personal use shall exhibit the required recreational license and write his or her signature for comparison with the signature on the license. Failure to comply with the request is prima facie evidence that the person does not have a license or is not the person named on the license.

~~((2) The personal use shellfish and seaweed license shall be visible on the licensee while harvesting shellfish or seaweed.))~~

#### **Repealed Sections**

**NEW SECTION. Sec. 264.** The following acts or parts of acts are each repealed:

- (1) RCW 77.08.070 ("Raffle" defined) and 1996 c 101 s 4;

- (2) RCW 77.16.210 (Fishways to be provided and maintained) and 1980 c 78 s 88 & 1955 c 36 s 77.16.210;
- (3) RCW 77.16.220 (Diversion of water--Screen, bypass required) and 1998 c 190 s 122, 1980 c 78 s 89, & 1955 c 36 s 77.16.220;
- (4) RCW 77.16.290 (Law enforcement officers, exemption) and 1994 sp.s. c 7 s 444, 1980 c 78 s 95, & 1955 c 36 s 77.16.290;
- (5) RCW 77.16.340 (Obstructing the taking of fish or wildlife--Penalty--Defenses) and 1988 c 265 s 1;
- (6) RCW 77.16.350 (Obstructing the taking of fish or wildlife--Civil action) and 1988 c 265 s 2;
- (7) RCW 77.21.020 (Revocation of hunting license for big game violation--Subsequent issuance--Appeal) and 1998 c 191 s 35, 1987 c 506 s 70, 1980 c 78 s 124, & 1975 1st ex.s. c 6 s 1;
- (8) RCW 77.21.030 (Revocation for shooting person or livestock--Subsequent issuance) and 1998 c 191 s 36, 1987 c 506 s 71, 1980 c 78 s 123, & 1955 c 36 s 77.32.280;
- (9) RCW 77.21.070 (Illegal killing or possession of wildlife--Restitution to state--Amounts--Bail--License revoked) and 1997 c 226 s 2, 1989 c 11 s 28, 1987 c 506 s 74, 1986 c 318 s 1, 1984 c 258 s 336, & 1983 1st ex.s. c 8 s 3;
- (10) RCW 77.32.005 (Definitions) and 1998 c 191 s 6, 1989 c 305 s 17, 1980 c 78 s 102, 1961 c 94 s 1, & 1957 c 176 s 14;
- (11) RCW 77.32.060 (Licenses, permits, tags, stamps, and raffle tickets--Amount of fees to be retained by license dealers) and 1998 c 245 s 160, 1996 c 101 s 9, 1995 c 116 s 2, 1987 c 506 s 78, 1985 c 464 s 1, 1981 c 310 s 17, 1980 c 78 s 107, 1979 ex.s. c 3 s 3, 1970 ex.s. c 29 s 2, 1957 c 176 s 2, & 1955 c 36 s 77.32.060; and
- (12) RCW 77.44.020 (Species included in term "warm water game fish") and 1996 c 222 s 2.

#### Recodified Sections

**NEW SECTION. Sec. 265.** RCW 77.04.100, 77.16.020, 77.16.095, and 77.21.080 are each recodified as sections in chapter 77.12 RCW.

**NEW SECTION. Sec. 266.** RCW 77.12.080, 77.12.090, 77.12.095, 77.12.101, 77.12.103, 77.16.070, 77.16.360, and 77.21.090 are each recodified as sections in chapter 77.15 RCW.

**NEW SECTION. Sec. 267.** RCW 77.12.530, 77.12.770, 77.12.780, 77.16.010, and 77.16.170 are each recodified as sections in chapter 77.32 RCW.

**NEW SECTION. Sec. 268.** RCW 77.18.005, 77.18.010, 77.18.020, and 77.18.030 are recodified as sections in chapter 77.44 RCW."

#### MOTION

On motion of Senator Stevens, the following amendment by Senators Stevens, Jacobsen, McDonald, Morton, Roach, Hargrove, Rossi, Zarelli, Sheahan and Sellar to the Committee on State and Local Government striking amendment was adopted:

On page 85, line 19, strike all of Sec. 214 and insert the following:

"Fish and wildlife officers and ex officio fish and wildlife officers may make a reasonable search without warrant of a vessel, container, or conveyances, vehicles, packages, (~~game baskets, game coats,~~) or other receptacles for fish and wildlife (~~or tents, camps, or similar places~~) which they have reason to believe contain evidence of a violation of law or rules adopted pursuant to this title (~~or Title 75 RCW~~) and seize evidence as needed for law enforcement. This authority does not extend to

quarters in a boat, building, or other property used exclusively as a private domicile, does not extend to transitory residences in which a person has a reasonable expectation of privacy, and does not allow search and seizure without a warrant if the thing or place is protected from search without warrant within the meaning of Article I, section 7 of the state Constitution. Seizure of property as evidence of a crime does not preclude seizure of the property (~~if authorized~~) for forfeiture as authorized by law."

The President declared the question before the Senate to be the adoption of the Committee on Natural Resources, Parks and Recreation striking amendment, as amended, to Substitute House Bill No. 2078.

The motion by Senator Jacobsen carried and the committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 1 of the title, after "wildlife;" strike the remainder of the title and insert "amending RCW 75.08.012, 75.08.020, 75.08.045, 75.08.055, 75.08.080, 75.08.206, 75.08.208, 75.08.230, 75.08.245, 75.10.150, 75.12.230, 75.20.061, 75.20.098, 75.20.100, 75.20.1001, 75.20.104, 75.20.1041, 75.20.106, 75.20.130, 75.20.320, 75.24.060, 75.24.065, 75.24.070, 75.24.100, 75.24.130, 75.25.092, 75.28.011, 75.28.020, 75.28.034, 75.28.042, 75.28.046, 75.28.047, 75.28.048, 75.28.055, 75.28.095, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.132, 75.28.133, 75.28.280, 75.28.290, 75.28.300, 75.28.323, 75.28.340, 75.28.730, 75.28.740, 75.28.760, 75.28.770, 75.28.780, 75.30.021, 75.30.050, 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120, 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.210, 75.30.220, 75.30.250, 75.30.270, 75.30.280, 75.30.290, 75.30.300, 75.30.320, 75.30.330, 75.30.350, 75.30.370, 75.30.380, 75.30.390, 75.30.420, 75.30.440, 75.30.460, 75.30.470, 75.40.020, 75.40.110, 75.44.100, 75.44.120, 75.44.130, 75.44.150, 75.46.010, 75.46.040, 75.46.050, 75.46.070, 75.46.080, 75.46.090, 75.46.110, 75.46.120, 75.46.130, 75.48.100, 75.50.080, 75.50.105, 75.50.115, 75.50.160, 75.52.020, 75.52.050, 75.52.070, 75.52.100, 75.52.110, 75.52.130, 75.52.140, 75.52.160, 75.54.140, 75.54.150, 75.56.050, 75.58.010, 75.58.020, 75.58.030, 77.04.010, 77.04.020, 77.04.030, 77.04.055, 77.04.080, 77.04.100, 77.08.010, 77.12.010, 77.12.035, 77.12.055, 77.12.080, 77.12.090, 77.12.103, 77.12.200, 77.12.204, 77.12.210, 77.12.220, 77.12.250, 77.12.315, 77.12.470, 77.12.480, 77.12.490, 77.12.610, 77.12.620, 77.12.630, 77.12.830, 77.15.070, 77.15.080, 77.15.090, 77.15.100, 77.15.120, 77.15.160, 77.15.300, 77.15.310, 77.15.320, 77.15.350, 77.15.360, 77.15.380, 77.15.390, 77.15.470, 77.15.480, 77.15.500, 77.15.530, 77.15.540, 77.15.570, 77.15.580, 77.15.620, 77.15.630, 77.15.640, 77.15.650, 77.16.020, 77.16.360, 77.17.020, 77.18.010, 77.21.090, 77.32.014, 77.32.199, 77.32.350, 77.32.380, and 77.32.420; reenacting and amending RCW 75.50.100 and 75.50.110; adding new sections to chapter 77.04 RCW; adding new sections to chapter 77.08 RCW; adding new sections to chapter 77.12 RCW; adding new sections to chapter 77.15 RCW; adding new sections to chapter 77.32 RCW; adding new sections to chapter 77.44 RCW; adding new chapters to Title 77 RCW; recodifying RCW 75.08.012, 75.08.013, 75.08.020, 75.08.090, 75.08.110, 75.08.025, 75.08.040, 75.08.045, 75.08.055, 75.08.058, 75.08.065, 75.08.070, 75.08.080, 75.08.120, 75.08.160, 75.08.206, 75.08.208, 75.08.230, 75.08.235, 75.08.255, 75.08.265, 75.08.285, 75.08.295, 75.08.300, 75.12.010, 75.12.015, 75.12.040, 75.12.132, 75.12.140, 75.12.155, 75.12.210, 75.12.230, 75.12.390, 75.12.440, 75.12.650, 75.20.005, 75.20.015, 75.20.025, 75.20.040, 75.20.050, 75.20.060, 75.20.061, 75.20.090, 75.20.098, 75.20.100, 75.20.1001, 75.20.103, 75.20.104, 75.20.1041, 75.20.106, 75.20.108, 75.20.110, 75.20.130, 75.20.140, 75.20.150, 75.20.160, 75.20.170, 75.20.180, 75.20.190, 75.20.310, 75.20.320, 75.20.325, 75.20.330, 75.20.340, 75.20.350, 77.12.830, 75.24.010, 75.24.030, 75.24.060, 75.24.065, 75.24.070, 75.24.080, 75.24.100, 75.24.110, 75.24.120, 75.24.130, 75.24.140, 75.24.150, 75.28.010, 75.28.011, 75.28.014, 75.28.020, 75.28.030, 75.28.034, 75.28.040, 75.28.042, 75.28.044, 75.28.045, 75.28.046, 75.28.047, 75.28.048, 75.28.055, 75.28.095, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.132, 75.28.133, 75.28.280, 75.28.290, 75.28.295, 75.28.300, 75.28.302, 75.28.305, 75.28.315, 75.28.323, 75.28.328, 75.28.340, 75.28.690, 75.28.700, 75.28.710, 75.28.720, 75.28.730, 75.28.740, 75.28.750, 75.28.760, 75.28.770, 75.28.780, 75.28.900, 77.32.191, 77.32.197, 77.32.199, 77.32.211, 75.30.015, 75.30.021, 75.30.050, 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120, 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.210, 75.30.220, 75.30.230, 75.30.240, 75.30.250, 75.30.260, 75.30.270, 75.30.280, 75.30.290, 75.30.300, 75.30.310, 75.30.320, 75.30.330, 75.30.350, 75.30.360, 75.30.370, 75.30.380, 75.30.390, 75.30.410, 75.30.420, 75.30.430, 75.30.440, 75.30.450, 75.30.460, 75.30.470, 75.30.480, 75.40.010, 75.40.020, 75.40.030, 75.40.040, 75.40.100, 75.40.110, 77.17.010, 77.17.020, 77.17.030, 77.12.450, 77.12.470, 77.12.480, 77.12.490, 75.40.060, 77.12.430, 77.12.440, 75.44.100, 75.44.110, 75.44.120, 75.44.130, 75.44.140, 75.44.150, 75.46.005, 75.46.010, 75.46.020, 75.46.030, 75.46.040, 75.46.050, 75.46.060, 75.46.070, 75.46.080, 75.46.090, 75.46.100, 75.46.110, 75.46.120, 75.46.130, 75.56.050, 75.46.900, 75.48.020, 75.48.040, 75.48.050, 75.48.060, 75.48.070, 75.48.080, 75.48.100, 75.48.110, 75.50.010, 75.50.020, 75.50.030, 75.50.040, 75.50.060, 75.50.070, 75.50.080, 75.50.090, 75.50.100, 75.50.105, 75.50.110, 75.50.115, 75.50.125, 75.50.130, 75.50.150, 75.50.160, 75.50.165, 75.50.170, 75.50.180, 75.50.190, 75.08.245, 75.08.400, 75.08.410, 75.08.420, 75.08.430, 75.08.440, 75.08.450, 75.08.500, 75.08.510, 75.08.520, 75.08.530, 75.50.900, 75.52.010, 75.52.020, 75.52.030, 75.52.035, 75.52.040, 75.52.050, 75.52.060, 75.52.070, 75.08.047, 75.52.080, 75.52.100, 75.52.110, 75.52.120, 75.52.130, 75.52.140, 75.52.150, 75.52.160, 75.52.900, 75.54.005, 75.54.010, 75.54.020, 75.54.030, 75.54.040, 75.54.050, 75.54.060, 75.54.070, 75.54.080, 75.54.090, 75.54.100, 75.54.110, 75.54.120, 75.54.130, 75.54.140, 75.54.150, 75.54.900, 75.54.901, 75.56.010, 75.56.020, 75.56.030, 75.56.040, 75.56.900, 75.56.905, 75.58.010, 75.58.020, 75.58.030, 75.58.040, 75.25.092, 75.10.150, 77.04.100, 77.16.020, 77.16.095, 77.21.080, 77.12.080, 77.12.090, 77.12.095, 77.12.101, 77.12.103, 77.16.070, 77.16.360, 77.21.090, 77.12.530, 77.12.770, 77.12.780, 77.16.010, 77.16.170, 77.18.005, 77.18.010, 77.18.020, and 77.18.030; decodifying RCW 75.25.901, 75.25.902, 75.30.055, 75.98.005, 75.98.006, 75.98.007, and 75.98.030; and repealing RCW 75.08.010, 75.08.011, 75.08.014, 75.08.035, 75.08.274, 75.10.070, 75.10.160, 75.25.090, 75.25.160, 75.25.210, 75.28.012, 75.28.335, 75.30.160, 77.08.070, 77.16.210, 77.16.220, 77.16.290, 77.16.340, 77.16.350, 77.21.020, 77.21.030, 77.21.070, 77.32.005, 77.32.060, and 77.44.020."

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 2078, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Heavey, Senator Wojahn was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2078, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2078, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 47.

Excused: Senators Wojahn and Zarelli - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2078, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2015, by Representatives Radcliff, Wolfe, Lambert, Romero, DeBolt, Morris, Constantine, Ruderman, D. Schmidt, Crouse, Carrell, Poulsen, Miloscia and Rockefeller (by request of Department of General Administration and Department of Information Services)

Restricting liability for year 2000 date-change damages.

The bill was read the second time.

#### MOTION

Senator Heavey moved that the following amendment by Senators Heavey, McDonald, B. Sheldon, Johnson, Zarelli, Goings, Hochstatter, Jacobsen, Sheahan, Rossi and T. Sheldon be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 4.22 RCW to read as follows:

(1) The definitions in this section apply throughout this section.

(a) "Agency" means any state or local government board, commission, bureau, committee, department, institution, division, or tribunal in the legislative, executive, or judicial branch, including elective and legislative offices, institutions of higher education created and supported by state government, counties, cities, towns, special purpose districts, local service districts, municipal corporations, quasi-municipal corporations, and political subdivisions of such agencies and corporations, and any officer, employee, or agent of these entities acting within the scope of the officer, employee, or agent's employment or duties. "Agency" does not include municipal electric or gas utilities formed under Title 35 RCW or electric public utility districts formed under Title 54 RCW.

(b) "Electric cooperative utility" means any nonprofit, member-owned cooperative organized under chapter 23.86 RCW and engaged in the business of distributing electric energy in the state.

(c) "Electric mutual utility" means any nonprofit, member-owned corporation or association organized under chapter 24.06 RCW and engaged in the business of distributing electric energy in the state.

(d) "Electronic computing device" means any computer hardware or software, computer chip, embedded chip, process control equipment, or other information system used to capture, store, manipulate, or process data, or that controls, monitors, or assists in the operation of physical apparatus that is not primarily used as a computer, but that relies on automation or digital technology to function, including but not limited to vehicles, vessels, buildings, structures, facilities, elevators, medical equipment, traffic signals, factory machinery, and the like.

(e) "Public service provider" means any municipal electric or gas utility formed under Title 35 RCW, electric public utility district formed under Title 54 RCW, electrical company, as defined in RCW 80.04.010, gas company, as defined in RCW 80.04.010, electric cooperative utility, and electric mutual utility.

(f) "Year 2000 failure" means with respect to an electronic computing device, a computing failure that prevents such electronic computing device from accurately interpreting, producing, computing, generating, accounting for, processing, calculating, comparing, or sequencing date or time data from, into, or between the years 1999 and 2000, or with regard to leap year calculations.

(2) In any action against an agency or public service provider, whether based in tort, contract, or otherwise, for damages caused in whole or in part by computational or interpretive errors generated by an electronic computing device in connection with a year 2000 failure:

(a) Any liability shall be several, not joint, and the liability shall be determined as a percentage of fault in a manner consistent with RCW 4.22.070; and

(b) The entities shall have no liability for the first one hundred dollars of damages per claimant that would otherwise be owed by the entity.

(3) This section shall not apply to any action for damages arising from bodily personal injury, or to wrongful death and survival actions under chapter 4.20 RCW or RCW 4.24.010.

(4) This section does not apply to any claim or cause of action filed after December 31, 2003.

(5) This section expires December 31, 2009."

## MOTION

Senator Swecker moved that the following amendments by Senators Swecker, Hargrove and Heavey to the striking amendment by Senators Heavey, McDonald, B. Sheldon, Johnson, Zarelli, Goings, Hochstatter, Jacobsen, Sheahan, Rossi and T. Sheldon be considered simultaneously and be adopted:

On page 1, line 9 of the amendment, after "throughout this section" insert "and sections 2 through 5 of this act"

On page 2, after line 27 of the amendment, insert the following:

**"NEW SECTION. Sec. 2.** A new section is added to chapter 4.24 RCW to read as follows:

(1) A person has an affirmative defense to any claim or action, based on a contract, brought against the person if he or she establishes that:

(a) The default, failure to pay, breach, omission, or other violation that is the basis of the claim against him or her was caused, in whole or in part, by a year 2000 failure associated with an electronic computing device;

(b) The year 2000 failure being asserted was not proximately caused by a failure of the person to update an electronic computing device, that is under his or her dominion or control, to be year 2000 compliant; and

(c) If it were not for the year 2000 failure, the person would have been able to satisfy the contractual obligation that was the basis of the claim.

(2) If an affirmative defense as set forth in subsection (1) of this section is established, then the person or entity making the claim may not reassert the claim against which the affirmative defense was asserted for a period of thirty days from the date on which the court dismissed the case as a result of the affirmative defense. Any statute of limitations applicable to the claim shall be tolled for forty-five days upon the dismissal of the case under this section.

(3) The dismissal of an action as the result of the affirmative defense under this section does not impair, extinguish, discharge, satisfy, or otherwise affect the underlying obligation that is the basis of the claim against which the affirmative defense was asserted. However, the ability of a party to bring the claim based upon the obligation is delayed as set forth in subsection (2) of this section.

(4) A person who has established an affirmative defense as set forth in subsection (1) of this section may dispute directly with a credit reporting agency operating in this state any item of information in the person's consumer file relating to the subject of the affirmative defense. The dispute shall be filed in accordance with RCW 19.182.090(6). If requested by the person under this subsection (4), the credit reporting agency shall furnish a statement, made in accordance with RCW 19.182.090(7), to the person and include the statement in the person's consumer file. The credit reporting agency may not charge the person a fee for the inclusion of this statement in the person's consumer file.

(5)(a) The definitions in section 1 of this act apply to this section unless the context clearly requires otherwise.

(b) As used in this section, unless the context clearly requires otherwise, "person" means a natural person or a small business as defined in RCW 19.85.020.

(6) This section does not affect those transactions upon which a default has occurred before any disruption of financial or data transfer operations attributable to a year 2000 failure.

(7) This section does not apply to or affect any contract that specifically provides for a year 2000 failure.

(8) This section does not apply to any claim or cause of action filed after December 31, 2003.

(9) This section expires December 31, 2006.

**NEW SECTION. Sec. 3.** A new section is added to chapter 48.18 RCW to read as follows:

(1) An insurer shall reinstate back to the effective date of cancellation, with no penalties or interest, any personal lines insurance policy, subject to this chapter, that was canceled for nonpayment of premium, if the named insured:

(a) Provides notice to the insurer, no later than ten days after the effective date of cancellation, that the failure to pay the premium due for the insurance policy is caused by a year 2000 failure associated with an electronic computing device that is not under the named insured's dominion or control;

(b) Establishes that a year 2000 failure occurred and that if it were not for the year 2000 failure, the named insured would have been able to pay the premium due in a timely manner;

(c) Makes a premium payment to bring the insurance policy current as soon as possible, but no later than ten days after the year 2000 failure has been corrected or reasonably should have been corrected.

(2) If the named insured fails to pay the premium due within ten days after the year 2000 failure has been corrected or reasonably should have been corrected, the insurer's previous notice of cancellation for nonpayment of premium remains effective.

(3)(a) The definitions in section 1 of this act apply to this section unless the context clearly requires otherwise.

(b) As used in this section, unless the context clearly requires otherwise, "named insurer" means a natural person or a small business as defined in RCW 19.85.020.

(4) This section does not effect the cancellation of any insurance policy that is unrelated to a year 2000 failure, or occurs before any disruption of financial or data transfer operations attributable to the year 2000 failure.

(5) This section does not apply to any claim or cause of action filed after December 31, 2003.

(6) This section expires December 31, 2006.

**NEW SECTION. Sec. 4.** A new section is added to chapter 51.04 RCW to read as follows:

(1) No interest or penalties shall be imposed on any employer because of the failure to pay any premium required by this title to be made to the state treasury for the accident fund, the medical aid fund, the supplemental pension fund, or any other fund created under this title if the employer establishes that:

(a) The failure to pay was caused, in whole or in part, by a year 2000 failure associated with an electronic computing device;

(b) The year 2000 failure being asserted was not proximately caused by a failure of the employer to update an electronic computing device, that is under his or her dominion or control, to be year 2000 compliant; and

(c) If it were not for the year 2000 failure, the employer would have been able to satisfy the payment of premiums in a timely manner.

Payment of such premiums shall be made within thirty days after the year 2000 failure has been corrected or reasonably should have been corrected.

(2)(a) The definitions in section 1 of this act apply to this section unless the context clearly requires otherwise.

(b) As used in this section, unless the context clearly requires otherwise, "employer" means a natural person or a small business as defined in RCW 19.85.020.

(3) This section does not affect those transactions upon which a default has occurred before any disruption of financial or data transfer operations attributable to a year 2000 failure.

(4) This section does not apply to any claim or cause of action filed after December 31, 2003.

(5) This section expires December 31, 2006.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.32 RCW to read as follows:

(1) Notwithstanding any other provision in this chapter, no interest or penalties may be imposed on any person because of the failure to pay excise taxes on or before the date due for payment if the person establishes that:

(a) The failure to pay was caused, in whole or in part, by a year 2000 failure associated with an electronic computing device;

(b) The year 2000 failure being asserted was not proximately caused by a failure of the person to update an electronic computing device, that is under his or her dominion or control, to be year 2000 compliant; and

(c) If it were not for the year 2000 failure, the person would have been able to satisfy the payment of taxes in a timely manner.

Payment of such taxes shall be made within thirty days after the year 2000 failure has been corrected or reasonably should have been corrected.

(2)(a) The definitions in section 1 of this act apply to this section unless the context clearly requires otherwise.

(b) As used in this section, unless the context clearly requires otherwise, "person" means a natural person or a small business as defined in RCW 19.85.020.

(3) This section does not affect those transactions upon which a default has occurred before any disruption of financial or data transfer operations attributable to a year 2000 failure.

(4) This section does not apply to any claim or cause of action filed after December 31, 2003.

(5) This section expires December 31, 2006.

**NEW SECTION. Sec. 6.** A new section is added to chapter 84.56 RCW to read as follows:

(1) Notwithstanding any other provision in this chapter, no interest or penalties may be imposed on any person because of the failure to pay real or personal property taxes on or before the date due for payment if the person establishes that:

(a) The failure to pay was caused, in whole or in part, by a year 2000 failure associated with an electronic computing device;

(b) The year 2000 failure being asserted was not proximately caused by a failure of the person to update an electronic computing device, that is under his or her dominion or control, to be year 2000 compliant; and

(c) If it were not for the year 2000 failure, the person would have been able to satisfy the payment of taxes in a timely manner.

Payment of such taxes shall be made within thirty days after the year 2000 failure has been corrected or reasonably should have been corrected.

(2)(a) The definitions in section 1 of this act apply to this section unless the context clearly requires otherwise.

(b) As used in this section, unless the context clearly requires otherwise, "person" means a natural person or a small business as defined in RCW 19.85.020.

(3) This section does not affect those transactions upon which a default has occurred before any disruption of financial or data transfer operations attributable to a year 2000 failure.

(4) This section does not apply to any claim or cause of action filed after December 31, 2003.

(5) This section expires December 31, 2006.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Swecker, Hargrove and Heavey on page 1, line 9, and page 2, after line 27, to the striking amendment by Senators Heavey, McDonald, B. Sheldon, Johnson, Zarelli, Goings, Hochstatter, Jacobsen, Sheahan, Rossi and T. Sheldon to Engrossed House Bill No. 2015.

The motion by Senator Swecker carried and the amendments to the striking amendment were adopted.

## MOTION

Senator Heavey moved that the following amendments by Senators Heavey, Kline and Johnson to the striking amendment by Senators Heavey, McDonald, B. Sheldon, Johnson, Zarelli, Goings, Hochstatter, Jacobsen, Sheahan, Rossi and T. Sheldon be adopted:

On page 2, line 19 of the amendment, after "(b)" strike "The entities" and insert "Agencies as defined in this section"

On page 2, at the beginning of line 21 of the amendment, strike "entity" and insert "agency"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Heavey, Kline and Johnson on page 2, lines 19, and 21 to the striking amendment by Senators Heavey, McDonald, B. Sheldon, Johnson, Zarelli, Goings, Hochstatter, Jacobsen, Sheahan, Rossi and T. Sheldon to Engrossed House Bill No. 2015.

The motion by Senator Heavey carried and the amendments to the striking amendment were adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Heavey, McDonald, B. Sheldon, Johnson, Zarelli, Goings, Hochstatter, Jacobsen, Sheahan, Rossi and T. Sheldon, as amended to Engrossed House Bill No. 2015.

The motion by Senator Heavey carried and the striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Heavey, the following title amendments were considered simultaneously and were adopted:

On page 1, line 3 of the title, after "devices;" strike the remainder of the title and insert "adding a new section to chapter 4.22 RCW; and providing an expiration date."

On page 2, line 33 of the title amendment, after "RCW;" strike the remainder of the title amendment and insert "adding a new section to chapter 4.24 RCW; adding a new section to chapter 48.18 RCW; adding a new section to chapter 51.04 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 84.56 RCW; providing expiration dates; and declaring an emergency."

On motion of Senator Heavey, the rules were suspended, Engrossed House Bill No. 2015, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Sellar: "Senator Heavey, could you clarify in the amendment--I think we talked about utilities not being covered. Now, you are talking with support of the bill that utilities are covered. Could you clear that up for me? Did the amendment limit that just to state agencies and take out the protection for utilities?"

Senator Heavey: "Thank you, Senator Sellar. What was being taken out with the amendment, was the aspect of the first--under the bill the first one hundred dollars in damages--you are totally exempt from it if you are a government agency--and the utilities. What the amendment does; it says that the utilities are still responsible for the first one hundred dollars. Utilities still enjoy the overall several immunity or several liability provisions of the underlying bill and utilities, all utilities, are in the several liability portion of the bill."

Senator Sellar: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2015, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2015, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Wojahn - 44.

Voting nay: Senators Costa, Honeyford, Kohl-Welles and Thibaudeau - 4.

Excused: Senator Zarelli - 1.

ENGROSSED HOUSE BILL NO. 2015, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1703, by Representatives Cooper, Ericksen, Mitchell and Fisher

Revising law governing the disposition of surplus real property.

The bill was read the second time.

## MOTION

On motion of Senator Goings, the rules were suspended, House Bill No. 1703 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1703.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1703 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 33.

Voting nay: Senators Benton, Heavey, Honeyford, Johnson, McCaslin, McDonald, Morton, Roach, Rossi, Sellar, Sheahan, Stevens and Swecker - 13.

Absent: Senators Deccio and Finkbeiner - 2.

Excused: Senator Zarelli - 1.

HOUSE BILL NO. 1703, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Johnson, Senator Deccio was excused.

## SECOND READING

HOUSE JOINT MEMORIAL NO. 4015, by Representatives Lisk, Kenney, Radcliff, McDonald, Wolfe, Haigh, Ogden, Kessler, Santos, Conway, Linville and Lantz

Requesting federal scrutiny of immigration law and Immigration and Naturalization Service policies.

The joint memorial was read the second time.

## MOTION

On motion of Senator Snyder, the rules were suspended, House Joint Memorial No. 4015 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4015.

## ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4015 and the joint memorial passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Wojahn - 45.

Absent: Senators Finkbeiner and Thibaudeau - 2.

Excused: Senators Deccio and Zarelli - 2.

HOUSE JOINT MEMORIAL NO. 4015, having received the constitutional majority, was declared passed.

MOTION

At 11:19 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:00 p.m. by President Owen.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Shin, Gubernatorial Appointment No. 9161, Sarah Phillips, as a member of the Board of Trustees for Shoreline Community College District No. 7, was confirmed.

APPOINTMENT OF SARAH PHILLIPS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 33; Nays, 0; Absent, 15; Excused, 1.

Voting yea: Senators Bauer, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kohl-Welles, Loveland, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Wojahn - 33.

Absent: Senators Benton, Brown, Fairley, Finkbeiner, Horn, Kline, Long, McAuliffe, McCaslin, McDonald, Rossi, Sellar, Sheldon, T., West and Winsley - 15.

Excused: Senator Zarelli - 1.

MOTION

On motion of Senator Honeyford, Senators Finkbeiner, Horn and Winsley were excused.

MOTION

On motion of Senator Franklin, Senators Brown, Fairley, Patterson and Snyder were excused.

SECOND READING

HOUSE BILL NO. 1142, by Representatives Constantine and McDonald (by request of Statute Law Committee)

Making technical corrections to various criminal laws.

The bill was read the second time.

MOTION

On motion of Senator Heavey, the rules were suspended, House Bill No. 1142 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1142.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1142 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 3; Excused, 8.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau and Wojahn - 38. Absent: Senators Johnson, Kline and West - 3. Excused: Senators Brown, Fairley, Finkbeiner, Horn, Patterson, Snyder, Winsley and Zarelli - 8. HOUSE BILL NO. 1142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Rossi, Senator Honeyford was excused.

#### SECOND READING

HOUSE BILL NO. 1872, by Representatives Hurst, Lambert, Lovick, O'Brien and Carrell

Granting state-wide warrant jurisdiction to courts of limited jurisdiction.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the following Committee on Judiciary striking amendment was not adopted:  
Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 3.66.010 and 1984 c 258 s 40 are each amended to read as follows:

(1) The justices of the peace elected in accordance with chapters 3.30 through 3.74 RCW are authorized to hold court as judges of the district court for the trial of all actions enumerated in chapters 3.30 through 3.74 RCW or assigned to the district court by law; to hear, try, and determine the same according to the law, and for that purpose where no special provision is otherwise made by law, such court shall be vested with all the necessary powers which are possessed by courts of record in this state; and all laws of a general nature shall apply to such district court as far as the same may be applicable and not inconsistent with the provisions of chapters 3.30 through 3.74 RCW. The district court shall, upon the demand of either party, impanel a jury to try any civil or criminal case in accordance with the provisions of chapter 12.12 RCW. No jury trial may be held in a proceeding involving a traffic infraction.

(2) The district court shall have state-wide jurisdiction to take recognizance, approve bail, and arraign defendants held within the jurisdiction on warrants issued by any judicial officer of a court of limited jurisdiction within the state.

**Sec. 2.** RCW 3.66.060 and 1984 c 258 s 44 are each amended to read as follows:

The district court shall have jurisdiction: (1) Concurrent with the superior court of all misdemeanors and gross misdemeanors committed in their respective counties and of all violations of city ordinances. It shall in no event impose a greater punishment than a fine of five thousand dollars, or imprisonment for one year in the county or city jail as the case may be, or both such fine and imprisonment, unless otherwise expressly provided by statute. It may suspend and revoke vehicle operators' licenses in the cases provided by law; (2) to sit as a committing magistrate and conduct preliminary hearings in cases provided by law; (3) concurrent with the superior court of a proceeding to keep the peace in their respective counties; (4) concurrent with the superior court of all violations under Title 75 RCW; ~~((and))~~ (5) to hear and determine traffic infractions under chapter 46.63 RCW; and (6) to take recognizance, approve bail, and arraign defendants held within the jurisdiction on warrants issued by any judicial officer of a court of limited jurisdiction within the state.

**Sec. 3.** RCW 3.66.070 and 1991 c 290 s 2 are each amended to read as follows:

All criminal actions shall be brought in the district where the alleged violation occurred: PROVIDED, That (1) the prosecuting attorney may file felony cases in the district in which the county seat is located, (2) with the consent of the defendant criminal actions other than those arising out of violations of city ordinances may be brought in or transferred to the district in which the county seat is located, ~~((and))~~ (3) if the alleged violation relates to driving, or being in actual physical control of, a motor vehicle while under the influence of intoxicating liquor or any drug and the alleged violation occurred within a judicial district which has been designated an enhanced enforcement district under RCW 2.56.110, the charges may be filed in that district or in a district within the same county which is adjacent to the district in which the alleged violation occurred, and (4) the district court shall have state-wide

jurisdiction to take recognizance, approve bail, and arraign defendants held within the jurisdiction on warrants issued by any judicial officer of a court of limited jurisdiction within the state.

**Sec. 4.** RCW 3.46.030 and 1985 c 303 s 13 are each amended to read as follows:

A municipal department shall have exclusive jurisdiction of matters arising from ordinances of the city, shall have state-wide jurisdiction to take recognizance, approve bail, and arraign defendants held within the jurisdiction on warrants issued by any judicial officer of a court of limited jurisdiction within the state, and no jurisdiction of other matters except as conferred by statute.

**Sec. 5.** RCW 3.50.020 and 1985 c 303 s 14 are each amended to read as follows:

The municipal court shall have exclusive original jurisdiction over traffic infractions arising under city ordinances and exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city in which the municipal court is located and shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by state statutes. The municipal court shall also have the jurisdiction as conferred by statute. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith. The municipal court may take recognizance, approve bail, and arraign defendants held within the jurisdiction on warrants issued by any judicial officer of a court of limited jurisdiction within the state.

**Sec. 6.** RCW 35.20.030 and 1993 c 83 s 3 are each amended to read as follows:

The municipal court shall have jurisdiction to try violations of all city ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to hear and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith: PROVIDED, That for a violation of the criminal provisions of an ordinance no greater punishment shall be imposed than a fine of five thousand dollars or imprisonment in the city jail not to exceed one year, or both such fine and imprisonment, but the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime. All civil and criminal proceedings in municipal court, and judgments rendered therein, shall be subject to review in the superior court by writ of review or on appeal: PROVIDED, That an appeal from the court's determination or order in a traffic infraction proceeding may be taken only in accordance with RCW 46.63.090(5). Costs in civil and criminal cases may be taxed as provided in district courts. The municipal court may take recognizance, approve bail, and arraign defendants held within the jurisdiction on warrants issued by any judicial officer of a court of limited jurisdiction within the state.

**NEW SECTION. Sec. 7.** (1) There is created a task force to study the granting of state-wide warrant jurisdiction to courts of limited jurisdiction. The task force shall determine if it would be beneficial to the operation of the criminal justice system in this state to grant municipal and district courts the authority to take recognizance, approve bail, and arraign defendants on warrants issued by any judicial officer of a court of limited jurisdiction within the state. The task force shall also make recommendations on implementing such jurisdiction including, but not limited to, a review of such issues as speedy trial, appointment of counsel, plea agreements, efficient use of court personnel and resources, and payment of expenses such as transportation, salaries, and per diem. The task force shall also consider the effect of state-wide warrant jurisdiction on local city and county jail populations including, but not limited to, providing for costs of incarceration, as well as mechanisms for managing offenders who are temporarily in custody within the local city or county jail. The task force may also study any other relevant matters that arise during the course of this study.

(2) The task force shall consist of the following members:

- (a) One district court judge, appointed by the Washington state municipal and district court judges association;
  - (b) One municipal court judge, appointed by the Washington state municipal and district court judges association;
  - (c) One prosecuting attorney, appointed by the Washington association of prosecuting attorneys;
  - (d) One public defender, appointed by the Washington defender association;
  - (e) One sheriff or police chief, appointed by the Washington association of sheriffs and police chiefs;
  - (f) Two representatives from the counties, one representative from a large county and one representative from a small county, appointed by the Washington state association of counties;
  - (g) One county official, appointed by the Washington state association of counties;
  - (h) Two representatives from the cities, one representative from a large city and one representative from a small city, appointed by the association of Washington cities;
  - (i) One law enforcement officer, appointed by the Washington association of sheriffs and police chiefs;
  - (j) One county jail administrator, appointed by the Washington association of sheriffs and police chiefs, corrections committee;
  - (k) Two members from the senate, one from each of the two largest caucuses, appointed by the president of the senate;
- and

(l) Two members from the house of representatives, one from each of the two largest caucuses, appointed by the co-speakers of the house of representatives.

(3) The chair of the task force shall be selected by the members of the task force. The task force shall submit its recommendations to the chairs of the senate and house of representatives judiciary committees by December 15, 1999.

**NEW SECTION. Sec. 8.** Sections 1 through 6 of this act take effect July 1, 2000."

## MOTION

On motion of Senator Costa the following striking amendment by Senators Costa, Heavey and McCaslin was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature shall create a task force to study the granting of state-wide warrant jurisdiction to courts of limited jurisdiction. The task force shall determine if it would be beneficial to the operation of the criminal justice system in this state to grant municipal and district courts the authority to take recognizance, approve bail, and arraign defendants on warrants issued by any judicial officer of a court of limited jurisdiction within the state. The task force shall also make recommendations on implementing such jurisdiction including, but not limited to, a review of such issues as speedy trial, appointment of counsel, plea agreements, efficient use of court personnel and resources, and payment of expenses such as transportation, salaries, and per diem. The task force shall also consider the effect of state-wide warrant jurisdiction on local city and county jail populations including, but not limited to, providing for costs of incarceration, as well as mechanisms for managing offenders who are temporarily in custody within the local city or county jail. The task force may also study any other relevant matters that arise during the course of this study.

(2) The task force shall consist of the following members:

- (a) One district court judge, appointed by the Washington state municipal and district court judges association;
- (b) One municipal court judge, appointed by the Washington state municipal and district court judges association;
- (c) One prosecuting attorney, appointed by the Washington association of prosecuting attorneys;
- (d) One public defender, appointed by the Washington defender association;
- (e) One sheriff or police chief, appointed by the Washington association of sheriffs and police chiefs;
- (f) Two representatives from the counties, one representative from a large county and one representative from a small county, appointed by the Washington state association of counties;
- (g) One county official, appointed by the Washington state association of counties;
- (h) Two representatives from the cities, one representative from a large city and one representative from a small city, appointed by the association of Washington cities;
- (i) One law enforcement officer, appointed by the Washington association of sheriffs and police chiefs;
- (j) One county jail administrator, appointed by the Washington association of sheriffs and police chiefs, corrections committee;
- (k) Two members from the senate, one from each of the two largest caucuses, appointed by the president of the senate;

and

(l) Two members from the house of representatives, one from each of the two largest caucuses, appointed by the co-speakers of the house of representatives.

(3) The chair of the task force shall be selected by the members of the task force. The task force shall submit its recommendations to the chairs of the senate and house of representatives judiciary committees by December 15, 1999."

## MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 2 of the title, after "jurisdiction;" strike the remainder of the title and insert "and creating a new section."

On motion of Senator Costa, the rules were suspended, House Bill No. 1872, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1872, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1872, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 44.

Excused: Senators Brown, Honeyford, Patterson, Snyder and Zarelli - 5.

HOUSE BILL NO. 1872, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senator Sheahan was excused.

#### SECOND READING

SENATE BILL NO. 6090, by Senator Loveland

Modifying provisions that relate to the management and administration of agricultural college lands.

#### MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 6090 was substituted for Senate Bill No. 6090 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 6090 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6090.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6090 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45. Excused: Senators Brown, Sheahan, Snyder and Zarelli - 4. SUBSTITUTE SENATE BILL NO. 6090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1194, by Representatives Pflug, Schual-Berke, Parlette and Cody

Extending the due date for a report to the legislature concerning accreditation of licensed boarding homes.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the following Committee on Health and Long-Term Care striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. 1998 c 92 s 1 (uncodified) is amended to read as follows:

(1) The legislature recognizes the need to involve the boarding home industry, the consumers of assisted living and retirement services, the long-term care ombudsman, and state regulatory agencies in the collaborative process of developing standards and procedures for accreditation of licensed boarding homes. As participants, consumers can help develop standards that more closely address their needs and make the accreditation of boarding home providers more meaningful to them when choosing among competitors. Providers can maintain flexibility in the marketplace and more quickly recognize and respond to the changing needs of its client base. Regulatory agencies can save money and remain assured that performance standards are high. For these reasons, the legislature finds that it is in the best interests of the boarding home industry, boarding home consumers, and state regulatory agencies to support an industry-funded pilot program (~~(prior to changing or developing new standards for boarding home regulation)~~).

(2) A coalition of assisted living providers represented by state-wide assisted living professional trade associations, the long-term care ombudsman, state regulatory agencies, and consumer groups representing, but not limited to, the assisted living clientele such as the senior lobby, the American association of retired persons, and the alzheimer's association shall develop a plan for implementing a pilot program for the third-party accreditation of boarding homes licensed under RCW 18.20.020. The assisted living third-party accreditation pilot project coalition shall remain active until December 12, 2001. The pilot plan must be funded by the northwest assisted living ((federation of America)) facilities association. Funds for conducting this plan may also be received from other individuals and organizations in accordance with state law and upon the approval of the northwest assisted living facilities association. The plan shall review the overall feasibility of implementation, cost or savings to the regulating agency, impact on client health, safety, quality of care, quality of life, and financial and other impacts to the boarding home industry. ~~((The))~~ Pilot third-party boarding home accreditation ((plan)) progress reports shall be presented to the appropriate committees of the house of representatives and the senate by January 4, 1999 and by January 4, 2000. The final pilot third-party boarding home accreditation plan shall be submitted to the appropriate committees of the house of representatives and the senate no later than December 12, 2001."

#### MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 2 of the title, after "homes;" strike the remainder of the title and insert "and amending 1998 c 92 s 1 (uncodified)."

On motion of Senator Thibaudeau, the rules were suspended, House Bill No. 1194, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1194, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1194, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Excused: Senators Brown, Sheahan, Snyder and Zarelli - 4.

HOUSE BILL NO. 1194, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1620, by House Committee on Health Care (originally sponsored by Representatives Conway, Parlette, Cody, Miloscia, Poulsen, Hatfield and Keiser) (by request of Department of Social and Health Services)

Protecting vulnerable adults.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 1620 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1620.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1620 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45.

Excused: Senators Brown, Sheahan, Snyder and Zarelli - 4.

SUBSTITUTE HOUSE BILL NO. 1620, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1116, by House Committee on Appropriations (originally sponsored by Representative Clements)

Requiring the department of social and health services to disclose long-term care financial information and service options to clients.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the following Committee on Health and Long-Term Care striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.39A.170 and 1995 1st sp.s. c 18 s 56 are each amended to read as follows:

(1) All payments made in state-funded long-term care shall be recoverable as if they were medical assistance payments subject to recovery under 42 U.S.C. Sec. 1396p and chapter 43.20B RCW, but without regard to the recipient's age.

(2) In determining eligibility for state-funded long-term care services programs, the department shall impose the same rules with respect to the transfer of assets for less than fair market value as are imposed under 42 U.S.C. 1396p with respect to nursing home and home and community services.

(3) It is the responsibility of the department to fully disclose in advance verbally and in writing, in easy to understand language, the terms and conditions of estate recovery to all persons offered long-term care services subject to recovery of payments.

(4) In disclosing estate recovery costs to potential clients, and to family members at the consent of the client, the department shall provide a written description of the community service options.

(5) The department of social and health services shall develop an implementation plan for notifying the client or his or her legal representative at least quarterly of the types of services used and the cost of those services (debt) that will be charged against the estate. The estate planning implementation plan shall be submitted by December 12, 1999, to the appropriate standing committees of the house of representatives and the senate, and to the joint legislative and executive task force on long-term care.

**Sec. 2.** RCW 43.20B.080 and 1997 c 392 s 302 are each amended to read as follows:

(1) The department shall file liens, seek adjustment, or otherwise effect recovery for medical assistance correctly paid on behalf of an individual consistent with 42 U.S.C. Sec. 1396p.

(2) Liens may be adjusted by foreclosure in accordance with chapter 61.12 RCW.

(3) In the case of an individual who was fifty-five years of age or older when the individual received medical assistance, the department shall seek adjustment or recovery from the individual's estate, and from nonprobate assets of the individual as defined by RCW 11.02.005, but only for medical assistance consisting of nursing facility services, home and community-based services, other services that the department determines to be appropriate, and related hospital and prescription drug services. Recovery from the individual's estate, including foreclosure of liens imposed under this section, shall be undertaken as soon as practicable, consistent with 42 U.S.C. Sec. 1396p.

(4) The department shall apply the medical assistance estate recovery law as it existed on the date that benefits were received when calculating an estate's liability to reimburse the department for those benefits.

(5)(a) The department shall establish procedures consistent with standards established by the federal department of health and human services and pursuant to 42 U.S.C. Sec. 1396p to waive recovery when such recovery would work an undue hardship.

(b) Recovery of medical assistance from a recipient's estate shall not include property made exempt from claims by federal law or treaty, including exemption for tribal artifacts that may be held by individual Native Americans.

(6) A lien authorized under subsections (1) through (5) of this section relates back to attach to any real property that the decedent had an ownership interest in immediately before death and is effective as of that date.

(7) The department is authorized to adopt rules to effect recovery under this section. The department may adopt by rule later enactments of the federal laws referenced in this section.

(8) ~~((The office of financial management shall review the cost and feasibility of the department of social and health services collecting the client copayment for long-term care consistent with the terms and conditions of RCW 74.39A.120, and the cost impact to community providers under the current system for collecting the client's copayment in addition to the amount charged to the client for estate recovery, and report to the legislature by December 12, 1997.))~~

It is the responsibility of the department to fully disclose in advance verbally and in writing, in easy to understand language, the terms and conditions of estate recovery to all persons offered long-term care services subject to recovery of payments.

(9) In disclosing estate recovery costs to potential clients, and to family members at the consent of the client, the department shall provide a written description of the community service options.

(10) The department of social and health services shall develop an implementation plan for notifying the client or his or her legal representative at least quarterly of the types of services used and the cost of those services (debt) that will be charged against the estate. The estate planning implementation plan shall be submitted by December 12, 1999, to the appropriate standing committees of the house of representatives and the senate, and to the joint legislative and executive task force on long-term care."

## MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "care;" strike the remainder of the title and insert "and amending RCW 74.39A.170 and 43.20B.080."

On motion of Senator Thibaudeau, the rules were suspended, Second Substitute House Bill No. 1116, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1116, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1116, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 46.

Absent: Senator Deccio - 1.

Excused: Senators Brown and Zarelli - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1116, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senators Deccio and Roach were excused.

#### MOTION

On motion of Senator Franklin, Senator Kline was excused.

#### SECOND READING

HOUSE BILL NO. 1330, by Representatives Alexander, Sump, Buck, Regala, Anderson, Lantz, Doumit, G. Chandler, Pennington, Rockefeller, Benson and Mulliken (by request of Parks and Recreation Commission)

Granting concessions or leases in state parks and parkways.

The bill was read the second time.

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1330.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1330 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 43.

Absent: Senator Bauer - 1.

Excused: Senators Brown, Deccio, Kline, Roach and Zarelli - 5.

HOUSE BILL NO. 1330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

#### MOTION

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

#### SENATE RESOLUTION 1999-8668

By Senator Haugen

WHEREAS, The Can-Do-Kids is a fifteen member singing and dancing group from Whidbey Island; and  
WHEREAS, This talented group of youngsters is attracting audiences with magnificent and inspirational songs about staying safe and achieving one's personal best; and  
WHEREAS, The Can-Do-Kids, through example, help teach other children about the importance of positive thinking and working together and how both can bolster a child's self-esteem; and  
WHEREAS, Their current project, a powerful video titled "Wanna Smoke?" is a timely message of tobacco-abstinence aimed at children; and  
WHEREAS, The Can-Do-Kids are scheduled to perform their popular song "Wanna Smoke? What a Joke!" at the Affiliated Health Services Anti-Tobacco Summit in Burlington on May 7; and  
WHEREAS, The Can-Do-Kids and their message is sorely needed at a time when cigarette smoking among middle school students is increasing; and  
WHEREAS, Members of the Can-Do-Kids Performing Group will contribute to the video's production by writing, interviewing and performing; and  
WHEREAS, The message is strengthened because it's conveyed by "Kids Talking to Kids;" and  
WHEREAS, The Can-Do-Kids have been recognized by KOMO Television as recipients of its Hometown Hero Award, which recognizes efforts to make the community a better place in which to live, play, and work; and  
WHEREAS, The Can-Do-Kids are regarded as being a positive role model for their peers for their can-do attitude;  
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the contributions made by the Can-Do-Kids to the community, and to the citizens of Washington State; and  
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of the Can-Do-Kids.

Senators Haugen and Oke spoke to Senate Resolution 1999-8668.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Can-Do-Kids who were seated in the gallery.

#### MOTION

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

#### SENATE RESOLUTION 1999-8670

By Senators Hale, Finkbeiner, Johnson, Oke, Kohl-Welles, Hochstatter, Honeyford, Shin, Franklin and Swecker

WHEREAS, Babies are a sign that God wishes the world should go on; and  
WHEREAS, The potential possibilities of any child are the most intriguing and stimulating in all creation; and  
WHEREAS, Children are our most precious natural resource; and  
WHEREAS, John Christopher Guarino was born to the daughter of Senator Pat Hale on February 18, 1999;  
and  
WHEREAS, Isabel Juliana Vaishampayan was born to the daughter of Senator Jim Honeyford on January 18, 1999; and  
WHEREAS, Emma Noelle Cooper was born to the daughter of Senator Jeanne Kohl-Welles on February 8, 1999; and  
WHEREAS, Kelsey Lynn Johnson was born to the son of Senator Stephen Johnson on March 16, 1999; and  
WHEREAS, Cameron James Oke was born to the son of Senator Bob Oke on February 14, 1999;  
WHEREAS, Samuel Dee Hochstatter was born to the son of Senator Harold Hochstatter on April 14, 1999;  
WHEREAS, Joseph Forrest Passey was born to the daughter of Senator Paull Shin on February 9, 1999;  
WHEREAS, Rhun McLain Demile was born to the daughter of Senator Rosa Franklin on January 19, 1999;  
and  
WHEREAS, Anna Rowe Finkbeiner was born to Senator Bill Finkbeiner on February 6, 1999;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby welcome the 1999 Session Babies born to members of the Senate or to the children of members of the Senate; and

BE IT FURTHER RESOLVED, That the Washington State Senate wishes all the blessings of life for John, Isabel, Emma, Kelsey, Cameron, Samuel, Joseph, Rhun and Anna; and

BE IT FURTHER RESOLVED, That Senators Hale, Honeyford, Kohl-Welles, Johnson, Oke, Hochstatter, Shin, Franklin and Finkbeiner be given an official copy of this resolution to be placed in the baby book of his or her 1999 Session Baby.

Senators Hale, Johnson, Franklin, Kohl-Welles, Shin, Deccio, Wojahn, Hochstatter, Honeyford and Oke spoke to Senate Resolution 1999-8670.

#### MOTION

On motion of Senator Kohl-Welles, the following resolution was adopted:

#### SENATE RESOLUTION 1999-8655

By Senators Kohl-Welles, Sheahan, Shin, Bauer, B. Sheldon, Horn, West, Finkbeiner, Jacobsen, Goings and Spanel

WHEREAS, The students selected for special recognition as Washington Scholars in 1999 have distinguished themselves as exceptional students, student leaders, and as talented and enthusiastic participants in many diverse activities including art, debate, drama, honor societies, interscholastic sports, Junior Achievement, knowledge competitions, music, and student government; and

WHEREAS, These exemplary students have also contributed to the welfare of those less fortunate in their neighborhoods through volunteer efforts with community service organizations such as the United Way, Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives, senior centers, scouting, and church groups; and

WHEREAS, The state of Washington benefits greatly from the accomplishments of these caring and gifted individuals, not only in their roles as students, but also as citizens, role models for other young people, and future leaders of our communities and our state; and

WHEREAS, Through the Washington Scholars Program, the Governor, the Legislature, and the state's citizens have an opportunity to recognize and honor three outstanding seniors from each of the state's forty-nine legislative districts for the students' exceptional academic achievements, leadership abilities, and contributions to their communities;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor and congratulate the Washington Scholars for their hard work, dedication, contributions, and maturity in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for the encouragement and support they have provided to the scholars; and

BE IT FURTHER RESOLVED, That the principals, teachers, and classmates of these highly esteemed students be recognized for the important part they played in helping the scholars to learn, contribute, lead, and excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to each of the Washington Scholars selected in 1999.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

April 15, 1999

MR. PRESIDENT:

The Co-Speakers have signed:

ENGROSSED HOUSE BILL NO. 1067,  
SUBSTITUTE HOUSE BILL NO. 1069,  
HOUSE BILL NO. 1152,  
SUBSTITUTE HOUSE BILL NO. 1158,  
HOUSE BILL NO. 1238,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245,  
SUBSTITUTE HOUSE BILL NO. 1251,  
ENGROSSED HOUSE BILL NO. 1263,  
SUBSTITUTE HOUSE BILL NO. 1324,  
HOUSE BILL NO. 1422,  
SUBSTITUTE HOUSE BILL NO. 1485,  
HOUSE BILL NO. 1495,  
SECOND SUBSTITUTE HOUSE BILL NO. 1546,  
SUBSTITUTE HOUSE BILL NO. 1668,  
SECOND SUBSTITUTE HOUSE BILL NO. 1729,  
SUBSTITUTE HOUSE BILL NO. 1744,  
SUBSTITUTE HOUSE BILL NO. 1777,  
HOUSE BILL NO. 2052, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED HOUSE BILL NO. 1067,  
SUBSTITUTE HOUSE BILL NO. 1069,  
HOUSE BILL NO. 1152,  
SUBSTITUTE HOUSE BILL NO. 1158,  
HOUSE BILL NO. 1238,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245,  
SUBSTITUTE HOUSE BILL NO. 1251,  
ENGROSSED HOUSE BILL NO. 1263,  
SUBSTITUTE HOUSE BILL NO. 1324,  
HOUSE BILL NO. 1422,  
SUBSTITUTE HOUSE BILL NO. 1485,  
HOUSE BILL NO. 1495,  
SECOND SUBSTITUTE HOUSE BILL NO. 1546,  
SUBSTITUTE HOUSE BILL NO. 1668,  
SECOND SUBSTITUTE HOUSE BILL NO. 1729,  
SUBSTITUTE HOUSE BILL NO. 1744,  
SUBSTITUTE HOUSE BILL NO. 1777,  
HOUSE BILL NO. 2052.

MOTION

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

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1716, by House Committee on Appropriations (originally sponsored by Representatives G. Chandler, Doumit, Mastin, Mulliken and Grant)

Changing provisions relating to warm water fish culture.

The bill was read the second time.

#### MOTION

On motion of Senator Jacobsen, the following Committee on Natural Resources, Parks and Recreation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 77.44.050 and 1996 c 222 s 5 are each amended to read as follows:

The warm water game fish account is hereby created in the state wildlife fund. Moneys in the account are subject to legislative appropriation and shall be used for the purpose of funding the warm water game fish enhancement program, including the development of warm water pond and lake habitat, culture of warm water game fish, improvement of warm water fish habitat, management of warm water fish populations, and other practical activities that will improve the fishing for warm water fish. Funds ~~((from the))~~ for warm water game fish ~~((surcharge))~~ as provided in RCW 77.32.440 shall not serve as replacement funding for department-operated warm water fish projects existing on December 31, 1994~~((Funds from the warm water game fish account shall not be used for the operation or construction of the warm water fish culture project at Ringold unless specifically authorized by legislation.~~

~~Funds from the sale of the warm water game fish surcharges shall be deposited in the warm water game fish account)), except that an amount not to exceed ninety-one thousand dollars may be used for warm water fish culture at the Rod Meseberg warm water fish production facility during the biennium ending June 30, 2001.~~

**Sec. 2.** RCW 77.32.440 and 1998 c 191 s 13 are each amended to read as follows:

(1) The commission shall adopt rules to continue funding current enhancement programs at levels equal to the participation of licensees in each of the individual enhancement programs. All enhancement funding will continue to be deposited directly into the individual accounts created for each enhancement.

(2) In implementing subsection (1) of this section with regard to warm water game fish, the department shall ~~((initially))~~ deposit in the warm water game fish account ~~((6.512 percent of the funds received from the sale of each freshwater license and each freshwater, saltwater, and shellfish combination license. The percentage initially))~~ the sum of one million two hundred fifty thousand dollars each fiscal year during the fiscal years 1999 and 2000, based on two hundred fifty thousand warm water anglers. Beginning in fiscal year 2001, and each year thereafter, the deposit to the warm water game fish account established in this subsection shall be adjusted annually to reflect the actual numbers of license holders fishing for warm water game fish based on an annual survey of licensed anglers from the previous year conducted by the department beginning with the April 1, ~~((2000))~~ 1999, to March 31, ~~((2001))~~ 2000, license year survey. ~~((The legislature expects that implementing this subsection will result in annual deposits of at least one million two hundred fifty thousand dollars into the warm water game fish account.))~~

~~NEW SECTION.~~ **Sec. 3.** If specific funding for the purposes of section 1 of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, section 1 of this act is null and void.

~~NEW SECTION.~~ **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

#### MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 1 of the title, after "culture;" strike the remainder of the title and insert "amending RCW 77.44.050 and 77.32.440; creating a new section; and declaring an emergency."

On motion of Senator Jacobsen, the rules were suspended, Second Substitute House Bill No. 1716, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1716, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1716, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 47.

Excused: Senators Deccio and Zarelli - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1716, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

While preparing amendments to the Transportation Budget, I missed the roll call vote on Substitute House Bill No. 1718. I would have voted 'yes.'

SENATOR DON BENTON, Seventeenth District

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1718, by House Committee on Natural Resources (originally sponsored by Representatives G. Chandler, Murray, Mitchell and Mulliken)

Conveying land to the city of Moses Lake.

The bill was read the second time.

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1718 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1718.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1718 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 47.

Absent: Senator Benton

Excused: Senator Zarelli - 1.

SUBSTITUTE HOUSE BILL NO. 1718, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1661, by House Committee on Appropriations (originally sponsored by Representatives Edmonds, Carlson, Kenney, Kagi, Esser, Wood, Lantz and Ogden)

Creating Washington scholars-alternates awards.

The bill was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Second Substitute House Bill No. 1661 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1661.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1661 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 48.

Excused: Senator Zarelli - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1550, by Representatives G. Chandler, Fisher, K. Schmidt and Hankins

Extending Milwaukee Road corridor franchise negotiations.

The bill was read the second time.

#### MOTION

On motion of Senator Gardner, the following Committee on Transportation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 43.51.112 and 1996 c 129 s 2 are each amended to read as follows:

- (1) The commission shall develop and maintain a cross-state trail facility with appropriate appurtenances.
- (2) This section expires July 1, ~~((1999))~~ 2006, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, ~~((1999))~~ 2006.

**Sec. 2.** RCW 43.51.1121 and 1996 c 129 s 3 are each amended to read as follows:

(1) To facilitate completion of a cross-state trail under the management of the parks and recreation commission, management and control of lands known as the Milwaukee Road corridor shall be transferred between state agencies as follows on the date a franchise agreement is entered into for a rail line over portions of the Milwaukee Road corridor:

- (a) Portions owned by the state between Ellensburg and the Columbia river that are managed by the parks and recreation commission are transferred to the department of transportation;
- (b) Portions owned by the state between the west side of the Columbia river and Royal City Junction and between Warden and Lind that are managed by the department of natural resources are transferred to the department of transportation; and
- (c) Portions owned by the state between Lind and the Idaho border that are managed by the department of natural resources are transferred to the parks and recreation commission.

(2) The department of natural resources and the parks and recreation commission may by mutual agreement transfer the management authority over portions of the Milwaukee Road corridor between their two respective agencies without legislative approval if the portion transferred does not exceed ten miles in length.

(3) This section expires July 1, ~~((1999))~~ 2006, and no transfers shall occur if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, ~~((1999))~~ 2006.

**Sec. 3.** RCW 43.51.113 and 1996 c 129 s 4 are each amended to read as follows:

(1) The department of transportation shall negotiate a franchise with a rail carrier to establish and maintain a rail line over portions of the Milwaukee Road corridor owned by the state between Ellensburg and Lind. The department of transportation may negotiate such a franchise with any qualified rail carrier. Criteria for negotiating the franchise and establishing the right of way include:

(a) Assurances that resources from the franchise will be sufficient to compensate the state for use of the property, including completion of a cross-state trail between Easton and the Idaho border;

(b) Types of payment for use of the franchise, including payment for the use of federally granted trust lands in the transportation corridor;

(c) Standards for maintenance of the line;

(d) Provisions ensuring that both the conventional and intermodal rail service needs of local shippers are met. Such accommodations may comprise agreements with the franchisee to offer or maintain adequate service or to provide service by other carriers at commercially reasonable rates;

(e) Provisions requiring the franchisee, upon reasonable request of any other rail operator, to provide rail service and interchange freight over what is commonly known as the Stampede Pass rail line from Cle Elum to Auburn at commercially reasonable rates;

(f) If any part of the franchise agreement is invalidated by actions or rulings of the federal surface transportation board or a court of competent jurisdiction, the remaining portions of the franchise agreement are not affected;

(g) Compliance with environmental standards; and

(h) Provisions for insurance and the coverage of liability.

(2) The franchise may provide for periodic review of financial arrangements under the franchise.

(3) The department of transportation, in consultation with the parks and recreation commission and the legislative transportation committee, shall negotiate the terms of the franchise, and shall present the agreement to the parks and recreation commission for approval of as to terms and provisions affecting the cross-state trail or affecting the commission.

(4) This section expires July 1, ~~((1999)) 2006~~, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, ~~((1999)) 2006~~.

**Sec. 4.** RCW 43.51.114 and 1996 c 129 s 5 are each amended to read as follows:

(1) The cross-state trail account is created in the custody of the state treasurer. Eleven million five hundred thousand dollars is provided to the state parks and recreation commission to acquire, construct, and maintain a cross-state trail. This amount may consist of: (a) Legislative appropriations intended for trail development; (b) payments for the purchase of federally granted trust lands; and (c) franchise fees derived from use of the rail corridor. The legislature intends that any amounts provided from the transportation fund are to be repaid to the transportation fund from franchise fees.

(2) The department shall deposit franchise fees from use of the rail corridor according to the following priority: (a) To the department of transportation for actual costs incurred in administering the franchise; (b) to the department of natural resources as compensation for use of federally granted trust lands in the rail corridor; (c) to the transportation fund to reimburse any amounts transferred or appropriated from that fund by the legislature for trail development; (d) to the cross-state trail account, not to exceed eleven million five hundred thousand dollars, provided that this amount shall be reduced proportionate with any funds transferred or appropriated by the 1996 legislature or paid from franchise fees for the purchase of federally granted trust lands or for trail development; and (e) the remainder to the essential rail assistance account, created under RCW 47.76.250. Expenditures from the cross-state trail account may be used only for the acquisition, development, operation, and maintenance of the cross-state trail. Only the director of the state parks and recreation commission or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The commission may acquire land from willing sellers for the cross-state trail, but not by eminent domain.

(4) The commission shall adopt rules describing the cross-state trail.

(5) This section expires July 1, ~~((1999)) 2006~~, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, ~~((1999)) 2006~~.

**Sec. 5.** 1996 c 129 s 11 (uncodified) is amended to read as follows:

Sections 7 and 8, chapter 129, Laws of 1996 expire July 1, ~~((1999)) 2006~~, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, ~~((1999)) 2006~~.

**NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

## MOTIONS

On motion of Senator Gardner, the following title amendment was adopted:

On line 2 of the title, after "agreement;" strike the remainder of the title and insert "amending RCW 43.51.112, 43.51.1121, 43.51.113, and 43.51.114; amending 1996 c 129 s 11 (uncodified); providing contingent expiration dates; and declaring an emergency."

On motion of Senator Gardner, the rules were suspended, House Bill No. 1550, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1550, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1550, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 48.

Excused: Senator Zarelli - 1.

HOUSE BILL NO. 1550, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1798, by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Fisher, Mitchell, Ogden, Mielke, Cooper, Pflug, Hankins, Skinner, Fortunato, Wood, Haigh, Radcliff, Rockefeller, Kessler and Regala)

Enhancing coordination of special needs transportation.

The bill was read the second time.

## MOTION

On motion of Senator Gardner, the rules were suspended, Engrossed Substitute House Bill No. 1798 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1798.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1798 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 47.

Absent: Senator Deccio - 1.

Excused: Senator Zarelli - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1798, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1811, by House Committee on Children and Family Services (originally sponsored by Representatives Tokuda, Boldt, D. Sommers, Kenney and Ogden) (by request of Department of Social and Health Services)

Revising provisions relating to supported employment for persons with severe disabilities.

The bill was read the second time.

## MOTION

On motion of Senator Thibaudeau, the following Committee on Health and Long-Term Care striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** 1997 c 287 s 1 (uncodified) is amended to read as follows:

The legislature finds that the rate of unemployment among ~~((persons))~~ individuals with developmental disabilities or other significant disabilities is high due to the limited employment opportunities available to ~~((disabled persons))~~ them. Given that ~~((persons))~~ individuals with developmental disabilities or other significant disabilities are capable of filling employment positions in the general work force population, supported employment is an effective way of integrating such individuals into the general work force population. The creation of supported employment programs can increase the types and availability of employment positions for ~~((persons))~~ individuals with developmental disabilities or other significant disabilities.

**Sec. 2.** RCW 41.04.750 and 1997 c 287 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise the definitions in this section apply throughout RCW 41.04.760 through 41.04.780.

(1) "Developmental disability" means a disability as defined in RCW 71A.10.020.

(2) "Significant disability" means a disability as defined in 29 U.S.C. Sec. 705.

(3) "Supported employment" means employment for individuals with developmental disabilities or other significant disabilities who ~~((may))~~ require on-the-job training and long-term support in order to fulfill their job duties successfully. Supported employment offers the same wages and benefits as similar nonsupported employment positions.

~~((3))~~ (4) "State agency" means any office, department, division, bureau, board, commission, community college or institution of higher education, or agency of the state of Washington.

**Sec. 3.** RCW 41.04.760 and 1997 c 287 s 3 are each amended to read as follows:

State agencies are encouraged to participate in supported employment activities. The department of social and health services, in conjunction with the department of personnel and the office of financial management, shall identify agencies that have positions and funding conducive to implementing supported employment. An agency may only participate in supported employment activities pursuant to this section if the agency is able to operate the program within its existing budget. These agencies shall:

(1) Designate a coordinator who will be responsible for information and resource referral regarding the agency's supported employment program. The coordinator shall serve as a liaison between the agency and the department of personnel regarding supported employment;

(2) Submit an annual update to the department of social and health services, the department of personnel, and the office of financial management. The annual update shall include: A description of the agency's supported employment efforts, the number of ~~((persons))~~ individuals placed in supported employment positions, ~~((recommendations concerning expanding the supported employment program to include people with mental disabilities or other disabilities,))~~ and an overall evaluation of the effectiveness of supported employment for the agency.

**Sec. 4.** RCW 41.04.770 and 1997 c 287 s 4 are each amended to read as follows:

The department of social and health services and the department of personnel shall, after consultation with supported employment provider associations and other interested parties, encourage, educate, and assist state agencies in implementing supported employment programs. The department of social and health services shall maintain information regarding the number of supported employment placements by type of disability and report this information to the department of personnel. The department of personnel shall provide human resources technical assistance to agencies implementing supported employment programs. The

department of personnel shall make available, upon request of the legislature, an annual report that evaluates the overall progress of supported employment in state government."

#### MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 1 of the title, after "employment;" strike the remainder of the title and insert "amending RCW 41.04.750, 41.04.760, and 41.04.770; and amending 1997 c 287 s 1 (uncodified)."

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 1811, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1811, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1811, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 47.

Absent: Senator Kohl-Welles - 1.

Excused: Senator Zarelli - 1.

SUBSTITUTE HOUSE BILL NO. 1811, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Patterson was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1969, by House Committee on Finance (originally sponsored by Representatives McIntire, Benson, Dunshee, Tokuda, Schual-Berke, Eickmeyer, Scott, Kenney, Dunn, Rockefeller, Conway, Poulsen, Veloria, D. Schmidt, Cody, Ruderman, O'Brien, Edmonds, Lantz, Regala, Murray, Lovick, Santos, Kagi, Haigh and Kessler)

Exempting real property that will be developed by nonprofit organizations to provide homes for the aging.

The bill was read the second time

#### MOTIONS

On motion of Senator Thibaudeau, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.36.041 and 1998 c 311 s 20 are each amended to read as follows:

(1) All real and personal property used by a nonprofit home for the aging that is reasonably necessary for the purposes of the home is exempt from taxation if the benefit of the exemption inures to the home and:

(a) At least fifty percent of the occupied dwelling units in the home are occupied by eligible residents; or

(b) The home is subsidized under a federal department of housing and urban development program. The department of revenue shall provide by rule a definition of homes eligible for exemption under this subsection ~~(1)(b)~~, consistent with the purposes of this section.

(2) All real and personal property used by a nonprofit home for the aging that is reasonably necessary for the purposes of the home is exempt from taxation if the benefit of the exemption inures to the home and the construction, rehabilitation, acquisition, or refinancing of the home is financed under a program using bonds exempt from federal income tax if at least seventy-five percent of the total amount financed uses the tax exempt bonds and the financing program requires the home to reserve a percentage of all dwelling units so financed for low-income residents. The initial term of the exemption under this subsection shall equal the term of the tax exempt bond used in connection with the financing program, or the term of the requirement to reserve dwelling units for low-income residents, whichever is shorter. If the financing program involves less than the entire home, only those dwelling units included in the financing program are eligible for total exemption. The department of revenue shall provide by rule the requirements for monitoring compliance with the provisions of this subsection and the requirements for exemption including:

(a) The number or percentage of dwelling units required to be occupied by low-income residents, and a definition of low income;

(b) The type and character of the dwelling units, whether independent units or otherwise; and

(c) Any particular requirements for continuing care retirement communities.

(3) A home for the aging is eligible for a partial exemption on the real property and a total exemption for the home's personal property if the home does not meet the requirements of subsection (1) of this section because fewer than fifty percent of the occupied dwelling units are occupied by eligible residents, as follows:

(a) A partial exemption shall be allowed for each dwelling unit in a home occupied by a resident requiring assistance with activities of daily living.

(b) A partial exemption shall be allowed for each dwelling unit in a home occupied by an eligible resident.

(c) A partial exemption shall be allowed for an area jointly used by a home for the aging and by a nonprofit organization, association, or corporation currently exempt from property taxation under one of the other provisions of this chapter. The shared area must be reasonably necessary for the purposes of the nonprofit organization, association, or corporation exempt from property taxation under one of the other provisions of this chapter, such as kitchen, dining, and laundry areas.

(d) The amount of exemption shall be calculated by multiplying the assessed value of the property reasonably necessary for the purposes of the home, less the assessed value of any area exempt under (c) of this subsection, by a fraction. The numerator of the fraction is the number of dwelling units occupied by eligible residents and by residents requiring assistance with activities of daily living. The denominator of the fraction is the total number of occupied dwelling units as of December 31st of the first assessment year the home becomes operational for which exemption is claimed and January 1st of ~~(the)~~ each subsequent assessment year for which exemption is claimed.

(4) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(5) A home for the aging is exempt from taxation only if the organization operating the home is exempt from income tax under section 501(c) of the federal internal revenue code as existing on January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purposes of this section.

(6) In order for the home to be eligible for exemption under subsections (1)(a) and ~~((2))~~ (3)(b) of this section, each eligible resident of a home for the aging shall submit an income verification form to the county assessor by July 1st of the assessment year ~~((in which the application for exemption is made))~~ for which exemption is claimed. However, during the first year a home becomes operational, the county assessor shall accept income verification forms from eligible residents up to December 31st of the assessment year. The income verification form shall be prescribed and furnished by the department of revenue. An eligible resident who has filed a form for a previous year need not file a new form until there is a change in status affecting the person's eligibility.

(7) In determining the ~~((assessed))~~ true and fair value of a home for the aging for purposes of the partial exemption provided by subsection (3) of this section, the assessor shall apply the computation method provided by RCW 84.34.060 and shall consider only the use to which such property is applied during the years for which such partial exemptions are available and shall not consider potential uses of such property.

(8) As used in this section:

(a) "Eligible resident" means a person who:

(i) Occupied the dwelling unit as a principal place of residence as of ~~((January 1st))~~ December 31st of the first assessment year the home becomes operational. In each subsequent year, the eligible resident must occupy the dwelling unit as a principal place of residence as of January 1st of the assessment year for which the exemption is claimed. Confinement of the person to a

hospital or nursing home does not disqualify the claim of exemption if the dwelling unit is temporarily unoccupied or if the dwelling unit is occupied by a spouse, a person financially dependent on the claimant for support, or both; and

(ii) Is sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or is, at the time of filing, retired from regular gainful employment by reason of physical disability. Any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this subsection; and

(iii) Has a combined disposable income of no more than the greater of twenty-two thousand dollars or eighty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the person resides. For the purposes of determining eligibility under this section, a "cotenant" means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident.

(b) "Combined disposable income" means the disposable income of the person submitting the income verification form, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the dwelling unit for the preceding calendar year, less amounts paid by the person submitting the income verification form or his or her spouse or cotenant during the previous year for the treatment or care of either person received in the dwelling unit or in a nursing home. If the person submitting the income verification form was retired for two months or more of the preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person submitting the income verification form is reduced for two or more months of the preceding year by reason of the death of the person's spouse, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after the death of the spouse by twelve.

(c) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(i) Capital gains, other than ~~((nonrecognized gain on the sale of a principal residence under section 1034 of the federal internal revenue code, or))~~ gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(ii) Amounts deducted for loss;

(iii) Amounts deducted for depreciation;

(iv) Pension and annuity receipts;

(v) Military pay and benefits other than attendant-care and medical-aid payments;

(vi) Veterans benefits other than attendant-care and medical-aid payments;

(vii) Federal social security act and railroad retirement benefits;

(viii) Dividend receipts; and

(ix) Interest received on state and municipal bonds.

(d) "Resident requiring assistance with activities of daily living" means a person who requires significant assistance with the activities of daily living and who would be at risk of nursing home placement without this assistance.

(e) "Home for the aging" means a residential housing facility that (i) provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person; (ii) has only residents who are at least sixty-one years of age or who have needs for care generally compatible with persons who are at least sixty-one years of age; and (iii) provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

(9) A for-profit home for the aging that converts to nonprofit status after June 11, 1992, and would otherwise be eligible for tax exemption under this section may not receive the tax exemption until five years have elapsed since the conversion. The exemption shall then be ratably granted over the next five years.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

## MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 2 of the title, after "aging;" strike the remainder of the title and insert "amending RCW 84.36.041; and declaring an emergency."

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 1969, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1969, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1969, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 46.

Voting nay: Senator Honeyford - 1.

Excused: Senators Patterson and Zarelli - 2.

SUBSTITUTE HOUSE BILL NO. 1969, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2095, by House Committee on Agriculture and Ecology (originally sponsored by Representatives G. Chandler, Linville, Koster, Grant, B. Chandler, Anderson and Sump)

Regulating commercial fertilizer.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute House Bill No. 2095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Honeyford: "Senator Rasmussen, the bill adds new authority to the section of law that currently authorizes the Department of Agriculture to take enforcement action against a 'lot' of fertilizer that is in violation of the fertilizer law. What is meant by the term 'lot' as used in this context?"

Senator Rasmussen: "According to Webster's Dictionary, a lot is either a number of things that are regarded as a group or a quantity of material processed or manufactured at the same time. As applied to the state's fertilizer law, a lot is generally an amount of commercial fertilizer at a specific location at a specific time. If there is reason to believe a problem identified with a lot at a specific location is common to the fertilizer manufactured at the same time, then lot applies to the commercial fertilizer manufactured at the same time."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2095.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2095 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, West, Winsley and Wojahn - 43. Voting nay: Senators Kline and Kohl-Welles - 2. Absent: Senator Spanel - 1. Excused: Senators Patterson, Thibaudeau and Zarelli - 3. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Heavey was excused.

#### MOTION

On motion of Senator Honeyford, Senator McDonald was excused.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1313, by Representatives Schoesler, DeBolt, Doumit, Hatfield, Kessler, Pennington, Grant and Eickmeyer

Revising rural development law.

The bill was read the second time

#### MOTION

On motion of Senator Tim Sheldon, the following Committee on Agriculture and Rural Economic Development striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that while Washington's economy is currently prospering, economic growth continues to be uneven, particularly as between metropolitan and rural areas. This has created in effect two Washingtons. One afflicted by inadequate infrastructure to support and attract investment, another suffering from congestion and soaring housing prices. In order to address these problems, the legislature intends to use resources strategically to build on our state's strengths while addressing threats to our prosperity.

#### PART I

#### **RURAL ECONOMIC DEVELOPMENT Enhanced Flexibility for Use of Community Economic Revitalization Board Funds**

**Sec. 101.** RCW 43.160.010 and 1996 c 51 s 1 are each amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

- (a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;
- (b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;
- (c) Encouraging wider access to financial resources for both large and small industrial development projects;
- (d) Encouraging new economic development or expansions to maximize employment;
- (e) Encouraging the retention of viable existing firms and employment; and
- (f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways ~~((in the vicinity of new))~~ county roads, or city streets for industries considering locating or expanding in this state ~~((or existing industries that are considering significant expansion))~~.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) ~~((It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development.))~~ All ~~((such))~~ transportation improvements on state highways must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280. ~~((It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.))~~

(3) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to assist development of telecommunications infrastructure that supports business development, retention, and expansion in rural natural resources impact areas and rural counties of the state.

(4) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

~~((4))~~ (5) The legislature finds that sharing economic growth state-wide is important to the welfare of the state. Rural counties and rural natural resources impact areas do not share in the economic vitality of the Puget Sound region. The ability of these communities to pursue business and job retention, expansion, and development opportunities depends on their capacity to ready necessary economic development project plans, sites, permits, and infrastructure for private investments. Project-specific planning, predevelopment, and infrastructure ~~((is one of several))~~ are critical ingredients ~~((that are critical))~~ for economic development. Rural counties and rural natural resources impact areas generally lack ~~((the infrastructure))~~ these necessary tools and resources to diversify and revitalize their economies. It is, therefore, the intent of the legislature to increase the ~~((availability of funds to help provide infrastructure to rural natural resource impact areas))~~ amount of funding available through the community economic revitalization board for rural counties and rural natural resources impact areas, and to authorize flexibility for available resources in these areas to help fund planning, predevelopment, and construction costs of infrastructure and facilities and sites that foster economic vitality and diversification.

**Sec. 102.** RCW 43.160.020 and 1997 c 367 s 8 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Board" means the community economic revitalization board.
- (2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.
- (3) "Department" means the department of community, trade, and economic development.
- (4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.
- (5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.
- (6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.
- (7) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Public facilities" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of bridges, roads, domestic and industrial water, flood control, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications, transportation, natural gas, buildings or structures, and port facilities, all for the purpose of job creation, job retention, or job expansion.

(12) "Rural county" means a county with a population density of less than one hundred persons per square mile as determined by the office of financial management.

(13) "Rural natural resources impact area" means:

(a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection ~~((13))~~ (14) of this section;

(b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection ~~((13))~~ (14) of this section; or

(c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection ~~((13))~~ (14) of this section.

~~((13))~~ (14) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

(a) A lumber and wood products employment location quotient at or above the state average;

(b) A commercial salmon fishing employment location quotient at or above the state average;

(c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;

(d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

(e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.

**Sec. 103.** RCW 43.160.060 and 1996 c 51 s 5 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision and the finding by the board that ~~((unique)) financial~~ circumstances ~~((exist. The board shall not obligate more than twenty percent of its biennial appropriation as grants))~~ require grant assistance to enable the project to move forward.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state, except a project that would relocate a business from a nondistressed urban area to a rural county or rural natural resources impact area.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(d) For a construction project to any local government applicant that is not, at the time of application for financial assistance, in compliance with the provisions of chapter 36.70A RCW.

(2) The board shall only provide financial assistance:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, advanced technology, research and development, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (iv) which support the relocation of businesses from nondistressed urban areas to ~~((distressed))~~ rural counties or rural natural resources impact areas; or (v) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made.

(3) The board shall prioritize each proposed project according to:

(a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located~~((As long as there is more demand for financial assistance than there are funds available, the board is instructed to fund projects in order of their priority)); and~~

(b) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project.

(4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any financial assistance application is approved, the political subdivision seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

**Sec. 104.** RCW 43.160.070 and 1998 c 321 s 27 (Referendum Bill No. 49) are each amended to read as follows:

Public facilities financial assistance, when authorized by the board, is subject to the following conditions:

(1) The moneys in the public facilities construction loan revolving account and the distressed county public facilities construction loan account shall be used solely to fulfill commitments arising from financial assistance authorized in this chapter or, during the 1989-91 fiscal biennium, for economic development purposes as appropriated by the legislature. The total outstanding amount which the board shall dispense at any time pursuant to this section shall not exceed the moneys available from the accounts. The total amount of outstanding financial assistance in Pierce, King, and Snohomish counties shall never exceed sixty percent of the total amount of outstanding financial assistance disbursed by the board under this chapter without reference to financial assistance provided under RCW 43.160.220.

(2) On contracts made for public facilities loans the board shall determine the interest rate which loans shall bear. The interest rate shall not exceed ten percent per annum. The board may provide reasonable terms and conditions for repayment for loans, including partial forgiveness of loan principal and interest payments on projects located in rural counties or rural natural resources impact areas, as the board determines. The loans shall not exceed twenty years in duration.

(3) Repayments of loans made from the public facilities construction loan revolving account under the contracts for public facilities construction loans shall be paid into the public facilities construction loan revolving account. Repayments of loans made from the distressed county public facilities construction loan account under the contracts for public facilities construction loans shall be paid into the distressed county public facilities construction loan account. Repayments of loans from moneys from the new appropriation from the public works assistance account for the fiscal biennium ending June 30, 1999, shall be paid into the public works assistance account.

(4) When every feasible effort has been made to provide loans and loans are not possible, the board may provide grants upon finding that unique circumstances exist.

**Sec. 105.** RCW 43.160.076 and 1998 c 321 s 28 (Referendum Bill No. 49) and 1998 c 55 s 4 are each reenacted and amended to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for financial assistance in a biennium under this chapter without reference to financial assistance provided under RCW 43.160.220, the board shall spend at least seventy-five percent for financial assistance for projects in ~~((distressed))~~ rural counties or rural natural resources impact areas. ~~((For purposes of this section, the term "distressed counties" includes any county, in which the average level of unemployment for the three years before the year in which an application for financial assistance is filed, exceeds the average state unemployment for those years by twenty percent.))~~

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in ~~((distressed))~~ rural counties or rural natural resources impact areas are clearly insufficient to use up the seventy-

five percent allocation under subsection (1) of this section, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for financial assistance to projects not located in ~~((distressed))~~ rural counties or rural natural resources impact areas.

~~((3) This section expires June 30, 2000.)~~

**Sec. 106.** RCW 43.160.900 and 1993 c 320 s 8 are each amended to read as follows:

(1) The community economic revitalization board shall report to the appropriate standing committees of the legislature biennially on the implementation of this chapter. The report shall include information on the number of applications for community economic revitalization board assistance, the number and types of projects approved, the grant or loan amount awarded each project, the projected number of jobs created or retained by each project, the actual number of jobs created or retained by each project, the amount of state and local tax revenue generated by projects funded under this chapter, the number of delinquent loans, and the number of project terminations. The report may also include additional performance measures and recommendations for programmatic changes. The first report shall be submitted by December 1, 1994.

(2) The joint legislative audit and review committee shall conduct performance reviews on the effectiveness of the program administered by the board under this chapter. The committee may contract for services to conduct the performance reviews. The costs for the performance reviews shall be paid from repayments of principal and interest on loans made under this chapter. The performance reviews shall be submitted to the appropriate committees of the legislature by December 1, 2000, December 1, 2004, and December 1, 2008.

**Sec. 107.** RCW 43.160.200 and 1996 c 51 s 9 are each amended to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010~~((3))~~ (5) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in rural natural resources impact areas ~~((that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products and salmon fishing industries))~~ and rural counties.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that tourism projects have been approved by the local government. Industrial projects must be approved by the local government and the associate development organization.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for project-specific environmental, capital facilities, land use, permitting, feasibility and marketing studies and plans; project engineering, design, and site planning and analysis; and project debt and revenue impact analysis shall not exceed ~~((twenty-five))~~ fifty thousand dollars per study. Board funds for ~~((feasibility studies))~~ these purposes may be provided as a grant and require a ~~((dollar for dollar))~~ match ~~((with up to one-half in-kind match allowed))~~.

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility construction projects under this section shall not exceed ~~((five hundred thousand))~~ one million dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and ~~((feasibility studies))~~ planning and predevelopment activities.

(10) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the economic development project assisted under this section.

(11) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

~~((14))~~ (12) The board shall establish guidelines for providing financial assistance under this section to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities.

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an analysis that establishes the project is feasible using

standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(c) A method of evaluating the impact of the financial assistance on the economy of the community and whether the financial assistance achieved its purpose.

## **PART II HOUSING**

### **Increasing the Housing Finance Commission's Debt Limit**

**Sec. 201.** RCW 43.180.160 and 1996 c 310 s 2 are each amended to read as follows:

The total amount of outstanding indebtedness of the commission may not exceed ~~((two))~~ three billion dollars at any time. The calculation of outstanding indebtedness shall include the initial principal amount of an issue and shall not include interest that is either currently payable or that accrues as a part of the face amount of an issue payable at maturity or earlier redemption. Outstanding indebtedness shall not include notes or bonds as to which the obligation of the commission has been satisfied and discharged by refunding or for which payment has been provided by reserves or otherwise.

NEW SECTION. **Sec. 202.** A new section is added to chapter 43.63A RCW to read as follows:

The department shall establish and administer a "one-stop clearinghouse" to coordinate state assistance for growers and nonprofit organizations in developing housing for agricultural employees. Growers, housing authorities, and nonprofit organizations shall have direct access to the one-stop clearinghouse. The department one-stop clearinghouse shall provide assistance on planning and design, building codes, temporary worker housing regulations, financing options, and management to growers and nonprofit organizations interested in farmworker construction. The department one-stop clearinghouse shall also provide educational materials and services to local government authorities on Washington state law concerning farmworker housing.

## **PART III RURAL DEVELOPMENT COUNCIL**

NEW SECTION. **Sec. 301.** A new section is added to chapter 43.31 RCW to read as follows:

(1) The rural development council executive committee and the department are authorized to establish a successor organization to the rural development council executive committee created under RCW 43.31.855. The purpose of the successor organization is, at least in part, to improve the delivery and accessibility of public and private resources for meeting the needs of rural communities in Washington.

(2) For purposes of this section, "successor organization" means a private nonprofit corporation created specifically to assume responsibility for administering funds provided by the federal government and other sources to carry out the purpose state in subsection (1) of this section. A successor organization must qualify as a tax-exempt nonprofit corporation under section 501(c) of the federal internal revenue code.

(3) This section expires June 30, 2002.

NEW SECTION. **Sec. 302.** A new section is added to chapter 43.31 RCW to read as follows:

(1) The executive committee and the department are authorized to take all steps reasonably necessary and proper to effect the orderly transition of the rural development council executive committee to the successor organization. This authorization includes, but is not necessarily limited to, the authority to:

(a) Transfer any equipment, records, other assets, or contracts for services to the successor organization under appropriate terms and conditions, including reasonable compensation for assets acquired with state funds;

(b) Assist in the establishment of a successor organization, including entering into contracts preparatory to the establishment of the organization; and

(c) Unless otherwise provided by agreement, assign to the successor organization any membership agreements, contracts, license, and other duties and obligations related to the rural development council.

(2) This section expires June 30, 2002.

**Sec. 303.** RCW 42.52.080 and 1994 c 154 s 108 are each amended to read as follows:

(1) No former state officer or state employee may, within a period of one year from the date of termination of state employment, accept employment or receive compensation from an employer if:

(a) The officer or employee, during the two years immediately preceding termination of state employment, was engaged in the negotiation or administration on behalf of the state or agency of one or more contracts with that employer and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration;

(b) Such a contract or contracts have a total value of more than ten thousand dollars; and

(c) The duties of the employment with the employer or the activities for which the compensation would be received include fulfilling or implementing, in whole or in part, the provisions of such a contract or contracts or include the supervision or control of actions taken to fulfill or implement, in whole or in part, the provisions of such a contract or contracts. This subsection shall not be construed to prohibit a state officer or state employee from accepting employment with a state employee organization.

(2) No person who has served as a state officer or state employee may, within a period of two years following the termination of state employment, have a direct or indirect beneficial interest in a contract or grant that was expressly authorized or funded by specific legislative or executive action in which the former state officer or state employee participated.

(3) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the officer or employee knows or has reason to believe that the offer of employment or compensation was intended, in whole or in part, directly or indirectly, to influence the officer or employee or as compensation or reward for the performance or nonperformance of a duty by the officer or employee during the course of state employment.

(4) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the circumstances would lead a reasonable person to believe the offer has been made, or compensation given, for the purpose of influencing the performance or nonperformance of duties by the officer or employee during the course of state employment.

(5) No former state officer or state employee may at any time subsequent to his or her state employment assist another person, whether or not for compensation, in any transaction involving the state in which the former state officer or state employee at any time participated during state employment. This subsection shall not be construed to prohibit any employee or officer of a state employee organization from rendering assistance to state officers or state employees in the course of employee organization business.

(6) As used in this section, "employer" means a person as defined in RCW 42.52.010 or any other entity or business that the person owns or in which the person has a controlling interest. For purposes of subsection (1) of this section, the term "employer" does not include a successor organization to the rural development council under chapter 43.31 RCW.

NEW SECTION. Sec. 304. A new section is added to chapter 43.31 RCW to read as follows:

Notwithstanding anything to the contrary in chapter 41.06 RCW or any other provision of law, the department may contract to provide funding to a successor organization under section 301 of this act to carry out activities of the organization that are consistent with the department's powers and duties. All moneys for contracts entered into under this section are subject to appropriation.

NEW SECTION. Sec. 305. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2000:

- (1) RCW 43.31.855 (Rural development council) and 1997 c 377 s 1;
- (2) RCW 43.31.857 (Rural development council--Financial contributions encouraged) and 1997 c 377 s 2; and
- (3) 1997 c 377 s 3 (uncodified).

#### **PART IV ECONOMIC VITALITY COMMITTEE**

NEW SECTION. Sec. 401. (1) The legislature shall establish an ad hoc economic development group to analyze potential economic development projects of state-wide significance and recommend appropriate administrative or legislative actions.

(2) The group shall include one representative each from the department of community, trade, and economic development, the department of agriculture, and the department of revenue as well as two representatives from rural economic development councils appointed by the legislature.

(3) The group shall promote economic development and business diversification throughout the state with special attention given to the economic difficulties of rural counties.

(4) In order to expedite coordinated responses, the governor may direct the group to meet on an emergency basis when projects of state-wide significance arise.

(5) The department of community, trade, and economic development shall establish criteria to determine whether a project meets the standards of a "project of state-wide significance." These criteria may include such economic indicators as local unemployment and personal income levels and project scope indicators such as the assessed value of the project in relation to the assessed value of the county.

#### **PART V RURAL WASHINGTON LOAN FUND**

NEW SECTION. Sec. 501. The legislature finds that:

(1) The economic health and well-being of the state is of substantial public concern, particularly in geographic areas of high unemployment, economic stagnation, and poverty.

(2) The consequences of minimal economic activity and persistent unemployment and underemployment are serious threats to the safety, health, and welfare of residents of these geographic areas, decreasing the value of private investments and jeopardizing the sources of public revenue.

(3) The economic and social interdependence of communities and the vitality of industrial and economic activity necessitates and partially depends upon preventing substantial dislocation of residents and rebuilding the diversification of the areas' economy.

(4) The ability to remedy problems in stagnant areas of the state is beyond the power and control of the regulatory process and influence of the state; and the ordinary operations of private enterprise, without additional governmental assistance, are insufficient to adequately remedy the problems of poverty and unemployment.

(5) Revitalization of depressed communities requires stimulation of private investment, development of new business ventures, provision of capital to ventures sponsored by local organizations and capable of growth in the business markets, and assistance to viable, but underfinanced, small businesses in order to create and preserve jobs that are sustainable in the local economy.

Therefore, the legislature declares there to be a substantial public purpose in providing capital to promote economic development and job creation in areas of economic stagnation, unemployment, and poverty. To accomplish this purpose, the legislature hereby creates the rural Washington loan fund and vests in the department of community, trade, and economic development the authority to spend federal funds to stimulate the economy of distressed areas.

**NEW SECTION. Sec. 502.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of community, trade, and economic development.

(3) "Disabled person" means a person with a physical or mental impairment that substantially limits a major life activity. The impairment must be material and medically cognizable or diagnosable. The impairment must also be permanent in that it is seldom significantly corrected by medical replacement, therapy, or surgical means. Impairment does not include drug or alcohol addiction or any negative effects brought on by the use of drugs or alcohol.

(4) "Distressed area" means: (a) A rural county; (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (c) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate; or (d) a county designated as a rural natural resources impact area under RCW 43.31.601. For purposes of this subsection, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(5) "Fund" means the rural Washington loan fund.

(6) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(7) "Project" means the establishment of a new or expanded business in an area, which business, when completed, will provide employment opportunities. "Project" also means the retention of an existing business in an area, which business, when completed, will provide employment opportunities.

(8) "Rural county" means a county with a population density of fewer than one hundred persons per square mile, as determined by the office of financial management.

**NEW SECTION. Sec. 503.** Subject to the restrictions contained in this chapter, the department is authorized to approve applications of local governments for federal community development block grant funds or other federal funds which the local governments would use to make loans to finance business projects within their jurisdictions. Applications approved by the department under this chapter must conform to applicable federal requirements.

**NEW SECTION. Sec. 504.** (1) The department may approve an application providing a loan for a project only if the department finds that the project:

(a) Will result in creation of employment opportunities, maintenance of threatened employment, or development or expansion of business ownership by disabled persons, minorities, and women;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds or other applicable federal funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, employment of disadvantaged workers, and development or expansion of business ownership by disabled persons, minorities, and women, will primarily accrue to residents of the area;

(d) Will probably be successful;

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable, or because the return on investment is inadequate.

(2)(a) The department shall, subject to applicable federal funding criteria, give priority to applications that capitalize or recapitalize an existing or new local revolving loan fund based on criteria established by the department.

(b) The department shall, subject to applicable federal funding criteria, give higher priority to economic development projects that contain provisions for child care.

(3) The department may not approve an application that fails to provide for adequate reporting or disclosure of financial data to the department. The department may require an annual or other periodic audit of the project books.

(4) The department may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to that organization by the recipient of the loan or grant.

(5) The department shall fix the terms and rates pertaining to its loans.

(6) If there is more demand for loans than funds available for lending, the department shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the "greatest amount of employment or benefit," the department shall also consider the employment which would be saved by its loan and the benefit relative to the community, not just the total number of new jobs or jobs saved.

(7) To the extent permitted under federal law, the department shall require applicants to provide for the transfer of all payments of principal and interest on loans to the rural Washington loan fund created under this chapter. Under circumstances where federal law does not permit the department to require the transfer, the department shall give priority to applicants who on their own volition make commitments to provide for the transfer.

(8) The department shall not approve any application to finance or help finance a shopping mall.

(9) For loans not made to minority and women-owned businesses and businesses owned by disabled persons, the department shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed.

(10) If an objection is raised to a project on the basis of unfair business competition, the department shall evaluate the potential impact of a project on similar businesses located in the local market area. The department may deny a grant if the department determines the proposed project is not likely to result in a net increase in employment within a local market area.

(11) For loans to minority and women-owned businesses and businesses owned by disabled persons that do not meet the credit criteria, the department may consider nontraditional credit standards to offset past discrimination that has precluded full participation of minority or women-owned businesses or businesses owned by disabled persons in the economy. For applicants with high potential who do not meet the credit criteria, the department shall consider developing alternative borrowing methods. For applicants denied loans due to credit problems, the department shall provide financial counseling within available resources and provide referrals to credit rehabilitation services. In circumstances of competing applications, the department shall give priority to members of eligible groups which previously have been least served by this fund.

**NEW SECTION. Sec. 505.** The department is encouraged to work with local development organizations to promote applications for loans by the fund. The department shall also provide assistance to local development organizations and local governments to identify viable projects for consideration by the department. The department shall provide technical assistance to organizations that administer local revolving loan funds regarding practices to establish sustainable operations. The department shall adopt such rules and regulations as are appropriate to carry out its authority under this chapter.

**NEW SECTION. Sec. 506.** The department may receive and approve applications on a monthly basis but shall receive and approve applications on at least a quarterly basis for each fiscal year. The department shall make every effort to simplify the loan process for applicants. Department staff shall process and assist in the preparation of applications. Each application shall show in detail the nature of the project, the types and numbers of jobs to be created, wages to be paid to new employees, and methods of hiring unemployed persons from the local market area. Each application must contain a credit analysis of the business to receive the loan.

**NEW SECTION. Sec. 507.** The department shall make available an amount of federal community development block grant funds equal to the amount of state funds transferred or appropriated to the department for purposes of supplementing the department's block grant funds.

**NEW SECTION. Sec. 508.** The department may make grants of state funds to local governments that qualify as "entitlement communities" under the federal law authorizing community development block grants. These grants may be made only on condition that the entitlement community provide the department with assurances that the entitlement community will: (1) Spend the grant moneys for purposes and in a manner satisfying state constitutional requirements; (2) spend the grant moneys for purposes and in a manner satisfying federal requirements; and (3) spend at least the same amount of the grant for loans to businesses from the federal funds received by the entitlement community.

**NEW SECTION. Sec. 509.** There is established the rural Washington loan fund, which shall be an account in the state treasury. The rural Washington loan fund shall include revenue from the sources established by this chapter, appropriations by the legislature, federal funds, private contributions, all loan payments of principal and interest that are transferred under section 504 of this act, and all other sources. Moneys in the account may be spent only after legislative appropriation for loans or grants under this chapter. Any expenditures of federal moneys must conform to applicable federal law.

**NEW SECTION. Sec. 510.** (1) The department shall develop guidelines for rural Washington loan funds to be used to fund local economic development revolving loan funds. The department shall consider the selection process for grantees, loan quality criteria, legal and regulatory issues, and ways to minimize duplication between development loan funds and local economic development revolving loan funds.

(2) The department may make loans or grants from the rural Washington loan fund to local governments to capitalize new, or to recapitalize existing, economic development revolving loan funds in distressed areas.

**NEW SECTION. Sec. 511.** The department shall develop performance standards for judging the effectiveness of the program including, to the extent possible, examining the effectiveness of loans or grants with regard to:

- (1) Creation of jobs for individuals of low and moderate income;
- (2) Retention of existing employment;
- (3) Creation of new employment opportunities;
- (4) Diversification of the economic base of local communities;
- (5) Establishment of employee cooperatives;
- (6) Providing assistance in cases of employee buyouts of firms to prevent the loss of existing employment;
- (7) The degree of risk assumed by the rural Washington loan fund, with emphasis on loans which did not receive financing from commercial lenders, but which are considered financially sound.

**NEW SECTION. Sec. 512.** Any funds appropriated by the legislature to the rural Washington loan fund for purposes of the timber recovery act shall be used for development loans in rural natural resources impact areas as defined in RCW 43.31.601.

**NEW SECTION. Sec. 513.** Subject to the restrictions contained in this chapter, the department is authorized to approve applications of minority and women-owned businesses for loans or loan guarantees from the fund. Applications approved by the department under this chapter must conform to applicable federal requirements. The department shall prioritize available funds for loan guarantees rather than loans when possible. The department may enter into agreements with other public or private lending institutions to develop a joint loan guarantee program for minority and women-owned businesses. If such a program is developed, the department may provide funds, in conjunction with the other organizations, to operate the program. This section does not preclude the department from making individual loan guarantees.

To the maximum extent practicable, the department shall make available to minority and women-owned businesses, on an equal basis, funds available under this section. The department shall submit to the appropriate committees of the senate and house of representatives quarterly reports that detail the number of loans approved and the characteristics of the recipients by ethnic and gender groups.

**NEW SECTION. Sec. 514.** The department may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter, and the department may spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.

## PART VI REPEALED SECTIONS

**Sec. 601.** RCW 43.131.386 and 1997 c 367 s 19 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2001:

- (1) RCW 43.31.601 and 1997 c 367 s 1, 1995 c 226 s 1, 1992 c 21 s 2, & 1991 c 314 s 2;
- (2) RCW 43.31.641 and 1997 c 367 s 6, 1995 c 226 s 4, 1993 c 280 s 50, & 1991 c 314 s 7;
- (3) RCW 50.22.090 and ((1995 c 226 s 5, 1993 c 316 s 10, 1992 c 47 s 2, & 1991 c 315 s 4)) 1997 c 367 s 4;
- (4) ((RCW 43.160.212 and 1996 c 168 s 4, 1995 c 226 s 6, & 1993 c 316 s 5;

((5)) RCW 43.63A.021 and 1997 c 367 s 5 & 1995 c 226 s 11;  
(((6))) (5) RCW 43.63A.600 and 1995 c 226 s 12, 1994 c 114 s 1, 1993 c 280 s 77, & 1991 c 315 s 23;  
(((7))) (6) RCW 43.63A.440 and 1997 c 367 s 7, 1995 c 226 s 13, 1993 c 280 s 74, & 1989 c 424 s 7;  
(((8)) RCW 43.160.200 and 1995 c 226 s 16, 1993 c 320 s 7, 1993 c 316 s 4, & 1991 c 314 s 23;  
(9)) (7) RCW 28B.50.258 and 1995 c 226 s 18 & 1991 c 315 s 16;  
(((10))) (8) RCW 28B.50.262 and 1995 c 226 s 19 & 1994 c 282 s 3;  
(((11))) (9) RCW 28B.80.570 and 1997 c 367 s 14, 1995 c 226 s 20, 1992 c 21 s 6, & 1991 c 315 s 18;  
(((12))) (10) RCW 28B.80.575 and 1995 c 269 s 1001, 1995 c 226 s 21, & 1991 c 315 s 19;  
(((13))) (11) RCW 28B.80.580 and 1997 c 367 s 15, 1995 c 226 s 22, 1993 sp.s. c 18 s 34, 1992 c 231 s 31, & 1991 c 315 s 20;  
(((14))) (12) RCW 28B.80.585 and 1995 c 226 s 23 & 1991 c 315 s 21;  
(((15))) (13) RCW 43.17.065 and 1995 c 226 s 24, 1993 c 280 s 37, 1991 c 314 s 28, & 1990 1st ex.s. c 17 s 77;  
(((16))) (14) RCW 43.20A.750 and ((1995 c 226 s 25, 1993 c 280 s 38, 1992 c 21 s 4, & 1991 c 153 s 28)) 1997 c 367 s 16;  
(((17))) (15) RCW 43.168.140 and 1995 c 226 s 28 & 1991 c 314 s 20;  
(((18))) (16) RCW 50.12.270 and 1997 c 367 s 17, 1995 c 226 s 30, & 1991 c 315 s 3;  
(((19))) (17) RCW 50.70.010 and 1995 c 226 s 31, 1992 c 21 s 1, & 1991 c 315 s 5; and  
(((20))) (18) RCW 50.70.020 and 1995 c 226 s 32 & 1991 c 315 s 6.  
NEW SECTION. Sec. 602. RCW 43.160.212 (Rural natural resources impact areas--Loans for public works facilities) and 1996 c 168 s 4, 1995 c 226 s 6, 1993 c 316 s 5, 1992 c 21 s 8, & 1991 c 314 s 26 are each repealed.  
NEW SECTION. Sec. 603. 1997 c 367 s 11, 1995 c 226 s 8, 1993 c 316 s 7, & 1991 c 314 s 33 (uncodified) are each repealed.

## PART VII MISCELLANEOUS

NEW SECTION. Sec. 701. Part headings and subheadings used in this act are not any part of the law.  
NEW SECTION. Sec. 702. Sections 501 through 514 of this act constitute a new chapter in Title 43 RCW.  
NEW SECTION. Sec. 703. This act takes effect August 1, 1999.  
NEW SECTION. Sec. 704. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

## MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Engrossed House Bill No. 1313 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1313.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1313 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Wojahn - 42.

Voting nay: Senator Brown - 1.

Absent: Senator Deccio - 1.

Excused: Senators Heavey, McDonald, Patterson, Thibaudeau and Zarelli - 5.

ENGROSSED HOUSE BILL NO. 1313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2260, by House Committee on Finance (originally sponsored by Representatives Eickmeyer, Alexander, Mulliken, Kessler, McMorris, Grant, Parlette, Doumit, Clements, Linville, Mielke, Koster, DeBolt, Cox, Pennington, Dunn, Crouse, Sump, Ericksen, Veloria, Mastin, Hankins, Murray, Van Luven, Skinner, Schoesler, Hatfield, Conway, Kenney, Rockefeller, Thomas, Lantz, Barlean and Haigh)

Promoting the creation and the retention of jobs.

The bill was read the second time

#### MOTION

On motion of Senator Rasmussen, the following Committee on Ways and Means striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that while Washington's economy is currently prospering, economic growth continues to be uneven, particularly as between metropolitan and rural areas. This has created in effect two Washingtons: One afflicted by inadequate infrastructure to support and attract investment, another suffering from congestion and soaring housing prices. In order to address these problems, the legislature intends to use resources strategically to build on our state's strengths while addressing threats to our prosperity.

#### PART I LOCAL OPTION SALES AND USE TAX

**Sec. 101.** RCW 82.14.370 and 1998 c 55 s 6 are each amended to read as follows:

(1) The legislative authority of a ~~((distressed))~~ rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed ~~((0.04))~~ 0.08 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3) Moneys collected under this section shall only be used for the purpose of financing public facilities in rural counties. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county. In implementing this section, the county shall consult with cities, towns, and port districts located within the county. For the purposes of this section, "public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington.

(4) No tax may be collected under this section before July 1, 1998. No tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(5) For purposes of this section, "~~((distressed))~~ rural county" means ~~((a county in which the average level of unemployment for the three years before the year in which a tax is first imposed under this section exceeds the average state unemployment for those years by twenty percent))~~ an eligible area as defined in RCW 82.60.020.

#### PART II DISTRESSED COUNTY ASSISTANCE ACCOUNT

**Sec. 201.** RCW 82.14.380 and 1998 c 321 s 10 (Referendum Bill No. 49) are each amended to read as follows:

(1) The distressed county assistance account is created in the state treasury. Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.110. At such times as distributions are made under RCW

82.44.150, the state treasurer shall distribute the funds in the distressed county assistance account to each county imposing the sales and use tax authorized under RCW 82.14.370 as of January 1, 1999, in the same proportions as distributions of the tax imposed under RCW 82.14.370 for these counties for the previous quarter.

(2) Funds distributed from the distressed county assistance account shall be expended by the counties for criminal justice and other purposes.

### PART III DISTRESSED AREA SALES AND USE TAX DEFERRAL

**Sec. 301.** RCW 82.60.020 and 1996 c 290 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means ~~((: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community empowerment zone approved under RCW 43.63A.700 or a county containing such a community empowerment zone; (e) a town with a population of less than twelve hundred persons in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601; (f) a county designated by the governor as an eligible area under RCW 82.60.047; or (g) a county that is contiguous to a county that qualifies as an eligible area under (a) or (f) of this subsection))~~ a county with fewer than one hundred persons per square mile as determined each June based on the previous April's population estimate by the office of financial management and published by the department of revenue effective for the following July 1st through June 30th.

(4)(a) "Eligible investment project" means ~~((:~~

(i)) an investment project in an eligible area as defined in subsection (3)((a), (b), (c), (e), or (f)) of this section~~((: or~~

(ii) That portion of an investment project in an eligible area as defined in subsection (3)(d) or (g) of this section which is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested in an application approved before July 1, 1994, and for each seven hundred fifty thousand dollars of investment on which a deferral is requested in an application approved after June 30, 1994).

(b) The lessor/owner of a qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(c) ~~((For purposes of (a)(ii) of this subsection:~~

(i) ~~The department shall consider the entire investment project, including any investment in machinery and equipment that otherwise qualifies for exemption under RCW 82.08.02565 or 82.12.02565, for purposes of determining the portion of the investment project that qualifies for deferral as an eligible investment project; and~~

(ii) ~~The number of new full-time qualified employment positions created by an investment project shall be deemed to be reduced by the number of full-time employment positions maintained by the recipient in any other community in this state that are displaced as a result of the investment project.~~

(d)) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means ~~((all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles))~~ the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) (~~"Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.~~

~~(10))~~ "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

~~((11))~~ (10) "Recipient" means a person receiving a tax deferral under this chapter.

~~((12))~~ (11) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 302.** RCW 82.60.040 and 1997 c 156 s 5 are each amended to read as follows:

(1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project that(~~:~~

~~(a))~~ is located in an eligible area as defined in RCW 82.60.020(~~((3) (a), (b), (c), (e), or (f);~~

~~(b) is located in an eligible area as defined in RCW 82.60.020(3)(g) if seventy-five percent of the new qualified employment positions are to be filled by residents of a contiguous county that is an eligible area as defined in RCW 82.60.020(3) (a) or (f); or~~

~~(c) is located in an eligible area as defined in RCW 82.60.020(3)(d) if seventy-five percent of the new qualified employment positions are to be filled by residents of a designated community empowerment zone approved under RCW 43.63A.700 located within the county in which the eligible investment project is located)).~~

(2) The department shall keep a running total of all deferrals granted under this chapter during each fiscal biennium.

(3) This section expires July 1, 2004.

**Sec. 303.** RCW 82.60.070 and 1995 1st sp.s. c 3 s 9 are each amended to read as follows:

(1) (~~Each recipient of a deferral granted under this chapter prior to July 1, 1994, shall submit a report to the department on December 31st of each year during the repayment period until the tax deferral is repaid.~~) Each recipient of a deferral granted under this chapter after June 30, 1994, shall submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report shall contain information, as required by the department, from which the department may determine whether the recipient is meeting the requirements of this chapter. If the recipient fails to submit a report or submits an inadequate report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable.

(2) If, on the basis of a report under this section or other information, the department finds that an investment project is not eligible for tax deferral under this chapter (~~(for reasons other than failure to create the required number of qualified employment positions)),~~ the amount of deferred taxes outstanding for the project shall be immediately due.

(3) (~~If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter prior to July 1, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the department shall assess interest, but not penalties, on the deferred taxes for the project. The interest shall be assessed at the rate provided for delinquent excise taxes, shall be assessed retroactively to the date of deferral, and shall accrue until the deferred taxes are repaid.~~

~~(4) If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter after June 30, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes not eligible for deferral shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.~~

~~(5) If, on the basis of a report under this section or other information, the department finds that an investment project qualifying for deferral under RCW 82.60.040(1) (b) or (c) has failed to comply with any requirement of RCW 82.60.045 for any calendar year for which reports are required under subsection (1) of this section, twelve and one-half percent of the amount of deferred taxes shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.~~

~~(6))~~ Notwithstanding any other subsection of this section, deferred taxes need not be repaid on machinery and equipment for lumber and wood products industries, and sales of or charges made for labor and services, of the type which qualifies for exemption under RCW 82.08.02565 or 82.12.02565 to the extent the taxes have not been repaid before July 1, 1995.

~~((7))~~ (4) Notwithstanding any other subsection of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

#### PART IV DISTRESSED AREA BUSINESS AND OCCUPATION TAX JOB CREDIT

**Sec. 401.** RCW 82.62.010 and 1996 c 290 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means ~~((: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community empowerment zone approved under RCW 43.63A.700; or (e) subcounty areas in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.604))~~ an area as defined in RCW 82.60.020.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility, provided the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means ~~((all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles))~~ the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 402.** RCW 82.62.030 and 1997 c 366 s 5 are each amended to read as follows:

(1) A person shall be allowed a credit against the tax due under chapter 82.04 RCW as provided in this section. ~~((For an application approved before January 1, 1996, the credit shall equal one thousand dollars for each qualified employment position~~

directly created in an eligible business project. For an application approved on or after January 1, 1996, the credit shall equal two thousand dollars for each qualified employment position directly created in an eligible business project. For an application approved on or after July 1, 1997,)) The credit shall equal: (a) Four thousand dollars for each qualified employment position with wages and benefits greater than forty thousand dollars annually that is directly created in an eligible business((For an application approved on or after July 1, 1997, the credit shall equal)) and (b) two thousand dollars for each qualified employment position with wages and benefits less than or equal to forty thousand dollars annually that is directly created in an eligible business.

(2) The department shall keep a running total of all credits granted under this chapter during each fiscal year. The department shall not allow any credits which would cause the tabulation to exceed ((five million five hundred thousand dollars in fiscal year 1998 or 1999 or)) seven million five hundred thousand dollars in any fiscal year ((thereafter)). If all or part of an application for credit is disallowed under this subsection, the disallowed portion shall be carried over for approval the next fiscal year. However, the applicant's carryover into the next fiscal year is only permitted if the tabulation for the next fiscal year does not exceed the cap for that fiscal year as of the date on which the department has disallowed the application.

(3) No recipient may use the tax credits to decertify a union ((or to displace existing jobs in any community in the state)).

(4) No recipient may receive a tax credit on taxes which have not been paid during the taxable year.

## PART V TECHNOLOGY-BASED BUSINESSES Software

**NEW SECTION. Sec. 501.** It is the intent of the legislature to attract and retain technology-based businesses in distressed counties. Section 502 of this act provides a tax incentive to those businesses that develop or manufacture software in distressed counties. Section 503 of this act provides a tax incentive to those businesses that are engaged in the business of providing technical support services from distressed counties. Encouragement of these types of business will stimulate the information technology industry and be of benefit to the state economy in general. To further the impact and benefit of this program, this incentive is limited to those counties of the state that are characterized by unemployment or low income. The legislature finds that providing this targeted incentive will both increase its effectiveness and create a high technology work force in distressed counties.

**NEW SECTION. Sec. 502.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for persons engaged in a distressed county in the business of manufacturing software or programming computers, as those terms are defined in this section.

(2) A person who partially or totally relocates a business from one distressed county to another distressed county is eligible for any qualifying new jobs created as a result of the relocation but is not eligible to receive credit for the jobs moved from one county to the other.

(3)(a) To qualify for the credit, the qualifying activity of the person must be conducted in a distressed county and the qualified employment position must be located in the distressed county.

(b) If an activity is conducted both from a distressed county and outside of a distressed county, the credit is available if at least ninety percent of the qualifying activity takes place within a distressed county. If the qualifying activity is a service taxable activity, the place where the work is performed is the place at which the activity is conducted.

(4)(a) The credit under this section shall equal one thousand dollars for each qualified employment position created after July 1, 1999, in an eligible area. A credit is earned for the calendar year the person is hired to fill the position. Additionally a credit is earned for each year the position is maintained over the subsequent consecutive years, up to six years. The county must meet the definition of a distressed county at the time the position is filled. If the county does not have a distressed county status the following year or years, the position is still eligible for the remaining years if all other conditions are met.

(b) Credit may not be taken for hiring of persons into positions that exist before July 1, 1999. Credit is authorized for new employees hired for new positions created on or after July 1, 1999. New positions filled by existing employees are eligible for the credit under this section only if the position vacated by the existing employee is filled by a new hire. A business that is a sole proprietorship without any employees is equivalent to one employee position and this type of business is eligible to receive credit for one position.

(c) If a position is filled before July 1st, this position is eligible for the full yearly credit. If it is filled after June 30th, this position is eligible for half of the credit.

(d) A person that has engaged in qualifying activities in the distressed county before the effective date of this section qualifies for the credit under this section for positions created and filled after the effective date of this section.

(5) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. This information includes information relating to description of qualifying activity engaged in the distressed county and outside the distressed county by the person as well as detailed records on positions and employees. The department shall, in consultation with a representative group of affected taxpayers, develop a method of segregating activity and related income so that those persons who engage in multiple activities can determine eligibility for credit under this section.

(6) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been claimed shall be immediately due. The department shall assess interest, but not penalties, on the taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(7) The credit under this section may be used against any tax due under this chapter, but in no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. A person is not eligible to receive a credit under this section if the person is receiving credit for the same position under chapter 82.62 RCW or RCW 82.04.44525 or is taking the credit under section 503 of this act. No refunds may be granted for credits under this section.

(8) County eligibility under this section shall be based on the same list as published by the department under chapter 82.60 RCW. The eligibility period is from July 1st of each year to June 30th of the next year.

(9) A person taking tax credits under this section shall make an annual report to the department. The report shall be in a letter form and shall include the following information: Number of positions for which credit is being claimed, type of position for which credit is being claimed, type of activity in which the person is engaged in the county, and how long the person has been located in the county. The report must be filed by January 30th of each year for which credit was claimed during the previous year.

(10) Transfer of ownership does not affect credit eligibility; however, the credit is available to the successor for remaining periods in the seven years only if the eligibility conditions of this section are met.

(11) As used in this section:

(a) "Distressed county" means an eligible area as defined in RCW 82.60.020.

(b) "Manufacturing" means the same as "to manufacture" under RCW 82.04.120. Manufacturing includes the activities of both manufacturers and processors for hire.

(c) "Programming" means the activities that involve the creation or modification of software, as that term is defined in this chapter, and that are taxable as a service under RCW 82.04.290(2) or as a retail sale under RCW 82.04.050.

(d) "Qualifying activity" means manufacturing of software or programming computers.

(e) "Qualified employment position" means a permanent full-time position doing programming of software or manufacturing of software. This excludes administrative, professional, service, executive, and other similar positions. If an employee is either voluntarily or involuntarily separated from employment, the employment position is considered filled on a full-time basis if the employer is either training or actively recruiting a replacement employee. Full-time means a position for at least thirty-five hours a week.

(f) "Software" has the same meaning as defined in RCW 82.04.215.

(12) This section expires June 30, 2003.

#### **Help Desk Services**

**NEW SECTION. Sec. 503.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for persons engaged in a distressed county in the business of providing information technology help desk services to third parties.

(2) To qualify for the credit, the help desk services must be conducted from a distressed county.

(3)(a) For the first eighty-four months in which the person is engaged in the activity of providing information technology help desk services in the distressed county, the amount of the credit shall be equal to one hundred percent of the amount of tax due under this chapter that is attributable to providing the services from the distressed county. In order to qualify for the credit under this subsection (3)(a), the county must meet the definition of "distressed county" at the time the person begins to conduct qualifying business in the county. If the county subsequently does not qualify for distressed county status, the person may continue to take the credit for the remaining time in the eighty-four months if all other conditions are met. A person who locates in a county during a period of time for which the county does not meet the distressed county status is not eligible to receive the credit under this subsection (3)(a).

(b) A person who is not eligible for the credit under (a) of this subsection is potentially eligible for credit under this subsection (3)(b). If the person is engaged in the activity of providing information technology help desk services in a distressed county, the amount of the credit shall equal sixty-eight percent of the amount of tax due under this chapter that is attributable to

providing the service from the distressed county. In order to qualify for the credit under this subsection, the county must meet the definition of "distressed county" during the period of time for which the credit is being claimed. A person is not eligible for a credit under this subsection (3)(b) for activity conducted during any period of time the county does not have a distressed county status.

(c) A person who has engaged in providing information technology help desk services in the distressed county before the effective date of this section qualifies for the credit under (a) of this subsection for any remaining time in the eighty-four months, after which time the person is potentially eligible for the credit under (b) of this subsection. A person who has engaged in providing information technology help desk services in the distressed county before the effective date of this section for more than eighty-four months is potentially eligible for the credit under (b) of this subsection.

(4) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. These records include information relating to description of activity engaged in a distressed county by the person.

(5) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been used is immediately due. The department shall assess interest, but not penalties, on the credited taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(6) The credit under this section may be used against any tax due under this chapter, but in no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. A person is not eligible to receive a credit under this section if the person is receiving credit under section 502 of this act or RCW 82.04.44525 or chapter 82.62 RCW. No refunds may be granted for credits under this section.

(7) County eligibility under this section shall be based on the same list as published by the department under chapter 82.60 RCW. The eligibility period is from July 1st of each year to June 30th of the next year.

(8) A person taking tax credits under this section shall make an annual report to the department. The report shall be in a letter form and shall include the following information: Type of activity in which the person is engaged in the county, number of employees in the distressed county, and how long the person has been located in the county. The report must be filed by January 30th of each year for which credit was claimed during the previous year.

(9) Transfer of ownership does not affect credit eligibility; however, the credit is available to the successor only if the eligibility conditions of this section are met.

(10) As used in this section:

(a) "Distressed county" means an eligible area as defined in RCW 82.60.020.

(b) "First eighty-four months" means the eighty-four months of operation in a county following commencement of business activity. Business activity is deemed to commence upon the act of engaging in the business of providing the help desk services from the county.

(c) "Information technology help desk services" means the following inbound technical or customer support services performed using electronic and telephonic communication:

- (i) Hardware and software maintenance;
- (ii) Hardware and software diagnostics and troubleshooting;
- (iii) Hardware and software installation;
- (iv) Hardware and software repair;
- (v) Hardware and software information and training; and
- (vi) Hardware and software upgrade.

(11) This section expires June 30, 2003.

**NEW SECTION. Sec. 504.** A new section is added to chapter 82.62 RCW to read as follows:

(1) A person is not eligible to receive a credit under this chapter if the person is receiving credit for the same position under section 502 of this act or RCW 82.04.44525 or is receiving a credit under section 503 of this act.

(2) This section expires June 30, 2003.

**NEW SECTION. Sec. 505.** The following acts or parts of acts are each repealed:

- (1) RCW 82.60.045 (Eligible projects--Additional requirements) and 1995 1st sp.s. c 3 s 7 & 1994 sp.s. c 1 s 4; and
- (2) RCW 82.60.047 (Governor designation of county as eligible area--Natural disaster, business closure, military base closure, mass layoff) and 1994 sp.s. c 1 s 9.

## PART VI ELECTRIC UTILITIES

**NEW SECTION. Sec. 601.** The legislature finds that it is necessary to employ multiple approaches to revitalize the economy of Washington state's rural areas. The legislature also finds that where possible, Washington state should develop programs which can complement other private, state, and federal programs. It is the intent of section 602 of this act to complement such rural economic development efforts by creating a public utility tax offset program to help establish locally based electric utility revolving fund programs to be used for economic development and job creation.

**NEW SECTION. Sec. 602.** A new section is added to chapter 82.16 RCW to read as follows:

(1) The following definitions apply to this section:

(a) "Qualifying project" means a project designed to achieve job creation or business retention, to add or upgrade nonelectrical infrastructure, to add or upgrade health and safety facilities, to accomplish energy and water use efficiency improvements, including renewable energy development, or to add or upgrade emergency services in any designated qualifying rural area.

(b) "Qualifying rural area" means:

(i) An eligible area as defined in RCW 82.60.020; or

(ii) Any geographic area in the state that receives electricity from a light and power business with fewer than twenty-six meters per mile of distribution line as determined and published by the department of revenue effective July 1st of each year. The department shall use current data provided by the electricity industry.

(c) "Electric utility rural economic development revolving fund" means a fund devoted exclusively to funding qualifying projects in qualifying rural areas.

(d) "Local board" is a board of directors with at least, but not limited to, three members representing local businesses and community groups who have been appointed by the sponsoring electric utility to oversee and direct the activities of the electric utility rural economic development revolving fund.

(e) "Geographic area" means any portion of a light and power business' service territory, either in whole or any subdivision thereof.

(2) A light and power business with fewer than twenty-six active meters per mile of distribution line in any geographic area in the state shall be allowed a credit against taxes due under this chapter in an amount equal to fifty percent of contributions made in any calendar year directly to an electric utility rural economic development revolving fund. The credit shall be taken in a form and manner as required by the department. The credit under this section shall not exceed one hundred thousand dollars per calendar year per light and power business. The credit may not exceed the tax that would otherwise be due under this chapter. Refunds shall not be granted in the place of credits. Expenditures not used to earn a credit in one calendar year may not be used to earn a credit in subsequent years.

(3) The right to earn tax credits under this section expires December 31, 2005.

(4) To qualify for the credit in subsection (2) of this section, the light and power business shall establish an electric utility rural economic development revolving fund which is governed by a local board whose members shall reside in the qualifying rural area served by the light and power business. The local board shall have authority to determine all criteria and conditions for the expenditure of funds from the electric utility rural economic development fund, and for the terms and conditions of repayment.

(5) Any funds repaid to the electric utility rural economic development fund by recipients shall be made available for additional qualifying projects.

(6) If at any time the electric utility rural economic development fund is dissolved, any moneys claimed as a tax credit under this section shall either be granted to a qualifying project or refunded to the state within two years of termination.

(7) The total amount of credits that may be used in any fiscal year shall not exceed seven hundred fifty thousand dollars in any fiscal year. The department shall allow the use of earned credits on a first-come, first-served basis. Unused earned credits may be carried over to subsequent years.

## **PART VII COMMUNITY EMPOWERMENT ZONES**

**NEW SECTION. Sec. 701.** A new section is added to chapter 82.60 RCW to read as follows:

(1) For the purposes of this section:

(a) "Eligible area" also means a designated community empowerment zone approved under RCW 43.63A.700.

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

(c) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(2) In addition to the provisions of RCW 82.60.040, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each seven hundred fifty thousand dollars of investment on which a deferral is requested; and

(b) The qualified employment positions will be filled by persons who at the time of hire are residents of the community empowerment zone in which the project is located. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person at the time of hire is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) Except as provided in this section, all other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) If a person does not meet the requirements of subsection (2)(a) and (b) of this section by the end of the calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due. For the remaining years for which the person must report under RCW 82.60.070, a recipient under this section is subject to the eligibility standards applicable to other recipients under this chapter.

**NEW SECTION. Sec. 702.** A new section is added to chapter 82.62 RCW to read as follows:

(1) For the purposes of this section "eligible area" also means a designated community empowerment zone approved under RCW 43.63A.700.

(2) An eligible business project located within an eligible area as defined in this section qualifies for a credit under this chapter for those employees who at the time of hire are residents of the community empowerment zone in which the project is located, if the requirements under this chapter are met. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person at the time of hire is a resident for the purposes of this section.

(3) Except as provided in this section, all other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

## **PART VIII MISCELLANEOUS**

**NEW SECTION. Sec. 801.** Part headings and subheadings used in this act are not any part of the law.

**NEW SECTION. Sec. 802.** This act takes effect August 1, 1999.

**NEW SECTION. Sec. 803.** Sections 301 through 303, 401, 402, and 505 of this act do not affect any existing right acquired or liability or obligation under the sections amended or repealed in those sections or any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

**NEW SECTION. Sec. 804.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

## **MOTION**

Senator Tim Sheldon moved that the following amendment by Senators Tim Sheldon, Rasmussen and Morton be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that while Washington's economy is currently prospering, economic growth continues to be uneven, particularly as between metropolitan and rural areas. This has created in effect two Washingtons: One afflicted by inadequate infrastructure to support and attract investment, another suffering from congestion and soaring housing prices. In order to address these problems, the legislature intends to use resources strategically to build on our state's strengths while addressing threats to our prosperity.

## **PART I LOCAL OPTION SALES AND USE TAX**

**Sec. 101.** RCW 82.14.370 and 1998 c 55 s 6 are each amended to read as follows:

(1) The legislative authority of a ((distressed)) rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by

the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed ~~((0.04))~~ 0.08 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3) Moneys collected under this section shall only be used for the purpose of financing public facilities in rural counties. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county. In implementing this section, the county shall consult with cities, towns, and port districts located within the county. For the purposes of this section, "public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington.

(4) No tax may be collected under this section before July 1, 1998. No tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(5) For purposes of this section, "~~((distressed))~~ rural county" means ~~((a county in which the average level of unemployment for the three years before the year in which a tax is first imposed under this section exceeds the average state unemployment for those years by twenty percent))~~ an eligible area as defined in RCW 82.60.020.

## PART II DISTRESSED COUNTY ASSISTANCE ACCOUNT

**Sec. 201.** RCW 82.14.380 and 1998 c 321 s 10 (Referendum Bill No. 49) are each amended to read as follows:

(1) The distressed county assistance account is created in the state treasury. Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.110. At such times as distributions are made under RCW 82.44.150, the state treasurer shall distribute the funds in the distressed county assistance account to each county imposing the sales and use tax authorized under RCW 82.14.370 as of January 1, 1999, in the same proportions as distributions of the tax imposed under RCW 82.14.370 for these counties for the previous quarter.

(2) Funds distributed from the distressed county assistance account shall be expended by the counties for criminal justice and other purposes.

## PART III TECHNOLOGY-BASED BUSINESSES Software

NEW SECTION. **Sec. 301.** It is the intent of the legislature to attract and retain technology-based businesses in distressed counties. Section 302 of this act provides a tax incentive to those businesses that develop or manufacture software in distressed counties. Section 303 of this act provides a tax incentive to those businesses that are engaged in the business of providing technical support services from distressed counties. Encouragement of these types of business will stimulate the information technology industry and be of benefit to the state economy in general. To further the impact and benefit of this program, this incentive is limited to those counties of the state that are characterized by unemployment or low income. The legislature finds that providing this targeted incentive will both increase its effectiveness and create a high technology work force in distressed counties.

NEW SECTION. **Sec. 302.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for persons engaged in a distressed county in the business of manufacturing software or programming computers, as those terms are defined in this section.

(2) A person who partially or totally relocates a business from one distressed county to another distressed county is eligible for any qualifying new jobs created as a result of the relocation but is not eligible to receive credit for the jobs moved from one county to the other.

(3)(a) To qualify for the credit, the qualifying activity of the person must be conducted in a distressed county and the qualified employment position must be located in the distressed county.

(b) If an activity is conducted both from a distressed county and outside of a distressed county, the credit is available if at least ninety percent of the qualifying activity takes place within a distressed county. If the qualifying activity is a service taxable activity, the place where the work is performed is the place at which the activity is conducted.

(4)(a) The credit under this section shall equal one thousand dollars for each qualified employment position created after July 1, 1999, in an eligible area. A credit is earned for the calendar year the person is hired to fill the position. Additionally a credit is earned for each year the position is maintained over the subsequent consecutive years, up to six years. The county must meet the definition of a distressed county at the time the position is filled. If the county does not have a distressed county status the following year or years, the position is still eligible for the remaining years if all other conditions are met.

(b) Credit may not be taken for hiring of persons into positions that exist before July 1, 1999. Credit is authorized for new employees hired for new positions created on or after July 1, 1999. New positions filled by existing employees are eligible for the credit under this section only if the position vacated by the existing employee is filled by a new hire. A business that is a sole proprietorship without any employees is equivalent to one employee position and this type of business is eligible to receive credit for one position.

(c) If a position is filled before July 1st, this position is eligible for the full yearly credit. If it is filled after June 30th, this position is eligible for half of the credit.

(d) A person that has engaged in qualifying activities in the distressed county before the effective date of this section qualifies for the credit under this section for positions created and filled after the effective date of this section.

(5) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. This information includes information relating to description of qualifying activity engaged in the distressed county and outside the distressed county by the person as well as detailed records on positions and employees. The department shall, in consultation with a representative group of affected taxpayers, develop a method of segregating activity and related income so that those persons who engage in multiple activities can determine eligibility for credit under this section.

(6) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been claimed shall be immediately due. The department shall assess interest, but not penalties, on the taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(7) The credit under this section may be used against any tax due under this chapter, but in no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. A person is not eligible to receive a credit under this section if the person is receiving credit for the same position under chapter 82.62 RCW or RCW 82.04.44525 or is taking the credit under section 303 of this act. No refunds may be granted for credits under this section.

(8) County eligibility under this section shall be based on the same list as published by the department under chapter 82.60 RCW. The eligibility period is from July 1st of each year to June 30th of the next year.

(9) A person taking tax credits under this section shall make an annual report to the department. The report shall be in a letter form and shall include the following information: Number of positions for which credit is being claimed, type of position for which credit is being claimed, type of activity in which the person is engaged in the county, and how long the person has been located in the county. The report must be filed by January 30th of each year for which credit was claimed during the previous year.

(10) Transfer of ownership does not affect credit eligibility; however, the credit is available to the successor for remaining periods in the seven years only if the eligibility conditions of this section are met.

(11) As used in this section:

(a) "Distressed county" means an eligible area as defined in RCW 82.60.020.

(b) "Manufacturing" means the same as "to manufacture" under RCW 82.04.120. Manufacturing includes the activities of both manufacturers and processors for hire.

(c) "Programming" means the activities that involve the creation or modification of software, as that term is defined in this chapter, and that are taxable as a service under RCW 82.04.290(2) or as a retail sale under RCW 82.04.050.

(d) "Qualifying activity" means manufacturing of software or programming computers.

(e) "Qualified employment position" means a permanent full-time position doing programming of software or manufacturing of software. This excludes administrative, professional, service, executive, and other similar positions. If an employee is either voluntarily or involuntarily separated from employment, the employment position is considered filled on a full-time basis if the employer is either training or actively recruiting a replacement employee. Full-time means a position for at least thirty-five hours a week.

(f) "Software" has the same meaning as defined in RCW 82.04.215.

(12) No credit may be taken or accrued under this section on or after July 1, 2003.

(13) This section expires June 30, 2003.

## Help Desk Services

**NEW SECTION. Sec. 303.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for persons engaged in a distressed county in the business of providing information technology help desk services to third parties.

(2) To qualify for the credit, the help desk services must be conducted from a distressed county.

(3)(a) For the first eighty-four months in which the person is engaged in the activity of providing information technology help desk services in the distressed county, the amount of the credit shall be equal to one hundred percent of the amount of tax due under this chapter that is attributable to providing the services from the distressed county. In order to qualify for the credit under this subsection (3)(a), the county must meet the definition of "distressed county" at the time the person begins to conduct qualifying business in the county. If the county subsequently does not qualify for distressed county status, the person may continue to take the credit for the remaining time in the eighty-four months if all other conditions are met. A person who locates in a county during a period of time for which the county does not meet the distressed county status is not eligible to receive the credit under this subsection (3)(a).

(b) A person who is not eligible for the credit under (a) of this subsection is potentially eligible for credit under this subsection (3)(b). If the person is engaged in the activity of providing information technology help desk services in a distressed county, the amount of the credit shall equal sixty-eight percent of the amount of tax due under this chapter that is attributable to providing the service from the distressed county. In order to qualify for the credit under this subsection, the county must meet the definition of "distressed county" during the period of time for which the credit is being claimed. A person is not eligible for a credit under this subsection (3)(b) for activity conducted during any period of time the county does not have a distressed county status.

(c) A person who has engaged in providing information technology help desk services in the distressed county before the effective date of this section qualifies for the credit under (a) of this subsection for any remaining time in the eighty-four months, after which time the person is potentially eligible for the credit under (b) of this subsection. A person who has engaged in providing information technology help desk services in the distressed county before the effective date of this section for more than eighty-four months is potentially eligible for the credit under (b) of this subsection.

(4) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. These records include information relating to description of activity engaged in a distressed county by the person.

(5) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been used is immediately due. The department shall assess interest, but not penalties, on the credited taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(6) The credit under this section may be used against any tax due under this chapter, but in no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. A person is not eligible to receive a credit under this section if the person is receiving credit under section 302 of this act or RCW 82.04.44525 or chapter 82.62 RCW. No refunds may be granted for credits under this section.

(7) County eligibility under this section shall be based on the same list as published by the department under chapter 82.60 RCW. The eligibility period is from July 1st of each year to June 30th of the next year.

(8) A person taking tax credits under this section shall make an annual report to the department. The report shall be in a letter form and shall include the following information: Type of activity in which the person is engaged in the county, number of employees in the distressed county, and how long the person has been located in the county. The report must be filed by January 30th of each year for which credit was claimed during the previous year.

(9) Transfer of ownership does not affect credit eligibility; however, the credit is available to the successor only if the eligibility conditions of this section are met.

(10) As used in this section:

(a) "Distressed county" means an eligible area as defined in RCW 82.60.020.

(b) "First eighty-four months" means the eighty-four months of operation in a county following commencement of business activity. Business activity is deemed to commence upon the act of engaging in the business of providing the help desk services from the county.

(c) "Information technology help desk services" means the following inbound technical or customer support services performed using electronic and telephonic communication:

(i) Hardware and software maintenance;

- (ii) Hardware and software diagnostics and troubleshooting;
  - (iii) Hardware and software installation;
  - (iv) Hardware and software repair;
  - (v) Hardware and software information and training; and
  - (vi) Hardware and software upgrade.
- (11) No credit may be taken or accrued under this section on or after July 1, 2003.
- (12) This section expires June 30, 2003.

**NEW SECTION. Sec. 304.** A new section is added to chapter 82.62 RCW to read as follows:

(1) A person is not eligible to receive a credit under this chapter if the person is receiving credit for the same position under section 302 of this act or RCW 82.04.44525 or is receiving a credit under section 303 of this act.

(2) This section expires June 30, 2003.

**NEW SECTION. Sec. 305.** The following acts or parts of acts are each repealed:

- (1) RCW 82.60.045 (Eligible projects--Additional requirements) and 1995 1st sp.s. c 3 s 7 & 1994 sp.s. c 1 s 4; and
- (2) RCW 82.60.047 (Governor designation of county as eligible area--Natural disaster, business closure, military base closure, mass layoff) and 1994 sp.s. c 1 s 9.

#### **PART IV ELECTRIC UTILITIES**

**NEW SECTION. Sec. 401.** The legislature finds that it is necessary to employ multiple approaches to revitalize the economy of Washington state's rural areas. The legislature also finds that where possible, Washington state should develop programs which can complement other private, state, and federal programs. It is the intent of section 402 of this act to complement such rural economic development efforts by creating a public utility tax offset program to help establish locally based electric utility revolving fund programs to be used for economic development and job creation.

**NEW SECTION. Sec. 402.** A new section is added to chapter 82.16 RCW to read as follows:

(1) The following definitions apply to this section:

(a) "Qualifying project" means a project designed to achieve job creation or business retention, to add or upgrade nonelectrical infrastructure, to add or upgrade health and safety facilities, to accomplish energy and water use efficiency improvements, including renewable energy development, or to add or upgrade emergency services in any designated qualifying rural area.

(b) "Qualifying rural area" means:

- (i) An eligible area as defined in RCW 82.60.020; or
- (ii) Any geographic area in the state that receives electricity from a light and power business with twelve thousand or fewer customers with fewer than twenty-six meters per mile of distribution line as determined and published by the department of revenue effective July 1st of each year. The department shall use current data provided by the electricity industry.

(c) "Electric utility rural economic development revolving fund" means a fund devoted exclusively to funding qualifying projects in qualifying rural areas.

(d) "Local board" is a board of directors with at least, but not limited to, three members representing local businesses and community groups who have been appointed by the sponsoring electric utility to oversee and direct the activities of the electric utility rural economic development revolving fund.

(2) A light and power business with fewer than twenty-six active meters per mile of distribution line in any geographic area in the state shall be allowed a credit against taxes due under this chapter in an amount equal to fifty percent of contributions made in any calendar year directly to an electric utility rural economic development revolving fund. The credit shall be taken in a form and manner as required by the department. The credit under this section shall not exceed twenty-five thousand dollars per calendar year per light and power business. The credit may not exceed the tax that would otherwise be due under this chapter. Refunds shall not be granted in the place of credits. Expenditures not used to earn a credit in one calendar year may not be used to earn a credit in subsequent years.

(3) The right to earn tax credits under this section expires December 31, 2005.

(4) To qualify for the credit in subsection (2) of this section, the light and power business shall establish an electric utility rural economic development revolving fund which is governed by a local board whose members shall reside in the qualifying rural area served by the light and power business. The local board shall have authority to determine all criteria and conditions for the expenditure of funds from the electric utility rural economic development fund, and for the terms and conditions of repayment.

(5) Any funds repaid to the electric utility rural economic development fund by recipients shall be made available for additional qualifying projects.

(6) If at any time the electric utility rural economic development fund is dissolved, any moneys claimed as a tax credit under this section shall either be granted to a qualifying project or refunded to the state within two years of termination.

(7) The total amount of credits that may be used in any fiscal year shall not exceed three hundred fifty thousand dollars in any fiscal year. The department shall allow the use of earned credits on a first-come, first-served basis. Unused earned credits may be carried over to subsequent years.

## **PART V DISASTER VICTIMS' RELIEF**

**NEW SECTION. Sec. 501.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of labor and services rendered in respect to:

- (a) The moving of houses out of any landslide area that has been declared as a federal disaster area;
- (b) The demolition of houses located in a landslide area that has been declared as a federal disaster area; or
- (c) The removal of debris from a landslide area that has been declared as a federal disaster area.

(2) This section expires July 1, 2000.

## **PART VI MISCELLANEOUS**

**NEW SECTION. Sec. 601.** Part headings and subheadings used in this act are not any part of the law.

**NEW SECTION. Sec. 602.** Section 501 of this act applies retroactively to March 1, 1998.

**NEW SECTION. Sec. 603.** Section 501 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**NEW SECTION. Sec. 604.** Sections 1, 101, 201, 301 through 305, 401, 402, 601, and 605 of this act take effect August 1, 1999.

**NEW SECTION. Sec. 605.** Section 305 of this act does not affect any existing right acquired or liability or obligation under the sections repealed in section 305 of this act or any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

**NEW SECTION. Sec. 606.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Tim Sheldon, Rasmussen and Morton to Engrossed Substitute House Bill No. 2260.

The motion by Senator Tim Sheldon carried and the striking amendment was adopted.

## **MOTIONS**

On motion of Senator Tim Sheldon, the following title amendment was adopted:

On page 1, line 1 of the title, after "counties;" strike the remainder of the title and insert "amending RCW 82.14.370 and 82.14.380; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.60 RCW; adding a new section to chapter 82.08 RCW; creating new sections; repealing RCW 82.60.045 and 82.60.047; providing an effective date; providing expiration dates; and declaring an emergency."

On motion of Senator Tim Sheldon, the rules were suspended, Engrossed Substitute House Bill No. 2260, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## **MOTION**

On motion of Senator Franklin, Senator Prentice was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2260, as amended by the Senate.

## **ROLL CALL**

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2260, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senators Brown and Deccio - 2.

Excused: Senators McDonald, Prentice and Thibaudeau - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2260, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

On motion of Senator Honeyford, Senators Deccio, Johnson and Stevens were excused.

On motion of Senator Franklin, Senator McAuliffe was excused.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Fairley, Gubernatorial Appointment No. 9194, Sam Kinville, as a member of the Public Employment Relations Commission, was confirmed.

#### APPOINTMENT OF SAM KINVILLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 32; Nays, 11; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Loveland, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, West, Winsley and Wojahn - 32.

Voting nay: Senators Benton, Hale, Hochstatter, Honeyford, Long, McDonald, Rossi, Sellar, Sheahan, Swecker and Zarelli - 11.

Absent: Senator Roach - 1.

Excused: Senators Deccio, Johnson, McAuliffe, Stevens, Thibaudeau - 5

#### MOTION

On motion of Senator Hale, Senator McDonald was excused.

#### MOTIONS

On motion of Senator Sellar, Senator Hale was excused.

On motion of Senator Franklin, Senators Costa, Kline and Wojahn were excused.

#### MOTION

On motion of Senator Fairley, Gubernatorial Appointment No. 9195, Gay Kiesling, as a member of the Work Force Training and Education Coordinating Board, was confirmed.

#### APPOINTMENT OF GAY KIESLING

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 35; Nays, 1; Absent, 0; Excused, 13.

Voting yea: Senators Bauer, Benton, Brown, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kohl-Welles, Loveland, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel and Swecker - 35.

Voting nay: Senator Zarelli - 1.

Excused: Senators Costa, Deccio, Hale, Johnson, Kline, Long, McAuliffe, McDonald, Stevens, Thibaudeau, West, Winsley and Wojahn - 13.

#### MOTION

On motion of Senator Franklin, Senator Loveland was excused.

#### MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9196, Dorothy Hollingsworth, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6, was confirmed.

#### APPOINTMENT OF DOROTHY HOLLINGSWORTH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 35; Nays, 0; Absent, 1; Excused, 13.

Voting yea: Senators Bauer, Benton, Brown, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker and Zarelli - 35.

Absent: Senator Snyder - 1.

Excused: Senators Costa, Deccio, Hale, Johnson, Kline, Long, Loveland, McDonald, Stevens, Thibaudeau, West, Winsley and Wojahn - 13.

#### MOTIONS

On motion of Senator Eide, Senator Kohl-Welles was excused.

On motion of Senator McCaslin, Senator Morton was excused.

#### MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9205, Teri Murphy, as a member of the Board of Trustees for South Puget Sound Community College District No 24, was confirmed.

#### APPOINTMENT OF TERI MURPHY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 35; Nays, 0; Absent, 1; Excused, 13.

Voting yea: Senators Bauer, Benton, Brown, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Wojahn and Zarelli - 35.

Absent: Senator Snyder - 1.

Excused: Senators Costa, Deccio, Hale, Johnson, Kline, Kohl-Welles, Long, Loveland, Morton, Stevens, Thibaudeau, West and Winsley - 13.

President Pro Tempore Wojahn assumed the Chair.

#### MOTION

On motion of Senator Fairley, Gubernatorial Appointment No. 9190, Nate Ford, as a member of the Personnel Appeals Board, was confirmed.

#### APPOINTMENT OF NATE FORD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 2; Excused, 11.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kohl-Welles, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Wojahn and Zarelli - 36.

Absent: Senators McAuliffe and Snyder - 2.

Excused: Senators Costa, Hale, Johnson, Kline, Long, Loveland, Morton, Stevens, Thibaudeau, West and Winsley - 11.

#### MOTION

On motion of Senator Deccio, Senator Rossi was excused.

#### MOTION

On motion of Senator Patterson, Gubernatorial Appointment No. 9094, Susan P. Brady, as a member of the Public Disclosure Commission, was confirmed.

#### APPOINTMENT OF SUSAN P. BRADY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 1; Excused, 10.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Wojahn and Zarelli - 38.

Absent: Senator Snyder - 1.

Excused: Senators Hale, Johnson, Long, Loveland, Morton, Rossi, Stevens, Thibaudeau, West and Winsley - 10.

#### MOTION

On motion of Senator Rasmussen, Senators Fairley, McAuliffe and Snyder were excused.

President Owen assumed the Chair.

#### MOTION

On motion of Senator Thibaudeau, Gubernatorial Appointment No. 9141, Clarence F. "Joe" Legel, as a member of the Health Care Facilities Authority, was confirmed.

#### APPOINTMENT OF CLARENCE F. "JOE" LEGEL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 1; Excused, 10.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, Wojahn and Zarelli - 38.

Absent: Senator Haugen - 1.

Excused: Senators Fairley, Long, Loveland, McAuliffe, Morton, Rossi, Snyder, Stevens, West and Winsley - 10.

MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused.

MOTION

On motion of Senator Patterson, Gubernatorial Appointment No. 9151, Ron Meyers, as a member of the Public Disclosure Commission, was confirmed.

APPOINTMENT OF RON MEYERS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 28; Nays, 10; Absent, 2; Excused, 9.

Voting yea: Senators Bauer, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl-Welles, McCaslin, Oke, Patterson, Prentice, Rasmussen, Sellar, Sheldon, B., Sheldon, T., Shin, Winsley and Wojahn - 28.

Voting nay: Senators Benton, Finkbeiner, Honeyford, Johnson, McDonald, Morton, Roach, Sheahan, Swecker and Zarelli - 10.

Absent: Senators Brown and Spanel - 2.

Excused: Senators Fairley, Long, Loveland, McAuliffe, Rossi, Snyder, Stevens, Thibaudeau and West - 9.

MOTION

On motion of Senator Rasmussen, Senator Bauer was excused.

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9160, John Perryman, as a member of the Small Business Export Finance Assistance Center Board of Directors, was confirmed.

APPOINTMENT OF JOHN PERRYMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Bauer, Fairley, Long, Loveland, McAuliffe, Rossi and Snyder - 7.

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9173, Dolores Sibonga, as a member of the Horse Racing Commission, was confirmed.

APPOINTMENT OF DOLORES SIBONGA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McCaslin, McDonald,

Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Bauer, Loveland, McAuliffe, Rossi and Snyder - 5.

#### MOTION

At 4:09 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Friday, April 16, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

NINETY-FIFTH DAY, APRIL 15, 1999

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

#### NINETY-SIXTH DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Friday, April 16, 1999

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Deccio, Fairley, Honeyford, Long, Patterson, Thibaudeau and Wojahn. On motion of Senator Franklin, Senators Brown, Fairley, Patterson, Thibaudeau and Wojahn were excused.

The Sergeant at Arms Color Guard consisting of Pages Keith Nagel and Samantha Rhyner, presented the Colors. Eleven year old Kellie Rodriguez, a fifth grader from Gig Harbor, sang *Amazing Grace*.

#### MOTION

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

#### MESSAGE FROM THE GOVERNOR

April 15, 1999

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

I have the honor to advise you that on April 15, 1999, Governor Locke approved the following Senate Bills entitled:

Senate Bill No. 5015

Relating to technical, clarifying, nonsubstantive amendments to community mental health services.

Substitute Senate Bill No. 5046

Relating to creating an additional hearing procedure when the court disagrees with the mental evaluation conducted by a professional person.

Substitute Senate Bill No. 5047

Relating to the sharing of information received by mental health professionals performing services under chapter 10.77 RCW.

Substitute Senate Bill No. 5048

Relating to technical corrections to chapters 10.77 and 71.05 RCW.

Substitute Senate Bill No. 5058

Relating to the establishment and authority to conduct the business of state-chartered financial institutions.

Substitute Senate Bill No. 5185

Relating to highway work done by state forces.

Senate Bill No. 5202

Relating to qualifications for working for the county treasurer.

Second Substitute Senate Bill No. 5210

Relating to placement of children with a relative prior to and at a shelter care hearing.

Substitute Senate Bill No. 5231

Relating to duties of the county treasurer pertaining to treasury management.

Substitute Senate Bill No. 5274

Relating to fare payment and enforcement by regional transit authorities.

Substitute Senate Bill No. 5509

Relating to the Holocaust victims insurance relief act.

Senate Bill No. 5567

Relating to federal payments used to reduce the outstanding debt of school districts within counties.

Engrossed Substitute Senate Bill No. 5668

Relating to criminal records checks for school employees and volunteers.

Substitute Senate Bill No. 5669

Relating to conversion vending units and medical units.

Senate Bill No. 5741

Relating to exemptions from requirements for trucks to stop at scales.

Senate Bill No. 5806

Relating to providing for the adjutant general to establish rules concerning the accuracy of location information derived from enhanced 911 telephone systems.

Substitute Senate Bill No. 5838

Relating to personal holiday leave sharing for school district employees.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel.

#### FURTHER MESSAGE FROM THE GOVERNOR

April 15, 1999

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

I am returning herewith, without my approval, Senate Bill No. 5525 entitled:

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

Senate Bill No. 5525 limits a governor's appointment authority to the Forest Practices Board. Under the current statute, a governor must appoint an elected member of a county legislative authority to serve as one of the members of the Forest Practices Board. Senate Bill No. 5525 would limit a governor's selection to an exclusive list of three provided by the Washington State Association of Counties. A governor would not have the ability to ask for more names if none of the first three were acceptable.

The current statutory arrangement for the appointment of the county member to the Forest Practices Board has worked well. A governor should, and most governors have, as a matter of practice consulted with the Washington State Association of Counties when selecting the county member.

I will continue to consult with the Washington State Association of Counties on this important appointment. Senate Bill No.5525 is too restrictive and sets an unnecessary precedent in limiting a governor's discretion in making appointments. A limitation of such extent is not warranted.

For these reasons, I have vetoed Senate Bill No. 5525 in its entirety.

Respectfully submitted,

GARY LOCKE, Governor

#### MOTION

On motion of Senator Betti Sheldon, the veto message on Senate Bill No. 5525 was held at the desk.

#### MESSAGES FROM THE HOUSE

April 14, 1999

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1987,

SUBSTITUTE HOUSE BILL NO. 2273, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

April 15, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5909, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5909.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9138, David E. Lamb, as a member of the Small Business Export Finance Center Board of Directors, was confirmed.

Senators Prentice and Snyder spoke to the confirmation of David E. Lamb, as a member of the Small Business Export Finance Center Board of Directors.

#### APPOINTMENT OF DAVID E. LAMB

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 41.

Absent: Senators Deccio, Honeyford and Long - 3.

Excused: Senators Brown, Fairley, Patterson, Thibaudeau and Wojahn - 5.

#### MOTION

On motion of Senator Hale, Senators Deccio, Long and West were excused.

#### MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9206, Linda Lanham, as a member of the Personnel Resources Board, was confirmed.

#### APPOINTMENT OF LINDA LANHAM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 2; Absent, 1; Excused, 7.

Voting yea: Senators Bauer, Brown, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker and Winsley - 39.

Voting nay: Senators Benton and Zarelli - 2.

Absent: Senator Snyder - 1.

Excused: Senators Deccio, Fairley, Long, Patterson, Thibaudeau, West and Wojahn - 7.

#### MOTION

On motion of Senator Haugen, Gubernatorial Appointment No. 9089, Dr. Barbara Anderson, as a member of the Board of Trustees for Skagit Valley Community College District No. 4, was confirmed.

Senators Haugen and Johnson spoke to the confirmation of Dr. Barbara Anderson as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

#### APPOINTMENT OF DR. BARBARA ANDERSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 41.

Absent: Senator Snyder - 1.

Excused: Senators Deccio, Fairley, Long, McDonald, Patterson, Thibaudeau and Wojahn - 7.

#### MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9139, Karen Lane, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

#### APPOINTMENT OF KAREN LANE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 1; Absent, 2; Excused, 5.

Voting yea: Senators Bauer, Brown, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 41.

Voting nay: Senator Benton - 1.

Absent: Senators Loveland and Spanel - 2.

Excused: Senators Deccio, Fairley, Long, McDonald and Thibaudeau - 5.

#### MOTION

On motion of Senator Franklin, Senator Haugen was excused.

#### MOTION

On motion of Senator Patterson, Gubernatorial Appointment No. 9074, H. George Morton, as Director of the Department of Printing, was confirmed.

#### APPOINTMENT OF H. GEORGE MORTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senator Finkbeiner - 1.

Excused: Senators Deccio, Fairley, Haugen, Long, McDonald and Thibaudeau - 6.

#### MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9157, Lorena Ovena, as a member of the Board of Trustees for Tacoma Community College District No. 22, was confirmed.

#### APPOINTMENT OF LORENA OVENA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senators Finkbeiner and Snyder - 2.

Excused: Senators Deccio, Fairley, Haugen and Thibaudeau - 4.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1204, by House Committee on Capital Budget (originally sponsored by Representatives K. Schmidt, Fisher, Romero, Mitchell, G. Chandler, Murray, Linville and Wood)

Coordinating land acquisition and environmental mitigation activities.

The bill was read the second time.

#### MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 3, line 11, after "with fiscal year" strike "2005" and insert "2001"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hochstatter on page 3, line 11, to Substitute House Bill No. 1204.

The motion by Senator Hochstatter failed and the amendment was not adopted.

#### MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 3, line 16, after "year." insert "Any state agency retaining a parcel of land of not more than twenty acres shall also provide to the office the current income earned on each of these parcels, and the reason for retaining such parcel or parcels."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hochstatter on page 3, line 16, to Substitute House Bill No. 1204.

The motion by Senator Hochstatter failed and the amendment was not adopted.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1204, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1204, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1204, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Deccio, Fairley and Thibaudeau - 3.

SUBSTITUTE HOUSE BILL NO. 1204, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1037, by House Committee on Appropriations (originally sponsored by Representatives Bush, Morris and Ruderman)

Creating a registry of Washington resident's electronic mail addresses to facilitate a program that allows private interactive computer service providers to limit unsolicited commercial electronic mail messages.

The bill was read the second time.

## MOTION

On motion of Senator Brown, the following Committee on Ways and Means striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 19.190.010 and 1998 c 149 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assist the transmission" means actions taken by a person to provide substantial assistance or support which enables any person to formulate, compose, send, originate, initiate, or transmit a commercial electronic mail message when the person providing the assistance knows or consciously avoids knowing that the initiator of the commercial electronic mail message is engaged, or intends to engage, in any practice that violates the consumer protection act.

(2) "Commercial electronic mail message" means an electronic mail message sent for the purpose of promoting real property, goods, or services for sale or lease. It does not mean an electronic mail message to which an interactive computer service provider has attached an advertisement in exchange for free use of an electronic mail account, when the sender has agreed to such an arrangement.

~~((2))~~ (3) "Electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.

~~((3))~~ (4) "Initiate the transmission" refers to the action by the original sender of an electronic mail message, not to the action by any intervening interactive computer service that may handle or retransmit the message, unless such intervening interactive computer service assists in the transmission of an electronic mail message when it knows, or consciously avoids knowing, that the person initiating the transmission is engaged, or intends to engage, in any act or practice that violates the consumer protection act.

~~((4))~~ (5) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

~~((5))~~ (6) "Internet domain name" refers to a globally unique, hierarchical reference to an internet host or service, assigned through centralized internet naming authorities, comprising a series of character strings separated by periods, with the right-most string specifying the top of the hierarchy.

(7) "Person" means a person, corporation, partnership, or association.

(8) "Unsolicited commercial electronic mail message" means a commercial electronic mail message:

(a) Sent without a recipient's prior consent;

(b) Sent to a recipient with whom the sender does not have a preexisting or ongoing business or personal relationship;

and

(c) Sent for a purpose other than collecting an existing obligation.

**Sec. 2.** RCW 19.190.020 and 1998 c 149 s 3 are each amended to read as follows:

(1) No person(~~, corporation, partnership, or association~~) may initiate the transmission, conspire with another to initiate the transmission, or assist the transmission, of a commercial electronic mail message from a computer located in Washington or to an electronic mail address that the sender knows, or has reason to know, is held by a Washington resident that:

(a) Uses a third party's internet domain name without permission of the third party, or otherwise misrepresents or obscures any information in identifying the point of origin or the transmission path of a commercial electronic mail message; ~~((e))~~

(b) Contains false or misleading information in the subject line; or

(c) Fails to prominently display in the body of an unsolicited commercial electronic mail message the following identifying information: The legal name, mailing address, physical address, true electronic mail address, and telephone number, including area code, of the person initiating the transmission of the message, or his or her registered agent in the state of Washington.

(2) For purposes of this section, a person(~~, corporation, partnership, or association~~) knows that the intended recipient of a commercial electronic mail message is a Washington resident if that information is available, upon request, from the registrant of the internet domain name contained in the recipient's electronic mail address.

**Sec. 3.** RCW 19.190.030 and 1998 c 149 s 4 are each amended to read as follows:

(1) It is a violation of the consumer protection act, chapter 19.86 RCW, to conspire with another person to initiate the transmission or to initiate the transmission of a commercial electronic mail message that:

(a) Uses a third party's internet domain name without permission of the third party, or otherwise misrepresents or obscures any information in identifying the point of origin or the transmission path of a commercial electronic mail message; ~~((e))~~

(b) Contains false or misleading information in the subject line; or

(c) Fails to prominently display in the body of an unsolicited commercial electronic mail message the following identifying information: The legal name, mailing address, physical address, true electronic mail address, and telephone number, including area code, of the person initiating the transmission of the message, or his or her registered agent in the state of Washington.

(2) It is a violation of the consumer protection act, chapter 19.86 RCW, to assist in the transmission of a commercial electronic mail message, when the person providing the assistance knows, or consciously avoids knowing, that the initiator of the commercial electronic mail message is engaged, or intends to engage, in any act or practice that violates the consumer protection act.

(3) The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

**NEW SECTION. Sec. 4.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assist the transmission" means actions taken by a person to provide substantial assistance or support which enables any person to formulate, compose, send, originate, initiate, or transmit a commercial electronic mail message when the person providing the assistance knows or consciously avoids knowing that the initiator of the commercial electronic mail message is engaged, or intends to engage, in any practice that violates the consumer protection act.

(2) "Commercial electronic mail message" means an electronic mail message sent for the purpose of promoting real property, goods, or services for sale or lease. It does not mean an electronic mail message to which an interactive computer service provider has attached an advertisement in exchange for free use of an electronic mail account, when the sender has agreed to such an arrangement.

(3) "Electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.

(4) "Initiate the transmission" refers to the action by the original sender of an electronic mail message, not to the action by any intervening interactive computer service that may handle or retransmit the message, unless such intervening interactive computer service assists in the transmission of an electronic mail message when it knows, or consciously avoids knowing, that the person initiating the transmission is engaged, or intends to engage, in any act or practice that violates the consumer protection act.

(5) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

(6) "Person" means a person, corporation, partnership, or association.

(7) "Publish" means to do either of the following with respect to the interactive computer service provider's policy on unsolicited commercial electronic mail messages:

(a) Make that policy available upon request in written form at no charge; or

(b) Display that policy through an on-line notice on the internet home page of the interactive computer service provider, or a page accessible through a conspicuous link on the internet home page of the interactive computer service provider.

(8) "Registered user" means a person that maintains an electronic mail address with an interactive computer service provider.

(9) "Unsolicited commercial electronic mail message" means a commercial electronic mail message:

(a) Sent without a recipient's prior consent;

(b) Sent to a recipient with whom the sender does not have a preexisting or ongoing business or personal relationship;

and  
(c) Sent for a purpose other than collecting an existing obligation.

**NEW SECTION. Sec. 5.** No registered user shall use or cause to be used the registered user's interactive computer service provider's service or equipment located in this state in violation of the interactive computer service provider's published policy prohibiting or restricting the use of its service or equipment for the initiation of unsolicited commercial electronic mail messages.

**NEW SECTION. Sec. 6.** No person shall initiate, conspire with another person to initiate, or assist the transmission of an unsolicited commercial electronic mail message and use, or cause to be used, an interactive computer service provider's equipment located in this state in violation of that interactive computer service provider's published policy prohibiting or restricting the use of its service or equipment to deliver unsolicited commercial electronic messages.

**NEW SECTION. Sec. 7.** An interactive computer service provider is not required to create a policy prohibiting or restricting the use of its service or equipment for the initiation or delivery of unsolicited commercial electronic mail messages.

**NEW SECTION. Sec. 8.** This chapter does not limit or restrict the rights of an interactive computer service provider under Section 230(c)(1) of Title 47 of the United States Code, under chapter 19.190 RCW, or any decision of an interactive computer service provider to permit to restrict access to or use of its system, or any exercise of its editorial function.

**NEW SECTION. Sec. 9.** (1) In addition to any other action available under law, any interactive computer service provider whose published policy on unsolicited commercial electronic mail messages is violated as provided in this chapter may bring a civil action against a person or a registered user:

(a) Who initiates or conspires to initiate a message transmitted in violation of the interactive computer service provider's published policy; or

(b) Who assists in the transmission of a message, when the person providing the assistance knows, or consciously avoids knowing, that the person initiating the transmission is engaged in, or intends to engage in, any acts or practices that violate an interactive computer service provider's published policy.

(2) In any action brought pursuant to subsection (1) of this section, an interactive computer service provider shall be required to establish as an element of its cause of action that prior to the alleged violation, the defendant had notice of both of the following:

(a) The policy of the interactive computer service provider regarding unsolicited commercial electronic mail messages; and

(b) The fact that the defendant's unsolicited commercial electronic mail message would use or cause to be used the interactive computer service provider's equipment located in this state.

(3) In addition to any other action available under law, a customer of an interactive computer service provider who receives commercial electronic mail in violation of the interactive computer service provider's published policy on unsolicited commercial electronic mail messages as provided in this chapter may bring a civil action against a person:

(a) Who initiates or conspires to initiate a message to a customer that is transmitted in violation of an interactive computer service provider's published policy; or

(b) Who assists in the transmission of a message to a customer, when the person providing the assistance knows, or consciously avoids knowing, that the person initiating the transmission is engaged in, or intends to engage in, any acts or practices that violate an interactive computer service provider's published policy.

(4) In any action brought pursuant to subsection (3) of this section, a customer of an interactive computer service provider shall be required to establish as an element of his or her cause of action that prior to the alleged violation, the defendant had notice of both of the following:

(a) The policy of the customer's interactive computer service provider regarding unsolicited commercial electronic mail messages; and

(b) The fact that the defendant's unsolicited commercial electronic mail message would use or cause to be used the interactive computer service provider's equipment located in this state.

(5) An interactive computer service provider may recover the actual monetary loss suffered by that provider by reason of a violation of its published policy, or liquidated damages of fifty dollars for each message initiated or delivered in violation of this chapter, up to a maximum of twenty-five thousand dollars per day, whichever amount is greater.

(6) A customer may recover liquidated damages of five hundred dollars for each unsolicited commercial electronic mail message received by the customer in violation of this chapter, up to a maximum of twenty-five thousand dollars per day, whichever amount is greater.

(7) The prevailing party in any action brought under this section is entitled to recover costs and reasonable attorneys' fees.

**NEW SECTION. Sec. 10.** RCW 19.190.005 (Findings) and 1998 c 149 s 1 are each repealed.

**NEW SECTION. Sec. 11.** Sections 4 through 9 of this act constitute a new chapter in Title 19 RCW."

## MOTION

Senator Brown moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.190.010 and 1998 c 149 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assist the transmission" means actions taken by a person to provide substantial assistance or support which enables any person to formulate, compose, send, originate, initiate, or transmit a commercial electronic mail message when the

person providing the assistance knows or consciously avoids knowing that the initiator of the commercial electronic mail message is engaged, or intends to engage, in any practice that violates the consumer protection act.

~~(2)~~ (2) "Commercial electronic mail message" means an electronic mail message sent for the purpose of promoting real property, goods, or services for sale or lease. It does not mean an electronic mail message to which an interactive computer service provider has attached an advertisement in exchange for free use of an electronic mail account, when the sender has agreed to such an arrangement.

~~((2))~~ (3) "Electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.

~~((3))~~ (4) "Initiate the transmission" refers to the action by the original sender of an electronic mail message, not to the action by any intervening interactive computer service that may handle or retransmit the message, unless such intervening interactive computer service assists in the transmission of an electronic mail message when it knows, or consciously avoids knowing, that the person initiating the transmission is engaged, or intends to engage, in any act or practice that violates the consumer protection act.

~~((4))~~ (5) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

~~((5))~~ (6) "Internet domain name" refers to a globally unique, hierarchical reference to an internet host or service, assigned through centralized internet naming authorities, comprising a series of character strings separated by periods, with the right-most string specifying the top of the hierarchy.

(7) "Person" means a person, corporation, partnership, or association.

**Sec. 2.** RCW 19.190.020 and 1998 c 149 s 3 are each amended to read as follows:

(1) No person(~~(, corporation, partnership, or association)~~) may initiate the transmission, conspire with another to initiate the transmission, or assist the transmission, of a commercial electronic mail message from a computer located in Washington or to an electronic mail address that the sender knows, or has reason to know, is held by a Washington resident that:

(a) Uses a third party's internet domain name without permission of the third party, or otherwise misrepresents or obscures any information in identifying the point of origin or the transmission path of a commercial electronic mail message; or

(b) Contains false or misleading information in the subject line.

(2) For purposes of this section, a person(~~(, corporation, partnership, or association)~~) knows that the intended recipient of a commercial electronic mail message is a Washington resident if that information is available, upon request, from the registrant of the internet domain name contained in the recipient's electronic mail address.

**Sec. 3.** RCW 19.190.030 and 1998 c 149 s 4 are each amended to read as follows:

(1) It is a violation of the consumer protection act, chapter 19.86 RCW, to conspire with another person to initiate the transmission or to initiate the transmission of a commercial electronic mail message that:

(a) Uses a third party's internet domain name without permission of the third party, or otherwise misrepresents or obscures any information in identifying the point of origin or the transmission path of a commercial electronic mail message; or

(b) Contains false or misleading information in the subject line.

(2) It is a violation of the consumer protection act, chapter 19.86 RCW, to assist in the transmission of a commercial electronic mail message, when the person providing the assistance knows, or consciously avoids knowing, that the initiator of the commercial electronic mail message is engaged, or intends to engage, in any act or practice that violates the consumer protection act.

(3) The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 4. RCW 19.190.005 (Findings) and 1998 c 149 s 1 are each repealed."

Debate ensued.

## MOTION

On motion of Senator Finkbeiner, the following amendment to the striking amendment by Senator Brown was adopted:

On page 3, after line 18, insert the following:

"NEW SECTION. Sec. 5. (1) The legislature finds that:

(a) The internet presents a new medium of communication through which speakers can publish false or defamatory statements about businesses or individuals to vast audiences at little or no cost to the speaker;

(b) The publication of false or defamatory statements via the internet has the potential to cause serious injury to the victims of such statements, particularly financial injury to businesses that are the victims of false or defamatory on-line rumors about their stock, products or services, or executives or personnel;

(c) False or defamatory statements on the internet are often published anonymously, making it difficult for victims to determine the identity and physical location of the speakers; and

(d) Current legal procedures do not adequately address the challenges and opportunities the internet presents as a new medium of communication, both as a tool for publishing false or defamatory statements and for pursuing legal recourse against the speakers of such statements.

(2) The legislature therefore intends that:

(a) When the internet is used to publish false or defamatory statements about individuals residing in Washington or businesses doing business in Washington, a rebuttable presumption is created that the statements are published in Washington; and

(b) When the identity or physical location of a speaker who has published false or defamatory statements via the internet about an individual residing in Washington or a business doing business in Washington is not known, a plaintiff in an action for libel or slander may serve a summons by publication via the internet.

**Sec. 6.** RCW 4.36.120 and Code 1881 s 99 are each amended to read as follows:

In an action for libel or slander, it shall not be necessary to state in the complaint any extrinsic facts, for the purpose of showing the application to the plaintiff, of the defamatory matter out of which the cause arose, but it shall be sufficient to state generally, that the same was published or spoken concerning the plaintiff; and if such allegation be controverted, the plaintiff shall be bound to establish on trial that it was so published or spoken. Where false or defamatory statements concerning a person residing in Washington or a business doing business in Washington are posted or electronically transmitted via the internet, a rebuttable presumption is created that the statements have been published in Washington.

**Sec. 7.** RCW 4.28.100 and 1981 c 331 s 13 are each amended to read as follows:

When the defendant cannot be found within the state, and upon the filing of an affidavit of the plaintiff, his agent, or attorney, with the clerk of the court, stating that he believes that the defendant is not a resident of the state, or cannot be found therein, and that he has deposited a copy of the summons (substantially in the form prescribed in RCW 4.28.110) and complaint in the post office, directed to the defendant at his place of residence, unless it is stated in the affidavit that such residence is not known to the affiant, and stating the existence of one of the cases hereinafter specified, the service may be made by publication of the summons, by the plaintiff or his attorney in any of the following cases:

(1) When the defendant is a foreign corporation, and has property within the state;

(2) When the defendant, being a resident of this state, has departed therefrom with intent to defraud his creditors, or to avoid the service of a summons, or keeps himself concealed therein with like intent;

(3) When the defendant is not a resident of the state, but has property therein and the court has jurisdiction of the subject of the action;

(4) When the action is for divorce in the cases prescribed by law;

(5) When the subject of the action is real or personal property in this state, and the defendant has or claims a lien or interest, actual or contingent, therein, or the relief demanded consists wholly, or partly, in excluding the defendant from any interest or lien therein;

(6) When the action is to foreclose, satisfy, or redeem from a mortgage, or to enforce a lien of any kind on real estate in the county where the action is brought, or satisfy or redeem from the same;

(7) When the action is against any corporation, whether private or municipal, organized under the laws of the state, and the proper officers on whom to make service do not exist or cannot be found;

(8) When the action is brought under RCW 4.08.160 and 4.08.170 to determine conflicting claims to property in this state; and

(9) When the action is for defamation concerning a person residing in Washington or a business doing business in Washington, where the false or defamatory statements were posted or electronically transmitted via the internet and the identity of the defendant is not known or readily ascertainable.

**Sec. 8.** RCW 4.28.110 and 1985 c 469 s 2 are each amended to read as follows:

The publication shall be made in a newspaper of general circulation in the county where the action is brought once a week for six consecutive weeks: PROVIDED, That publication of summons shall not be made until after the filing of the complaint, and the service of the summons shall be deemed complete at the expiration of the time prescribed for publication. The summons must be subscribed by the plaintiff or his attorney or attorneys. The summons shall contain the date of the first publication, and

shall require the defendant or defendants upon whom service by publication is desired, to appear and answer the complaint within sixty days from the date of the first publication of the summons; and the summons for publication shall also contain a brief statement of the object of the action. The summons for publication shall be substantially as follows:

In the superior court of the State of Washington for the county of . . . . .  
 . . . . ., Plaintiff,  
 vs. No. . . . .  
 . . . . ., Defendant.

The State of Washington to the said (naming the defendant or defendants to be served by publication):

You are hereby summoned to appear within sixty days after the date of the first publication of this summons, to wit, within sixty days after the . . . . day of . . . . ., 1. . . ., and defend the above entitled action in the above entitled court, and answer the complaint of the plaintiff . . . . ., and serve a copy of your answer upon the undersigned attorneys for plaintiff . . . . ., at his (or their) office below stated; and in case of your failure so to do, judgment will be rendered against you according to the demand of the complaint, which has been filed with the clerk of said court. (Insert here a brief statement of the object of the action.)

Plaintiff's Attorneys.  
P.O. Address  
County  
Washington.

When service of summons by publication is authorized under RCW 4.28.100(9), the publication specified in this section may be made via the internet, provided that the summons shall be posted to the same on-line location where the false or defamatory statements were posted or electronically transmitted to the electronic address of the sender of the false or defamatory statements, once a week for six consecutive weeks.

**NEW SECTION. Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the remaining section consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Brown, as amended, to Second Substitute House Bill No. 1037.

The motion by Senator Brown carried and the striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Brown, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "mail;" strike the remainder of the title and insert "amending RCW 19.190.010, 19.190.020, and 19.190.030; and repealing RCW 19.190.005."

On page 3, line 23 of the title amendment, after "19.190.020," strike "and 19.190.030" and insert "19.190.030, 4.36.120, 4.28.100, and 4.28.110; creating a new section;"

On motion of Senator Brown, the rules were suspended, Second Substitute House Bill No. 1037, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1037, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1037, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Deccio and Fairley - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1037, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:11 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:09 a.m. by President Owen.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9179, Teri Treat, as a member of the Board of Trustees for Whatcom Community College District No. 21, was confirmed.

#### APPOINTMENT OF TERI TREAT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senators Hargrove, McAuliffe and McCaslin - 3.

Excused: Senator Deccio - 1.

#### MOTIONS

On motion of Senator Honeyford, Senator West was excused.

On motion of Senator Franklin, Senators Loveland and Thibaudeau were excused.

#### MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9201, Jeffrey H. Brotman, as a member of the Board of Regents for the University of Washington, was confirmed.

#### APPOINTMENT OF JEFFREY H. BROTMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Sellar - 1.

Excused: Senators Deccio, Loveland, Thibaudeau and West - 4.

## MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9159, Kim Peery, as a member of the Board of Trustees for Clark Community College District No. 14, was confirmed.

## APPOINTMENT OF KIM PEERY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 7; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Winsley and Wojahn - 37.

Voting nay: Senators Benton, Hochstatter, Honeyford, Morton, Stevens, Swecker and Zarelli - 7.

Absent: Senator Finkbeiner - 1.

Excused: Senators Deccio, Loveland, Thibaudeau and West - 4.

## MOTION

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

### SENATE RESOLUTION 1999-8669

By Senators Shin, Costa, Patterson, Eide, Jacobsen, Snyder, Kline, Hargrove, Goings, McAuliffe, Heavey, Benton, Prentice, Franklin, B. Sheldon, Thibaudeau, Brown, Roach, Winsley, Spanel, Wojahn, Gardner, McDonald, Finkbeiner, Fairley, Fraser, Haugen, Rasmussen, Bauer, Kohl-Welles, T. Sheldon, Sheahan, Loveland, Johnson and Long

WHEREAS, There are ninety million people in seven million workplaces in the United States who work hard to support themselves and their families; and

WHEREAS, The nation's workers represent the backbone of the economy and have made the United States the most prosperous country in the world; and

WHEREAS, On an average day, one hundred fifty-four workers lose their lives in our country as a result of workplace injuries and illnesses, and another seventeen thousand are injured; and

WHEREAS, In 1996, Washington had one hundred twenty-eight work-related fatalities and one hundred sixty thousand work-related illnesses and injuries; and

WHEREAS, Government action can make a difference as evidenced by the Occupational Safety and Health Act passed in 1970, which led to a drastic reduction in workplace deaths and injuries;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the many millions of workers who have contributed to America and honor those who have suffered injuries or who have died on the job; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Ron Harrell of the International Association of Machinists and Aerospace Workers.

Senators Shin, Franklin, Hochstatter and Costa spoke to Senate Resolution 1999-8669.

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the International Association of Machinists and Aerospace Workers who were seated in the gallery.

## MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1345, by House Committee on Economic Development (originally sponsored by Representatives O'Brien, Radcliff, Ballasiotes, Tokuda, Van Luven, Pennington, McIntire, Sheahan, Kagi, Sullivan, Cody, Veloria, Constantine, Edwards, Cooper, Rockefeller, D. Sommers, Campbell, McDonald, Edmonds, Ruderman and Dunn)

Exempting certain low-income rental housing from property taxes.

The bill was read the second time.

### MOTION

Senator Benton moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 12, after "(b)", strike "At least seventy-five" and insert "One hundred"

On page 2, at the beginning of line 1, strike all material through "claimed." on line 14.

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Benton on page 1, line 12, and page 2, at the beginning of line 1, to Substitute House Bill No. 1345.

The motion by Senator Benton failed and the amendments were not adopted

### MOTION

Senator Benton moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 13, after "by", strike "very low-income" and insert "eligible"

On page 2, line 2, after "by", strike "very low-income" and insert "eligible"

On page 2, line 7, after "by", strike "very low-income" and insert "eligible"

On page 2, line 11, after "by", strike "very low-income" and insert "eligible"

On page 2, after line 30, insert:

"(a) "Eligible household" means a very low-income household that has occupied a dwelling unit in rental housing for very-low income households for not longer than two years."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Benton on page 1, line 13; page 2, lines 2, 7, 11, and after line 30, to Substitute House Bill No. 1345.

The motion by Senator Benton failed and the amendments were not adopted.

### MOTION

Senator Benton moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 84.36 RCW to read as follows:

(1) The real and personal property owned or used in providing rental housing for very low-income households is exempt from taxation if:

(a) At least seventy-five percent of the occupied dwelling units in the rental housing are occupied by very low-income households; and

(b) The rental housing was insured, financed, or assisted in whole or in part through:

(i) A federal or state housing program administered by the department of community, trade, and economic development;

or

(ii) An affordable housing levy authorized under RCW 84.52.105.

(2) If less than seventy-five percent of the dwelling units are occupied by very low-income households, the rental housing used to provide housing for very low-income households is eligible for a partial exemption on the real property and a total exemption of the housing's personal property as follows:

(a) The partial exemption shall be allowed for each dwelling unit in the rental housing occupied by very low-income households.

(b) The amount of exemption shall be calculated by multiplying the assessed value of the property reasonably necessary to provide the rental housing by a fraction. The numerator of the fraction is the number of dwelling units occupied by very low-income households as of January 1st of the year for which the exemption is claimed. The denominator of the fraction is the total number of occupied dwelling units as of January 1st of the year for which exemption is claimed.

(3) To be exempt under this section, the property must be used exclusively for the purposes for which exemption is granted, except as provided in RCW 84.36.805.

(4) The entity qualifying for the exemption under this section by providing rental housing for very low-income households may agree to make payments to the city, county, or other political subdivision for improvements, services, and facilities furnished by the city, county, or political subdivision for the benefit of the rental housing. However, these payments shall not exceed the amount last levied as the annual tax of the city, county, or political subdivision upon the property prior to exemption.

(5) As used in this section:

(a) "Occupied dwelling unit" means a living unit that is occupied on January 1st of the year in which the claim for exemption is submitted;

(b) "Rental housing" means residential housing that is occupied but not owned by very low-income households;

(c) "Very low-income households" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing is located and in effect as of January 1st of the year the application for exemption is submitted; and

**Sec. 2.** RCW 84.36.810 and 1998 c 311 s 26 and 1998 c 202 s 4 are each amended to read as follows:

(1) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.030, 84.36.037, 84.36.040, 84.36.041, 84.36.043, 84.36.046, 84.36.050, 84.36.060, 84.36.550, ~~((and))~~ 84.36.042, and section 1 of this act, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the three years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes. Where the property has been granted an exemption for more than ten years, taxes and interest shall not be assessed under this section.

(2) Subsection (1) of this section applies only when ownership of the property is transferred or when fifty-one percent or more of the area of the property has lost its exempt status. The additional tax under subsection (1) of this section shall not be imposed if the cessation of use resulted solely from:

(a) Transfer to a nonprofit organization, association, or corporation or other entity for a use which also qualifies and is granted exemption under the provisions of chapter 84.36 RCW;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Official action by an agency of the state of Washington or by the county or city within which the property is located which disallows the present use of such property;

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the organization, association, or corporation changing the use of such property;

(e) Relocation of the activity and use of another location or site except for undeveloped properties of camp facilities exempted under RCW 84.36.030;

(f) Cancellation of a lease on property that had been exempt under RCW 84.36.040, 84.36.041, 84.36.043, 84.36.046, 84.36.060, or 84.36.042, or section 1 of this act;

(g) A change in the exempt portion of a home for the aging under RCW 84.36.041(3), as long as some portion of the home remains exempt((;

~~(h) The conversion of a full exemption of a home for the aging to a partial exemption or taxable status or the conversion of a partial exemption to taxable status under RCW 84.36.041(8))~~.

**NEW SECTION. Sec. 3.** This act applies to taxes levied in 1999 for collection in 2000 and thereafter."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Benton to Substitute House Bill No. 1345.

## ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote: Yeas, 17; Nays, 32; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McDonald, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, West, Winsley and Zarelli - 17. Voting nay: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau and Wojahn - 32.

## MOTION

On motion of Senator Gardner, the rules were suspended, Substitute House Bill No. 1345 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute House Bill No. 1345 was deferred.

## MOTION

At 12:10 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Owen.

## MOTION

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

## MESSAGES FROM THE HOUSE

April 15, 1999

MR. PRESIDENT:

The Co-Speakers have signed SECOND SUBSTITUTE SENATE BILL NO. 5171, and the same is herewith transmitted.

DEAN R. FOSTER,  
Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 15, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
SUBSTITUTE HOUSE BILL NO. 1013,  
HOUSE BILL NO. 1042,  
HOUSE BILL NO. 1050,  
HOUSE BILL NO. 1150,  
SUBSTITUTE HOUSE BILL NO. 1212,  
SUBSTITUTE HOUSE BILL NO. 1224,  
HOUSE BILL NO. 1321,  
HOUSE BILL NO. 1421,

HOUSE BILL NO. 1463,  
SUBSTITUTE HOUSE BILL NO. 1592,  
SUBSTITUTE HOUSE BILL NO. 1593,  
SUBSTITUTE HOUSE BILL NO. 2111,  
HOUSE BILL NO. 2200,  
HOUSE BILL NO. 2264, and the same are herewith transmitted.

DEAN R. FOSTER,  
Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk-

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1013,  
HOUSE BILL NO. 1042,  
HOUSE BILL NO. 1050,  
HOUSE BILL NO. 1150,  
SUBSTITUTE HOUSE BILL NO. 1212,  
SUBSTITUTE HOUSE BILL NO. 1224,  
HOUSE BILL NO. 1321,  
HOUSE BILL NO. 1421,  
HOUSE BILL NO. 1463,  
SUBSTITUTE HOUSE BILL NO. 1592,  
SUBSTITUTE HOUSE BILL NO. 1593,  
SUBSTITUTE HOUSE BILL NO. 2111,  
HOUSE BILL NO. 2200,  
HOUSE BILL NO. 2264.

MOTION

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

MOTION

On motion of Senator Goings, Senator Kohl-Welles was excused.

MOTION

On motion of Senator Franklin, Senator Loveland was excused.

MOTION

On motion of Senator Stevens, Senators Honeyford and Long were excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9008, Captain Harry Dudley, as a member of the Board of Pilotage Commissioners, was confirmed.

#### APPOINTMENT OF CAPTAIN HARRY DUDLEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 8; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 37. Absent: Senators Deccio, Finkbeiner, Horn, McAuliffe, McCaslin, Sellar, Spanel and West - 8. Excused: Senators Honeyford, Kohl-Welles, Long and Loveland - 4.

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9030, Dennis Marshall, as a member of the Board of Pilotage Commissioners, was confirmed.

#### APPOINTMENT OF DENNIS MARSHALL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senators Finkbeiner, Sellar and Spanel - 3.

Excused: Senators Kohl-Welles and Loveland - 2.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2079 by House Committee on Natural Resources (originally sponsored by Representatives Regala, Buck, Eickmeyer, Anderson, Rockefeller, Romero, Voloria and Keiser)

Promoting salmon recovery.

The bill was read the second time.

#### MOTION

On motion of Senator Jacobsen, the following Committee on Ways and Means striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 75.46.005 and 1998 c 246 s 1 are each amended to read as follows:

The legislature finds that repeated attempts to improve salmonid fish runs throughout the state of Washington have failed to avert listings of salmon and steelhead runs as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.). These listings threaten the sport, commercial, and tribal fishing industries as well as the economic well-being and vitality of vast areas of the state. It is the intent of the legislature to begin activities required for the recovery of salmon stocks as soon as possible, although the legislature understands that successful recovery efforts may not be realized for many years because of the life cycle of salmon and the complex array of natural and human-caused problems they face.

The legislature finds that it is in the interest of the citizens of the state of Washington for the state to retain primary responsibility for managing the natural resources of the state, rather than abdicate those responsibilities to the federal government. The legislature also finds that there is a substantial link between the provisions of the federal endangered species act and the federal clean water act (33 U.S.C. Sec. 1251 et seq.). The legislature further finds that habitat restoration is a vital component of salmon recovery efforts. Therefore, it is the intent of the legislature to specifically address salmon habitat restoration in a coordinated manner and to develop a structure that allows for the coordinated delivery of federal, state, and local assistance to communities for habitat projects that will assist in the recovery and enhancement of salmon stocks.

The legislature also finds that credible scientific review and oversight is essential for any salmon recovery effort to be successful.

The legislature therefore finds that a coordinated framework for responding to the salmon crisis is needed immediately. To that end, the salmon recovery office should be created within the governor's office to provide overall coordination of the state's response; an independent science team is needed to provide scientific review and oversight; a consolidated state funding process should be established through a salmon recovery funding board; the appropriate local or tribal government should provide local leadership in identifying and sequencing habitat restoration projects to be funded by state agencies; habitat restoration projects should be implemented without delay; and a strong locally based effort to restore salmon habitat should be established by providing a framework to allow citizen volunteers to work effectively.

**Sec. 2.** RCW 75.46.010 and 1998 c 246 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Board" means the salmon recovery funding board created in section 3 of this act.

(3) "Critical pathways methodology" means a project scheduling and management process for examining interactions between habitat projects and salmonid species, prioritizing habitat projects, and assuring positive benefits from habitat projects.

~~((3))~~ (4) "Habitat project list" is the list of projects resulting from the critical pathways methodology under RCW 75.46.070(2). Each project on the list must have a written agreement from the landowner on whose land the project will be implemented. Projects include habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, and habitat project maintenance and monitoring activities.

~~((4))~~ (5) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

~~((5))~~ (6) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. ~~((These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.~~

~~(6))~~ (7) "Listed stocks" means salmon and trout stocks that are listed or proposed for listing as threatened or endangered under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq.

(8) "Project sponsor" is a county, city, special district, tribal government, state agency, federal agency, a combination of such governments through interlocal or interagency agreement~~((s provided under chapter 39.34 RCW))~~, a nonprofit organization, or one or more private citizens.

~~((7))~~ (9) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production.

~~((8))~~ (10) "Salmon recovery plan" means a state plan developed in response to a proposed or actual listing under the federal endangered species act that addresses limiting factors including, but not limited to harvest, hatchery, hydropower, habitat, and other factors of decline.

~~((9))~~ (11) "Interagency team" or "team" means the interagency review team created in RCW 75.46.080.

(12) "Tribe" or "tribes" means federally recognized Indian tribes.

~~((10))~~ (13) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.

~~((14))~~ (14) "Owner" means the person holding title to the land or the person under contract with the owner to lease or manage the legal owner's property.

NEW SECTION. **Sec. 3.** A new section is added to chapter 75.46 RCW to read as follows:

(1) The salmon recovery funding board is created.

(2) The board shall consist of three members appointed by the governor, subject to confirmation by the senate. In making the appointments, the governor shall seek a board membership with the expertise necessary to provide strong fiscal oversight of salmon recovery expenditures. Board members shall not have a financial or regulatory interest in salmon recovery. The governor shall make the appointments not later than ninety days after the effective date of this section. The initial terms shall commence October 1st. Members shall serve staggered four-year terms and, of the initial appointments, one member shall serve a term of two years and one member shall serve a term of three years. The governor shall appoint the chair of the board.

(3) Staff support to the board shall be provided by the salmon recovery office and by the interagency review team for those functions assigned to the team by this chapter.

(4) Members of the board shall be compensated as provided by RCW 43.03.250 and shall be reimbursed for travel expenses as provided by RCW 43.03.050 and 43.03.060.

NEW SECTION. **Sec. 4.** A new section is added to chapter 75.46 RCW to read as follows:

The board is responsible for making grants and loans for salmon recovery projects from the amounts appropriated to the board for this purpose. To accomplish this purpose the board may:

- (1) Provide assistance to grant applicants regarding the procedures and criteria for grant and loan awards;
- (2) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms that are not in conflict with this chapter;
- (3) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter; and
- (4) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

**NEW SECTION. Sec. 5.** A new section is added to chapter 75.46 RCW to read as follows:

(1) The board shall develop procedures and criteria for allocation of funds for salmon recovery projects and activities on a state-wide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation shall reflect the following general objectives:

- (a) Allocating funding to both protection and restoration of habitat;
- (b) Allocating most new funding for habitat protection and restoration to higher priority salmon recovery needs, using scientific principles and information addressing stock status, fish production potential, genetic diversity values, habitat condition including unlawful disposal of solid waste along streams, and near-term risk factors; and
- (c) Encouraging the commitment of nonstate funds and other resources in projects or activities receiving a state grant or loan.

(2) The board shall seek the guidance and the assistance of the interagency review team created by RCW 75.46.080 in developing the allocation procedures and standards. The board may also seek the recommendations of the independent science panel created by RCW 75.46.050 to incorporate scientific principles and information. Prior to finalizing funding decisions under the provisions of this chapter, the board shall consult with interests representing irrigated and non-irrigated agriculture, sport and commercial fishing interests, large and small scale timber interests, conservation districts, and county and city governmental interests.

(3) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds.

(4) In developing allocation criteria and in the review of project applications the board shall consider the recommendations which may be provided by the government council on natural resources, formed by the governor to promote cooperative intergovernmental relationships for salmon recovery.

(5) The board shall track all funds allocated for salmon recovery projects and activities, including both funds allocated by the board and funds allocated by other state or federal agencies for salmon recovery or water quality improvement. Beginning in December 2000, the board shall provide a biennial report to the legislature on salmon recovery expenditures. This report shall be coordinated with the state of the salmon report required under RCW 75.46.030.

**Sec. 6.** RCW 75.46.080 and 1998 c 246 s 9 are each amended to read as follows:

(1) Representatives from the conservation commission, the department of transportation, the department of ecology, and the department of fish and wildlife shall establish an interagency review team. ~~((Except as provided in subsection (6) of this section, habitat restoration project lists shall be submitted to the interagency review team by January 1st and July 1st of each year beginning in 1999.))~~ The purpose of the team is to assist the salmon recovery funding board in developing procedures and standards for state-wide funding allocation, and to assist the board in reviewing funding applications to identify the highest priority projects and activities for funding.

(2) ~~((If no lead entity has been formed under RCW 75.46.060, the interagency review team shall rank, prioritize, and dispense funds for habitat restoration projects by giving preference to the projects that:~~

- ~~(a) Provide a greater benefit to salmon recovery;~~
- ~~(b) Will be implemented in a more critical area;~~
- ~~(c) Are the most cost-effective;~~
- ~~(d) Have the greatest matched, or in-kind funding; and~~
- ~~(e) Will be implemented by a sponsor with a successful record of project implementation.~~

~~(3))~~ If a lead entity established under RCW 75.46.060 has been formed, the interagency review team shall evaluate project lists ((and may remove, but not add, projects from a habitat project list)) submitted by the lead entity and advise the board on whether the list for the area complies with the list development procedures and critical path methodology provided by RCW 75.46.060 and 75.46.070. When the board determines the list to comply with those requirements it shall accord substantial weight to the list's project priorities when making determinations among applications for funding of projects and activities within the area covered by the list.

~~((4))~~ (3) The ~~((interagency review team))~~ board shall provide a summary of funding for ~~((habitat restoration project lists))~~ salmon recovery projects to the governor and to the legislature by December 1st of each year.

~~((5))~~ (4) The ~~((interagency review team))~~ board may annually establish a maximum amount of funding available for any individual project, subject to available funding. ~~((The interagency review team shall attempt to assure a geographical balance in assigning priorities to projects.))~~

~~(6) For fiscal year 1998, the department of fish and wildlife, the conservation commission, and the department of transportation may authorize, subject to appropriations, expenditures for projects that have been developed to restore salmon habitat before completion of the project lists required in RCW 75.46.060(2).)~~

~~(7))~~ (5) Where a lead entity has been established pursuant to RCW 75.46.060, the ~~((interagency review team))~~ board may provide ~~((block))~~ grants to the lead entity to assist in carrying out lead entity functions under this chapter, subject to available funding.

**NEW SECTION. Sec. 7.** A new section is added to chapter 75.46 RCW to read as follows:

The salmon recovery account is created in the state treasury. To the account shall be deposited such funds as the legislature directs or appropriates to the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for salmon recovery financial assistance provided through the salmon recovery funding board created in section 3 of this act.

**Sec. 8.** RCW 76.12.110 and 1998 c 347 s 55 are each amended to read as follows:

There is created a forest development account in the state treasury. The state treasurer shall keep an account of all sums deposited therein and expended or withdrawn therefrom. Any sums placed in the account shall be pledged for the purpose of paying interest and principal on the bonds issued by the department, and for the purchase of land for growing timber. Any bonds issued shall constitute a first and prior claim and lien against the account for the payment of principal and interest. No sums for the above purposes shall be withdrawn or paid out of the account except upon approval of the department.

Appropriations may be made by the legislature from the forest development account to the department for the purpose of carrying on the activities of the department on state forest lands, lands managed on a sustained yield basis as provided for in RCW 79.68.040, and for reimbursement of expenditures that have been made or may be made from the resource management cost account in the management of state forest lands. ~~((For the 1997-99 fiscal biennium, moneys from the account shall be distributed as directed in the omnibus appropriations act to the beneficiaries of the revenues derived from state forest lands. Funds that accrue to the state from such a distribution shall be deposited into the salmon recovery account, hereby created in the state treasury. Funds appropriated from the salmon recovery account shall be used for efforts to restore endangered anadromous fish stocks.))~~

**NEW SECTION. Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

## MOTION

On motion of Senator Jacobsen, the following striking amendment by Senators Jacobsen, Swecker and Spanel was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 75.46.005 and 1998 c 246 s 1 are each amended to read as follows:

The legislature finds that repeated attempts to improve salmonid fish runs throughout the state of Washington have failed to avert listings of salmon and steelhead runs as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.). These listings threaten the sport, commercial, and tribal fishing industries as well as the economic well-being and vitality of vast areas of the state. It is the intent of the legislature to begin activities required for the recovery of salmon stocks as soon as possible, although the legislature understands that successful recovery efforts may not be realized for many years because of the life cycle of salmon and the complex array of natural and human-caused problems they face.

The legislature finds that it is in the interest of the citizens of the state of Washington for the state to retain primary responsibility for managing the natural resources of the state, rather than abdicate those responsibilities to the federal government. The legislature also finds that there is a substantial link between the provisions of the federal endangered species act and the federal clean water act (33 U.S.C. Sec. 1251 et seq.). The legislature further finds that habitat restoration is a vital component of salmon recovery efforts. Therefore, it is the intent of the legislature to specifically address salmon habitat restoration in a coordinated manner and to develop a structure that allows for the coordinated delivery of federal, state, and local assistance to communities for habitat projects that will assist in the recovery and enhancement of salmon stocks.

The legislature also finds that credible scientific review and oversight is essential for any salmon recovery effort to be successful.

The legislature further finds that it is important to monitor the overall health of the salmon resource to determine if recovery efforts are providing expected returns. It is also important to monitor the effectiveness of the state's overall salmon recovery efforts to secure federal acceptance of the state's approach to salmon recovery. In addition, it is important to monitor salmon restoration projects to determine their effectiveness. Adaptive management cannot exist without monitoring. For these reasons, the legislature believes that a coordinated and integrated monitoring process should be developed in the salmon recovery office for use by local recovery efforts. The role of the salmon recovery office should be to develop and provide to entities involved in salmon recovery data quality objectives, a range of acceptable parameters to monitor, acceptable data formats, data calibration and coordination, a method of storing and retrieving data, and analysis and interpretation of data. The role of local recovery efforts should be to collect monitoring data in compliance with the recommended data quality objectives, parameters, and formats, and to provide such data to the state salmon recovery office for storage.

The legislature therefore finds that a coordinated framework for responding to the salmon crisis is needed immediately. To that end, the salmon recovery office should be created within the governor's office to provide overall coordination of the state's response; an independent science ~~((team))~~ panel is needed to provide scientific review and oversight; a consolidated state funding process should be established through a salmon recovery funding board; the appropriate local or tribal government should provide local leadership in identifying and sequencing habitat restoration projects to be funded by state agencies; habitat restoration projects should be implemented without delay; and a strong locally based effort to restore salmon habitat should be established by providing a framework to allow citizen volunteers to work effectively.

**Sec. 2.** RCW 75.46.010 and 1998 c 246 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Board" means the salmon recovery funding board created in section 3 of this act.

(3) "Critical pathways methodology" means a project scheduling and management process for examining interactions between habitat projects and salmonid species, prioritizing habitat projects, and assuring positive benefits from habitat projects.

~~((3))~~ (4) "Habitat project list" is the list of projects resulting from the critical pathways methodology under RCW 75.46.070(2). Each project on the list must have a written agreement from the landowner on whose land the project will be implemented. Projects include habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat projects that improve streamflows, habitat-related mitigation projects, fish passage projects, fish screening projects, and habitat project corrective maintenance and monitoring activities.

(5) "Habitat activities" or "activities" means habitat protection or restoration activities by local governments, other public entities, and private entities, including public education, comprehensive planning, adoption and revision of habitat-related ordinances and programs, and other activities.

~~((4))~~ (6) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

~~((5))~~ (7) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. ~~((These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.~~

~~((6))~~ (8) "Listed stocks" means salmon and trout stocks that are listed or proposed for listing as threatened or endangered under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq.

(9) "Project sponsor" is a county, city, special district, tribal government, state agency, federal agency, a combination of such governments through interlocal or interagency agreement~~((s provided under chapter 39.34 RCW))~~, a nonprofit organization, or one or more private citizens.

~~((7))~~ (10) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production.

~~((8))~~ (11) "Salmon recovery activities" or "activities" means public education, planning, and programs which have as a principal purpose the protection and restoration of salmonid habitat.

(12) "Salmon recovery plan" means a state plan developed in response to a proposed or actual listing under the federal endangered species act that addresses limiting factors including, but not limited to harvest, hatchery, hydropower, habitat, and other factors of decline.

~~((9))~~ (13) "Interagency team" or "team" means the interagency review team created in RCW 75.46.080.

(14) "Tribe" or "tribes" means federally recognized Indian tribes.

~~((10))~~ (15) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.

~~((14))~~ (16) "Owner" means the person holding title to the land or the person under contract with the owner to lease or manage the legal owner's property.

**NEW SECTION. Sec. 3.** A new section is added to chapter 75.46 RCW to read as follows:

(1) The salmon recovery funding board is created.

(2) The board shall consist of five members appointed by the governor, subject to confirmation by the senate. One of the members shall be a representative of local governments. One of the members shall be a representative of federally recognized tribes. In making the appointments, the governor shall seek a board membership that collectively provide the expertise necessary to provide strong fiscal oversight of salmon recovery expenditures, and that provide extensive experience and expertise in salmon recovery projects and activities that address the range of limiting factors for salmon recovery in Washington state. Board members shall not have a financial or regulatory interest in salmon recovery. The governor shall make the appointments not later than ninety days after the effective date of this section. The initial terms shall commence October 1st. Members shall serve staggered four-year terms and, of the initial appointments, two members shall serve a term of two years and three members shall serve a term of three years. The governor shall appoint the chair of the board.

(3) Staff support to the board shall be provided by the salmon recovery office and by the interagency review team for those functions assigned to the team by this chapter or the board acting under the authority of this chapter.

(4) Members of the board shall be compensated as provided by RCW 43.03.250 and shall be reimbursed for travel expenses as provided by RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 4.** A new section is added to chapter 75.46 RCW to read as follows:

The board is responsible for making grants and loans for salmon recovery projects and activities from the amounts appropriated to the board for this purpose. To accomplish this purpose the board may:

(1) Provide assistance to grant applicants regarding the procedures and criteria for grant and loan awards;

(2) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms that are not in conflict with this chapter;

(3) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter; and

(4) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

**NEW SECTION. Sec. 5.** A new section is added to chapter 75.46 RCW to read as follows:

(1) The board shall develop procedures and criteria for allocation of funds for salmon recovery projects and activities on a state-wide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and attempt to provide a geographic balance across the state.

(2) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

(a) Are based upon the limiting factors analysis identified under RCW 75.46.070;

(b) Provide a greater benefit to salmon recovery based upon the information contained in the department of fish and wildlife salmonid stock inventory and any comparable science-based assessment;

(c) Will be implemented in a more critical area based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory and any comparable science-based assessment;

(d) Are the most cost-effective;

(e) Have the greatest matched or in-kind funding; and

(f) Will be implemented by a sponsor with a successful record of project implementation.

(3) The board shall seek the guidance and the assistance of the interagency review team created by RCW 75.46.080 in developing the allocation procedures and standards. The board may also seek the recommendations of the independent science panel created by RCW 75.46.050 to incorporate scientific principles and information into the allocation standards.

(4) The board may authorize the interagency review team to evaluate, rank, and make funding decisions for categories of projects or activities or from funding sources provided for categories of projects or activities. In delegating such authority the board shall consider the review team's staff resources, procedures, and technical capacity to meet the purposes and objectives of this chapter. The board shall maintain general oversight of the team's exercise of such authority.

(5) The board shall establish criteria for determining when block grants may be made to a lead entity or other recognized regional recovery entity consistent with one or more habitat project lists developed for that region.

(6) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

(7) In developing allocation criteria and in the review of project applications the board shall consider the recommendations which may be provided by the government council on natural resources, formed by the governor to promote cooperative intergovernmental relationships for salmon recovery, and consider the recommendations of stakeholder interests in salmon recovery.

(8) The board shall use information developed by the departments of transportation, ecology, fish and wildlife, and community, trade, and economic development, and other state agencies to assess state funding sources and programs available for salmon recovery efforts that should be coordinated with funding allocations made by the board. The capital budget advisory committee created by chapter . . . (Substitute House Bill No. 1204), Laws of 1999 shall make recommendations to the board on opportunities for coordination in sharing of project data and with reporting requirements of the committee and the board.

**NEW SECTION. Sec. 6.** A new section is added to chapter 75.46 RCW to read as follows:

(1) Before October 1st of each even-numbered year, the board shall recommend to the governor a prioritized list of projects and activities to be funded by the board under this chapter. The governor may remove projects and activities from the list recommended by the board and shall submit this amended list in the capital budget request to the legislature. The list shall identify the project sponsor, its geographic location, and a description of the project or activity.

(2) The board shall not sign contracts or otherwise financially obligate funds as provided under this chapter before the legislature has appropriated funds for a specific list of projects.

(3) The board shall track all funds allocated for salmon recovery projects and activities, including both funds allocated by the board and funds allocated by other state or federal agencies for salmon recovery or water quality improvement. The tracking system shall be geographically based and may include projects from other sources that address the same salmon recovery limiting factors in the same geographic area. The tracking system may be developed and maintained by another state agency through an interagency agreement with the board.

(4) Beginning in December 2000, the board shall provide a biennial report to the governor and the legislature on salmon recovery expenditures. This report shall be coordinated with the state of the salmon report required under RCW 75.46.030.

**Sec. 7.** RCW 75.46.050 and 1998 c 246 s 6 are each amended to read as follows:

(1) The governor shall request the national academy of sciences, the American fisheries society, or a comparable institution to screen candidates to serve as members on the independent science panel. The institution that conducts the screening of the candidates shall submit a list of the nine most qualified candidates to the governor, the speaker of the house of representatives, and the majority leader of the senate. The candidates shall reflect expertise in habitat requirements of salmon, protection and restoration of salmon populations, artificial propagation of salmon, hydrology, or geomorphology.

(2) The speaker of the house of representatives and the majority leader in the senate shall each remove one name from the nomination list. The governor shall consult with tribal representatives and the governor shall appoint five scientists from the remaining names on the nomination list.

(3) The members of the independent science panel shall serve four-year terms. Vacant positions on the panel shall be filled in the same manner as the original appointments. Members shall serve no more than two full terms. The independent science panel members shall elect the chair of the panel among themselves every two years. ~~((The members of the independent science panel shall be compensated as provided in RCW 43.03.250 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.))~~ Based upon available funding, the governor's salmon recovery office may contract for services with members of the independent science panel for compensation under chapter 39.29 RCW.

(4) The independent science panel shall be governed by generally accepted guidelines and practices governing the activities of independent science boards such as the national academy of sciences. The purpose of the independent science panel is to help ensure that sound science is used in salmon recovery efforts. The governor's salmon recovery office shall request review of salmon recovery plans by the science review panel. The science review panel does not have the authority to review individual projects or project lists developed under RCW 75.46.060, 75.46.070, and 75.46.080 or to make policy decisions. The panel shall periodically submit its findings and recommendations under this subsection to the legislature and the governor.

(5) The independent science panel ~~((shall submit its findings to the legislature and the governor)),~~ in conjunction with the salmon recovery office, shall recommend standardized monitoring indicators and data quality guidelines for use by entities involved in salmon recovery activities across the state. The panel shall also recommend electronic formats that will allow data to be provided to the state salmon recovery office for storage and to be shared across the state in a salmon monitoring network.

(6) State salmon monitoring data provided by lead entities, regional fisheries enhancement groups, and others shall be included in the salmon and steelhead inventory and assessment project.

(7) The independent science panel, in conjunction with the salmon recovery office, shall also recommend criteria for the systematic and periodic evaluation of monitoring data in order for the state to be able to answer critical questions about the effectiveness of the state's salmon recovery efforts.

(8) The recommendations on monitoring as required in this section shall be provided in a report to the governor and to the legislature by the independent science panel, in conjunction with the salmon recovery office, no later than December 31, 2000. The report shall also include recommendations on the level of effort needed to sustain monitoring of salmon projects and other recovery efforts, and any other recommendations on monitoring deemed important by the independent science panel, in conjunction with the salmon recovery office. The report may be included in the biennial state of the salmon report required under RCW 75.46.030.

**Sec. 8.** RCW 75.46.060 and 1998 c 246 s 7 are each amended to read as follows:

(1)(a) Counties, cities, and tribal governments must jointly designate, by ~~((official))~~ resolution or by letters of support, the area for which a habitat ~~((restoration))~~ project list is to be developed and the lead entity that is to be responsible for submitting the habitat ~~((restoration))~~ project list. No project included on a habitat ~~((restoration))~~ project list shall be considered mandatory in nature and no private landowner may be forced or coerced into participation in any respect. The lead entity may be a county, city, conservation district, special district, tribal government, or other entity.

(b) The lead entity shall establish a committee that consists of representative interests of counties, cities, conservation districts, tribes, environmental groups, business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other ~~((restoration))~~ habitat interests. The purpose of the committee is to provide a citizen-based evaluation of the projects proposed to promote salmon habitat ~~((restoration))~~. The interagency review team may provide the lead entity with organizational models that may be used in establishing the committees.

(c) The committee shall compile a list of habitat ~~((restoration))~~ projects, establish priorities for individual projects, define the sequence for project implementation, and submit these activities as the habitat ~~((restoration))~~ project list. The committee shall also identify potential federal, state, local, and private funding sources.

(d) Projects that include use of side channels, off-stream rearing enhancement, improvement in overwintering habitat, or use of acclimation ponds shall receive consideration for funding.

(2) The area covered by the habitat project list must be based, at a minimum, on a WRIA, combination of WRIsAs, ~~((an evolutionarily significant unit,))~~ or any other area as agreed to by the counties, cities, and tribes in resolutions or in letters of support meeting the requirements of this subsection. Preference will be given to projects in an area that contain a salmon species that is listed or proposed for listing under the federal endangered species act.

**Sec. 9.** RCW 75.46.070 and 1998 c 246 s 8 are each amended to read as follows:

(1) Critical pathways methodology shall be used to develop a habitat project list and a habitat work schedule that ensures salmon ~~((restoration))~~ recovery activities will be prioritized and implemented in a logical sequential manner that produces habitat capable of sustaining healthy populations of salmon.

(2) The critical pathways methodology shall:

(a) Include a limiting factors analysis for salmon in streams, rivers, tributaries, estuaries, and subbasins in the region. The technical advisory group shall have responsibility for the limiting factors analysis;

(b) Identify local habitat projects that sponsors are willing to undertake. The projects identified must have a written agreement from the landowner on which the project is to be implemented. Project sponsors shall have the lead responsibility for this task;

(c) Identify how projects will be monitored and evaluated. The project sponsor, in consultation with the technical advisory group and the appropriate landowner, shall have responsibility for this task; ~~((and))~~

(d) Include a review of monitoring data, evaluate project performance, and make recommendations to the committee established under RCW 75.46.060 and to the interagency review team. The technical advisory group has responsibility for this task; and

(e) Describe the adaptive management strategy that will be used. The committee established under RCW 75.46.060 shall have responsibility for this task. If a committee has not been formed, the technical advisory group shall have the responsibility for this task.

(3) The habitat work ~~((list))~~ schedule shall include all projects developed pursuant to subsection (2) of this section as well as any other salmon habitat ~~((restoration))~~ project implemented in the region, including habitat preservation projects funded through the Washington wildlife and recreation program, the conservation reserve enhancement program, and other conservancy programs. The habitat work ~~((list))~~ schedule shall also include the start date, duration, estimated date of completion, estimated cost, and, if appropriate, the affected salmonid species of each project. Each schedule shall be updated on an annual basis to depict new activities.

**Sec. 10.** RCW 75.46.100 and 1998 c 246 s 11 are each amended to read as follows:

The sea grant program at the University of Washington is authorized to provide technical assistance to volunteer groups and other project sponsors in designing and ~~((performing))~~ implementing habitat ~~((restoration))~~ projects that address the limiting factors analysis ~~((of regional habitat work plans))~~ required under RCW 75.46.070. The cost for such assistance may be covered on a fee-for-service basis.

**Sec. 11.** RCW 75.46.080 and 1998 c 246 s 9 are each amended to read as follows:

(1) Representatives from the conservation commission, the department of transportation, ~~the interagency committee for outdoor recreation, the department of natural resources, the department of ecology,~~ and the department of fish and wildlife shall establish an interagency review team. ~~((Except as provided in subsection (6) of this section, habitat restoration project lists shall be submitted to the interagency review team by January 1st and July 1st of each year beginning in 1999.))~~ The purpose of the team is to assist the salmon recovery funding board in developing procedures and standards for state-wide funding allocation, and to assist the board in reviewing funding applications to identify the highest priority projects and activities for funding.

(2) ~~((If no lead entity has been formed under RCW 75.46.060, the interagency review team shall rank, prioritize, and dispense funds for habitat restoration projects by giving preference to the projects that:~~

~~(a) Provide a greater benefit to salmon recovery;~~

~~(b) Will be implemented in a more critical area;~~

~~(c) Are the most cost-effective;~~

~~(d) Have the greatest matched, or in-kind funding; and~~

~~(e) Will be implemented by a sponsor with a successful record of project implementation.~~

~~(3)) If a lead entity established under RCW 75.46.060 has been formed, the interagency review team shall evaluate habitat project lists ((and may remove, but not add, projects from a habitat project list.~~

~~(4) The interagency review team shall provide a summary of funding for habitat restoration project lists to the governor and to the legislature by December 1st of each year))~~ developed pursuant to RCW 75.46.060 and submitted to the board for consideration for funding. The team shall advise the board on whether the list for the area complies with the list development procedures and critical path methodology provided by RCW 75.46.060 and 75.46.070. When the board determines the list to comply with those requirements it shall accord substantial weight to the list's project priorities when making determinations among applications for funding of projects and activities within the area covered by the list. Projects that include use of side channels, off-stream rearing enhancement, improvement in overwintering habitat, or use of acclimation ponds shall receive consideration for funding.

~~((5))~~ (3) ~~The ((interagency review team))~~ board may annually establish a maximum amount of funding available for any individual project, subject to available funding. ~~((The interagency review team shall attempt to assure a geographical balance in assigning priorities to projects.~~

~~(6) For fiscal year 1998, the department of fish and wildlife, the conservation commission, and the department of transportation may authorize, subject to appropriations, expenditures for projects that have been developed to restore salmon habitat before completion of the project lists required in RCW 75.46.060(2).~~

~~(7))~~ (4) ~~Where a lead entity has been established pursuant to RCW 75.46.060, the ((interagency review team))~~ board may provide ~~((block))~~ grants to the lead entity to assist in carrying out lead entity functions under this chapter, subject to available funding.

**NEW SECTION. Sec. 12.** A new section is added to chapter 75.46 RCW to read as follows:

The salmon recovery account is created in the state treasury. To the account shall be deposited such funds as the legislature directs or appropriates to the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for salmon recovery financial assistance provided through the salmon recovery funding board created in section 3 of this act.

**Sec. 13.** RCW 76.12.110 and 1998 c 347 s 55 are each amended to read as follows:

There is created a forest development account in the state treasury. The state treasurer shall keep an account of all sums deposited therein and expended or withdrawn therefrom. Any sums placed in the account shall be pledged for the purpose of paying interest and principal on the bonds issued by the department, and for the purchase of land for growing timber. Any bonds issued shall constitute a first and prior claim and lien against the account for the payment of principal and interest. No sums for the above purposes shall be withdrawn or paid out of the account except upon approval of the department.

Appropriations may be made by the legislature from the forest development account to the department for the purpose of carrying on the activities of the department on state forest lands, lands managed on a sustained yield basis as provided for in RCW 79.68.040, and for reimbursement of expenditures that have been made or may be made from the resource management cost account in the management of state forest lands. ~~((For the 1997-99 fiscal biennium, moneys from the account shall be distributed as directed in the omnibus appropriations act to the beneficiaries of the revenues derived from state forest lands. Funds that accrue to the state from such a distribution shall be deposited into the salmon recovery account, hereby created in the state treasury. Funds appropriated from the salmon recovery account shall be used for efforts to restore endangered anadromous fish stocks.))~~

**NEW SECTION. Sec. 14.** RCW 75.46.130 (Appropriated funds) and 1998 c 246 s 17 are each repealed.

**NEW SECTION. Sec. 15.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

## MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 1 of the title, after "recovery;" strike the remainder of the title and insert "amending RCW 75.46.005, 75.46.010, 75.46.050, 75.46.060, 75.46.070, 75.46.100, 75.46.080, and 76.12.110; adding new sections to chapter 75.46 RCW; repealing RCW 75.46.130; providing an effective date; and declaring an emergency."

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 2079, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2079, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2079, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 3; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senators Hochstatter, Honeyford and Johnson - 3.

Absent: Senators Deccio, Hale and McDonald - 3.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2079, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1345, deferred on third reading earlier today.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1345.

## PARLIAMENTARY INQUIRY

Senator Johnson: "A point of inquiry, Mr. President. Would the President say how many votes are required to pass Substitute House Bill No. 1345?"

## RULING BY THE PRESIDENT

President Owen: "In ruling on the parliamentary inquiry by Senator Johnson concerning the number of votes necessary to pass Substitute House Bill No. 1345, the President finds that RCW 43.135.035 provides that "any action . . . by the Legislature that raises state revenue or *requires revenue neutral tax shifts* may be taken only if approved by a two-thirds vote of each house . . ."

"Substitute House Bill No. 1345 provides a property tax exemption for certain low income rental housing owned by nonprofit organizations. The result of this exemption would shift a tax burden to nonexempt property owners.

"The President, therefore, rules that final passage of Substitute House Bill No. 1345 requires a two-thirds vote or thirty-three members of the Senate."

#### REMARKS BY SENATOR SNYDER

Senator Snyder: "Mr. President, it is probably unusual, but I would like to make a remark or two. I couldn't get on my feet before you made your decision, even though I am sure it wouldn't have changed it. I think that you are probably referring to the statute that was created by 601. I think it talks about tax increases, but I don't know about tax shifts. Also, we passed--the Legislature--a few years ago Referendum 47. That passed the Legislature with thirty votes in the Senate and sixty votes in the House of Representatives. I don't know if you could make your ruling retroactive or not, but it would seem that maybe Referendum 47 would be in some jeopardy. Also, we passed--we increased the amount of property tax exemptions for senior citizens from time to time.

"It seems to me that in the future those would all come under a two-thirds vote. Other times, we have eliminated sales tax from certain businesses and replaced them with a higher B & O tax. That would be an increase in their B & O tax. It seems like there would be a lot of different bills that come through here that are probably--some agreed to and some of them that are not--but I am not saying that your ruling isn't proper and the right one, but it certainly is going to be a big change on how we look at a lot of legislation that goes through here. Particularly, that Referendum 47 bill that was passed."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Snyder, the President would make just merely a brief comment. First, the language requires revenue neutral tax shifts that is taken from the statute. Secondly, this ruling is consistent with the previous rulings this session by the President, and third, he would take any other issue that you brought up as that issue is brought up, too, and the President will rule upon it at that particular time, and fourth, things are going to change because of the fact that Initiative 601 was passed by the people of the state of Washington that requires this new interpretation or interpretations of what, in fact, does require a fifty percent and what, in fact, does require two-thirds. It is the responsibility of the President to enforce the law as he is sworn to do."

#### FURTHER REMARKS BY SENATOR SNYDER

Senator Snyder: "I might be taking a little liberty here, too, but also one of these times, I would hope that maybe one of these measures won't require a two-thirds vote and that it would give us a reason to get 601 over and test it in the court. I would think that the court in being consistent would rule that you cannot amend the State Constitution by an initiative like they ruled when they made their decision on Term Limits about a year and a half ago."

#### REMARKS BY SENATOR JOHNSON

Senator Johnson: "While we are making observations, I think it is also valid to say that 601 can be repealed by a majority vote of the Legislature."

Further debate ensued.

#### POINT OF ORDER

Senator Brown: "A point of order, Mr. President. Would you ask the Senator to speak to the issue before us and not to other bills?"

#### REPLY BY THE PRESIDENT

President Owen: "Senator Benton, would you keep your remarks directed to the issue before us?"

Further debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1345 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Sellar, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 36.

Voting nay: Senators Benton, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Roach, Rossi, Sheldon, T., Stevens and Zarelli - 12.

Absent: Senator Deccio - 1.

SUBSTITUTE HOUSE BILL NO. 1345, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### POINT OF ORDER

Senator Heavey: "Mr. President, a point of order. With all due respect to the President, I would submit that the President making his own motion, in effect, is out of order. We have all sorts of constitutional provisions which were also passed by the Legislature and the citizens of the state, including the Constitution. For example, 'no amendment may be adopted that is outside the scope and object--' I certainly hope of the original bill. Another one might be that 'each bill shall have one title--one subject--and that shall be contained in the title.' That is another constitutional amendment. I hope we don't start down a line of the President making his own motions, with all due respect, Mr. President."

#### REMARKS BY SENATOR KLINE

Senator Kline: "Again, with all due respect, Mr. President, I hope that in the event, in future years, that the President does take it upon himself to move spontaneously and that it be done with equal bipartisan, without regard as to which is the majority party. Thank you."

#### REPLY BY THE PRESIDENT

President Owen: "The President feels a responsibility to respond. If there was a constitutional amendment on this floor, the President wouldn't have to wait for a person to raise a point of order on how many votes it takes to pass. I did not pass Initiative 601, nor did I support it. It is now the law and I swore to uphold the law. The law says that it take two-thirds vote to pass a bill that shifts taxes within the state of Washington. Therefore, the President should not wait for someone to raise the point of order, but shall declare what the vote is when the vote is taken and what that vote should be. That is the law and the President and each member of the Senate is sworn to uphold the law."

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

#### MOTION

On motion of Senator Honeyford, Senators Hale and McDonald were excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2005, by House Committee on State Government (originally sponsored by Representatives Wolfe, D. Sommers, D. Schmidt, Romero, Carlson, Delvin, Santos, O'Brien, Miloscia, Lovick, Dickerson, Kenney, Ogden, Fisher, Cody, Parlette, Campbell, Lambert, Pennington, Dunshee, Koster, Hankins, Clements, Cairnes, Keiser, Conway and Veloria) (by request of State Auditor Sonntag)

Managing the state employee whistleblower program.

The bill was read the second time.

## MOTION

On motion of Senator Gardner, the following striking amendment by Senators Gardner and McCaslin was adopted on a rising vote

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 42.40.020 and 1995 c 403 s 509 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Agency" means any state board, commission, bureau, committee, department, institution, division, or tribunal in the legislative, executive, or judicial branch of state government. "Agency" includes all elective offices, the state legislature, those institutions of higher education created and supported by the state government, and those courts that are part of state government.

(2) "Auditor" means the office of the state auditor.

~~((2))~~ (3) "Employee" means any individual employed or holding office in any department or agency of state government.

~~((3))~~ (4) "Good faith" means a reasonable basis in fact for the communication. "Good faith" is lacking when the employee knows or reasonably ought to know that the report is malicious, false, or frivolous.

(5) "Gross waste of funds" means to spend or use funds or to allow funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

~~(6)~~(a) "Improper governmental action" means any action by an employee(~~:~~

~~(i) Which is~~) undertaken in the performance of the employee's official duties(~~(, whether or not the action is within the scope of the employee's employment; and)~~);

~~((iii))~~ (i) Which is ~~((in violation of any state law or rule, is an abuse of authority,))~~ mismanagement or gross waste of public funds or resources as defined in this section;

~~(ii) Which is in violation of federal or state law or rule, if the violation is not merely technical or of a minimum nature; or~~

~~(iii) Which~~ is of substantial and specific danger to the public health or safety(~~(, or is a gross waste of public funds))~~).

(b) "Improper governmental action" does not include personnel actions, for which other remedies exist, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, claims of discriminatory treatment, or any action which may be taken under chapter 41.06 RCW, or other disciplinary action except as provided in RCW 42.40.030.

~~((4))~~ (7) "Mismanagement" means the exercise of an executive function in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

(8) "Substantial and specific danger" means a risk of serious injury, illness, peril, or loss, to which the exposure of the public is a gross deviation from the standard of care or competence which a reasonable person would observe in the same situation.

(9) "Use of official authority or influence" includes taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation, or any adverse action under chapter 41.06 RCW, or other disciplinary action.

~~((5))~~ (10) "Whistleblower" means an employee who in good faith reports alleged improper governmental action to the auditor, initiating an investigation under RCW 42.40.040. For purposes of the provisions of this chapter and chapter 49.60 RCW relating to reprisals and retaliatory action, the term "whistleblower" also means: (a) An employee who in good faith provides information to the auditor in connection with an investigation under RCW 42.40.040 and an employee who is believed to have reported ~~((alleged))~~ asserted improper governmental action to the auditor or to have provided information to the auditor in connection with an investigation under RCW 42.40.040 but who, in fact, has not reported such action or provided such information; or (b) an employee who in good faith identifies rules warranting review or provides information to the rules review committee, and an employee who is believed to have identified rules warranting review or provided information to the rules review committee but who, in fact, has not done so.

**NEW SECTION. Sec. 2.** An employee must make a reasonable attempt to ascertain the correctness of the information furnished and may be subject to disciplinary actions, including, but not limited to, suspension or termination, for knowingly furnishing false information as determined by the employee's appointing authority.

**Sec. 3.** RCW 42.40.040 and 1992 c 118 s 2 are each amended to read as follows:

(1)(a) In order to be investigated, an assertion of improper governmental action must be provided to the auditor within one year after the occurrence of the asserted improper governmental action.

(b) The auditor has the authority to determine whether to investigate any assertions received. In determining whether to conduct either a preliminary or further investigation, the auditor shall consider factors including, but not limited to: The nature and quality of evidence and the existence of relevant laws and rules; whether the action was isolated or systematic; the history of

previous assertions regarding the same subject or subjects or subject matter; whether other avenues are available for addressing the matter; whether the matter has already been investigated or is in litigation; the degree or significance of the asserted improper governmental action; and the cost and benefit of the investigation. The auditor has the sole discretion to determine the priority and weight given to these and other relevant factors and to decide whether a matter is to be investigated. The auditor shall document the factors considered and the analysis applied.

(c) The auditor also has the authority to investigate assertions as part of an audit conducted under chapter 43.09 RCW. The auditor shall document the reasons for handling the matter as part of such an audit.

(2) Subject to subsection (5)(c) of this section, the identity of a whistleblower is confidential at all times unless the whistleblower consents to disclosure by written waiver or by acknowledging his or her identity in a claim against the state for retaliation.

(3) Upon receiving specific information that an employee has engaged in improper governmental action, the auditor shall, within five working days of receipt of the information, mail written acknowledgement to the whistleblower at the address provided stating whether a preliminary investigation will be conducted. For a period not to exceed thirty working days from receipt of the assertion, the auditor shall conduct such preliminary investigation of the matter as the auditor deems appropriate. ((In conducting the investigation, the identity of the whistleblower shall be kept confidential.

((2)) (4) In addition to the authority under subsection ((4)) (3) of this section, the auditor may, on its own initiative, investigate incidents of improper state governmental action.

((3)) (5)(a) If it appears to the auditor, upon completion of the preliminary investigation, that the matter is so unsubstantiated that no further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the whistleblower.

(b) The written notification shall ((be by memorandum containing)) contain a summary of the information received((, a summary)) and of the results of the preliminary investigation with regard to each ((allegation)) assertion of improper governmental action((, and any determination made by the auditor under (c) of this subsection)).

(c) In any case to which this section applies, the identity of the whistleblower shall be kept confidential unless the auditor determines that the information has been provided other than in good faith.

(d) ((If it appears to the auditor that the matter does not meet the definition of an "improper governmental action" under RCW 42.40.020(3), or is other than a gross waste of public funds, the auditor may forward a summary of the allegations to the appropriate agency for investigation and require a response by memorandum no later than thirty days after the allegations are received from the auditor. The response shall contain a summary of the investigation with regard to each allegation and any determination of corrective action taken. The auditor will keep the identity of the whistleblower confidential. Upon receipt of the results of the investigation from the appropriate agency, the auditor will notify the whistleblower as prescribed under (a), (b), and (c) of this subsection)) With the agency's consent, the auditor may forward the assertions to an appropriate agency to investigate and report back to the auditor no later than sixty working days after the assertions are received from the auditor. The auditor is entitled to all investigative records resulting from such a referral. All procedural and confidentiality provisions of this chapter apply to investigations conducted under this subsection. The auditor shall document the reasons the assertions were referred.

((4)) (6) During the preliminary investigation, the auditor shall provide written notification of the nature of the assertions to the subject or subjects of the investigation and the agency head. The notification shall include the relevant facts and laws known at the time and the procedure for the subject or subjects of the investigation and the agency head to respond to the assertions and information obtained during the investigation. This notification does not limit the auditor from considering additional facts or laws which become known during further investigation.

(7)(a) If it appears to the auditor after completion of the preliminary investigation that further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the whistleblower, the subject or subjects of the investigation, and the agency head and either conduct a further investigation((s)) or issue a report under subsection ((6)) (10) of this section.

(b) If the preliminary investigation resulted from an anonymous assertion, a decision to conduct further investigation shall be subject to review by a three-person panel convened as necessary by the auditor prior to the commencement of any additional investigation. The panel shall include a state auditor representative knowledgeable of the subject agency operations, a citizen volunteer, and a representative of the attorney general's office. This group shall be briefed on the preliminary investigation and shall recommend whether the auditor should proceed with further investigation.

(c) If further investigation is to occur, the auditor shall provide written notification of the nature of the assertions to the subject or subjects of the investigation and the agency head. The notification shall include the relevant facts known at the time and the procedure to be used by the subject or subjects of the investigation and the agency head to respond to the assertions and information obtained during the investigation.

(8) Within sixty working days after the ((thirty-day)) preliminary investigation period in subsection ((4)) (3) of this section, the auditor shall complete the investigation and report its findings to the whistleblower unless written justification for the delay is

furnished to the whistleblower, agency head, and subject or subjects of the investigation. In all such cases, the report of the auditor's investigation and findings shall be sent to the whistleblower within one year after the information was filed under subsection ~~((4))~~ (3) of this section.

~~((5))~~ (9)(a) At any stage of an investigation under this section the auditor may require by subpoena the attendance and testimony of witnesses and the production of documentary or other evidence relating to the investigation at any designated place in the state. The auditor may issue subpoenas, administer oaths, examine witnesses, and receive evidence. In the case of contumacy or failure to obey a subpoena, the superior court for the county in which the person to whom the subpoena is addressed resides or is served may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(b) The auditor may order the taking of depositions at any stage of a proceeding or investigation under this chapter. Depositions shall be taken before an individual designated by the auditor and having the power to administer oaths. Testimony shall be reduced to writing by or under the direction of the individual taking the deposition and shall be subscribed by the deponent.

~~((6))~~ (c) Agencies shall cooperate fully in the investigation and shall take appropriate action to preclude the destruction of any evidence during the course of the investigation.

(d) During the investigation the auditor shall interview each subject of the investigation. If it is determined there is reasonable cause to believe improper governmental action has occurred, the subject or subjects and the agency head shall be given fifteen working days to respond to the assertions prior to the issuance of the final report.

(10)(a) If the auditor determines ~~((that))~~ there is reasonable cause to believe ~~((that))~~ an employee has engaged in ~~((any))~~ improper ~~((activity))~~ governmental action, the auditor shall report the nature and details of the activity to:

- (i) The ~~((employee))~~ subject or subjects of the investigation and the head of the employing agency; and
- (ii) If appropriate, the attorney general or such other authority as the auditor determines appropriate.

(b) The auditor has no enforcement power except that in any case in which the auditor submits ~~((a))~~ an investigative report ~~((of alleged improper activity))~~ containing reasonable cause determinations to the ~~((head of an))~~ agency, the ~~((attorney general, or any other individual to which a report has been made under this section, the individual shall report to the auditor with respect to any action taken by the individual regarding the activity, the first report being transmitted no later than thirty days after the date of the auditor's report and monthly thereafter until final action is taken))~~ agency shall send its plan for resolution to the auditor within fifteen working days of having received the report. The agency is encouraged to consult with the subject or subjects of the investigation in establishing the resolution plan. The auditor may require periodic reports of agency action until all resolution has occurred. If the auditor determines that appropriate action ~~((is))~~ has not ~~((being))~~ been taken ~~((within a reasonable time))~~, the auditor shall report the determination to the governor and to the legislature and may include this determination in the agency audit under chapter 43.09 RCW.

~~((7))~~ (11) Once the auditor concludes that appropriate action has been taken to resolve the matter, the auditor shall so notify the whistleblower, the agency head, and the subject or subjects of the investigation. If the resolution takes more than one year, the auditor shall provide annual notification of its status to the whistleblower, agency head, and subject or subjects of the investigation.

(12) This section does not limit any authority conferred upon the attorney general or any other agency of government to investigate any matter.

**Sec. 4.** RCW 42.40.050 and 1992 c 118 s 3 are each amended to read as follows:

(1) Any person who is a whistleblower, as defined in RCW 42.40.020, and who as a result of being a whistleblower has been subjected to workplace reprisal or retaliatory action has the remedies provided under chapter 49.60 RCW. For the purpose of this section "reprisal or retaliatory action" means but is not limited to:

- ~~((1))~~ (a) Denial of adequate staff to perform duties;
- ~~((2))~~ (b) Frequent staff changes;
- ~~((3))~~ (c) Frequent and undesirable office changes;
- ~~((4))~~ (d) Refusal to assign meaningful work;
- ~~((5))~~ (e) Unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations;
- ~~((6))~~ (f) Demotion;
- ~~((7))~~ (g) Reduction in pay;
- ~~((8))~~ (h) Denial of promotion;
- ~~((9))~~ (i) Suspension;
- ~~((10))~~ (j) Dismissal;
- ~~((11))~~ (k) Denial of employment; ~~((and~~
- ~~((12))~~ (l) A supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistleblower;
- (m) Actions which violate RCW 42.40.030; and

(n) Disclosure of a whistleblower's name unless the whistleblower has consented to disclosure as provided in RCW 42.40.040(2).

(2) Nothing in this section prohibits an agency from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower. However, the agency also shall implement any order under chapter 49.60 RCW (other than an order of suspension if the agency has terminated the retaliator).

NEW SECTION. Sec. 5. The auditor has the authority to contract for any assistance necessary to carry out the provisions of this chapter.

NEW SECTION. Sec. 6. The cost of administering this chapter is funded through the auditing services revolving account created in RCW 43.09.410.

NEW SECTION. Sec. 7. A whistleblower wishing to provide information under this chapter regarding asserted improper governmental action against the state auditor or an employee of that office shall provide the information to the attorney general who shall act in place of the auditor in investigating and reporting the matter.

NEW SECTION. Sec. 8. Chapter . . ., Laws of 1999 (this act) does not affect the jurisdiction of the legislative ethics board, the executive ethics board, or the commission on judicial conduct, as set forth in chapter 42.52 RCW.

NEW SECTION. Sec. 9. The office of financial management shall contract for a performance audit of the state employee whistleblower program on a cycle to be determined by the office of financial management. The audit shall be done in accordance with generally accepted government auditing standards beginning with the fiscal year ending June 30, 2001. The audit shall determine at a minimum: Whether the program is acquiring, protecting, and using its resources such as personnel, property, and space economically and efficiently; the causes of inefficiencies or uneconomical practices; and whether the program has complied with laws and rules on matters of economy and efficiency. The audit shall also at a minimum determine the extent to which the desired results or benefits established by the legislature are being achieved, the effectiveness of the program, and whether the auditor has complied with significant laws and rules applicable to the program.

The cost of the audit is a cost of operating the program and shall be funded by the auditing services revolving account created by RCW 43.09.410.

**Sec. 10.** RCW 43.09.410 and 1995 c 301 s 25 are each amended to read as follows:

An auditing services revolving account is hereby created in the state treasury for the purpose of a centralized funding, accounting, and distribution of the actual costs of the audits provided to state agencies by the state auditor and audits of the state employee whistleblower program under section 9 of this act.

NEW SECTION. Sec. 11. Sections 2 and 5 through 9 of this act are each added to chapter 42.40 RCW."

## MOTIONS

On motion of Senator Gardner, the following title amendment was adopted:

On page 1, line 1 of the title, after "whistleblowers;" strike the remainder of the title and insert "amending RCW 42.40.020, 42.40.040, 42.40.050, and 43.09.410; and adding new sections to chapter 42.40 RCW."

On motion of Senator Gardner, the rules were suspended, Substitute House Bill No. 2005, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2005, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2005, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Deccio - 1.

Excused: Senators Hale and McDonald - 2.

SUBSTITUTE HOUSE BILL NO. 2005, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1773, by Representatives Wolfe, Lambert, Schoesler, Ogden, Dickerson, Conway, Alexander, Cooper, Tokuda, Veloria, Radcliff, Stensen, D. Schmidt, Romero, Gombosky, Schindler, Keiser, Lantz, Rockefeller, Edmonds, Kenney, Scott and Lovick

Changing visitation rights in nonparental actions for child custody.

The bill was read the second time.

## MOTION

Senator Brown moved that the following striking amendment by Senators Brown, Hargrove and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 26.09.240 and 1996 c 177 s 1 are each amended to read as follows:

(1) ~~((A person other than a parent may petition the court for visitation with a child at any time or may intervene in a pending dissolution, legal separation, or modification of parenting plan proceeding. A person other than a parent may not petition for visitation under this section unless the child's parent or parents have commenced an action under this chapter.))~~ A grandparent of a child may petition the court for visitation with the child at any time after an action has been commenced under this chapter or a final order has been entered. A grandparent of a child may intervene in a pending dissolution, legal separation, or modification of parenting plan proceeding to seek visitation with the child.

(2) ~~((A))~~ The petition for visitation ~~((with a child by a person other than a parent))~~ must be filed in the county in which the child resides.

(3) ~~((A petition for visitation or a motion to intervene pursuant to this section shall be dismissed unless the petitioner or intervenor can demonstrate by clear and convincing evidence that a significant relationship exists with the child with whom visitation is sought. If the petition or motion is dismissed for failure to establish the existence of a significant relationship, the petitioner or intervenor shall be ordered to pay reasonable attorney's fees and costs to the parent, parents, other custodian, or representative of the child who responds to this petition or motion.~~

(4)) The court may order visitation between the petitioner or intervenor and the child ~~((between whom a significant relationship exists upon a finding supported by the evidence that the visitation is in the child's best interests.~~

(5)(a) ~~Visitation with a grandparent shall be presumed to be in the child's best interests when a significant relationship has been shown to exist. This presumption may be rebutted by a preponderance of evidence showing that visitation would endanger the child's physical, mental, or emotional health.~~

(b) ~~If the court finds that reasonable visitation by a grandparent would be in the child's best interest except for hostilities that exist between the grandparent and one or both of the parents or person with whom the child lives, the court may set the matter for mediation under RCW 26.09.015.~~

(6)) if the petitioner or intervenor has demonstrated by clear, cogent, and convincing evidence that:

(a) A significant relationship exists with the child with whom visitation is sought;

(b) Denial of visitation would result in a substantial likelihood of harm to the child's physical, mental, or emotional well-being; and

(c) Visitation is in the child's best interests.

If the petition or motion is dismissed, the petitioner or intervenor shall be ordered to pay reasonable attorneys' fees and costs to the parent, parents, other custodian, or representative of the child who responds to the petition or motion.

(4) The court may consider the following factors when making a determination of the child's best interests:

(a) The strength of the relationship between the child and the petitioner or intervenor;

(b) The relationship between each of the child's parents or the person with whom the child is residing and the petitioner or intervenor;

(c) The nature and reason for either parent's objection to granting the petitioner or intervenor visitation;

(d) The effect that granting visitation will have on the relationship between the child and the child's parents or the person with whom the child is residing;

(e) The residential time-sharing arrangements between the parents;

(f) The good faith of the petitioner or intervenor;

(g) Any criminal history or history of physical, emotional, or sexual abuse or neglect by the petitioner or intervenor; and

(h) Any other factor relevant to the child's best interest.

~~((7))~~ (5) The restrictions of RCW 26.09.191 that apply to parents shall be applied to a petitioner or intervenor who is not a parent, but who is a grandparent of the child. The nature and extent of visitation, subject to these restrictions, is in the discretion of the court.

~~((8))~~ (6) The court may order an investigation and report concerning the proposed visitation or may appoint a guardian ad litem as provided in RCW 26.09.220.

~~((9))~~ (7) Visitation granted ~~((pursuant to))~~ under this section shall be incorporated into the parenting plan for the child.

~~((10))~~ (8) The court may modify or terminate an order granting visitation ~~((rights granted pursuant to))~~ under this section in any subsequent modification action upon a showing that the visitation is no longer in the best interest of the child.

**Sec. 2.** RCW 26.10.160 and 1996 c 303 s 2 are each amended to read as follows:

(1) A parent not granted custody of the child is entitled to reasonable visitation rights except as provided in subsection (2) of this section.

(2)(a) Visitation with the child shall be limited if it is found that the parent seeking visitation has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's visitation with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

- (i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;
- (ii) RCW 9A.44.073;
- (iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;
- (iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;
- (v) RCW 9A.44.083;
- (vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;
- (vii) RCW 9A.44.100;
- (viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;
- (ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises visitation in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

- (i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;
- (ii) RCW 9A.44.073;
- (iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;
- (iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;
- (v) RCW 9A.44.083;
- (vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;
- (vii) RCW 9A.44.100;
- (viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;
- (ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the parent requesting visitation, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting visitation, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the

convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have visitation with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised visitation has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of visitation between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised visitation has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of visitation between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting visitation. If the court expressly finds based on the evidence that limitations on visitation with the child will not adequately protect

the child from the harm or abuse that could result if the child has contact with the parent requesting visitation, the court shall restrain the person seeking visitation from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits visitation under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

~~(3) ((Any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings.))~~ (3) (a) A grandparent of a child may petition the court for visitation with the child at any time after an action has been commenced under this chapter or a final order has been entered. The court may order visitation ~~((rights for any person when visitation may serve the best interest of the child))~~ between the petitioner and the child whether or not there has been any change of circumstances if the petitioner has demonstrated by clear, cogent, and convincing evidence that:

(i) A significant relationship exists with the child with whom visitation is sought;

(ii) Denial of visitation would result in a substantial likelihood of harm to the child's physical, mental, or emotional well-being; and

(iii) Visitation is in the child's best interests.

If the petition is dismissed, the petitioner shall be ordered to pay reasonable attorneys' fees and costs to the parent, parents, other custodian, or representative of the child who responds to the petition.

~~((4))~~ (b) The court may consider the following factors when making a determination of the child's best interests:

(i) The strength of the relationship between the child and the petitioner;

(ii) The relationship between each of the child's parents or the person with whom the child is residing and the petitioner;

(iii) The nature and reason for either parent's objection to granting the petitioner visitation;

(iv) The effect that granting visitation will have on the relationship between the child and the child's parents or the person with whom the child is residing;

(v) The residential time-sharing arrangements between the parents;

(vi) The good faith of the petitioner;

(vii) Any criminal history or history of physical, emotional, or sexual abuse or neglect by the petitioner; and

(viii) Any other factor relevant to the child's best interest.

(c) The restrictions of RCW 26.09.191 that apply to parents shall be applied to a petitioner or intervenor who is not a parent, but who is a grandparent of the child. The nature and extent of visitation, subject to these restrictions, is in the discretion of the court.

(4) Visitation granted under this section shall be incorporated into the parenting plan for the child.

(5) The court may modify or terminate an order granting ((or denying)) visitation rights whenever modification or termination would serve the best interests of the child. Modification of a parent's visitation rights shall be subject to the requirements of subsection (2) of this section.

~~((5))~~ (6) For the purposes of this section, a parent's child means that parent's natural child, adopted child, or stepchild.

NEW SECTION. Sec. 3. A new section is added to chapter 26.26 RCW to read as follows:

(1) A grandparent of a child who is the subject of an action brought under this chapter may petition the court for visitation with the child at any time after an action has been commenced under this chapter or a final order has been entered. A grandparent of a child may intervene in a pending action under this chapter to seek visitation with the child.

(2) The petition for visitation must be filed in the county in which the child resides.

(3) The court may order visitation between the petitioner or intervenor and the child if the petitioner or intervenor has demonstrated by clear, cogent, and convincing evidence that:

(a) A significant relationship exists with the child with whom visitation is sought;

(b) Denial of visitation would result in a substantial likelihood of harm to the child's physical, mental, or emotional well-being; and

(c) Visitation is in the child's best interests.

If the petition or motion is dismissed, the petitioner or intervenor shall be ordered to pay reasonable attorneys' fees and costs to the parent, parents, other custodian, or representative of the child who responds to the petition or motion.

(4) The court may consider the following factors when making a determination of the child's best interests:

(a) The strength of the relationship between the child and the petitioner or intervenor;

(b) The relationship between each of the child's parents or the person with whom the child is residing and the petitioner or intervenor;

(c) The nature and reason for either parent's objection to granting the petitioner or intervenor visitation;

(d) The effect that granting visitation will have on the relationship between the child and the child's parents or the person with whom the child is residing;

(e) The residential time-sharing arrangements between the parents;

(f) The good faith of the petitioner or intervenor;

(g) Any criminal history or history of physical, emotional, or sexual abuse or neglect by the petitioner or intervenor; and

(h) Any other factor relevant to the child's best interest.

(5) The restrictions of RCW 26.09.191 that apply to parents shall be applied to a petitioner or intervenor who is not a parent, but who is a grandparent of the child. The nature and extent of visitation, subject to these restrictions, is in the discretion of the court.

(6) The court may order an investigation and report concerning the proposed visitation or may appoint a guardian ad litem as provided in RCW 26.09.220.

(7) Visitation granted under this section shall be incorporated into the parenting plan for the child.

(8) The court may modify or terminate an order granting visitation under this section in any subsequent modification action upon a showing that the visitation is no longer in the best interest of the child."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Brown, Hargrove and Zarelli to Substitute House Bill No. 1773.

The motion by Senator Brown carried and the striking amendment was adopted on a rising vote.

#### MOTION

On motion of Senator Brown, the following title amendment was adopted:

On page 1, line 2 of the title, after "custody;" strike the remainder of the title and insert "amending RCW 26.09.240 and 26.10.160; and adding a new section to chapter 26.26 RCW."

#### MOTIONS

On motion of Senator Franklin, Senators Bauer and Rasmussen were excused.

On motion of Senator Honeyford, Senator McCaslin was excused.

#### MOTION

On motion of Senator Brown, the rules were suspended, Engrossed House Bill No. 1773, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1773, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1773, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 1; Excused, 3.

Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 40.

Voting nay: Senators Heavey, Honeyford, Long, Sheldon, T. and Wojahn - 5.

Absent: Senator Benton - 1.

Excused: Senators Bauer, McCaslin and Rasmussen - 3.

ENGROSSED HOUSE BILL NO. 1773, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1192, by Representatives Morris, Dunn, Miloscia, Veloria, Eickmeyer, DeBolt, Quall, Linville, Wolfe, Barlean, Kenney and Santos

Adding to the definition of economic development activities.

The bill was read the second time.

#### MOTION

Senator Betti Sheldon moved that the following Committee on Commerce, Trade, Housing and Financial Institutions striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.163.010 and 1994 c 238 s 1 and 1994 c 92 s 498 are each reenacted and amended to read as follows:

As used in this chapter, the following words and terms have the following meanings, unless the context requires otherwise:

(1) "Authority" means the Washington economic development finance authority created under RCW 43.163.020 or any board, body, commission, department or officer succeeding to the principal functions of the authority or to whom the powers conferred upon the authority shall be given by law;

(2) "Bonds" means any bonds, notes, debentures, interim certificates, conditional sales or lease financing agreements, lines of credit, forward purchase agreements, investment agreements, and other banking or financial arrangements, guaranties, or other obligations issued by or entered into by the authority. Such bonds may be issued on either a tax-exempt or taxable basis;

(3) "Borrower" means one or more public or private persons or entities acting as lessee, purchaser, mortgagor, or borrower who has obtained or is seeking to obtain financing either from the authority or from an eligible banking organization that has obtained or is seeking to obtain funds from the authority to finance a project. A borrower may include a party who transfers the right of use and occupancy to another party by lease, sublease or otherwise, or a party who is seeking or has obtained a financial guaranty from the authority;

(4) "Eligible banking organization" means any organization subject to regulation by the director of the department of financial institutions, any national bank, federal savings and loan association, and federal credit union located within this state;

(5) "Eligible export transaction" means any preexport or export activity by a person or entity located in the state of Washington involving a sale for export and product sale which, in the judgment of the authority: (a) Will create or maintain employment in the state of Washington, (b) will obtain a material percent of its value from manufactured goods or services made, processed or occurring in Washington, and (c) could not otherwise obtain financing on reasonable terms from an eligible banking organization;

(6) "Eligible farmer" means any person who is a resident of the state of Washington and whose specific acreage qualifying for receipts from the federal department of agriculture under its conservation reserve program is within the state of Washington;

(7) "Eligible person" means an individual, partnership, corporation, or joint venture carrying on business, or proposing to carry on business within the state and is seeking financial assistance under RCW 43.163.210;

(8) "Financial assistance" means the infusion of capital to persons for use in the development and exploitation of specific inventions and products;

(9) "Financing document" means an instrument executed by the authority and one or more persons or entities pertaining to the issuance of or security for bonds, or the application of the proceeds of bonds or other funds of, or payable to, the authority. A financing document may include, but need not be limited to, a lease, installment sale agreement, conditional sale agreement, mortgage, loan agreement, trust agreement or indenture, security agreement, letter or line of credit, reimbursement agreement, insurance policy, guaranty agreement, or currency or interest rate swap agreement. A financing document also may be an agreement between the authority and an eligible banking organization which has agreed to make a loan to a borrower;

(10) "Plan" means the general plan of economic development finance objectives developed and adopted by the authority, and updated from time to time, as required under RCW 43.163.090;

(11) "Economic development activities" means activities related to: Manufacturing, processing, research, production, assembly, tooling, warehousing, airports, docks and wharves, mass commuting facilities, high-speed intercity rail facilities, public broadcasting, pollution control, solid waste, federally qualified hazardous waste facilities, energy generating, conservation, or transmission facilities, ~~((and sports facilities and))~~ industrial parks and activities conducted within a federally designated enterprise or empowerment zone or geographic area of similar nature. Economic development activities shall not include parking garages primarily for paid public use, sports stadiums or facilities, convention centers, or bridges primarily for motor vehicle use;

(12) "Project costs" means costs of:

(a) Acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of land, rights to land, buildings, structures, docks, wharves, fixtures, machinery, equipment, excavations, paving, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities, and any other real or personal property included in an economic development activity;

(b) Architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of an activity included under subsection (11) of this section, including costs of studies assessing the feasibility of an economic development activity;

(c) Finance costs, including the costs of credit enhancement and discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any financing document;

(d) Start-up costs, working capital, capitalized research and development costs, capitalized interest during construction and during the eighteen months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves;

(e) The refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and

(f) Other costs incidental to any of the costs listed in this section;

(13) "Product" means a product, device, technique, or process that is or may be exploitable commercially. "Product" does not refer to pure research, but shall be construed to apply to products, devices, techniques, or processes that have advanced beyond the theoretic stage and are readily capable of being, or have been, reduced to practice;

(14) "Financing agreements" means, and includes without limitation, a contractual arrangement with an eligible person whereby the authority obtains rights from or in an invention or product or proceeds from an invention or product in exchange for the granting of financial and other assistance to the person.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

## MOTION

Senator Betti Sheldon moved that the following amendment to the Committee on Commerce, Trade, Housing and Financial Institutions striking amendment be adopted:

On page 2, line 35 of the amendment, after "solid waste" insert "recycling"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Betti Sheldon on page 2, line 35 to the Committee on Commerce, Trade, Housing and Financial Institutions striking amendment to House Bill No. 1192.

The motion by Senator Betti Sheldon carried and the amendment to the committee striking amendment was adopted.

#### MOTION

Senator Tim Sheldon moved that the following amendment to the Committee on Commerce, Trade, Housing and Financial Institutions striking amendment be adopted:

On page 3, line 1 of the amendment, strike "primarily for paid public use" and insert "operated primarily for use by the public"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Tim Sheldon on page 3, line 1, to the Committee on Commerce, Trade, Housing and Financial Institutions striking amendment to House Bill No. 1192.

The motion by Senator Tim Sheldon carried and the amendment to the committee striking amendment was adopted.

#### MOTION

Senator Sellar moved that the following amendment to the Committee on Commerce, Trade, Housing and Financial Institutions striking amendment be adopted:

On page 3, after line 39 of the amendment, insert the following:

**"Sec. 2.** RCW 39.36.020 and 1994 c 277 s 1 are each amended to read as follows:

(1) Except as otherwise expressly provided by law or in subsections (2), (3) and (4) of this section, no taxing district shall for any purpose become indebted in any manner to an amount exceeding three-eighths of one percent of the value of the taxable property in such taxing district without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness incurred at any time exceed one and one-fourth percent on the value of the taxable property therein.

(2)(a)(i) Public hospital districts are limited to an indebtedness amount not exceeding three-fourths of one percent of the value of the taxable property in such public hospital districts without the assent of three-fifths of the voters therein voting at an election held for that purpose.

(ii) Counties, cities, and towns are limited to an indebtedness amount not exceeding one and one-half percent of the value of the taxable property in such counties, cities, or towns without the assent of three-fifths of the voters therein voting at an election held for that purpose.

(b) In cases requiring such assent counties, cities, towns, and public hospital districts are limited to a total indebtedness of two and one-half percent of the value of the taxable property therein. However, any county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW may become indebted to a larger amount for its authorized metropolitan functions, as provided under chapter 35.58 RCW, but not exceeding an additional three-fourths of one percent of the value of the taxable property in the county without the assent of three-fifths of the voters therein voting at an election held for that purpose, and in cases requiring such assent not exceeding an additional two and one-half percent of the value of the taxable property in the county.

(3) School districts are limited to an indebtedness amount not exceeding three-eighths of one percent of the value of the taxable property in such district without the assent of three-fifths of the voters therein voting at an election held for that purpose. In cases requiring such assent school districts are limited to a total indebtedness of two and one-half percent of the value of the taxable property therein.

(4) No part of the indebtedness allowed in this chapter shall be incurred for any purpose other than strictly county, city, town, school district, township, port district, metropolitan park district, or other municipal purposes: PROVIDED, That a city or town, with such assent, may become indebted to a larger amount, but not exceeding two and one-half percent additional, determined as herein provided, for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city or town; and a city or town, with such assent, may become indebted to a larger amount, but not exceeding two and one-half percent additional for acquiring or developing open space ((and)),

park facilities, and capital facilities associated with economic development: PROVIDED FURTHER, That any school district may become indebted to a larger amount but not exceeding two and one-half percent additional for capital outlays.

(5) Such indebtedness may be authorized in any total amount in one or more propositions and the amount of such authorization may exceed the amount of indebtedness which could then lawfully be incurred. Such indebtedness may be incurred in one or more series of bonds from time to time out of such authorization but at no time shall the total general indebtedness of any taxing district exceed the above limitation.

The term "value of the taxable property" as used in this section shall have the meaning set forth in RCW 39.36.015.

**NEW SECTION. Sec. 3.** A new section is added to chapter 39.36 RCW to read as follows:

A city or town seeking voter approval to increase its total indebtedness above two and one-half percent of the value of the taxable property therein for purposes of acquiring or developing capital facilities associated with economic development as provided in RCW 39.36.020 shall notify the Washington economic development finance authority created under RCW 43.163.020 at least thirty days prior to the election held for the purpose of obtaining such assent."

Renumber the remaining section consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sellar on page 3, line 39, to the Committee on Commerce, Trade, Housing and Financial Institutions striking amendment to House Bill No. 1192.

The motion by Senator Sellar carried and the amendment to the committee striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Commerce, Trade, Housing and Financial Institutions striking amendment, as amended, to House Bill No. 1192.

The motion by Senator Betti Sheldon carried and the committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Betti Sheldon, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "authority;" strike the remainder of the title and insert "reenacting and amending RCW 43.163.010; and declaring an emergency."

On page 4, line 9 of the title amendment, before "reenacting" insert "amending RCW 39.36.020;"

On page 4, line 10 of the title amendment, after "43.163.010;" insert "adding a new section to chapter 39.36 RCW;"

On motion of Senator Betti Sheldon, the rules were suspended, House Bill No. 1192, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1192, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1192, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Heavey - 1.

Excused: Senator McCaslin - 1.

HOUSE BILL NO. 1192, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Snyder, the Senate immediately began consideration of Engrossed Substitute House Bill No. 1887.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1887, by House Committee on Finance (originally sponsored by Representatives Kessler, Lisk, Grant, Wensman, Wolfe and Pennington) (by request of Department of Revenue)

Revising the machinery and equipment tax exemption for manufacturers and processors for hire.

The bill was read the second time.

## MOTION

Senator Snyder moved that the following Committee on Ways and Means amendment not be adopted

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the application of the manufacturer's machinery and equipment sales and use tax exemption has, in some cases, been difficult and confusing for taxpayers. In this act, the legislature clarifies the original intent of the exemption and its application by explicitly and clearly defining those items of machinery and equipment that are exempt from tax. This act clarifies the definition of "manufacturing" by defining those logging, rock crushing, and testing activities that are exempt and clarifies the definition of "used directly" by clearly stating that, in order to qualify for the exemption, the machinery and equipment must be used so that the major benefit is for exempt purposes.

**Sec. 2.** RCW 82.04.120 and 1998 c 168 s 1 are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include: (1) The production or fabrication of special made or custom made articles; ~~((and))~~ (2) the production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician; (3) cutting, delimiting, and measuring of felled, cut, or taken trees; and (4) crushing and/or blending of rock, sand, stone, gravel, or ore.

"To manufacture" shall not include: Conditioning of seed for use in planting; cubing hay or alfalfa; ~~((or))~~ activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen, or canned outside this state; or the growing, harvesting, or producing of agricultural products.

**Sec. 3.** RCW 82.08.02565 and 1998 c 330 s 1 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales to a manufacturer or processor for hire of machinery and equipment used directly in a manufacturing operation or research and development operation, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the machinery and equipment, but only when the purchaser provides the seller with an exemption certificate in a form and manner prescribed by the department by rule. The seller shall retain a copy of the certificate for the seller's files.

(2) For purposes of this section and RCW 82.12.02565:

(a) "Machinery and equipment" means industrial fixtures, devices, and support facilities, and tangible personal property that becomes an ingredient or component thereof, including repair parts and replacement parts. "Machinery and equipment" includes pollution control equipment installed and used in a manufacturing operation or research and development operation to prevent air pollution, water pollution, or contamination that might otherwise result from the manufacturing operation or research and development operation.

(b) "Machinery and equipment" does not include:

(i) Hand-powered tools;

(ii) Property with a useful life of less than one year;

(iii) Buildings, other than machinery and equipment that is permanently affixed to or becomes a physical part of a building; and

(iv) Building fixtures that are not integral to the manufacturing operation or research and development operation that are permanently affixed to and become a physical part of a building, such as utility systems for heating, ventilation, air conditioning, communications, plumbing, or electrical.

(c) Machinery and equipment is "used directly" in a manufacturing operation or research and development operation if for at least fifty percent of its use, as measured by time, value, volume, or other measurement for comparison, the machinery and equipment:

- (i) Acts upon or interacts with an item of tangible personal property;
- (ii) Conveys, transports, handles, or temporarily stores an item of tangible personal property at the manufacturing site;
- (iii) Controls, guides, measures, verifies, aligns, regulates, or tests tangible personal property either at the site or away from the site, such as the road testing, air testing, or water testing of products, or other testing that cannot be done at the manufacturing site because of the nature of the testing involved;
- (iv) Provides physical support for or access to tangible personal property;
- (v) Produces power for, or lubricates machinery and equipment;
- (vi) Produces another item of tangible personal property for use in the manufacturing operation or research and development operation;
- (vii) Places tangible personal property in the container, package, or wrapping in which the tangible personal property is normally sold or transported; or
- (viii) Is integral to research and development as defined in RCW 82.63.010.

(d) "Manufacturing operation" means the manufacturing of articles, substances, or commodities for sale as tangible personal property. ~~((The))~~ A manufacturing operation begins at the point where the raw materials enter the manufacturing site and ends at the point where the ~~((finished product))~~ processed material leaves the manufacturing site. The term also includes that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part. The term does not include the production of electricity by a light and power business as defined in RCW 82.16.010 or the preparation of food products on the premises of a person selling food products at retail.

(e) "Cogeneration" means the simultaneous generation of electrical energy and low-grade heat from the same fuel.

(f) "Research and development operation" means engaging in research and development as defined in RCW 82.63.010 by a manufacturer or processor for hire.

**NEW SECTION.** **Sec. 4.** The legislature intends that sections 2 and 3 of this act be clarifying in nature and are retroactive in response to the administrative difficulties encountered in implementing the original legislation.

**Sec. 5.** RCW 82.08.02565 and 1999 c . . . s 3 (section 3 of this act) are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales to a manufacturer or processor for hire of machinery and equipment used directly in a manufacturing operation or research and development operation, to sales to a person engaged in testing for a manufacturer or processor for hire of machinery and equipment used directly in a testing operation, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the machinery and equipment, but only when the purchaser provides the seller with an exemption certificate in a form and manner prescribed by the department by rule. The seller shall retain a copy of the certificate for the seller's files.

(2) For purposes of this section and RCW 82.12.02565:

(a) "Machinery and equipment" means industrial fixtures, devices, and support facilities, and tangible personal property that becomes an ingredient or component thereof, including repair parts and replacement parts. "Machinery and equipment" includes pollution control equipment installed and used in a manufacturing operation, testing operation, or research and development operation to prevent air pollution, water pollution, or contamination that might otherwise result from the manufacturing operation, testing operation, or research and development operation.

(b) "Machinery and equipment" does not include:

- (i) Hand-powered tools;
- (ii) Property with a useful life of less than one year;
- (iii) Buildings, other than machinery and equipment that is permanently affixed to or becomes a physical part of a building; and
- (iv) Building fixtures that are not integral to the manufacturing operation, testing operation, or research and development operation that are permanently affixed to and become a physical part of a building, such as utility systems for heating, ventilation, air conditioning, communications, plumbing, or electrical.

(c) Machinery and equipment is "used directly" in a manufacturing operation, testing operation, or research and development operation if for at least fifty percent of its use, as measured by time, value, volume, or other measurement for comparison, the machinery and equipment:

- (i) Acts upon or interacts with an item of tangible personal property;
- (ii) Conveys, transports, handles, or temporarily stores an item of tangible personal property at the manufacturing site or testing site;

(iii) Controls, guides, measures, verifies, aligns, regulates, or tests tangible personal property either at the site or away from the site, such as the road testing, air testing, or water testing of products, or other testing that cannot be done at the manufacturing site because of the nature of the testing involved;

(iv) Provides physical support for or access to tangible personal property;

(v) Produces power for, or lubricates machinery and equipment;

(vi) Produces another item of tangible personal property for use in the manufacturing operation, testing operation, or research and development operation;

(vii) Places tangible personal property in the container, package, or wrapping in which the tangible personal property is normally sold or transported; or

(viii) Is integral to research and development as defined in RCW 82.63.010.

(d) "Manufacturing operation" means the manufacturing of articles, substances, or commodities for sale as tangible personal property. A manufacturing operation begins at the point where the raw materials enter the manufacturing site and ends at the point where the processed material leaves the manufacturing site. The term also includes that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part. The term does not include the production of electricity by a light and power business as defined in RCW 82.16.010 or the preparation of food products on the premises of a person selling food products at retail.

(e) "Cogeneration" means the simultaneous generation of electrical energy and low-grade heat from the same fuel.

(f) "Research and development operation" means engaging in research and development as defined in RCW 82.63.010 by a manufacturer or processor for hire.

(g) "Testing" means activities performed to establish or determine the properties, qualities, and limitations of tangible personal property.

(h) "Testing operation" means the testing of tangible personal property for a manufacturer or processor for hire. A testing operation begins at the point where the tangible personal property enters the testing site and ends at the point where the tangible personal property leaves the testing site. The term also includes that portion of a cogeneration project that is used to generate power for consumption within the site of which the cogeneration project is an integral part. The term does not include the production of electricity by a light and power business as defined in RCW 82.16.010 or the preparation of food products on the premises of a person selling food products at retail.

**Sec. 6.** RCW 82.12.02565 and 1998 c 330 s 2 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use by a manufacturer or processor for hire of machinery and equipment used directly in a manufacturing operation or research and development operation or to the use by a person engaged in testing for a manufacturer or processor for hire of machinery and equipment used directly in a testing operation.

**NEW SECTION. Sec. 7.** Sections 1 through 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

**NEW SECTION. Sec. 8.** Sections 5 and 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1999."

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Snyder to not adopt the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1887.

The motion by Senator Snyder carried and the committee striking amendment was not adopted.

## MOTION

On motion of Senator Snyder, the rules were suspended, Engrossed Substitute House Bill No. 1887 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Loveland: "Why is the dual use standard regarding qualifying and nonqualifying use absent in this bill?"

Senator Snyder: "It is not necessary. The current administrative practice of DOR is 'majority use,' which means over fifty percent based on time, value, volume, or other measurement for comparison, is reasonable. It is within the administrative authority of the department to use this standard, both for the past and in the future. It is, therefore, appropriate for the department to put this standard in rule."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1887.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1887 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Thibaudeau - 1.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1887, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1757, by Representatives Miloscia, O'Brien, Koster, Lovick, Haigh, Hurst and Radcliff

Expanding the number of inmates subject to mandatory DNA testing.

The bill was read the second time.

#### MOTION

Senator Hargrove moved that the following Committee on Human Services and Corrections striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

#### **"PART I THE DNA IDENTIFICATION SYSTEM**

**NEW SECTION. Sec. 101.** The legislature finds it necessary to expand the current pool of convicted offenders who must have a blood sample drawn for purposes of DNA identification analysis. The legislature further finds that there is a high rate of recidivism among certain types of violent and sex offenders and that drawing blood is minimally intrusive. Creating an expanded DNA data bank bears a rational relationship to the public's interest in enabling law enforcement to better identify convicted violent and sex offenders who are involved in unsolved crimes, who escape to reoffend, and who reoffend after release.

**Sec. 102.** RCW 43.43.754 and 1994 c 271 s 402 are each amended to read as follows:

Every adult or juvenile individual convicted of a felony or adjudicated guilty of an equivalent juvenile offense defined as a sex offense under RCW 9.94A.030(~~(34)~~) (33)(a) or a violent offense as defined in RCW 9.94A.030 shall have a blood sample drawn for purposes of DNA identification analysis. For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense who are serving or who are to serve a term of confinement in a county jail or detention facility, the county shall be responsible for obtaining blood samples (~~(prior to release from)~~) either as part of the intake process into the county jail or detention facility for those persons convicted on or after the effective date of this act, or within a reasonable time after the effective date of this act for those persons incarcerated prior to the effective date of this act who have not yet had a blood sample drawn, beginning with those persons who will be released the soonest. For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a division of juvenile rehabilitation facility, the facility holding the person shall be responsible for obtaining blood samples (~~(prior to release from)~~) either as part of the intake process into such facility for those persons convicted on or after the effective date of this act, or within a reasonable time after the effective date of this act for those persons incarcerated prior to the effective date of this act who have not yet had a blood sample drawn, beginning with those persons who will be released the soonest. Any blood sample taken pursuant to RCW 43.43.752 through 43.43.758 shall be used solely for the purpose of providing DNA or other blood grouping tests for identification analysis and prosecution of a sex offense or a violent offense.

This section applies to all adults who are convicted after July 1, 1990; and to all adults who were convicted on or prior to July 1, 1990, and who are still incarcerated on or after the effective date of this act. This section applies to all juveniles who are

adjudicated guilty after July 1, 1994; and to all juveniles who were adjudicated guilty on or prior to July 1, 1994, and who are still incarcerated on or after the effective date of this act.

## PART II

NEW SECTION. Sec. 201. No health care provider, including hospitals, birthing centers, or physicians, may create or maintain any record or copy of any blood sample taken for the purposes of DNA identification.

NEW SECTION. Sec. 202. (1) Any person shall have a cause of action against any health care provider who violates section 201 of this act with regard to that person's blood sample, or to that of his or her child's blood sample.

(2) Any person shall have a cause of action under the consumer protection act, chapter 19.86 RCW, against any health care provider if the health care provider engages in activity that results in a disclosure of a copy or record of that person's blood sample or his or her child's blood sample for commercial purposes or in a commercial transaction.

(3) This section shall only apply to blood samples taken for DNA identification purposes and not to blood samples taken for diagnostic, treatment, or any other legally authorized purposes.

NEW SECTION. Sec. 203. A violation of section 201 of this act that results in a disclosure for commercial purposes or in a commercial transaction shall also constitute a violation under RCW 19.86.020.

NEW SECTION. Sec. 204. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 205. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 206. Sections 201 through 203 of this act constitute a new chapter in Title 70 RCW."

## MOTION

Senator Hargrove moved that the following amendments by Senators Hargrove, Franklin, Costa, Stevens and Zarelli to the Committee on Human Services and Corrections striking amendment be considered simultaneously and be adopted:

On page 1, beginning on line 7 of the amendment, strike "

## PART I

### THE DNA IDENTIFICATION SYSTEM"

Beginning on page 2, after line 21 of the amendment, strike everything through "19.86.020." on page 3, line 6 and insert the following:

"NEW SECTION. Sec. 201. A new section is added to chapter 70.02 RCW to read as follows:

Any health care provider, facility, or researcher who creates, maintains, or discloses a copy or record of a person's individually identifiable DNA information in violation of chapter 42.48 RCW, or RCW 7.70.065, 70.02.050, 71.05.630, or 74.42.040, or in violation of any federal informed consent statute or rule has committed an unfair business practice pursuant to the consumer protection act, chapter 19.86 RCW. Any person whose individually identified DNA information was copied or recorded in violation of this section shall have a cause of action under the consumer protection act.

NEW SECTION. Sec. 202. A new section is added to chapter 19.86 RCW to read as follows:

Any violation of section 201 of this act shall also constitute an unfair business practice in violation of RCW 19.86.020."

On page 3, beginning on line 11 of the amendment, strike all of sections 205 and 206.

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Hargrove, Franklin, Costa, Stevens and Zarelli on page 1, line 7; page 2, line 21; and page 3, line 11, to the Committee on Human Services and Corrections striking amendment to House Bill No. 1757.

The amendments to the committee striking amendment were adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the Committee on Human Services and Corrections striking amendment, as amended, to House Bill No. 1757.

The motion by Senator Hargrove carried and the committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Hargrove, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "identification;" strike the remainder of the title and insert "amending RCW 43.43.754; adding a new chapter to Title 70 RCW; and creating new sections."

On page 3, beginning on line 19 of the title amendment, after "43.43.754;" strike the remainder of the title amendment and insert "adding a new section to chapter 70.02 RCW; adding a new section to chapter 19.86 RCW; and creating a new section."

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1757, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1757, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1757, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senator Wojahn - 1.

Absent: Senator Horn - 1.

Excused: Senator McCaslin - 1.

HOUSE BILL NO. 1757, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1448, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Linville, G. Chandler, Cooper, Ericksen, Anderson and Morris)

Allowing the department of ecology to assume primary responsibility for the cleanup of state aquatic lands.

The bill was read the second time.

#### MOTION

On motion of Senator Jacobsen, the striking amendment by Senators Spanel and Gardner will be considered before the Committee on Natural Resources, Parks and Recreation striking amendment.

#### MOTION

Senator Spanel moved that the following striking amendment by Senators Spanel and Gardner be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** In order to encourage the cleanup of contaminated areas of aquatic lands, the legislature finds that there have been efforts in Washington to pursue cooperative processes among public agencies and private parties to achieve comprehensive cleanup of toxic contamination on aquatic lands and to avoid the delays and costs of litigation that often characterize the cleanup of complex toxic waste sites. The legislature recognizes that state and local policies and practices in the past have contributed to contamination of state-owned aquatic lands. In meeting its responsibility to contribute to the remediation of contaminated sediments, the state may use state-owned aquatic lands for the disposal and remediation of contaminated sediments.

The legislature further recognizes that local governments, through the shoreline management act, chapter 90.58 RCW, and the growth management act, chapter 36.70A RCW, have planned comprehensively in conjunction with the state and with port districts for the land uses that will occur on and around aquatic lands, and that cleanup decisions should be consistent with these local plans.

Therefore the legislature declares the purpose of this act is to reaffirm the need for all state agencies, local communities, local and special purpose governments, federal agencies, tribes, and other interests to seek timely and environmentally protective cleanup solutions for state-owned aquatic lands. It is further the purpose of this act to provide criteria to guide the parties in making cleanup decisions.

**NEW SECTION. Sec. 2.** A new section is added to chapter 79.90 RCW to read as follows:

(1) For purposes of this section, "cooperating agencies" means the department of ecology, department of natural resources, department of fish and wildlife, general purpose and special purpose local governments, federal agencies and tribal governments that have entered a memorandum of agreement or comparable statement of intent to work cooperatively toward a comprehensive cleanup of one or more sites of contaminated aquatic lands.

(2) When evaluating alternatives for remedial action for contaminated sediments from state or federally required cleanups of aquatic areas, it is appropriate to consider the full range of cleanup and disposal alternatives, including the use of state-owned aquatic lands as part of the remedial action or as mitigation for the habitat impacts of such cleanup or disposal actions. In examining alternatives for remedial action, the cooperating agencies shall consult with other affected governments and private parties. In selecting disposal sites under this section, the cooperating agencies shall strive to limit the number of separate disposal locations.

(3) In examining a proposal to use state-owned aquatic lands for disposal or habitat mitigation, the cooperating agencies shall evaluate a range of alternatives that consider habitat impacts, impacts to navigation and water-borne commerce, cost, and the benefits of expeditiously reducing the availability of hazardous substances to the environment. The disposal or containment of contaminated sediments on state-owned aquatic lands may be made only in an approved multi-user confined aquatic disposal site, or when the following conditions are met:

(a) Such use presents the most environmentally protective option among a reasonable range of upland, nearshore, and in-water disposal options;

(b) There are no unacceptable adverse environmental impacts from the loss of nearshore vegetated aquatic habitat; and

(c) The action is consistent with applicable comprehensive land use plans adopted under chapter 36.70A RCW and shoreline master programs adopted under chapter 90.58 RCW; and

(d) The normal use of harbor areas for commerce and navigation is not impaired.

(4) If the department of ecology determines in the exercise of its regulatory authority under chapter 70.105D that the preferred alternative for remedial action involves the use of state-owned aquatic lands, and the department of natural resources disagrees with the determination, the departments shall seek to resolve their differences in a timely manner. If the departments are unable to resolve the dispute, the departments may use mediation or other methods of alternative dispute resolution to seek a resolution.

(5) In the event that the departments of ecology and natural resources are unable to resolve the dispute in following the procedures of subsection (4), the mediator or other third party facilitator used by the departments shall immediately notify the governor and the commissioner of public lands, who shall seek to resolve the dispute. If the governor and commissioner of public lands are unable within sixty days of such notification to agree upon actions to resolve the dispute, they shall immediately report the impasse, including alternatives considered and not adopted, to the standing environmental and natural resources committees of the senate and the house of representatives.

**NEW SECTION. Sec. 3.** The Puget Sound action team shall monitor the progress of analysis and selection of remedial action alternatives by cooperating agencies under section 2 of this act. No later than January 1 of each year beginning in 2000, the team shall provide a report on such progress to the standing environmental and natural resources committees of the senate and house of representatives.

NEW SECTION. Sec. 4. This act and the authorities granted under this act shall terminate on July 1, 2004. However, such termination shall not affect any action taken prior to such date under the authority of this act."

Renumber the sections consecutively and correct any internal references accordingly.

#### MOTION

Senator Patterson moved that the following amendments to the striking amendment by Senators Spanel and Gardner be considered simultaneously and be adopted:

On page 3, line 22, delete "this" and insert "Sections 1 through 4 of this"

On page 3, after line 26, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 79.90 RCW to read as follows:

State agencies and local governments with regulatory jurisdiction over activities that impact aquatic lands and other wetlands shall not approve a plan for the mitigation of impairment or destruction of aquatic lands or other wetlands which support or otherwise sustain the values of the aquatic habitat of a species listed or proposed for listing under the federal endangered species act (16 U.S.C. Sec. 1351 et seq.), unless the plan provides for replacement or enhancement of aquatic lands or other wetlands providing habitat for such species within five miles of the impacted area, in the case of aquatic lands, or within the same drainage basin, in the case of other wetlands.

NEW SECTION. Sec. 6. A new section is added to chapter 90.48 RCW to read as follows:

A certification by the department under the authority of section 401 of the federal water pollution control amendments of 1972, 22 U.S.C. 1341 et seq., shall not be issued for any project which will impair or destroy aquatic lands or other wetlands which support or otherwise sustain the values of aquatic habitat of a species listed or proposed for listing under the federal endangered species act (16 U.S.C. Sec. 1351 et seq.), unless the project is conditioned to require replacement or enhancement of wetlands providing habitat for such species five miles of the impacted area, in the case of aquatic lands, or within the same drainage basin, in the case of other wetlands."

Renumber the sections consecutively, correct any internal references accordingly, and amend the title accordingly.

Debate ensued.

#### POINT OF ORDER

Senator West: "Mr. President, I rise to a point of order. I believe the amendments by Senator Patterson on page 3, lines 22 and 26 to the striking amendment by Senator Spanel and Gardner changes the scope and object of the underlying bill, Substitute House Bill No. 1448. The underlying bill, in the intent section, states that the Legislature declares its intent to centralize and streamline the state's decision making processes for the comprehensive clean-up of urban harbors. It speaks also--it speaks repeatedly of urban harbors and aquatic lands. These amendments are dealing with wetlands not related to urban harbors and is, therefore, outside the scope and object of the underlying bill. Even the striking amendment offered by Senators Spanel and Gardner does not speak to wetlands. It speaks to aquatic lands repeatedly, so there is quite a difference and I would suggest that this is out of scope and object."

Further debate ensued.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute House Bill No. 1448 was deferred.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2152, by House Committee on Health Care (originally sponsored by Representatives Cody, Parlette, Van Luven, Conway and Edmonds)

Concerning long-term care payment rates.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 2152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2152.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2152 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE HOUSE BILL NO. 2152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254, by House Committee on Appropriations (originally sponsored by Representatives DeBolt, Ruderman, Poulsen, Crouse, Morris, Mielke, Bush, Thomas, Cooper, Reardon, Stensen, Keiser, Lantz, Fisher, McDonald, O'Brien, Lovick, Sullivan, Hurst, Santos, Hankins, Kenney, Wolfe, Ogden, Anderson, Kagi, Constantine, Dickerson, Conway, Linville, Rockefeller, Romero, Veloria, Wood, Ericksen, Edmonds, McIntire, Alexander, Mitchell, K. Schmidt and Esser)

Preventing unauthorized changes to, and unauthorized billing for, telecommunication services.

#### MOTION

Senator Brown moved that the following Committee on Energy, Technology and Telecommunications striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that changes in the rapidly changing telecommunications market are resulting in new consumer problems. The legislature further finds that unauthorized changes in telecommunications service, known commonly as slamming, and unauthorized billing for service on telecommunications bills, known commonly as cramming, are unfair and deceptive consumer practices. The legislature further finds that consumers should have options available to protect themselves against unauthorized service changes and billings. In addition, current penalties and remedies need to be increased to provide a more effective deterrent to these practices.

**NEW SECTION. Sec. 2.** (1) Every local exchange telecommunications company must offer to its customers, as a part of basic local service and at no additional cost, the following optional services:

(a) Preferred carrier freeze. Preferred carrier freeze procedures, including any solicitation thereof, must clearly distinguish among telecommunications services subject to a preferred carrier freeze. The carrier offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested. If a customer has subscribed to preferred carrier freeze, the local exchange company may not make changes to the customer's telecommunications services including without limitation local exchange service, intraLATA, interLATA, intrastate toll, interstate toll, or international toll service except on direct oral or written direction of the customer and shall reject any orders for change in service that are submitted on behalf of the customer; and

(b) Bill block services must be offered by December 31, 1999. Customers may block the billing of nontelecommunication products or services or telecommunication services provided by a company other than the customer's local exchange carrier or authorized long distance carrier. On request of bill block services by the customer, service providers that are not affiliated with the local exchange carrier shall not submit charges to the local exchange carrier for nontelecommunications products, services or nonpresubscribed intrastate or interstate toll services. For purposes of this subsection, nonpresubscribed intrastate or interstate toll services shall not include operator-assisted long distance, dial-around long distance, collect calls, or calling card services.

(2) Each local exchange telecommunications company must notify its customers of the services described in this section at the time service is established and at least once per year thereafter. The commission may prescribe the form of notice by rule.

**NEW SECTION. Sec. 3.** All lists of charges for services that appear on a customer's bill shall be clear, separate, and distinct. At a minimum, all bills must clearly identify on the bill the company making the charge, the specific product, service, or package of services being billed for, and a toll-free contact number for disputing a charge. The commission may prescribe the form of bill disclosure by rule.

**NEW SECTION. Sec. 4.** (1)(a) No person shall: (i) Cause a change in a customer's selection of telecommunications company without the customer's authorization as prescribed by the commission; and (ii) place or cause to be placed an unauthorized charge on a customer's telecommunications account.

(b) Any customer who is the victim of acts prohibited by this section is absolved of liability for (i) all charges imposed by the unauthorized carrier for products or services provided during the first thirty days after the unauthorized change, or for a longer period of time as permitted by the commission; (ii) all charges required to return the customer to his or her properly authorized carrier; and (iii) all other charges imposed in connection with the unauthorized change.

(2) The carrier that a customer contacts to report an unauthorized change, whether that entity is the customer's local exchange company, unauthorized carrier, or the customer's authorized carrier shall immediately take appropriate action to return the customer to his or her authorized carrier. The carrier that a customer calls to report an unauthorized change, whether that entity is the customer's local exchange company, unauthorized carrier, or the customer's authorized carrier is required to inform the customer that he or she is not required to pay for any unauthorized charges incurred for the first thirty days after the unauthorized charge. The unauthorized carrier shall remove charges, if any, from the customer's bill for charges incurred within the first thirty days of the unauthorized change and any charges required to return the customer to his or her properly authorized carrier. The local exchange carrier, when serving as the billing agent, may independently carry out the provisions of this subsection.

(3) If a customer disputes a charge for nontelecommunications service, or telecommunications services provided by a company other than the customer's local exchange carrier or authorized long-distance carrier, the local exchange company shall remove the charge from the bill. This subsection does not affect the ability of the charging company to independently collect legitimate charges.

(4) The commission may adopt rules necessary to enforce this section.

**NEW SECTION. Sec. 5.** In addition to any penalties provided by law, the commission may take one or more of the following actions:

(1) Order payment by an unauthorized service provider to the service provider previously selected by the customer in an amount not to exceed all charges billed to the customer by the unauthorized service provider for services provided during the unauthorized service period; and

(2) Order the unauthorized service provider to refund all payments made by the customer for services provided during the unauthorized service period.

**NEW SECTION. Sec. 6.** The legislature finds that the practices covered by section 4(1)(a) of this act are matters vitally affecting the public interest for purposes of applying the consumer protection act. A violation of section 4(1)(a) of this act is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce for the purpose of applying the consumer protection act, chapter 19.86 RCW. In any action under chapter 19.86 RCW, a person who proves any of the causes of action identified in this section is entitled to a presumption of injury and in addition to recovering costs and reasonable attorneys' fees, damages may be ordered in the amount of two thousand five hundred dollars.

**NEW SECTION. Sec. 7.** The Washington utilities and transportation commission and the attorney general shall assess and report to the legislature by June 2000 whether the practices of unauthorized service changes and billing have been deterred by this act and may make recommendations to the legislature with regard to enforcement.

**NEW SECTION. Sec. 8.** Sections 2 through 6 of this act are each added to chapter 80.36 RCW.

**NEW SECTION. Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

#### MOTION

Senator Brown moved that the following amendments to the Committee on Energy, Technology and Telecommunications striking amendment be considered simultaneously and be adopted:

On page 1, line 9 of the amendment, after "problems." insert "The legislature finds that universal telephone service, which is the wide availability of basic telephone service at reasonably affordable rates, has long been the policy of the state of Washington and is essential to the economic well-being of the state. The legislature finds that affordable telecommunications

service is jeopardized by the transition to a competitive telecommunications market and that a program for the preservation and advancement of universal telecommunications service is necessary to protect affordable basic telecommunications service throughout the state."

On page 1, after line 16 of the amendment, insert the following:

**"NEW SECTION. Sec. 2.** A new section is added to chapter 80.36 RCW to read as follows:

(1) The legislature approves the plan that the utilities and transportation commission has prepared under RCW 80.36.600. The legislature directs the commission to implement a program for the preservation and advancement of universal telecommunications service consistent with RCW 80.36.600 and the requirements of the federal telecommunications act of 1996 (47 U.S.C. Sec. 254) to:

(a) Benefit all telecommunications carriers in the state by ensuring that there exists a modern telecommunications network to which all carriers and their customers have reasonable access;

(b) Provide support for all telecommunications lines used to provide basic telecommunications services, as defined in RCW 80.36.600, for customers of telecommunications companies in high-cost locations; and

(c) Replace the existing system of universal service provisioning, that relies on implicit subsidies for companies serving customers in high-cost locations, with a program that relies on explicit contributions to a fund.

(2) The universal service fund is created. The fund shall be outside the state treasury and an appropriation is not required for expenditures from the fund.

(3) Every telecommunications carrier shall contribute to the fund on an equitable and nondiscriminatory basis. The commission shall establish each carrier's fee annually by order. A carrier's fee may not exceed three percent of its gross end-user telecommunications revenue."

Renumber the remaining sections consecutively and correct any internal references accordingly.

#### POINT OF ORDER

Senator Hochstatter: "A point of order, Mr. President. I challenge the amendments by Senator Brown on page 1, lines 9 and 16, to the Committee on Energy, Technology and Telecommunications striking amendment in that the subject matter setting up a new telecommunications universal service fund lies outside the scope and object of this bill. The underlying bill is slamming and cramming and that is to say that it is illegal charges and illegal switching of your long distance carrier. The two subjects are both telecommunications, but are far different in scope and I would ask for your judgement on this issue. Thank you."

Further debate ensued.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Engrossed Substitute House Bill No. 2254 was deferred.

#### SECOND READING

HOUSE BILL NO. 2259, by Representatives Murray, Hankins, Ogden, K. Schmidt, Fisher, Radcliff, Hatfield and Hurst

Extending the term of drivers' licenses.

The bill was read the second time.

#### MOTION

Senator Haugen moved that the following Committee on Transportation striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.20.161 and 1999 c 6 s 22 are each amended to read as follows:

The department, upon receipt of a fee of (~~fourteen~~) twenty dollars, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. The license must include a distinguishing number assigned to the licensee, the name of record, date of birth, Washington residence address, photograph, a brief description of the licensee, and

either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee.

**Sec. 2.** RCW 46.20.181 and 1999 c 6 s 23 are each amended to read as follows:

(1) Every driver's license expires on the fourth anniversary of the licensee's birthdate following the issuance of the license.

(2) A person may renew his or her license on or before the expiration date by submitting an application as prescribed by the department and paying a fee of ~~((fourteen))~~ twenty dollars. This fee includes the fee for the required photograph.

(3) A person renewing his or her driver's license more than sixty days after the license has expired shall pay a penalty fee of ten dollars in addition to the renewal fee, unless his or her license expired when:

(a) The person was outside the state and he or she renews the license within sixty days after returning to this state; or

(b) The person was incapacitated and he or she renews the license within sixty days after the termination of the incapacity.

**Sec. 3.** RCW 46.20.470 and 1989 c 178 s 21 are each amended to read as follows:

There shall be an additional fee for issuing any class of commercial driver's license in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each class shall not exceed ~~((twelve))~~ sixteen dollars for the original commercial driver's license or subsequent renewals. The fee shall be deposited in the highway safety fund.

**Sec. 4.** RCW 46.20.505 and 1993 c 115 s 1 are each amended to read as follows:

Every person applying for a special endorsement or a new category of endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay an examination fee of two dollars which is not refundable. In addition, the endorsement fee for the initial or new category motorcycle endorsement shall be ~~((six))~~ eight dollars, and the subsequent renewal endorsement fee shall be ~~((fourteen))~~ twenty dollars. The initial or new category and renewal endorsement fees shall be deposited in the motorcycle safety education account of the highway safety fund."

#### POINT OF INQUIRY

Senator Finkbeiner: "Senator Haugen, do I understand this correctly that the amendment that we are just about to vote on would raise the fee for driver's licenses?"

Senator Haugen: "Both ways, it does."

Senator Finkbeiner: "And does this amendment that we are voting on raise it higher?"

Senator Haugen: "No, it is the same. It would end up the same. It is a dollar and a half a year. If it goes to six years, it is thirty dollars. If it stays at four years, it is twenty dollars."

Senator Finkbeiner: "Okay. Thanks for that clarification. I'll save my remarks for the underlying bill."

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment to House Bill No. 2259.

The motion by Senator Haugen carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "and amending RCW 46.20.161, 46.20.181, 46.20.470, and 46.20.505."

On motion of Senator Haugen, the rules were suspended, House Bill No. 2259, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2259, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2259, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 35.

Voting nay: Senators Benton, Finkbeiner, Goings, Hochstatter, McDonald, Roach, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 12.

Absent: Senator Morton - 1.

Excused: Senator McCaslin - 1.

HOUSE BILL NO. 2259, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1448 and the pending amendments by Senator Patterson on page 3, lines 22 and after line 26, to the striking amendment by Senators Spanel and Gardner, deferred earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator West to the scope and object of the amendments by Senator Patterson on page 3, lines 22 and 26, to the striking amendment by Senators Spanel and Gardner, the President finds that Substitute House Bill No. 1448 is a measure which provides that the Department of Ecology shall have primary responsibility for clean up of state-owned aquatic lands, and permits the Department of Ecology to evaluate remedial actions concerning state-owned aquatic lands.

"The amendments by Senator Patterson to the striking amendment would establish mitigation requirements for aquatic lands, but also for wetlands.

"For this reason, the President finds that the amendments does change the scope and object of the bill and the point of order is well taken."

The amendments on page 3, lines 22 and 26 by Senator Patterson to the striking amendment by Senators Spanel and Gardner to Substitute House Bill No. 1448 were ruled out of order.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Spanel and Gardner to Substitute House Bill No. 1448.

Debate ensued.

The motion by Senator Spanel failed and the striking amendment was not adopted on a rising vote.

#### MOTION

Senator Jacobsen moved that the following Committee on Natural Resources, Parks and Recreation striking amendment be adopted;

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** In order to encourage the cleanup of contaminated areas of aquatic lands, the legislature declares its intent to centralize and streamline the state's decision-making processes. The department of ecology shall assume primary responsibility, on behalf of the state, for working cooperatively with local communities to seek expeditious and innovative cleanup solutions for state-owned aquatic lands. The department of ecology's decisions for remediation of state-owned aquatic lands shall be binding on all other state agencies.

The legislature recognizes that local governments, through the shoreline management act, chapter 90.58 RCW, and the growth management act, chapter 36.70A RCW, have planned comprehensively in conjunction with the state and with port districts for the land uses that will occur on and around aquatic lands.

In all land management matters involving state-owned aquatic land other than the cleanup of state-owned aquatic land, the department of natural resources shall retain all of its powers and responsibilities for implementing chapters 79.90 through 79.96 RCW and shall continue to exercise all of these existing land management powers and responsibilities.

**NEW SECTION. Sec. 2.** A new section is added to chapter 79.90 RCW to read as follows:

(1) The state finds that it may be appropriate to use state-owned aquatic lands as part of a remedial action for contaminated sediments from state or federally required cleanups of aquatic areas, or as mitigation for the habitat impacts of cleanup or disposal actions. In examining a proposal to use state-owned aquatic lands for disposal or habitat mitigation, the department of ecology, as required under chapters 70.105D, 90.48, and 43.21C RCW, shall evaluate a range of alternatives that consider habitat impacts, impacts to navigation and water-borne commerce, cost, and the benefits of expeditiously reducing the availability of hazardous substances to the environment.

(2) The department of ecology may require the disposal or containment of contaminated sediments on state-owned aquatic lands only in an approved multi-user confined aquatic disposal site, or when the following conditions are met:

(a) The department finds that such use presents the most environmentally protective option among a reasonable range of upland, nearshore, and in-water disposal options;

(b) The department of ecology finds that there are no unacceptable adverse environmental impacts from the loss of nearshore vegetated aquatic habitat; and

(c) The normal use of harbor areas for commerce and navigation is not impaired.

(3) In examining alternatives for remedial action, the department shall consult with affected state agencies, federal agencies, tribes, port districts, and local governments. In selecting disposal sites under this section, the department shall strive to limit the number of separate disposal locations.

(4) If the department of ecology, in exercising its regulatory authority to require cleanup of contaminated sediments, chooses a remedial action or concurs with an action required under the comprehensive environmental response, compensation, and liability act of 1980 that requires the use of state-owned aquatic land for containment or disposal of sediments, or for mitigation of habitat, the department of natural resources shall issue a use authorization within sixty days of the date the department of ecology issues or concurs in a final remedial action. This use authorization must contain the provisions needed to expeditiously allow the use of state-owned aquatic lands for the implementation of those activities required, or concurred with, by the department of ecology. The use authorization may not contain terms or conditions which, in the judgment of the department of ecology, delay or alter the purpose of the remedial action. Any such use authorization may contain measures to indemnify or otherwise hold the state harmless from any additional liability arising out of the use of state-owned aquatic lands. Nothing in this section shall be construed to impose liability on the state as a result of the department of ecology's exercise of its regulatory authority to require cleanup.

(5) This section only applies to the cleanup and mitigation of the impacts of cleanup of state-owned aquatic land. It does not affect the powers and responsibilities of the department of natural resources for implementing chapters 79.90 through 79.96 RCW in any other land management matters.

**Sec. 3.** RCW 79.90.465 and 1984 c 221 s 4 are each amended to read as follows:

The definitions in this section apply throughout chapters 79.90 through 79.96 RCW.

(1) "Water-dependent use" means a use which cannot logically exist in any location but on the water. Examples include, but are not limited to, water-borne commerce; terminal and transfer facilities; ferry terminals; watercraft sales in conjunction with other water-dependent uses; watercraft construction, repair, and maintenance; moorage and launching facilities; aquaculture; log booming; aquatic habitat mitigation; and public fishing piers and parks.

(2) "Water-oriented use" means a use which historically has been dependent on a waterfront location, but with existing technology could be located away from the waterfront. Examples include, but are not limited to, wood products manufacturing, watercraft sales, fish processing, petroleum refining, sand and gravel processing, log storage, and house boats. For the purposes of determining rent under this chapter, water-oriented uses shall be classified as water-dependent uses if the activity either is conducted on state-owned aquatic lands leased on October 1, 1984, or was actually conducted on the state-owned aquatic lands for at least three years before October 1, 1984. If, after October 1, 1984, the activity is changed to a use other than a water-dependent use, the activity shall be classified as a nonwater-dependent use. If continuation of the existing use requires leasing additional state-owned aquatic lands and is permitted under the shoreline management act of 1971, chapter 90.58 RCW, the department may allow reasonable expansion of the water-oriented use.

(3) "Nonwater-dependent use" means a use which can operate in a location other than on the waterfront. Examples include, but are not limited to, hotels, condominiums, apartments, restaurants, retail stores, and warehouses not part of a marine terminal or transfer facility.

(4) "Log storage" means the water storage of logs in rafts or otherwise prepared for shipment in water-borne commerce, but does not include the temporary holding of logs to be taken directly into a vessel or processing facility.

(5) "Log booming" means placing logs into and taking them out of the water, assembling and disassembling log rafts before or after their movement in water-borne commerce, related handling and sorting activities taking place in the water, and the temporary holding of logs to be taken directly into a processing facility. "Log booming" does not include the temporary holding of logs to be taken directly into a vessel.

(6) "Department" means the department of natural resources.

(7) "Port district" means a port district created under Title 53 RCW.

(8) The "real rate of return" means the average for the most recent ten calendar years of the average rate of return on conventional real property mortgages as reported by the federal home loan bank board or any successor agency, minus the average inflation rate for the most recent ten calendar years.

(9) The "inflation rate" for a given year is the percentage rate of change in the previous calendar year's all commodity producer price index of the bureau of labor statistics of the United States department of commerce. If the index ceases to be published, the department shall designate by rule a comparable substitute index.

(10) "Public utility lines" means pipes, conduits, and similar facilities for distribution of water, electricity, natural gas, telephone, other electronic communication, and sewers, including sewer outfall lines.

(11) "Terminal" means a point of interchange between land and water carriers, such as a pier, wharf, or group of such, equipped with facilities for care and handling of cargo and/or passengers.

(12) "State-owned aquatic lands" means those aquatic lands and waterways administered by the department of natural resources or managed under RCW 79.90.475 by a port district. "State-owned aquatic lands" does not include aquatic lands owned in fee by, or withdrawn for the use of, state agencies other than the department of natural resources."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Natural Resources, Parks and Recreation striking amendment to Substitute House Bill No. 1448.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 2 of the title, after "sediments;" strike the remainder of the title and insert "amending RCW 79.90.465; adding a new section to chapter 79.90 RCW; and creating a new section."

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1448, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1448, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1448, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Long, Loveland, McDonald, Oke, Prentice, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 33.

Voting nay: Senators Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Kline, Kohl-Welles, McAuliffe, Patterson, Rasmussen, Spanel and Thibaudeau - 14.

Absent: Senator Morton - 1.

Excused: Senator McCaslin - 1.

SUBSTITUTE HOUSE BILL NO. 1448, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2254 and the pending amendments by Senator Brown on page 1, lines 9 and 16, to the Committee on Energy, Technology and Telecommunications striking amendment, deferred earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Hochstatter to the scope and object of amendments by Senator Brown on page 1, lines 9 and 16, to the Committee on Energy, Technology and Telecommunications striking amendment, the President finds that Engrossed Substitute House Bill No. 2254 is a measure which only prohibits certain telecommunications practices; namely (1) making unauthorized long distance charges and (2) causing the unauthorized change of long distance carriers.

"The amendments by Senator Brown to the committee striking amendment would create a universal services fund, and direct the U.T.C. to implement a universal services program.

"The President, therefore, finds that the amendments do change the scope and object of the bill and the point of order is well taken."

The amendments by Senator Brown on page 1, lines 9 and 16, to the Committee on Energy, Technology and Telecommunications striking amendment to Engrossed Substitute House Bill No. 2254 were ruled out of order.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of Engrossed Substitute House Bill No. 2254 was deferred.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 6, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5175 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 39.33 RCW to read as follows:

(1) An agency as defined in RCW 42.52.010 may donate to any school district or educational service district surplus computers and computer-related equipment.

(2) By September 1, 1999, the office of superintendent of public instruction and the department of general administration shall jointly develop guidelines and distribution standards for the purpose of implementing subsection (1) of this section. The guidelines and distribution standards shall include considerations for quality, school-district needs, and accountability, and shall give priority to meeting the computer-related needs of children with disabilities, including those disabilities that require the portability of laptop computers.

**Sec. 2.** RCW 43.19.1919 and 1997 c 264 s 2 are each amended to read as follows:

Except as provided in RCW 28A.335.180 (~~and~~), 43.19.1920, and section 1 of this act, the division of purchasing shall sell or exchange personal property belonging to the state for which the agency, office, department, or educational institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund: PROVIDED, Sales of capital assets may be made by the division of purchasing and a credit established in central stores for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939, as now or hereafter amended: PROVIDED FURTHER, That personal property, excess to a state agency, including educational institutions, shall not be sold or disposed of prior to reasonable efforts by the division of purchasing to determine if other state agencies have a requirement for such personal property. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known. Surplus items may be disposed of without prior notification to state agencies if it is determined by the director of general administration to be in the best interest of the state. The division of purchasing shall maintain a record of disposed surplus property, including date and method of disposal, identity of any recipient, and approximate value of the property: PROVIDED, FURTHER, That this section shall not apply to personal property acquired by a state organization under federal grants and contracts if in conflict with special title provisions contained in such grants or contracts.

This section does not apply to property under RCW 27.53.045.

**Sec. 3.** RCW 28A.335.180 and 1997 c 264 s 1 and 1997 c 104 s 1 are each reenacted and amended to read as follows:

(1) Notwithstanding any other provision of law, school districts, educational service districts, or any other state or local governmental agency concerned with education, when declaring texts and other books, equipment, materials or relocatable facilities as surplus, shall, prior to other disposal thereof, serve notice in writing in a newspaper of general circulation in the school district and to any public school district or private school in Washington state annually requesting such a notice, that the same is available for sale, rent, or lease to public school districts or approved private schools, at depreciated cost or fair market value, whichever is greater: PROVIDED, That students wishing to purchase texts pursuant to RCW 28A.320.230(2) shall have priority as to such texts. The notice requirement in this section does not apply to the sale or transfer of assistive devices under RCW 28A.335.205 or chapter 72.40 RCW. Such districts or agencies shall not otherwise sell, rent or lease such surplus property to any

person, firm, organization, or nongovernmental agency for at least thirty days following publication of notice in a newspaper of general circulation in the school district.

(2) In lieu of complying with subsection (1) of this section, school districts and educational service districts may elect to grant surplus personal property to a federal, state, or local governmental entity, or to indigent persons, at no cost on the condition the property be used for preschool through twelfth grade educational purposes, or elect to loan surplus personal property to a nonreligious, nonsectarian private entity on the condition the property be used for the preschool through twelfth grade education of members of the public on a nondiscriminatory basis.

(3) The office of superintendent of public instruction may distribute surplus computers and computer-related equipment in accordance with section 1 of this act. The office of the superintendent of public instruction may provide information about the availability of those items to school districts and educational service districts. In any distribution of computers and computer-related equipment, the office shall give priority to school districts and educational service districts seeking computers for students with disabilities, including those disabilities that require the portability of laptop computers.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

Senator Patterson moved that the Senate refuse to concur in the House amendment to Engrossed Substitute Senate Bill No. 5175 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Patterson that the Senate refuse to concur in the House amendment to Engrossed Substitute Senate Bill No. 5175 and asks the House to recede therefrom.

The motion by Senator Patterson carried and the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 5175 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 7, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5343 with the following amendment(s)

On page 1, line 4, strike section 1 and insert the following:

**"NEW SECTION Sec.1.** A new section is added to chapter 28A.150 RCW to read as follows:

If information is requested under RCW 74.13.285, the school shall provide to the department of social and health services as soon as possible, the student's academic records, including the student's official transcript, placement history, information pertaining to disciplinary actions, and other records or information that may be pertinent to the student's future academic placements.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Costa, the Senate refuses to concur in the House amendment to Senate Bill No. 5343 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 7, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5664 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 7.80.130 and 1987 c 456 s 21 are each amended to read as follows:

(1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the civil infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

(2) The court may waive, reduce, or suspend the monetary penalty prescribed for the civil infraction. If the court determines that a person has insufficient funds to pay the monetary penalty, the court may order performance of a number of hours of community ((~~service~~) restitution) in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

**Sec. 2.** RCW 7.80.160 and 1989 c 373 s 12 are each amended to read as follows:

(1) A person who fails to sign a notice of civil infraction is guilty of a misdemeanor.

(2) Any person willfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction. A written promise to appear in court or a written promise to respond to a notice of civil infraction may be complied with by an appearance by counsel.

(3) A person who willfully fails to pay a monetary penalty or to perform community ((~~service~~) restitution) as required by a court under this chapter may be found in contempt of court as provided in chapter 7.21 RCW.

**Sec. 3.** RCW 7.84.110 and 1987 c 380 s 11 are each amended to read as follows:

(1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances, is civil in nature.

(2) The court may, in its discretion, waive, reduce, or suspend the monetary penalty prescribed for the infraction. At the person's request, the court may order performance of a number of hours of community ((~~service~~) restitution) in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

**Sec. 4.** RCW 7.84.130 and 1987 c 380 s 13 are each amended to read as follows:

(1) Failure to pay a monetary penalty assessed by a court under the provisions of this chapter is a misdemeanor under chapter 9A.20 RCW.

(2) Failure to complete community ((~~service~~) restitution) ordered by a court under the provisions of this chapter is a misdemeanor under chapter 9A.20 RCW.

**Sec. 5.** RCW 9.94A.030 and 1998 c 290 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time or imposed pursuant to RCW 9.94A.120 (6), (8), or (10) served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community ((~~service~~) restitution)" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(12) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

(13) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(14) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.

(15) "Department" means the department of corrections.

(16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community ((service)) restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(17) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(18) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(19) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(20) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(21) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(22) "First-time offender" means any person who is convicted of a felony (a) not classified as a violent offense or a sex offense under this chapter, or (b) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or flunitrazepam classified in Schedule IV, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(23) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(24) "Nonviolent offense" means an offense which is not a violent offense.

(25) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(26) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

(27) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (27)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under subsection (27)(b)(i) only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under subsection (27)(b)(i) only when the offender was eighteen years of age or older when the offender committed the offense.

(28) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(29) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(30) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(31) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, manslaughter in the first degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(32) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(33) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(34) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(35) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(36) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(37) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(38) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion,

kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, drive-by shooting, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(39) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (33) of this section are not eligible for the work crew program.

(40) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(41) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(42) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

**Sec. 6.** RCW 9.94A.040 and 1997 c 365 s 2 and 1997 c 338 s 3 are each reenacted and amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the

commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

- (i) Racial disproportionality in juvenile and adult sentencing;
- (ii) The capacity of state and local juvenile and adult facilities and resources; and
- (iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community ~~((service))~~ restitution, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness category XIII under RCW 9.94A.310, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

**Sec. 7.** RCW 9.94A.120 and 1998 c 260 s 3 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community ((~~service~~)) restitution work.

(6)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes, and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4);

(ii) The offender has no prior convictions for a felony in this state, another state, or the United States; and

(iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

(b) If the midpoint of the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections. If the midpoint of the standard range is twenty-four months or less, no more than three months of the sentence may be served in a work release status. The court shall also impose one year of concurrent community custody and community supervision that must include appropriate outpatient substance abuse treatment, crime-related prohibitions including a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. The court may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

(i) Devote time to a specific employment or training;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(iii) Report as directed to a community corrections officer;

(iv) Pay all court-ordered legal financial obligations;

(v) Perform community ((~~service~~)) restitution work;

(vi) Stay out of areas designated by the sentencing judge.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by the court.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community ((~~service~~)) restitution work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other

state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sex offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section;

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (I) Devote time to a specific employment or occupation;
  - (II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
  - (III) Report as directed to the court and a community corrections officer;
  - (IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community (~~service~~) restitution work, or any combination thereof; or
  - (V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime; and
- (C) Sex offenders sentenced under this special sex offender sentencing alternative are not eligible to accrue any earned early release time while serving a suspended sentence.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case

the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody.

(v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection.

(vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(vii) Except as provided in (a)(viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

(ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment.

(b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(iii) Report as directed to the court and a community corrections officer;

(iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(9)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance

with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
- (ii) The offender shall work at department of corrections-approved education, employment, and/or community ((service))

restitution;

- (iii) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
- (iv) The offender shall pay supervision fees as determined by the department of corrections;
- (v) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement; and
- (vi) The offender shall submit to affirmative acts necessary to monitor compliance with the orders of the court as required by the department.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

- (i) The offender shall remain within, or outside of, a specified geographical boundary;
- (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;
- (iii) The offender shall participate in crime-related treatment or counseling services;
- (iv) The offender shall not consume alcohol;
- (v) The offender shall comply with any crime-related prohibitions; or
- (vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section.

(c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(11) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(12) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered unless the superior court extends the criminal judgment an additional ten years. If the legal financial obligations including crime victims' assessments are not paid during the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years as provided in RCW 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(13) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(14) All offenders sentenced to terms involving community supervision, community ~~((service))~~ restitution, community placement, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions of the department of corrections. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed.

(a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(b) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. The conditions authorized under this subsection (14)(b) may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of a sex offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) of this section.

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(15) All offenders sentenced to terms involving community supervision, community ~~((service))~~ restitution, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(16) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(17) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(18) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless

extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(19) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(20) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(21) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(22) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

**Sec. 8.** RCW 9.94A.200 and 1998 c 260 s 4 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) In cases where conditions from a second or later sentence of community supervision begin prior to the term of the second or later sentence, the court shall treat a violation of such conditions as a violation of the sentence of community supervision currently being served.

(3) If an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a)(i) Following the violation, if the offender and the department make a stipulated agreement, the department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community ~~((service))~~ restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, jail time, or other sanctions available in the community.

(ii) Within seventy-two hours of signing the stipulated agreement, the department shall submit a report to the court and the prosecuting attorney outlining the violation or violations, and sanctions imposed. Within fifteen days of receipt of the report, if the court is not satisfied with the sanctions, the court may schedule a hearing and may modify the department's sanctions. If this occurs, the offender may withdraw from the stipulated agreement.

(iii) If the offender fails to comply with the sanction administratively imposed by the department, the court may take action regarding the original noncompliance. Offender failure to comply with the sanction administratively imposed by the department may be considered an additional violation.

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community ~~((service))~~ restitution obligation to total or partial confinement, (iii) convert monetary obligations, except restitution and the crime victim penalty assessment, to community ~~((service))~~ restitution hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community ~~((service))~~ restitution, or (iv) order one or more of the penalties authorized in (a)(i) of this subsection. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of legal financial obligations and regarding community ~~((service))~~ restitution obligations; and

(e) If the violation involves a failure to undergo or comply with mental status evaluation and/or outpatient mental health treatment, the community corrections officer shall consult with the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(4) The community corrections officer may obtain information from the offender's mental health treatment provider on the offender's status with respect to evaluation, application for services, registration for services, and compliance with the supervision plan, without the offender's consent, as described under RCW 71.05.630.

(5) An offender under community placement or community supervision who is civilly detained under chapter 71.05 RCW, and subsequently discharged or conditionally released to the community, shall be under the supervision of the department of corrections for the duration of his or her period of community placement or community supervision. During any period of inpatient mental health treatment that falls within the period of community placement or community supervision, the inpatient treatment provider and the supervising community corrections officer shall notify each other about the offender's discharge, release, and legal status, and shall share other relevant information.

(6) Nothing in this section prohibits the filing of escape charges if appropriate.

**Sec. 9.** RCW 9.94A.380 and 1988 c 157 s 4 and 1988 c 155 s 3 are each reenacted and amended to read as follows:

Alternatives to total confinement are available for offenders with sentences of one year or less. These alternatives include the following sentence conditions that the court may order as substitutes for total confinement: (1) One day of partial confinement may be substituted for one day of total confinement; (2) in addition, for offenders convicted of nonviolent offenses only, eight hours of community ~~((service))~~ restitution may be substituted for one day of total confinement, with a maximum conversion limit of two hundred forty hours or thirty days. Community ~~((service))~~ restitution hours must be completed within the period of community supervision or a time period specified by the court, which shall not exceed twenty-four months, pursuant to a schedule determined by the department.

For sentences of nonviolent offenders for one year or less, the court shall consider and give priority to available alternatives to total confinement and shall state its reasons in writing on the judgment and sentence form if the alternatives are not used.

**Sec. 10.** RCW 9.94A.400 and 1998 c 235 s 2 are each amended to read as follows:

(1)(a) Except as provided in (b) or (c) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(g) or any other provision of RCW 9.94A.390. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition applies in cases involving vehicular assault or vehicular homicide even if the victims occupied the same vehicle.

(b) Whenever a person is convicted of two or more serious violent offenses, as defined in RCW 9.94A.030, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's prior convictions and other current convictions that are not serious violent offenses in the offender score and the sentence range for other serious violent offenses shall be determined by using an offender score of zero. The sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(c) If an offender is convicted under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each conviction of the felony crimes listed in this subsection, and for each firearm unlawfully possessed.

(2)(a) Except as provided in (b) of this subsection, whenever a person while under sentence of felony commits another felony and is sentenced to another term of confinement, the latter term shall not begin until expiration of all prior terms.

(b) Whenever a second or later felony conviction results in community supervision with conditions not currently in effect, under the prior sentence or sentences of community supervision the court may require that the conditions of community supervision contained in the second or later sentence begin during the immediate term of community supervision and continue throughout the duration of the consecutive term of community supervision.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community ((~~service~~) restitution), community supervision, or any other requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.120(2), if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months.

**Sec. 11.** RCW 9.95.340 and 1986 c 125 s 3 are each amended to read as follows:

Any funds in the hands of the department of corrections, or which may come into its hands, which belong to discharged prisoners, inmates assigned to work/training release facilities, parolees or persons convicted of a felony and granted probation who absconded, or whose whereabouts are unknown, shall be deposited in the community ((~~services~~) restitution) revolving fund. Said funds shall be used to defray the expenses of clothing and other necessities and for transporting discharged prisoners, inmates assigned to work/training release facilities, parolees and persons convicted of a felony and granted probation who are without means to secure the same. All payments disbursed from these funds shall be repaid, whenever possible, by discharged prisoners, inmates assigned to work/training release facilities, parolees and persons convicted of a felony and granted probation for whose benefit they are made. Whenever any money belonging to such persons is so paid into the revolving fund, it shall be repaid to them in accordance with law if a claim therefor is filed with the department of corrections within five years of deposit into said fund and upon a clear showing of a legal right of such claimant to such money.

**Sec. 12.** RCW 9.95.360 and 1986 c 125 s 5 are each amended to read as follows:

The department of corrections shall create, maintain, and administer outside the state treasury a permanent revolving fund to be known as the "community ((~~services~~) restitution) revolving fund" into which shall be deposited all moneys received by it under RCW 9.95.310 through 9.95.370 and any appropriation made for the purposes of RCW 9.95.310 through 9.95.370. All expenditures from this revolving fund shall be made by check or voucher signed by the secretary of corrections or his or her designee. The community ((~~services~~) restitution) revolving fund shall be deposited by the department of corrections in such banks or financial institutions as it may select which shall give to the department a surety bond executed by a surety company authorized to do business in this state, or collateral eligible as security for deposit of state funds in at least the full amount of deposit.

**Sec. 13.** RCW 10.98.040 and 1985 c 201 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Arrest and fingerprint form" means the reporting form prescribed by the identification, child abuse, vulnerable adult abuse, and criminal history section to initiate compiling arrest and identification information.

(2) "Chief law enforcement officer" includes the sheriff or director of public safety of a county, the chief of police of a city or town, and chief officers of other law enforcement agencies operating within the state.

(3) "Department" means the department of corrections.

(4) "Disposition" means the conclusion of a criminal proceeding at any stage it occurs in the criminal justice system. Disposition includes but is not limited to temporary or permanent outcomes such as charges dropped by police, charges not filed by the prosecuting attorney, deferred prosecution, defendant absconded, charges filed by the prosecuting attorney pending court findings such as not guilty, dismissed, guilty, or guilty--case appealed to higher court.

(5) "Disposition report" means the reporting form prescribed by the identification, child abuse, vulnerable adult abuse, and criminal history section to report the legal procedures taken after completing an arrest and fingerprint form. The disposition report shall include but not be limited to the following types of information:

(a) The type of disposition;

(b) The statutory citation for the arrests;

(c) The sentence structure if the defendant was convicted of a felony;

(d) The state identification number; and

(e) Identification information and other information that is prescribed by the identification, child abuse, vulnerable adult abuse, and criminal history section.

(6) "Fingerprints" means the fingerprints taken from arrested or charged persons under the procedures prescribed by the Washington state patrol identification, child abuse, vulnerable adult abuse, and criminal history section.

(7) "Prosecuting attorney" means the public or private attorney prosecuting a criminal case.

(8) "Section" refers to the Washington state patrol section on identification, child abuse, vulnerable adult abuse, and criminal history.

(9) "Sentence structure" means itemizing the components of the felony sentence. The sentence structure shall include but not be limited to the total or partial confinement sentenced, and whether the sentence is prison or jail, community supervision, fines, restitution, or community ((~~service~~) restitution).

**Sec. 14.** RCW 13.40.020 and 1997 c 338 s 10 are each amended to read as follows:

For the purposes of this chapter:

(1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(2) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community ~~((service))~~ restitution not to exceed one hundred fifty hours of ~~((service))~~ community restitution;

(3) "Community ~~((service))~~ restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community ~~((service))~~ restitution may be performed through public or private organizations or through work crews;

(4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(6) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(8) "Department" means the department of social and health services;

(9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community ((service)) restitution; or (d) \$0-\$500 fine;

(17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(18) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(22) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(23) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(24) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(27) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(29) "Violent offense" means a violent offense as defined in RCW 9.94A.030.

**Sec. 15.** RCW 13.40.0357 and 1998 c 290 s 5 are each amended to read as follows:

#### DESCRIPTION AND OFFENSE CATEGORY

juvenile	juvenile disposition
disposition	category for attempt,
offense	bailjump, conspiracy,
category description (rcw citation)	or solicitation

**Arson and Malicious Mischief**

A Arson 1 (9A.48.020) B+  
B Arson 2 (9A.48.030) C  
C Reckless Burning 1 (9A.48.040) D  
D Reckless Burning 2 (9A.48.050) E  
B Malicious Mischief 1 (9A.48.070) C  
C Malicious Mischief 2 (9A.48.080) D  
D Malicious Mischief 3 (< \$50 is  
E class) (9A.48.090) E  
E Tampering with Fire Alarm  
Apparatus (9.40.100) E  
A Possession of Incendiary Device  
(9.40.120) B+

**Assault and Other Crimes  
Involving Physical Harm**

A Assault 1 (9A.36.011) B+  
B+ Assault 2 (9A.36.021) C+  
C+ Assault 3 (9A.36.031) D+  
D+ Assault 4 (9A.36.041) E  
B+ Drive-By Shooting  
(9A.36.045) C+  
D+ Reckless Endangerment  
(9A.36.050) E  
C+ Promoting Suicide Attempt  
(9A.36.060) D+  
D+ Coercion (9A.36.070) E  
C+ Custodial Assault (9A.36.100) D+

**Burglary and Trespass**

B+ Burglary 1 (9A.52.020) C+  
B Residential Burglary  
(9A.52.025) C  
B Burglary 2 (9A.52.030) C  
D Burglary Tools (Possession of)  
(9A.52.060) E  
D Criminal Trespass 1 (9A.52.070) E  
E Criminal Trespass 2 (9A.52.080) E  
C Vehicle Prowling 1 (9A.52.095) D  
D Vehicle Prowling 2 (9A.52.100) E

**Drugs**

E Possession/Consumption of Alcohol  
(66.44.270) E  
C Illegally Obtaining Legend Drug  
(69.41.020) D  
C+ Sale, Delivery, Possession of Legend  
Drug with Intent to Sell  
(69.41.030) D+  
E Possession of Legend Drug  
(69.41.030) E  
B+ Violation of Uniform Controlled  
Substances Act - Narcotic,  
Methamphetamine, or Flunitrazepam

- Sale (69.50.401(a)(1) (i) or (ii)) B+
- C Violation of Uniform Controlled  
Substances Act - Nonnarcotic Sale  
(69.50.401(a)(1)(iii)) C
- E Possession of Marihuana < 40 grams  
(69.50.401(e)) E
- C Fraudulently Obtaining Controlled  
Substance (69.50.403) C
- C+ Sale of Controlled Substance  
for Profit (69.50.410) C+
- E Unlawful Inhalation (9.47A.020) E
- B Violation of Uniform Controlled  
Substances Act - Narcotic,  
Methamphetamine, or Flunitrazepam  
Counterfeit Substances  
(69.50.401(b)(1) (i) or (ii)) B
- C Violation of Uniform Controlled  
Substances Act - Nonnarcotic  
Counterfeit Substances  
(69.50.401(b)(1) (iii), (iv), (v)) C
- C Violation of Uniform Controlled  
Substances Act - Possession of a  
Controlled Substance  
(69.50.401(d)) C
- C Violation of Uniform Controlled  
Substances Act - Possession of a  
Controlled Substance  
(69.50.401(c)) C

#### **Firearms and Weapons**

- B Theft of Firearm (9A.56.300) C
- B Possession of Stolen Firearm  
(9A.56.310) C
- E Carrying Loaded Pistol Without  
Permit (9.41.050) E
- C Possession of Firearms by Minor (< 18)  
(9.41.040(1)(b)(iii)) C
- D+ Possession of Dangerous Weapon  
(9.41.250) E
- D Intimidating Another Person by use  
of Weapon (9.41.270) E

#### **Homicide**

- A+ Murder 1 (9A.32.030) A
- A+ Murder 2 (9A.32.050) B+
- B+ Manslaughter 1 (9A.32.060) C+
- C+ Manslaughter 2 (9A.32.070) D+
- B+ Vehicular Homicide (46.61.520) C+

#### **Kidnapping**

- A Kidnap 1 (9A.40.020) B+
- B+ Kidnap 2 (9A.40.030) C+
- C+ Unlawful Imprisonment  
(9A.40.040) D+

### **Obstructing Governmental Operation**

- D Obstructing a Law Enforcement Officer (9A.76.020) E
- E Resisting Arrest (9A.76.040) E
- B Introducing Contraband 1 (9A.76.140) C
- C Introducing Contraband 2 (9A.76.150) D
- E Introducing Contraband 3 (9A.76.160) E
- B+ Intimidating a Public Servant (9A.76.180) C+
- B+ Intimidating a Witness (9A.72.110) C+

### **Public Disturbance**

- C+ Riot with Weapon (9A.84.010) D+
- D+ Riot Without Weapon (9A.84.010) E
- E Failure to Disperse (9A.84.020) E
- E Disorderly Conduct (9A.84.030) E

### **Sex Crimes**

- A Rape 1 (9A.44.040) B+
- A- Rape 2 (9A.44.050) B+
- C+ Rape 3 (9A.44.060) D+
- A- Rape of a Child 1 (9A.44.073) B+
- B+ Rape of a Child 2 (9A.44.076) C+
- B Incest 1 (9A.64.020(1)) C
- C Incest 2 (9A.64.020(2)) D
- D+ Indecent Exposure (Victim < 14) (9A.88.010) E
- E Indecent Exposure (Victim 14 or over) (9A.88.010) E
- B+ Promoting Prostitution 1 (9A.88.070) C+
- C+ Promoting Prostitution 2 (9A.88.080) D+
- E O & A (Prostitution) (9A.88.030) E
- B+ Indecent Liberties (9A.44.100) C+
- A- Child Molestation 1 (9A.44.083) B+
- B Child Molestation 2 (9A.44.086) C+

### **Theft, Robbery, Extortion, and**

#### **Forgery**

- B Theft 1 (9A.56.030) C
- C Theft 2 (9A.56.040) D
- D Theft 3 (9A.56.050) E
- B Theft of Livestock (9A.56.080) C
- C Forgery (9A.60.020) D
- A Robbery 1 (9A.56.200) B+
- B+ Robbery 2 (9A.56.210) C+
- B+ Extortion 1 (9A.56.120) C+
- C+ Extortion 2 (9A.56.130) D+

- B Possession of Stolen Property 1  
(9A.56.150) C
- C Possession of Stolen Property 2  
(9A.56.160) D
- D Possession of Stolen Property 3  
(9A.56.170) E
- C Taking Motor Vehicle Without  
Owner's Permission (9A.56.070) D

**Motor Vehicle Related Crimes**

- E Driving Without a License  
(46.20.005) E
- C Hit and Run - Injury  
(46.52.020(4)) D
- D Hit and Run-Attended  
(46.52.020(5)) E
- E Hit and Run-Unattended  
(46.52.010) E
- C Vehicular Assault (46.61.522) D
- C Attempting to Elude Pursuing  
Police Vehicle (46.61.024) D
- E Reckless Driving (46.61.500) E
- D Driving While Under the Influence  
(46.61.502 and 46.61.504) E

**Other**

- B Bomb Threat (9.61.160) C
- C Escape 1<sup>1</sup> (9A.76.110) C
- C Escape 2<sup>1</sup> (9A.76.120) C
- D Escape 3 (9A.76.130) E
- E Obscene, Harassing, Etc.,  
Phone Calls (9.61.230) E
- A Other Offense Equivalent to an  
Adult Class A Felony B+
- B Other Offense Equivalent to an  
Adult Class B Felony C
- C Other Offense Equivalent to an  
Adult Class C Felony D
- D Other Offense Equivalent to an  
Adult Gross Misdemeanor E
- E Other Offense Equivalent to an  
Adult Misdemeanor E
- V Violation of Order of Restitution,  
Community Supervision, or  
Confinement (13.40.200)<sup>2</sup> V

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

**JUVENILE SENTENCING STANDARDS**

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

**OPTION A  
JUVENILE OFFENDER SENTENCING GRID  
STANDARD RANGE**

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A- 15-36 | 52-65 | 80-100 | 103-129  
WEEKS | WEEKS | WEEKS | WEEKS  
EXCEPT | | |  
30-40 | | |  
WEEKS FOR | | |  
15-17 | | |  
YEAR OLDS | | |

Current B+ 15-36 | 52-65 | 80-100 | 103-129  
Offense WEEKS | WEEKS | WEEKS | WEEKS  
Category \_\_\_\_\_

B LOCAL | | 52-65  
SANCTIONS (LS) | 15-36 WEEKS | WEEKS

C+ LS |  
| 15-36 WEEKS

C LS | 15-36 WEEKS  
Local Sanctions: |  
0 to 30 Days \_

D+ LS 0 to 12 Months Community Supervision  
0 to 150 Hours Community ((Service)) Restitution

D LS \$0 to \$500 Fine

E LS

0 1 2 3 4 or more  
PRIOR ADJUDICATIONS

**NOTE:** References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR**  
**OPTION B**  
**CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(5) and 13.40.165.

**OR**  
**OPTION C**  
**MANIFEST INJUSTICE**

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

**Sec. 1.** RCW 13.40.080 and 1997 c 338 s 70 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community ~~((service))~~ restitution not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by the victim;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed; and

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas.

(3) In assessing periods of community ~~((service))~~ restitution to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the diversionary unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(4)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the divertee.

(b) If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (4)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may not require the juvenile to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

(5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(6) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

(7) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(8) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

(9) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

(10) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020((9)) (7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(11) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

(a) The fact that a charge or charges were made;

(b) The fact that a diversion agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the alleged offender performed his or her obligations under such agreement; and

(e) The facts of the alleged offense.

(12) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. When a diversionary unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(13) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020((9)) (7). A signed

acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversionary unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(14) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

(15) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert an unpaid fine into community ((service)) restitution. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community ((service)) restitution in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(16) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

**Sec. 2.** RCW 13.40.160 and 1997 c 338 s 25 and 1997 c 265 s 1 are each reenacted and amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsections (2), (4), and (5) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsections (2), (4), and (5) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option C of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2).

(4) When a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (iv) Anticipated length of treatment; and
- (v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option C, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- (b)(i) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;
- (iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;
- (iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;
- (v) Report as directed to the court and a probation counselor;
- (vi) Pay all court-ordered legal financial obligations, perform community ((~~service~~)) restitution, or any combination thereof;
- (vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense;
- (viii) Comply with the conditions of any court-ordered probation bond; or
- (ix) The court shall order that the offender may not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings. The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district. The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (4), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (4) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

A disposition entered under this subsection (4) is not appealable under RCW 13.40.230.

(5) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

(6) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(1)(b)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(7) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(8) Except as provided under subsection (4) or (5) of this section or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

**Sec. 3.** RCW 13.40.165 and 1997 c 338 s 26 are each amended to read as follows:

(1) When a juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent, may order an examination by a chemical dependency counselor from a chemical dependency treatment facility approved under chapter 70.96A RCW to determine if the youth is chemically dependent and amenable to treatment.

(2) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems and previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the examiner's information.

(3) The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a) Whether inpatient and/or outpatient treatment is recommended;
- (b) Availability of appropriate treatment;
- (c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (d) Anticipated length of treatment;
- (e) Recommended crime-related prohibitions; and
- (f) Whether the respondent is amenable to treatment.

(4) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any examination ordered under this subsection (4) or subsection (1) of this section unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(5)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this chemical dependency disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section.

(b) If the court determines that this chemical dependency disposition alternative is appropriate, then the court shall impose the standard range for the offense, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol treatment and/or inpatient drug/alcohol treatment. For purposes of this section, the sum of confinement time and inpatient treatment may not exceed ninety days. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to thirty days of confinement, one hundred fifty hours of community ~~(service)~~ restitution, and payment of legal financial obligations and restitution.

(6) The drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(7) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

(10) A disposition under this section is not appealable under RCW 13.40.230.

**Sec. 4.** RCW 13.40.180 and 1981 c 299 s 14 are each amended to read as follows:

Where a disposition is imposed on a youth for two or more offenses, the terms shall run consecutively, subject to the following limitations:

(1) Where the offenses were committed through a single act or omission, omission, or through an act or omission which in itself constituted one of the offenses and also was an element of the other, the aggregate of all the terms shall not exceed one hundred fifty percent of the term imposed for the most serious offense;

(2) The aggregate of all consecutive terms shall not exceed three hundred percent of the term imposed for the most serious offense; and

(3) The aggregate of all consecutive terms of community supervision shall not exceed two years in length, or require payment of more than two hundred dollars in fines or the performance of more than two hundred hours of community ~~((service))~~ restitution.

**Sec. 5.** RCW 13.40.200 and 1997 c 338 s 31 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community ~~((service))~~ restitution hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community ~~((service))~~ restitution.

(3) If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed thirty days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community ~~((service))~~ restitution. The number of hours of community ~~((service))~~ restitution in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

(5) When a respondent has willfully violated the terms of a probation bond, the court may modify, revoke, or retain the probation bond as provided in RCW 13.40.054.

**Sec. 6.** RCW 13.40.205 and 1990 c 3 s 103 are each amended to read as follows:

(1) A juvenile sentenced to a term of confinement to be served under the supervision of the department shall not be released from the physical custody of the department prior to the release date established under RCW 13.40.210 except as otherwise provided in this section.

(2) A juvenile serving a term of confinement under the supervision of the department may be released on authorized leave from the physical custody of the department only if consistent with public safety and if:

(a) Sixty percent of the minimum term of confinement has been served; and

(b) The purpose of the leave is to enable the juvenile:

(i) To visit the juvenile's family for the purpose of strengthening or preserving family relationships;

(ii) To make plans for parole or release which require the juvenile's personal appearance in the community and which will facilitate the juvenile's reintegration into the community; or

(iii) To make plans for a residential placement out of the juvenile's home which requires the juvenile's personal appearance in the community.

(3) No authorized leave may exceed seven consecutive days. The total of all pre-minimum term authorized leaves granted to a juvenile prior to final discharge from confinement shall not exceed thirty days.

(4) Prior to authorizing a leave, the secretary shall require a written leave plan, which shall detail the purpose of the leave and how it is to be achieved, the address at which the juvenile shall reside, the identity of the person responsible for supervising the juvenile during the leave, and a statement by such person acknowledging familiarity with the leave plan and agreeing to supervise the juvenile and to notify the secretary immediately if the juvenile violates any terms or conditions of the leave. The leave plan shall include such terms and conditions as the secretary deems appropriate and shall be signed by the juvenile.

(5) Upon authorizing a leave, the secretary shall issue to the juvenile an authorized leave order which shall contain the name of the juvenile, the fact that the juvenile is on leave from a designated facility, the time period of the leave, and the identity of an appropriate official of the department to contact when necessary. The authorized leave order shall be carried by the juvenile at all times while on leave.

(6) Prior to the commencement of any authorized leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will reside during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave.

(7) The secretary may authorize a leave, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the period of time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. In cases of emergency or medical leave the secretary may waive all or any portions of subsections (2)(a), (3), (4), (5), and (6) of this section.

(8) If requested by the juvenile's victim or the victim's immediate family, the secretary shall give notice of any leave to the victim or the victim's immediate family.

(9) A juvenile who violates any condition of an authorized leave plan may be taken into custody and returned to the department in the same manner as an adult in identical circumstances.

(10) Notwithstanding the provisions of this section, a juvenile placed in minimum security status may participate in work, educational, community ((service)) restitution, or treatment programs in the community up to twelve hours a day if approved by the secretary. Such a release shall not be deemed a leave of absence.

(11) Subsections (6), (7), and (8) of this section do not apply to juveniles covered by RCW 13.40.215.

**Sec. 7.** RCW 13.40.210 and 1997 c 338 s 32 are each amended to read as follows:

(1) The secretary shall, except in the case of a juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the juvenile was found to be guilty established pursuant to RCW 13.40.030, set a release or discharge date for each juvenile committed to its custody. The release or discharge date shall be within the prescribed range to which a juvenile has been committed except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3)(a) Following the juvenile's release under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or

second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section. The decision to place an offender on parole shall be based on an assessment by the department of the offender's risk for reoffending upon release. The department shall prioritize available parole resources to provide supervision and services to offenders at moderate to high risk for reoffending.

(b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: (i) Undergo available medical, psychiatric, drug and alcohol, sex offender, mental health, and other offense-related treatment services; (ii) report as directed to a parole officer and/or designee; (iii) pursue a course of study, vocational training, or employment; (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries; (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community ((service)) restitution. Community ((service)) restitution for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community ((service)) restitution may be performed through public or private organizations or through work crews.

(c) The secretary may further require up to twenty-five percent of the highest risk juvenile offenders who are placed on parole to participate in an intensive supervision program. Offenders participating in an intensive supervision program shall be required to comply with all terms and conditions listed in (b) of this subsection and shall also be required to comply with the following additional terms and conditions: (i) Obey all laws and refrain from any conduct that threatens public safety; (ii) report at least once a week to an assigned community case manager; and (iii) meet all other requirements imposed by the community case manager related to participating in the intensive supervision program. As a part of the intensive supervision program, the secretary may require day reporting.

(d) After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; and (v) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030.

(b) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

**Sec. 8.** RCW 13.40.250 and 1997 c 338 s 36 are each amended to read as follows:

A traffic or civil infraction case involving a juvenile under the age of sixteen may be diverted in accordance with the provisions of this chapter or filed in juvenile court.

(1) If a notice of a traffic or civil infraction is filed in juvenile court, the juvenile named in the notice shall be afforded the same due process afforded to adult defendants in traffic infraction cases.

(2) A monetary penalty imposed upon a juvenile under the age of sixteen who is found to have committed a traffic or civil infraction may not exceed one hundred dollars. At the juvenile's request, the court may order performance of a number of hours of community ((service)) restitution in lieu of a monetary penalty, at the rate of the prevailing state minimum wage per hour.

(3) A diversion agreement entered into by a juvenile referred pursuant to this section shall be limited to thirty hours of community ((service)) restitution, or educational or informational sessions.

(4) If a case involving the commission of a traffic or civil infraction or offense by a juvenile under the age of sixteen has been referred to a diversion unit, an abstract of the action taken by the diversion unit may be forwarded to the department of licensing in the manner provided for in RCW 46.20.270(2).

**Sec. 9.** RCW 28A.225.090 and 1998 c 296 s 39 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to:

(a) Attend the child's current school;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law.

(2) If the child fails to comply with the court order, the court may order the child to be punished by detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as community ((service)) restitution. Failure by a child to comply with an order issued under this subsection shall not be punishable by detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW.

(3) Any parent violating any of the provisions of either RCW 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community ((service)) restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

**Sec. 10.** RCW 35.21.209 and 1984 c 24 s 1 are each amended to read as follows:

The legislative authority of a city or town may purchase liability insurance in an amount it deems reasonable to protect the city or town, its officers, and employees against liability for the wrongful acts of offenders or injury or damage incurred by offenders in the course of court-ordered community ((service)) restitution, and may elect to treat offenders as employees and/or workers under Title 51 RCW.

**Sec. 11.** RCW 35A.21.220 and 1984 c 24 s 2 are each amended to read as follows:

The legislative authority of a code city may purchase liability insurance in an amount it deems reasonable to protect the code city, its officers, and employees against liability for the wrongful acts of offenders or injury or damage incurred by offenders in the course of court-ordered community ((service)) restitution, and may elect to treat offenders as employees and/or workers under Title 51 RCW.

**Sec. 12.** RCW 36.16.139 and 1984 c 24 s 3 are each amended to read as follows:

The legislative authority of a county may purchase liability insurance in an amount it deems reasonable to protect the county, its officers, and employees against liability for the wrongful acts of offenders or injury or damage incurred by offenders in the course of community ((service)) restitution imposed by court order or pursuant to RCW 13.40.080. The legislative authority of a county may elect to treat offenders as employees and/or workers under Title 51 RCW.

**Sec. 13.** RCW 43.51.048 and 1996 c 263 s 3 are each amended to read as follows:

(1) The commission shall establish a policy and procedures for supervising and evaluating community ((service)) restitution activities that may be imposed under RCW 70.93.060(3) including a description of what constitutes satisfactory completion of community ((service)) restitution.

(2) The commission shall inform each state park of the policy and procedures regarding community ((service)) restitution activities, and each state park shall then notify the commission as to whether or not the park elects to participate in the community ((service)) restitution program. The commission shall transmit a list notifying the district courts of each state park that elects to participate.

**Sec. 14.** RCW 46.16.381 and 1998 c 294 s 1 are each amended to read as follows:

(1) The director shall grant special parking privileges to any person who has a disability that limits or impairs the ability to walk and meets one of the following criteria, as determined by a licensed physician:

- (a) Cannot walk two hundred feet without stopping to rest;
- (b) Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;
- (c) Is so severely disabled, that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;
- (d) Uses portable oxygen;
- (e) Is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
- (f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association; or
- (g) Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk.

The personal physician of the applicant shall document that the disability is comparable in severity to the others listed in this subsection.

(2) The applications for disabled parking permits and temporary disabled parking permits are official state documents. Knowingly providing false information in conjunction with the application is a gross misdemeanor punishable under chapter 9A.20 RCW. The following statement must appear on each application form immediately below the physician's signature and immediately below the applicant's signature: "A disabled parking permit may be issued only for a medical necessity that severely affects mobility (RCW 46.16.381). Knowingly providing false information on this application is a gross misdemeanor. The penalty is up to one year in jail and a fine of up to \$5,000 or both."

(3) Persons who qualify for special parking privileges are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and an individual serial number, along with a special identification card bearing the photograph, name, and date of birth of the person to whom the placard is issued, and the placard's serial number. The department shall design the placard to be displayed when the vehicle is parked by suspending it from the rearview mirror, or in the absence of a rearview mirror the card may be displayed on the dashboard of any vehicle used to transport the disabled person. Instead of regular motor vehicle license plates, disabled persons are entitled to receive special license plates bearing the international symbol of access for one vehicle registered in the disabled person's name. Disabled persons who are not issued the special license plates are entitled to receive a second special placard upon submitting a written request to the department. Persons who have been issued the parking privileges and who are using a vehicle or are riding in a vehicle displaying the special license plates or placard may park in places reserved for mobility disabled persons. The director shall adopt rules providing for the issuance of special placards and license plates to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen centers, private nonprofit agencies as defined in chapter 24.03 RCW, and vehicles registered with the department as cabulances that regularly transport disabled persons who have been determined eligible for special parking privileges provided under this section. The director may issue special license plates for a vehicle registered in the name of the public transportation authority, nursing home, boarding homes, senior citizen center, private nonprofit agency, or cabulance service if the vehicle is primarily used to transport persons with disabilities described in this section. Public transportation authorities, nursing homes, boarding homes, senior citizen centers, private nonprofit agencies, and cabulance services are responsible for insuring that the special placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

(4) Whenever the disabled person transfers or assigns his or her interest in the vehicle, the special license plates shall be removed from the motor vehicle. If another vehicle is acquired by the disabled person and the vehicle owner qualifies for a special plate, the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the disabled person, the removed plate shall be immediately surrendered to the director.

(5) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who has a condition expected to improve within six months may be issued a temporary placard for a period not to

exceed six months. If the condition exists after six months a new temporary placard shall be issued upon receipt of a new certification from the disabled person's physician. The permanent parking placard and photo identification card of a disabled person shall be renewed at least every five years, as required by the director, by satisfactory proof of the right to continued use of the privileges. In the event of the permit holder's death, the parking placard and photo identification card must be immediately surrendered to the department. The department shall match and purge its disabled permit data base with available death record information at least every twelve months.

(6) Each person who has been issued a permanent disabled parking permit on or before July 1, 1998, must renew the permit no later than July 1, 2003, subject to a schedule to be set by the department, or the permit will expire.

(7) Additional fees shall not be charged for the issuance of the special placards or the photo identification cards. No additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon registration of a motor vehicle.

(8) Any unauthorized use of the special placard, special license plate, or photo identification card is a traffic infraction with a monetary penalty of two hundred fifty dollars.

(9) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for a person to make inaccessible the access aisle located next to a space reserved for physically disabled persons. The clerk of the court shall report all violations related to this subsection to the department.

(10) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate or placard. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate or placard required under this section. A local jurisdiction providing nonmetered, on-street parking places reserved for physically disabled persons may impose by ordinance time restrictions of no less than four hours on the use of these parking places. A local jurisdiction may impose by ordinance time restrictions of no less than four hours on the use of nonreserved, on-street parking spaces by vehicles displaying the special parking placards. All time restrictions must be clearly posted.

(11) The penalties imposed under subsections (9) and (10) of this section shall be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs it may have incurred in removal and storage of the improperly parked vehicle.

(12) Except as provided by subsection (2) of this section, it is a traffic infraction with a monetary penalty of two hundred fifty dollars for any person willfully to obtain a special license plate, placard, or photo identification card in a manner other than that established under this section.

(13)(a) A law enforcement agency authorized to enforce parking laws may appoint volunteers, with a limited commission, to issue notices of infractions for violations of this section or RCW 46.61.581. Volunteers must be at least twenty-one years of age. The law enforcement agency appointing volunteers may establish any other qualifications the agency deems desirable.

(b) An agency appointing volunteers under this section must provide training to the volunteers before authorizing them to issue notices of infractions.

(c) A notice of infraction issued by a volunteer appointed under this subsection has the same force and effect as a notice of infraction issued by a police officer for the same offense.

(d) A police officer or a volunteer may request a person to show the person's photo identification card or special parking placard when investigating the possibility of a violation of this section. If the request is refused, the person in charge of the vehicle may be issued a notice of infraction for a violation of this section.

(14) For second or subsequent violations of this section, in addition to a monetary fine, the violator must complete a minimum of forty hours of:

(a) Community ((~~service~~)) restitution for a nonprofit organization that serves the disabled community or persons having disabling diseases; or

(b) Any other community ((~~service~~)) restitution that may sensitize the violator to the needs and obstacles faced by persons who have disabilities.

(15) The court may not suspend more than one-half of any fine imposed under subsection (8), (9), (10), or (12) of this section.

**Sec. 15.** RCW 46.20.031 and 1995 c 219 s 1 are each amended to read as follows:

The department shall not issue a driver's license hereunder:

(1) To any person who is under the age of sixteen years;

(2) To any person whose license has been suspended during such suspension, nor to any person whose license has been revoked, except as provided in RCW 46.20.311;

(3) To any person who has been evaluated by a program approved by the department of social and health services as being an alcoholic, drug addict, alcohol abuser, and/or drug abuser: PROVIDED, That a license may be issued if the department determines that such person has been granted a deferred prosecution, pursuant to chapter 10.05 RCW, or is satisfactorily participating in or has successfully completed an alcohol or drug abuse treatment program approved by the department of social and health services and has established control of his or her alcohol and/or drug abuse problem;

(4) To any person who has previously been adjudged to be mentally ill or insane, or to be incompetent due to any mental disability or disease, and who has not at the time of application been restored to competency by the methods provided by law: PROVIDED, HOWEVER, That no person so adjudged shall be denied a license for such cause if the superior court should find him able to operate a motor vehicle with safety upon the highways during such incompetency;

(5) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(6) To any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

(7) To any person when the department has good and substantial evidence to reasonably conclude that such person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways; subject to review by a court of competent jurisdiction;

(8) To a person when the department has been notified by a court that the person has violated his or her written promise to appear, respond, or comply regarding a notice of infraction issued for a violation of RCW 46.55.105, unless the department has received notice from the court showing that the person has been found not to have committed the violation of RCW 46.55.105, or that the person has paid all monetary penalties owing, including completion of community ((~~service~~) restitution), and that the court is satisfied that the person has made restitution as provided by RCW 46.55.105(2).

**Sec. 16.** RCW 46.30.020 and 1991 sp.s. c 25 s 1 are each amended to read as follows:

(1)(a) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090. Written proof of financial responsibility for motor vehicle operation must be provided on the request of a law enforcement officer in the format specified under RCW 46.30.030.

(b) A person who drives a motor vehicle that is required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

(c) When asked to do so by a law enforcement officer, failure to display an insurance identification card as specified under RCW 46.30.030 creates a presumption that the person does not have motor vehicle insurance.

(d) Failure to provide proof of motor vehicle insurance is a traffic infraction and is subject to penalties as set by the supreme court under RCW 46.63.110 or community ((~~service~~) restitution).

(2) If a person cited for a violation of subsection (1) of this section appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of subsection (1) of this section may, before the date scheduled for the person's appearance before the court, submit by mail to the court written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, in which case the citation shall be dismissed without cost, except that the court may assess court administrative costs of twenty-five dollars at the time of dismissal.

(3) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under RCW 46.16.305(1), governed by RCW 46.16.020, or registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

(4) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.

**Sec. 17.** RCW 46.63.120 and 1979 ex.s. c 136 s 14 are each amended to read as follows:

(1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

(2) The court may include in the order the imposition of any penalty authorized by the provisions of this chapter for the commission of an infraction. The court may, in its discretion, waive, reduce, or suspend the monetary penalty prescribed for the infraction. At the person's request the court may order performance of a number of hours of community ~~((service))~~ restitution in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

**Sec. 18.** RCW 51.12.045 and 1986 c 193 s 1 are each amended to read as follows:

Offenders performing community ~~((services))~~ restitution pursuant to court order or under RCW 13.40.080 may be deemed employees and/or workers under this title at the option of the state, county, city, town, or nonprofit organization under whose authorization the ~~((services are))~~ community restitution is performed. Any premiums or assessments due under this title for community ~~((services))~~ restitution work shall be the obligation of and be paid for by the state agency, county, city, town, or nonprofit organization for which the offender performed the community ~~((services))~~ restitution. Coverage commences when a state agency, county, city, town, or nonprofit organization has given notice to the director that it wishes to cover offenders performing community ~~((services))~~ restitution before the occurrence of an injury or contraction of an occupational disease.

**Sec. 19.** RCW 66.20.200 and 1994 c 201 s 1 are each amended to read as follows:

It shall be unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee or store employee. Any person who shall permit his or her card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee or store employee or gain admission to a premises or portion of a premises classified by the board as off-limits to persons under twenty-one years of age, shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community ~~((service))~~ restitution shall require not fewer than twenty-five hours of ~~((such service))~~ community restitution. Any person not entitled thereto who unlawfully procures or has issued or transferred to him or her a card of identification, and any person who possesses a card of identification not issued to him or her, and any person who makes any false statement on any certification card required by RCW 66.20.190, as now or hereafter amended, to be signed by him or her, shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community ~~((service))~~ restitution shall require not fewer than twenty-five hours of ~~((such service))~~ community restitution.

**Sec. 20.** RCW 66.44.291 and 1987 c 101 s 1 are each amended to read as follows:

Every person between the ages of eighteen and twenty, inclusive, who is convicted of a violation of RCW 66.44.290 is guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community ~~((service))~~ restitution shall require not fewer than twenty-five hours of ~~((such service))~~ community restitution.

**Sec. 21.** RCW 66.44.325 and 1987 c 101 s 2 are each amended to read as follows:

Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain alcoholic beverages shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community ~~((service))~~ restitution shall require not fewer than twenty-five hours of ~~((such service))~~ community restitution: PROVIDED, That corroborative testimony of a witness other than the minor shall be a condition precedent to conviction.

**Sec. 22.** RCW 69.50.425 and 1989 c 271 s 105 are each amended to read as follows:

A person who is convicted of a misdemeanor violation of any provision of this chapter shall be punished by imprisonment for not less than twenty-four consecutive hours, and by a fine of not less than two hundred fifty dollars. On a second or subsequent conviction, the fine shall not be less than five hundred dollars. These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community ~~((service))~~ restitution. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.

**Sec. 23.** RCW 70.93.060 and 1997 c 159 s 1 are each amended to read as follows:

(1) No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or her or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(a) When the property is designated by the state or its agencies or political subdivisions for the disposal of garbage and refuse, and the person is authorized to use such property for that purpose;

(b) Into a litter receptacle in a manner that will prevent litter from being carried away or deposited by the elements upon any part of said private or public property or waters.

(2)(a) Except as provided in subsection (4) of this section, it is a class 3 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

(b) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount greater than one cubic foot. Unless suspended or modified by a court, the person shall also pay a litter cleanup fee of twenty-five dollars per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property.

(3) If the violation occurs in a state park, the court shall, in addition to any other penalties assessed, order the person to perform twenty-four hours of community ((service)) restitution in the state park where the violation occurred if the state park has stated an intent to participate as provided in RCW 43.51.048(2).

(4) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to discard, in violation of this section, a cigarette, cigar, or other tobacco product that is capable of starting a fire.

**Sec. 24.** RCW 70.93.250 and 1998 c 257 s 10 and 1998 c 245 s 128 are each reenacted and amended to read as follows:

(1) The department shall provide funding to local units of government to establish, conduct, and evaluate community ((service)) restitution and other programs for waste reduction, litter and illegal dump cleanup, and recycling. Programs eligible for funding under this section shall include, but not be limited to, programs established pursuant to RCW 72.09.260.

(2) Funds may be offered for costs associated with community waste reduction, litter cleanup and prevention, and recycling activities. The funding program must be flexible, allowing local governments to use funds broadly to meet their needs to reduce waste, control litter and illegal dumping, and promote recycling. Local governments are required to contribute resources or in-kind services. The department shall evaluate funding requests from local government according to the same criteria as those developed in RCW 70.93.220, provide funds according to the effectiveness and efficiency of local government litter control programs, and monitor the results of all local government programs under this section.

(3) Local governments shall report information as requested by the department in funding agreements entered into by the department and a local government. The department shall report to the appropriate standing committees of the legislature by December of even-numbered years on the effectiveness of local government waste reduction, litter, and recycling programs funded under this section.

**Sec. 25.** RCW 70.155.080 and 1998 c 133 s 2 are each amended to read as follows:

(1) A person under the age of eighteen who purchases or attempts to purchase, possesses, or obtains or attempts to obtain cigarettes or tobacco products commits a class 3 civil infraction under chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80 RCW or participation in up to four hours of community ((service)) restitution, or both. The court may also require participation in a smoking cessation program. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a liquor control board, law enforcement, or local health department activity.

(2) Municipal and district courts within the state have jurisdiction for enforcement of this section.

**Sec. 26.** RCW 72.09.060 and 1989 c 185 s 3 are each amended to read as follows:

The department of corrections may be organized into such divisions or offices as the secretary may determine, but shall include divisions for (1) correctional industries, (2) prisons and other custodial institutions and (3) probation, parole, community ((service)) restitution, restitution, and other nonincarcerative sanctions. The secretary shall have at least one person on his or her staff who shall have the responsibility for developing a program which encourages the use of volunteers, for citizen advisory groups, and for similar public involvement programs in the corrections area. Minimum qualification for staff assigned to public involvement responsibilities shall include previous experience in working with volunteers or volunteer agencies.

**Sec. 27.** RCW 72.09.100 and 1995 1st sp.s. c 19 s 33 are each amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES. The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers. The correctional industries board of directors shall review these proposed industries before the department contracts to provide such products or services. The review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community and labor market.

The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations. The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons. Correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors. The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

Security and custody services shall be provided without charge by the department of corrections.

Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

Subject to approval of the correctional industries board, provisions of RCW 41.06.380 prohibiting contracting out work performed by classified employees shall not apply to contracts with Washington state businesses entered into by the department of corrections through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

(a) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(b) Whenever possible, to provide forty hours of work or work training per week.

(c) Whenever possible, to offset tax and other public support costs.

Supervising, management, and custody staff shall be employees of the department.

All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY ((SERVICE)) RESTITUTION PROGRAMS. Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community ((service)) restitution order as ordered by the sentencing court.

Employment shall be in a community ((service)) restitution program operated by the state, local units of government, or a nonprofit agency.

To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

**Sec. 28.** RCW 72.09.260 and 1990 c 66 s 2 are each amended to read as follows:

(1) The department shall assist local units of government in establishing community ((service)) restitution programs for litter cleanup. Community ((service)) restitution litter cleanup programs must include the following: (a) Procedures for documenting the number of community ((service)) restitution hours worked in litter cleanup by each offender; (b) plans to coordinate litter cleanup activities with local governmental entities responsible for roadside and park maintenance; (c) insurance coverage for offenders during litter cleanup activities pursuant to RCW 51.12.045; (d) provision of adequate safety equipment and, if needed, weather protection gear; and (e) provision for including felons and misdemeanants in the program.

(2) Community ((service)) restitution programs established under this section shall involve, but not be limited to, persons convicted of nonviolent, drug-related offenses.

(3) Nothing in this section shall diminish the department's authority to place offenders in community ((service)) restitution programs or to determine the suitability of offenders for specific programs.

(4) As used in this section, "litter cleanup" includes cleanup and removal of solid waste that is illegally dumped.

**Sec. 29.** RCW 72.65.090 and 1986 c 125 s 6 are each amended to read as follows:

The department may provide transportation for work release participants to the designated places of housing under the work release plan, and may supply suitable clothing and such other equipment, supplies and other necessities as may be reasonably needed for the implementation of the plans adopted for such participation from the community ((services)) restitution revolving fund as established in RCW 9.95.360: PROVIDED, That costs and expenditures incurred for this purpose may be deducted by the department from the earnings of the participants and deposited in the community ((services)) restitution revolving fund.

**Sec. 30.** RCW 72.65.100 and 1986 c 125 s 7 are each amended to read as follows:

The secretary is authorized to make rules and regulations for the administration of the provisions of this chapter to administer the work release program. In addition, the department shall:

(1) Supervise and consult with work release participants;

(2) Locate available employment or vocational training opportunities for qualified work release participants;

(3) Effect placement of work release participants under the program;

(4) Collect, account for and make disbursement from earnings of work release participants under the provisions of this chapter, including accounting for all inmate debt in the community ((services)) restitution revolving fund. RCW 9.95.370 applies to inmates assigned to work/training release facilities who receive assistance as provided in RCW 9.95.310, 9.95.320, 72.65.050, and 72.65.090;

(5) Promote public understanding and acceptance of the work release program.

All state agencies shall cooperate with the department in the administration of the work release program as provided by this chapter."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Costa, the Senate refuses to concur in the House amendment to Senate Bill No. 5664 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 12, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5789 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.105.020 and 1993 c 280 s 78 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

- (1) "Department" means the department of information services;
- (2) "Board" means the information services board;
- (3) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;
- (4) "Director" means the director of the department;
- (5) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;
- (6) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;
- (7) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;
- (8) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;
- (9) "Information services" means data processing, telecommunications, and office automation;
- (10) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, and cables;
- (11) "Proprietary software" means that software offered for sale or license;
- (12) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of community, trade, and economic development under chapter 43.330 RCW;

(13) "K-20 educational network board" or "K-20 board" means the K-20 educational network board created in section 2 of this act;

(14) "K-20 network technical steering committee" or "committee" means the K-20 network technical steering committee created in section 6 of this act;

(15) "K-20 network" means the network established in RCW 28D.02.070;

(16) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the K-20 board.

**NEW SECTION. Sec. 2.** The K-20 educational network board is created. The purpose of the K-20 board is to ensure that the K-20 educational telecommunications network is operated in a way that serves the broad public interest above the interest of any network user.

(1) The K-20 board shall comprise eleven voting and seven nonvoting members as follows:

(a) Voting members shall include: A person designated by the governor; one member of each caucus of the senate, appointed by the president of the senate; one member of each caucus of the house of representatives, appointed by the speaker of the house of representatives; the superintendent of public instruction or his or her designee; the executive director of the higher education coordinating board or his or her designee; the executive director of the state board for community and technical colleges or his or her designee; the chair of the information services board, or his or her designee; the director of the department of information services or his or her designee; and one citizen member.

The citizen member shall be appointed to a four-year term by the governor with the consent of the senate. The governor shall appoint the citizen member of the K-20 board by July 30, 1999.

(b) Nonvoting members shall include one community or technical college president, appointed by the state board for technical and community colleges; one president of a public baccalaureate institution, appointed by the council of presidents; the state librarian; one educational service district superintendent, one school district superintendent, and one representative of an approved private school, appointed by the superintendent of public instruction; and one representative of independent baccalaureate institutions, appointed by the Washington association of independent colleges and universities.

(2) The director of the department of information services or his or her designee shall serve as chair of the K-20 board. The department of information services shall provide staffing to the K-20 board. A majority of the voting members of the K-20 board shall constitute a quorum for the transaction of business.

(3) The citizen member of the K-20 board shall be compensated in accordance with RCW 43.03.250.

**NEW SECTION. Sec. 3.** The new section is added to chapter 43.105 RCW to read as follows:

The K-20 board has the following powers and duties:

(1) In cooperation with the educational sectors and other interested parties, to establish goals and measurable objectives for the network;

(2) To ensure that the goals and measurable objectives of the network are the basis for any decisions or recommendations regarding the technical development and operation of the network;

(3) To adopt, modify, and implement policies to facilitate network development, operation, and expansion. Such policies may include but need not be limited to the following issues: Quality of educational services; access to the network by recognized organizations and accredited institutions that deliver educational programming, including public libraries; prioritization of programming within limited resources; prioritization of access to the system and the sharing of technological advances; network security; identification and evaluation of emerging technologies for delivery of educational programs; future expansion or redirection of the system; network fee structures; and costs for the development and operation of the network;

(4) To prepare and submit to the governor and the legislature a coordinated budget for network development, operation, and expansion. The budget shall include the recommendations of the K-20 board on any state funding requested for network transport and equipment, distance education facilities and hardware or software specific to the use of the network, and proposed new network end sites;

(5) To adopt and monitor the implementation of a methodology to evaluate the effectiveness of the network in achieving the educational goals and measurable objectives;

(6) To authorize the release of funds from the K-20 technology account under RCW 28D.02.060 (as recodified by this act) for network expenditures;

(7) To establish by rule acceptable use policies governing user eligibility for participation in the K-20 network, acceptable uses of network resources, and procedures for enforcement of such policies. The K-20 board shall set forth appropriate procedures for enforcement of acceptable use policies, that may include suspension of network connections and removal of shared equipment for violations of network conditions or policies. However, the information services board shall have sole responsibility for the implementation of enforcement procedures relating to technical conditions of use.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.105 RCW to read as follows:

Actions of the telecommunications oversight and policy committee in effect on June 30, 1999, shall remain in effect thereafter unless modified or repealed by the K-20 board.

**Sec. 5.** RCW 43.105.041 and 1996 c 171 s 8 and 1996 c 137 s 12 are each reenacted and amended to read as follows:

(1) The board shall have the following powers and duties related to information services:

(a) To develop standards governing the acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data;

(b) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection (1)(b) does not apply to the legislative branch;

(c) To develop state-wide or interagency technical policies, standards, and procedures;

(d) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or state-wide or regional providers of K-12 information technology services, and to assure the cost-effective development and incremental implementation of a state-wide video telecommunications system to serve: Public schools; educational service districts; vocational-technical

institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(e) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;

(f) To develop and implement a process for the resolution of appeals by:

(i) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(ii) A customer agency concerning the provision of services by the department or by other state agency providers;

(g) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

(ii) Training and education; and

(iii) Project management;

(h) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; and

(i) To review and approve that portion of the department's budget requests that provides for support to the board.

(2) State-wide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The board shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems. Local governments are strongly encouraged to follow the standards established by the board; and

(b) Require agencies to consider electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the board is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

(3)(a) The board, in consultation with the K-20 board, has the duty to govern, operate, and oversee the technical design, implementation, and operation of the K-20 network including, but not limited to, the following duties: Establishment and implementation of K-20 network technical policy, including technical standards and conditions of use; review and approval of network design; procurement of shared network services and equipment; and resolving user/provider disputes concerning technical matters. The board shall delegate general operational and technical oversight to the K-20 network technical steering committee as appropriate.

(b) The board has the authority to adopt rules under chapter 34.05 RCW to implement the provisions regarding the technical operations and conditions of use of the K-20 network.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.105 RCW to read as follows:

The K-20 network technical steering committee is established, and shall report to the information services board.

(1) The committee consists of the following seven voting members: A representative of the higher education coordinating board, appointed by its executive director; a representative of the superintendent of public instruction, appointed by the superintendent of public instruction; a representative of the state board for community and technical colleges, appointed by its executive director; a representative of the educational services districts, appointed by that organization; a representative of the baccalaureate institutions, appointed by the council of presidents; a representative of the computer or telecommunications industry, appointed by the governor; and a representative of the department, appointed by the director. The committee includes as ex officio, nonvoting members, a representative of the organization that operates the K-20 network under section 8 of this act, appointed by that organization; the state librarian; a representative of the independent nonprofit institutions of higher education, appointed by the Washington association of independent colleges and universities; and such additional ex officio, nonvoting members as may be appointed by the information services board. The committee shall select a chair from among its members.

(2) The committee shall have general operational and technical oversight over the K-20 network, as delegated by the information services board.

(3) The department shall supply necessary staff support to the committee.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.105 RCW to read as follows:

(1) In overseeing the technical aspects of the K-20 network, the information services board is not intended to duplicate the statutory responsibilities of the higher education coordinating board, the superintendent of public instruction, the information services board, the state librarian, or the governing boards of the institutions of higher education.

(2) The board may not interfere in any curriculum or legally offered programming offered over the network.

(3) The coordination of telecommunications planning for institutions of higher education as defined in RCW 28B.10.016 remains the responsibility of the higher education coordinating board under RCW 28B.80.600. The board may recommend, but not require, revisions to the higher education coordinating board's telecommunications plan.

(4) The responsibility to review and approve standards and common specifications for the network remains the responsibility of the information services board under RCW 43.105.041.

(5) The coordination of telecommunications planning for the common schools remains the responsibility of the superintendent of public instruction. Except as set forth in RCW 43.105.041(1)(d), the board may recommend, but not require, revisions to the superintendent's telecommunications plans.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.105 RCW to read as follows:

The department shall maintain, in consultation with the network users and the board, the K-20 operations cooperative, which shall be responsible for day-to-day network management, technical network status monitoring, technical problem response coordination, and other duties as agreed to by the department, the educational sectors, and the information services board. Funding for the K-20 operations cooperative shall be provided from the K-20 revolving fund under RCW 28D.02.065 (as recodified by this act).

**Sec. 9.** RCW 28D.02.060 and 1997 c 180 s 2 are each amended to read as follows:

The K-20 technology account is hereby created in the state treasury. The department of information services shall deposit into the account moneys received from legislative appropriations, gifts, grants, and endowments for the buildout and installation of the K-20 telecommunication system. The account shall be subject to appropriation and may be expended solely for the K-20 telecommunication system (~~(approved by the committee under RCW 28D.02.010)~~). Disbursements from the account shall be on authorization of the director of the department of information services with approval of the (~~committee under RCW 28D.02.010~~) board.

**Sec. 10.** RCW 28D.02.065 and 1997 c 180 s 1 are each amended to read as follows:

(1) The education technology revolving fund is created in the custody of the state treasurer. All receipts from billings under subsection (2) of this section must be deposited in the revolving fund. Only the director of the department of information services or the director's designee may authorize expenditures from the fund. The revolving fund shall be used (~~(only)~~) to pay for (~~(the acquisition of)~~) network operations, transport, equipment, software, supplies, and services, maintenance and depreciation of on-site data, and shared infrastructure, and other costs incidental to the (~~(acquisition,)~~) development, operation, and administration of shared educational information technology services, telecommunications, and systems. The revolving fund shall not be used for the acquisition, maintenance, or operations of local (~~(networks or)~~) telecommunications infrastructure or the maintenance or depreciation of on-premises video equipment specific to a particular institution or group of institutions.

(2) The revolving fund and all disbursements from the revolving fund are subject to the allotment procedure under chapter 43.88 RCW, but an appropriation is not required for expenditures. The department of information services shall, in consultation with entities connected to the network under RCW 28D.02.070 (as recodified by this act) and subject to the review and approval of the office (~~(eff)~~) of financial management, establish and implement a billing structure (~~(to assure that all network users pay an equitable share of the costs in relation to their usage of the network)~~) for network services identified in subsection (1) of this section.

**Sec. 11.** RCW 28D.02.070 and 1996 c 137 s 8 are each amended to read as follows:

The information services board shall prepare a technical plan for the design and construction of the K-20 telecommunication system. The board shall ensure that the technical plan adheres to the (~~(principles described in RCW 28D.02.020 and the)~~) goals and objectives established (~~(by the committee)~~) under RCW (~~(28D.02.010)~~) 43.105.041. The board shall provide formal project approval and oversight during the development and implementation of the K-20 telecommunications network. In approving the plan, the board shall conduct a request for proposal process. The technical plan shall be developed in phases as follows:

(1) Phase one shall provide a telecommunication backbone connecting educational service districts, the main campuses of public baccalaureate institutions, the branch campuses of public research institutions, and the main campuses of community colleges and technical colleges.

(2) Phase two shall provide for (a) connection to the network by entities that include, but need not be limited to: School districts, public higher education off-campus and extension centers, and branch campuses of community colleges and technical colleges, (~~(and independent nonprofit baccalaureate institutions,)~~) as prioritized by the (~~([K-20])~~) K-20 telecommunications oversight and policy committee, or as modified by the board; (~~(and)~~) (b) distance education facilities and components for entities listed in subsections (1) and (2) of this section; and (c) connection for independent nonprofit institutions of higher education, provided that:

(i) The K-20 board and each independent nonprofit institution of higher education to be connected agree in writing to terms and conditions of connectivity. The terms and conditions shall ensure, among other things, that the provision of K-20

services does not violate Article VIII, section 5 of the state Constitution and that the institution shall adhere to network policies; and

(ii) The K-20 board determines that inclusion of the independent nonprofit institutions of higher education will not significantly affect the network's eligibility for federal universal service fund discounts or subsidies.

(3) Subsequent phases may include, but need not be limited to, connections to public libraries, state and local governments, community resource centers, and the private sector.

NEW SECTION. Sec. 12. RCW 28D.02.060, 28D.02.065, and 28D.02.070 are each recodified as sections in chapter 43.105 RCW.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) RCW 28D.02.005 (Intent--Finding) and 1996 c 137 s 1;

(2) RCW 28D.02.010 (K-20 telecommunications oversight and policy committee) and 1996 c 137 s 2;

(3) RCW 28D.02.020 (Design and implementation plan) and 1996 c 137 s 3;

(4) RCW 28D.02.030 (Proposed location plan of higher education delivery sites) and 1996 c 137 s 4;

(5) RCW 28D.02.040 (Proposed location plan of public education delivery sites) and 1996 c 137 s 5; and

(6) RCW 28D.02.050 (Network governance structure--Recommendations of the higher education coordinating board and the superintendent of public instruction) and 1996 c 137 s 6.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

Senator Bauer moved that the Senate refuse to concur in the House amendment to Engrossed Senate Bill No. 5789 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bauer that the Senate refuse to concur in the House amendment to Engrossed Senate Bill No. 5789 and asks the House to recede therefrom.

The motion by Senator Bauer carried and the Senate refuses to concur in the House amendment to Engrossed Senate Bill No. 5789 and asks the House to recede therefrom.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the third order of business.

#### MESSAGE FROM THE GOVERNOR

April 16, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I have the honor to advise you that on April 16, 1999, Governor Locke approved the following Senate Bill entitled:

Senate Bill No. 5734

Relating to Mother Joseph day.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6102 by Senators Benton, Bauer, Hale, Loveland, West, Snyder, Honeyford, Gardner, Zarelli and Morton

AN ACT Relating to the taxation by a county of persons residing outside the state who are employed inside the county; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1987 by House Committee on Finance (originally sponsored by Representatives Schoesler, Grant and G. Chandler)

Providing tax exemptions and credits to encourage a reduction in agricultural burning of cereal grains and field and turf grass grown for seed.

Referred to Committee on Ways and Means.

SHB 2273 by House Committee on Finance (originally sponsored by Representatives Haigh, Romero, Alexander, Hatfield, DeBolt, Eickmeyer, Wolfe, Rockefeller, Lovick, Lantz and Thomas)

Changing provisions relating to taxation of destroyed property.

Referred to Committee on Ways and Means.

MOTION

At 4:32 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Monday, April 19, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-SIXTH DAY, APRIL 16, 1999

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**NINETY-NINTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Monday, April 19, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Gardner, Hargrove, Loveland, Patterson, Rasmussen, Sellar, Snyder, Thibaudeau and Winsley. On motion of Senator Jacobsen, Senator Loveland was excused. On motion of Senator Honeyford, Senator Sellar was excused. On motion of Senator Eide, Senators Rasmussen and Patterson were excused.

The Sergeant at Arms Color Guard consisting of Pages Katie Lutes and Andrew McKay, presented the Colors. Jim Erlandson of the Reorganized Church of Latter-Day Saints of Olympia, offered the prayer.

**MOTION**

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

**MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

March 2, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Gregory Costello, reappointed March 2, 1999, for a term ending January 1, 2005, as a member of the Forest Practices Appeals Board.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Natural Resources, Parks and Recreation.

April 1, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jay Reich, appointed April 1, 1999, for a term ending September 30, 2000, as a member of the Board of Trustees for Central Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

April 5, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Reverend Stephen V. Sundborg, S.J., appointed April 5, 1999, for a term ending March 26, 2000, as a member of the  
Higher Education Facilities Authority.

Sincerely,

GARY LOCKE, Governor

Referred to the Committee on Higher Education.

MESSAGES FROM THE HOUSE

April 16, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5029, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

April 16, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5371, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

April 16, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SENATE JOINT MEMORIAL NO. 8013, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

April 17, 1999

MR. PRESIDENT:

The Co-Speakers have signed ENGROSSED SUBSTITUTE SENATE BILL NO. 5909, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 17, 1999

MR. PRESIDENT:

The Co-Speakers have signed:

HOUSE BILL NO. 1142,  
SUBSTITUTE HOUSE BILL NO. 1219,  
ENGROSSED HOUSE BILL NO. 1264,  
HOUSE BILL NO. 1322,  
HOUSE BILL NO. 1330,  
HOUSE BILL NO. 1561,  
SECOND SUBSTITUTE HOUSE BILL NO. 1661,  
HOUSE BILL NO. 1664,  
HOUSE BILL NO. 1703,  
SUBSTITUTE HOUSE BILL NO. 1718,  
HOUSE BILL NO. 2081,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2095,  
HOUSE BILL NO. 2261, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5029,  
ENGROSSED SENATE BILL NO. 5371,  
ENGROSSED SENATE JOINT MEMORIAL NO. 8013.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1142,  
SUBSTITUTE HOUSE BILL NO. 1219,  
ENGROSSED HOUSE BILL NO. 1264,  
HOUSE BILL NO. 1322,  
HOUSE BILL NO. 1330,  
HOUSE BILL NO. 1561,  
SECOND SUBSTITUTE HOUSE BILL NO. 1661,  
HOUSE BILL NO. 1664,  
HOUSE BILL NO. 1703,  
SUBSTITUTE HOUSE BILL NO. 1718,  
HOUSE BILL NO. 2081,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2095,  
HOUSE BILL NO. 2261.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9187, Charles Davis, as a member of the Board of Pilotage Commissioners, was confirmed.

APPOINTMENT OF CHARLES DAVIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 6; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Wojahn and Zarelli - 39.

Absent: Senators Finkbeiner, Gardner, Hargrove, Snyder, Thibaudeau and Winsley - 6.

Excused: Senators Loveland, Patterson, Rasmussen and Sellar - 4.

#### MOTION

At 10:12 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:32 p.m. by President Owen.

#### MOTION

On motion of Senator Honeyford, Senators Hale, McDonald, Stevens and West were excused.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9198, Andrew Palmer, as a member of the Board of Pilotage Commissioners, was confirmed.

#### APPOINTMENT OF ANDREW PALMER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 5; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Wojahn and Zarelli - 39.

Absent: Senators Finkbeiner, Hargrove, Long, McCaslin and Winsley - 5.

Excused: Senators Hale, McDonald, Sellar, Stevens and West - 5.

#### MOTION

At 1:36 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:16 p.m. by President Owen.

#### MOTION

On motion of Senator Honeyford, Senator Finkbeiner was excused.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9020, Leslie Jones, as a member of the Board of Trustees for Central Washington University, was confirmed.

#### APPOINTMENT OF LESLIE JONES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Finkbeiner and Sellar - 2.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1125 by House Committee on Transportation (originally sponsored by Representatives Fisher, K. Schmidt, Radcliff, O'Brien, Fortunato, Eickmeyer, Hankins, Cooper, Murray, Wood and Mitchell) (by request of Governor Locke)

Funding transportation.

The bill was read the second time.

## MOTION

Senator Haugen moved that the following Committee on Transportation striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2001.

(2) Legislation with fiscal impacts enacted in the 1997 or 1998 legislative session not assumed in this act are not funded in the 1997-99 transportation budget.

(3) Legislation with fiscal impacts enacted in the 1999 legislative session not assumed in this act are not funded in the 1999-01 transportation budget.

(4) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2000" or "FY 2000" means the fiscal year ending June 30, 2000.

(b) "Fiscal year 2001" or "FY 2001" means the fiscal year ending June 30, 2001.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

(f) "Performance-based budgeting" means a budget that bases resource needs on quantified outcomes and results expected from use of the total appropriation. "Performance-based budgeting" does not mean incremental budgeting that focuses on justifying changes from the historic budget or to line-item input-driven budgets.

(g) "Goals" means the statements of purpose that identify a desired result or outcome. The statements shall be realistic, achievable, directive, assignable, evaluative, and logically linked to the agency's mission and statutory mandate.

(h) "Strategic plan" means the strategies agencies create for investment choices in the future. All agency strategic plans shall present alternative investment strategies for providing services.

(i) "Enacted in the form passed by the legislature" means the referenced bill, as identified by a four-digit number, was:

(i) Passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto; or

(ii) Attached in full onto another bill as an amendment and the entire bill, including the amendment, was passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto.

**NEW SECTION. Sec. 2.** The legislature recognizes that the 1999 endangered species act listing or proposed listing of salmonid species throughout the state of Washington may require increased operational and capital expenditures for transportation. As the state's fiscal obligations pursuant to the listing or proposed listing become clearer over time, it may be necessary to revisit funding decisions reflected in this act in order to shift resources to meet those obligations. The department of transportation, the transportation improvement board, and the county

road administration board shall report to the legislature on December 1, 1999, on capital project delay impacts due to the endangered species act listing or proposed listing.

**PART I  
GENERAL GOVERNMENT AGENCIES--OPERATING**

**NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account--State Appropriation \$ 327,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The entire appropriation is provided solely for costs associated with the motor fuel quality program.

**NEW SECTION. Sec. 102. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**

Motor Vehicle Account--State Appropriation \$ 900,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$103,000 of the appropriation is provided solely for the local government finance reporting system project. This amount shall lapse unless \$207,000 is appropriated for this project from the state general fund; and

(2) \$202,000 of the appropriation is provided solely for the transportation infrastructure needs data base project. This amount shall lapse unless \$200,000 is appropriated for this project from the state general fund and \$200,000 is appropriated for this project from the public works trust fund.

(3) \$325,000 of the appropriation is provided solely for contracting with the office of the state auditor for the collection of local government fiscal data associated with the local government finance reporting system. In implementing the reporting system, the legislative evaluation and accountability program shall work with the local government finance study technical advisory committee. The committee shall include, but not be limited to, one member from the senate and one member from the house of representatives. An alternate legislator shall also be picked for each designated legislator to serve in the event that the designated legislator is unable to fulfill his or her duties on the committee. This amount shall lapse unless the legislature appropriates \$325,000 for the same purpose by June 30, 1999, in the omnibus appropriations act.

**NEW SECTION. Sec. 103. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account--  
State Appropriation \$ 222,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The utilities and transportation commission shall develop a competitive rail grade crossing safety grant program which will fully fund selected safety projects to the extent allowable under chapter 81.53 RCW.

(2) Beginning on the effective date of this act through May 1, 2000, the utilities and transportation commission may not grant any new certificates under chapter 81.88 RCW in any areas where a public transportation system has been formed.

**NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account--State Appropriation \$ 931,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: A report of actual expenditures and descriptions of the expenditures from the motor vehicle fund will be submitted to the legislature with the governor's 2001-2003 biennial budget request.

**NEW SECTION. Sec. 105. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND**

Motor Vehicle Account--State Appropriation \$ 500,000

Marine Operating Account--State Appropriation \$ 500,000

TOTAL APPROPRIATION \$ 1,000,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The amount of the transfers from the transportation account and the marine operating account are to be transferred into the tort claims revolving fund only as claims have been settled or adjudicated to final conclusion and are ready for payout. The appropriations contained in this section are to retire tort obligations that occurred before July 1, 1990.

(2) If House Bill No. 2111 or Senate Bill No. 5904 is enacted in the form passed by the legislature by June 30, 1999, the funding provided in this section shall lapse.

**GENERAL GOVERNMENT AGENCIES--CAPITAL**

**NEW SECTION. Sec. 106. FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS**

Motor Vehicle Account--State Appropriation \$ 4,990,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$900,000 is a reappropriation provided to complete the Cama Beach project and the Damon point project funded in section 110, chapter 457, Laws of 1997. The projects shall be completed by June 30, 2001. Upon completion of these projects any surplus funding may be used for the projects listed in subsection (2) of this section.

(2) \$4,090,000 is a one-time appropriation provided solely for the following projects, apportioned as follows:

- (a) St. Edwards State Park, \$1,500,000;
- (b) Ike Kinswa State Park, \$300,000;
- (c) Mt. Spokane State Park, \$1,500,000;
- (d) Beacon Rock State Park, \$300,000;
- (e) Cama Beach State Park, \$90,000; and
- (f) Lake Sammamish State Park, \$400,000.

These projects shall be completed by June 30, 2001. Progress reports shall be submitted to the senate transportation committee and the house of representatives transportation committee in January 2000 and January 2001.

(3) The agency shall prepare and present a project status report to the senate transportation committee and the house of representatives transportation committee by December 31, 2000.

**PART II  
TRANSPORTATION AGENCIES**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account--State Appropriation \$	627,000
Highway Safety Account--Federal Appropriation \$	9,038,000
Transportation Account--State Appropriation \$	950,000
School Zone Safety Account--State Appropriation \$	1,004,000
TOTAL APPROPRIATION \$	11,619,000

**NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account--State Appropriation \$	290,000
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**NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation \$	72,510,000
Motor Vehicle Account--State Appropriation \$	6,546,000
Motor Vehicle Account--Private/Local Appropriation \$	376,000
County Arterial Preservation Account-- State Appropriation \$	28,612,000

TOTAL APPROPRIATION \$

108,044,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$5,000,000 of the motor vehicle account--state appropriation is provided solely for projects for freight and goods systems on county roads.

**NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Urban Arterial Trust Account--State Appropriation \$

104,508,000

Transportation Improvement Account--  
State Appropriation \$

99,414,000

Public Transportation Systems Account--  
State Appropriation \$

33,496,000

TOTAL APPROPRIATION \$

237,418,000

**NEW SECTION. Sec. 205. FOR THE SENATE**

Motor Vehicle Account--State Appropriation \$

2,378,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) The appropriation in this section is provided solely to fund the activities of the senate transportation committee.
- (2) The senate transportation committee shall work during the 1999 interim with members of the senate ways and means committee to assess funding options for aviation.
- (3) The senate transportation committee shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.
- (4) A legislative task force consisting of one member from each caucus of the senate and one member from each caucus of the house of representatives shall conduct a road jurisdiction study. The legislative task force shall appoint a technical advisory panel consisting of representatives of cities, counties, and the department of transportation. The study shall include but not be limited to an examination of the following issues:
  - (a) Whether changed conditions merit redesignation of certain local roadways as state routes and the return of certain state routes to local jurisdictions;
  - (b) Alternatives to current revenue distribution methodologies for funding roadway and highway needs;
  - (c) Determine roadway responsibilities, authorities, and practices by jurisdictional level; and
  - (d) Evaluate governance issues associated with road jurisdiction.
- (5) \$400,000 of the appropriation is provided solely for program accountability reviews of department of transportation, department of licensing, and Washington state patrol programs selected by the senate transportation committee.

**NEW SECTION. Sec. 206. FOR THE HOUSE OF REPRESENTATIVES**

Motor Vehicle Account--State Appropriation \$

2,378,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) The appropriation in this section is provided solely to fund the activities of the house of representatives transportation committee.
- (2) The house of representatives transportation committee shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.

**NEW SECTION. Sec. 207. FOR THE BLUE RIBBON COMMISSION ON TRANSPORTATION**

Motor Vehicle Account--State Appropriation \$

1,000,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The \$1,000,000 motor vehicle account--state appropriation is provided solely for the purpose of enabling the blue ribbon

commission on transportation to fulfill its mission. The funds are to be administered by the senate transportation committee and the house of representatives transportation committee on behalf of the blue ribbon commission on transportation.

**NEW SECTION. Sec. 208. FOR THE MARINE EMPLOYEES COMMISSION**

Puget Sound Ferry Operations Account--

State Appropriation \$

475,000

**NEW SECTION. Sec. 209. FOR THE TRANSPORTATION COMMISSION**

Transportation Account--State Appropriation \$

807,000

**NEW SECTION. Sec. 210. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Transportation Account--State Appropriation \$

600,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: When approving projects, the freight mobility strategic investment board shall:

- (1) Emphasize funding projects according to their order on the prioritization list developed by the board;
- (2) Not allow the program's share of total project cost to exceed sixty-five percent unless the board grants a special exception;
- (3) Set a \$50,000,000 cap on the amount it will authorize for any one project; and
- (4) Give a project a higher priority designation if project partners increase their funding and the board deems the reprioritization is appropriate.

**NEW SECTION. Sec. 211. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

State Patrol Highway Account--

State Appropriation \$

153,054,000

State Patrol Highway Account--

Federal Appropriation \$

5,703,000

State Patrol Highway Account--

Private/Local Appropriation \$

169,000

TOTAL APPROPRIATION \$

158,926,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The following amounts are provided solely for administration of the field operations group subprogram: \$117,395,000 of the state patrol highway account--state appropriation; \$2,429,000 of the state patrol highway account--federal appropriation; and \$81,000 of the state patrol highway account--private/local appropriation.

(2) The following amounts are provided solely for the administration of the commercial vehicle division subprogram: \$26,603,000 of the state patrol highway account--state appropriation; \$3,274,000 of the state patrol highway account--federal appropriation; and \$88,000 of the state patrol highway account--private/local appropriation.

(3) \$8,263,000 of the state patrol highway account--state appropriation is provided solely for the administration of the traffic investigation division subprogram.

(4) \$793,000 of the state patrol highway account--state appropriation is provided to the field operations group subprogram to implement Senate Bill No. 5706 or House Bill No. 1789 enacted in the form passed by the legislature. If neither Senate Bill No. 5706 nor House Bill No. 1789 is enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(5) \$1,400,000 of the state patrol highway account--state appropriation is provided solely to the field operations group subprogram as a one-time appropriation to begin funding phase III of the Washington state patrol's upgrade to the state-wide emergency communication system. The Washington state patrol shall provide a full analysis of the costs, benefits, and requirements for completing all phases of the upgrade to the state-wide emergency communication system to the senate transportation committee and the house of representatives transportation committee by December 1, 1999.

**NEW SECTION. Sec. 212. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

State Patrol Highway Account--

State Appropriation \$

67,981,000

State Patrol Highway Account--

Federal Appropriation	\$		104,000
State Patrol Highway Account-- Private/Local Appropriation	\$		743,000
TOTAL APPROPRIATION			\$

68,828,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$877,000 of the state patrol highway account--state appropriation is provided solely to maintain pursuit vehicles and provide for replacement of the vehicles at 110,000 miles. The agency may purchase a total of 354 pursuit vehicles during the biennium ending June 30, 2001. The appropriation in this section reflects carry forward and new funding due to the consolidation of gasoline, maintenance, parts, and pursuit vehicles into the fleet section of the support services bureau.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**

Motorcycle Safety Education Account-- State Appropriation	\$		118,000
Wildlife Account--State Appropriation	\$		50,000
Highway Safety Account--State Appropriation	\$		6,021,000
Motor Vehicle Account--State Appropriation	\$		4,595,000
Transportation Account--State Appropriation	\$		613,000
TOTAL APPROPRIATION			\$

11,397,000

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

Motorcycle Safety Education Account-- State Appropriation	\$		102,000
Wildlife Account--State Appropriation	\$		46,000
Highway Safety Account--State Appropriation	\$		5,197,000
Motor Vehicle Account--State Appropriation	\$		3,641,000
Transportation Account--State Appropriation	\$		513,000
TOTAL APPROPRIATION			\$

9,499,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$745,000 of the highway safety fund--state appropriation is a reappropriation of funds originally appropriated for the document scanner project in the 1997-99 biennium.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

Marine Fuel Tax Refund Account-- State Appropriation	\$		26,000
Wildlife Account--State Appropriation	\$		556,000
Motor Vehicle Account--State Appropriation	\$		56,212,000
DOL Services Account--State Appropriation	\$		2,907,000
TOTAL APPROPRIATION			\$

59,701,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$81,138 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5000 enacted in the form passed by the legislature. If Senate Bill No. 5000 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(2) \$272,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5280 enacted in the form passed by the legislature. If Senate Bill No. 5280 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$82,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5641 enacted in the form passed by the legislature. If Senate Bill No. 5641 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) \$300,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 6009 enacted in the form passed by the legislature. If Senate Bill No. 6009 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Motorcycle Safety Education Account--  
State Appropriation \$

1,960,000

Highway Safety Account--State Appropriation \$

77,765,000

TOTAL APPROPRIATION \$

79,725,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,880,000 of the highway safety account--state appropriation is provided solely for the department to enter into a contract for the implementation of an improved state driver's license and identicard. The contract with the vendor providing the improved license and identicard shall state that the license and the identicard shall not contain: (a) The driver's social security number in either visible or machine readable form; or (b) the driver's fingerprint or thumbprint. Consistent with RCW 42.17.260(9) the department shall not sell or otherwise make available any information that it gathers from citizens of the state of Washington in administering the driver's licensing program except as already authorized by RCW 46.20.118.

(2) \$5,140,000 of the highway safety account--state appropriation shall lapse if neither Senate Bill No. 6068 nor House Bill No. 2259 is enacted in the form passed by the legislature by June 30, 1999.

(3) In September of 1999 the department of licensing shall report to the senate transportation committee and the house of representatives transportation committee on:

(a) The controls implemented by the department to ensure the integrity and credibility of the written driver's license test administered by the department; and

(b) The policies and procedures implemented by the department to ensure that the driver's manuals produced and distributed by the department contain correct data based on current federal, state, and local statutes, ordinances, and rules.

(4) \$610,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1147 enacted in the form passed by the legislature. If House Bill No. 1147 is not enacted in the form passed by the legislature by June 30, 1999, the amount provided in this subsection shall lapse.

(5) \$15,000 of the highway safety fund--state appropriation is provided solely to implement Senate Bill No. 6068 enacted in the form passed by the legislature. If Senate Bill No. 6068 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(6) \$17,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1774 enacted in the form passed by the legislature. If House Bill No. 1774 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(7) \$77,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 2259 or Senate Bill No. 5373 enacted in the form passed by the legislature. If neither House Bill No. 2259 nor Senate Bill No. 5373 is enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(8) \$3,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1212 enacted in the form passed by the legislature. If House Bill No. 1212 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(9) \$28,000 of the highway safety fund--state appropriation is provided solely to implement Senate Bill No. 5260 enacted in the form passed by the legislature. If Senate Bill No. 5260 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(10) \$34,000 of the highway safety fund--state appropriation is provided solely to implement Senate Bill No. 5374 enacted in the form passed by the legislature. If Senate Bill No. 5374 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(11) If Senate Bill No. 6009 is enacted in the form passed by the legislature \$335,000 of the highway safety fund--state appropriation shall lapse.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Transportation Account--State Appropriation	\$	5,140,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall lapse if Senate Bill No. 6068 or House Bill No. 2259 is enacted in the form passed by the legislature by June 30, 1999.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Account--State Appropriation	\$	44,508,000
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Motor Vehicle Account--Federal Appropriation	\$	400,000
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TOTAL APPROPRIATION	\$	44,908,000
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**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation	\$	4,010,000
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Aircraft Search and Rescue Safety and Education Account--State Appropriation	\$	159,000
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Transportation Account--State Appropriation	\$	247,000
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TOTAL APPROPRIATION	\$	4,416,000
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**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Motor Vehicle Account--State Appropriation	\$	585,563,000
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Motor Vehicle Account--Federal Appropriation	\$	234,939,000
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Motor Vehicle Account--Private/Local Appropriation	\$	43,344,000
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High Capacity Transportation Account--State Appropriation	\$	110,000
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Special Category C Account--State Appropriation	\$	55,220,000
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Transportation Account--State Appropriation	\$	182,284,000
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Transportation Account--Federal Appropriation	\$	56,808,000
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Puyallup Tribal Settlement Account-- State Appropriation	\$	8,662,000
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Transportation Infrastructure Account--State Appropriation	\$	1,750,000
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Transportation Infrastructure Account--	
Private/Local Appropriation \$	1,750,000
TOTAL APPROPRIATION \$	1,170,430,000

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of \$55,220,000 includes \$40,500,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5060 or House Bill No. 1203 enacted in the form passed by the legislature. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--state appropriation includes \$1,285,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report December 1st and June 1st of each year to the senate transportation committee and the house of representatives transportation committee and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(4) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

(5) The north Sumner interchange project shall be funded entirely from the motor vehicle account appropriation. The project shall no longer receive a portion of its funding from the economic development account.

(6) \$34,920,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(7) The motor vehicle account--state appropriation includes \$417,717,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(8) \$500,000 of the motor vehicle account--state appropriation is provided solely for analysis of congestion solutions at the interchange between Mercer street and Interstate 5 in Seattle. The department's authority to expend the amount referenced in this subsection is contingent on the city of Seattle appropriating \$500,000 or more toward the project.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K**

Transportation Account--State Appropriation \$	1,362,000
Motor Vehicle Account--State Appropriation \$	10,162,000
TOTAL APPROPRIATION \$	11,524,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The motor vehicle fund--state appropriation includes \$10,162,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW; and for support costs of the public-private transportation initiatives program.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Account--State Appropriation \$	251,827,000
Motor Vehicle Account--Federal Appropriation \$	486,000
Motor Vehicle Account--Private/Local Appropriation \$	3,417,000
TOTAL APPROPRIATION \$	255,730,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Motor Vehicle Account--State Appropriation \$	318,691,000
Motor Vehicle Account--Federal Appropriation \$	284,587,000
Motor Vehicle Account--Private/Local Appropriation \$	3,117,000
Transportation Account--State Appropriation \$	121,000
<b>TOTAL APPROPRIATION \$</b>	<b>605,516,000</b>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$6,650,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q**

State Patrol Highway Account--State Appropriation \$	221,000
Motor Vehicle Account--State Appropriation \$	37,085,000
Motor Vehicle Account--Federal Appropriation \$	1,662,000
Motor Vehicle Account--Private/Local Appropriation \$	122,000
<b>TOTAL APPROPRIATION \$</b>	<b>39,090,000</b>

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity:

(1) The motor vehicle account--state appropriation includes \$4,324,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than commercial vehicle information system and network (CVISN). These moneys shall be placed into reserve status until such time as federal funds are secured and a state match is required. If matching federal funds are not obtained by September 30, 2000, the amount provided in this subsection shall lapse.

(2) The motor vehicle account--state appropriation includes \$600,000 for a two-year pilot program for contracted roving service patrols. The department shall provide a progress report on this pilot program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee on December 1, 2000. The pilot program will be evaluated with future direction and funding to be determined by the documented results and benefits of the pilot program.

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Puget Sound Capital Construction Account-- State Appropriation \$	4,464,000
Motor Vehicle Account--State Appropriation \$	98,450,000

Motor Vehicle Account--Federal Appropriation	\$	125,000
Puget Sound Ferry Operations Account-- State Appropriation	\$	6,308,000
Transportation Account--State Appropriation	\$	1,517,000
TOTAL APPROPRIATION	\$	110,864,000

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity: \$586,000 of the motor vehicle account--state appropriation is provided solely to enable the secretary of transportation to implement a leadership training program at the department of transportation. The program shall include a mentoring component. The department shall develop performance measures to evaluate the effectiveness of the program, including but not limited to a performance measure to determine the effect of the program on employee retention. The department shall provide a progress report on the training program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee by December 1, 2000.

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

Motor Vehicle Account--State Appropriation	\$	12,609,000
Motor Vehicle Account--Federal Appropriation	\$	17,000,000
Transportation Account--State Appropriation	\$	1,371,000
TOTAL APPROPRIATION	\$	30,980,000

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

<b>(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT</b>		
Transportation Account--State Appropriation	\$	2,595,000
Puget Sound Ferry Operations--State Appropriation	\$	1,155,000
<b>(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR</b>		
Motor Vehicle Account--State Appropriation	\$	907,000
<b>(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES</b>		
Motor Vehicle Account--State Appropriation	\$	3,743,000
<b>(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL</b>		
Motor Vehicle Account--State Appropriation	\$	2,240,000
<b>(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION</b>		
Transportation Account--State Appropriation	\$	12,039,000
<b>(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION</b>		
Motor Vehicle Fund--Puget Sound Ferry Operations Account-- State Appropriation	\$	3,462,000
<b>(7) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES</b>		
Motor Vehicle Account--State Appropriation	\$	315,000
<b>(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES</b>		
Motor Vehicle Account--State Appropriation	\$	

	90,000
(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE	
Motor Vehicle Account--State Appropriation \$	

	1,100,000
(10) FOR ARCHIVES AND RECORDS MANAGEMENT	
Motor Vehicle Account--State Appropriation \$	

	392,000
<b><u>NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V</u></b>	

High Capacity Transportation Account-- State Appropriation \$	8,601,000
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Air Pollution Control Account--State Appropriation \$	5,253,000
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Transportation Account--State Appropriation \$	6,687,000
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Transportation Account--Federal Appropriation \$	2,445,000
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Transportation Account--Private/Local Appropriation \$	105,000
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Public Transportation Systems Account-- State Appropriation \$	2,050,000
TOTAL APPROPRIATION \$	25,141,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$1,000,000 of the transportation account--state appropriation is provided solely for grants and activities relating to coordinating special needs transportation among state and local providers. When selecting grant recipients, the agency council on coordinated transportation shall give priority to projects and programs that can be accomplished in the 1999-2001 biennium.

(2) \$50,000 of the public transportation systems account--state appropriation is provided solely to continue and enhance an existing pilot project between a public transit provider and a school district expanding public transit service to high school students in order to reduce the use of single occupancy vehicles.

(3) The department shall assess its commute trip reduction program. The assessment shall include an evaluation of tax credits or other incentives to employers who reduce commute trips to their work sites by encouraging employees to telecommute. Up to \$50,000 of the air pollution control account--state appropriation is provided for a pilot project implementing telecommuting as part of the commute trip reduction program. The pilot project may include use of tax credits or other financial incentives.

(4) In evaluating applications for rural mobility grants to public transportation agencies, the department shall give added weight to projects that improve connectivity among transit providers and across jurisdictional boundaries.

<b><u>NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W</u></b>	
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Puget Sound Capital Construction Account-- State Appropriation \$	140,135,000
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Puget Sound Capital Construction Account-- Federal Appropriation \$	29,575,000
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Passenger Ferry Account--State Appropriation \$	789,000
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Motor Vehicle Account--State Appropriation \$	116,221,000
TOTAL APPROPRIATION \$	

286,720,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section, unless otherwise specified, are provided to carry out only the projects in the Washington state ferries capital program plan - version 3. The department shall reconcile the 1997-99 capital expenditures within ninety days of the end of the biennium and submit a final report to the senate transportation committee, the house of representatives transportation committee, and the office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$27,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) \$1,500,000 of the motor vehicle account--state appropriation is provided solely for preliminary engineering activities to develop a new class of auto/passenger ferries. The design specifications for the vessels shall require that the vessels deliver optimal performance in terms of vessel speed, safety, reliability, and minimization of environmental impacts including damage on the shoreline from the wake of the vessels. The vessels are intended to ensure Washington state ferries compliance with applicable international and domestic vessel safety standards and the Americans with disabilities act on identified routes. This class of ferries should have a single adaptable design able to operate efficiently and effectively on different ferry routes, each of which has specific vessel capacity and handling requirements.

(a) Washington state ferries shall prepare:

(i) A conceptual design outlining the owner's functional requirements;

(ii) A design report that includes a budget estimate and outline of specifications and plans;

(iii) Specific contractual requirements and specifications;

(iv) An evaluation of using the request for proposals process in accordance with RCW 47.56.030;

(v) A request for interest to provide a propulsion system for this vessel class; and

(vi) An exploration of a public private partnership between Washington state ferries, shipbuilders, and their supporting engineering firms for design and construction of the vessel or vessels.

(b) Washington state ferries shall report to the legislature by December 1, 1999, on the conceptual design criteria and budget estimates for preferred hull design and propulsion system/engine alternatives. The report shall include recommended statutory changes that the legislature would need to enact in order to proceed with acquisition of this class of vessels.

(4) The motor vehicle account--state appropriation includes \$96,721,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Marine Operating Account--State Appropriation \$

303,158,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$29,104,000 for vessel operating fuel in the 1999-2001 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1999-2001 biennium may not exceed \$205,759,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$341.75 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1999-2001 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1999, and thereafter, as established in the 1999-2001 general fund operating budget.

(3) Up to \$2,770,000 of the marine operating account--state appropriation may be used for leasing and operating an appropriate passenger only ferry vessel for the purpose of supporting existing, or testing new, passenger only service while testing alternative vessel technologies.

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--PROGRAM Y**

Essential Rail Assistance Account-- State Appropriation \$	85,000
High Capacity Transportation Account-- State Appropriation \$	9,094,000
Transportation Account--State Appropriation \$	110,715,000
Transportation Account--Federal Appropriation \$	5,000,000
Public Transportation Systems Account-- State Appropriation \$	5,000,000
<b>TOTAL APPROPRIATION \$</b>	<b>129,894,000</b>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) No appropriation in this section may be used to fund rail passenger service south of Portland, Oregon.
- (2) \$5,000,000 of the transportation account--state appropriation and \$2,000,000 of the high capacity transportation account--state appropriation are provided solely for the freight rail assistance program to provide grants and loans for light density rail lines.
- (3) \$4,000,000 of the transportation account--state appropriation is provided solely for acquisition of an additional advanced technology train set for delivery in the 2001-2003 biennium. The purchase of the train set is predicated on the condition that the manufacturer of the train set has the obligation of establishing or maintaining a corporate office in Washington state. The manufacturer is also obligated to spend a minimum of twenty-five percent of the total purchase price of the train set on the assembly and manufacture of parts of the train set in Washington state.
- (4) \$6,298,000 of the high capacity transportation account--state appropriation is provided to fund the operation of a second train set providing additional roundtrip service from Seattle to Vancouver, British Columbia. The department's authority to expend the appropriation referenced in this subsection for service north of Blaine is conditioned upon Canada, the province of British Columbia, and/or private sources undertaking the capital expenditures necessary to make the rail capital improvements required to facilitate improved round trip rail service between Seattle and Vancouver, B.C.
- (5) \$15,000,000 of the transportation account--state appropriation is provided solely for the King street maintenance facility to be built in partnership with Amtrak. The amount referenced in this subsection is conditioned on the execution of agreements between the department of transportation, Amtrak, sound transit, and other participating parties which will assure that the maintenance and operation of the maintenance facility will not require state funding, except for billings for maintenance of state owned passenger trains.
- (6) To the greatest extent practicable, expenditure of funds shall maximize funds from partnerships and coordinate with other agencies investing in track improvements.

**NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

Motor Vehicle Account--State Appropriation \$	134,886,000
Motor Vehicle Account--Federal Appropriation \$	8,040,000
Transportation Account--State Appropriation \$	10,767,000
Transportation Infrastructure Account--State Appropriation \$	3,250,000
Transportation Infrastructure Account-- Private/Local Appropriation \$	1,750,000
High Capacity Transportation Account--State Appropriation \$	150,000
Highway Infrastructure Account--Federal	

Appropriation	\$	1,500,000
Highway Infrastructure Account--State		
Appropriation	\$	234,000
TOTAL APPROPRIATION	\$	160,577,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$300,000 of the transportation account--state appropriation is provided solely to establish alternatives for flood management and flood hazard reduction projects in the Chehalis basin.

(a) The department of transportation shall convene a technical committee to develop watershed-based solutions to flooding within the Chehalis basin. The technical committee shall be comprised of representatives of the department of transportation, department of ecology, department of fish and wildlife, the department of community, trade, and economic development, the military department's emergency management division, and affected counties and tribes. The department of transportation shall also seek the participation of the United States army corps of engineers, federal emergency management administration, the United States geological survey, the United States fish and wildlife service, the United States environmental protection agency, and other entities with critical knowledge related to the structural or nonstructural flood hazard reduction projects in the Chehalis basin. Funds shall be distributed by the department of transportation for alternative analysis, mapping, and model testing projects as recommended by the technical committee. The solutions considered by the technical committee shall be consistent with fish and habitat recovery efforts and avoid additional flood hazard to downstream communities. The department of transportation shall present a report to the senate transportation committee and the house of representatives transportation committee by December 1, 1999, regarding findings and progress made by funded projects.

(b) If the federal government makes funds available to accomplish the project described in (a) of this subsection, the department of transportation shall place the appropriation identified in this section in reserve.

(2) \$85,121,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(3) \$400,000 of the transportation account--state appropriation is provided solely for a study by the senate transportation committee and the house of representatives transportation committee in cooperation with the port of Benton developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

(4) The motor vehicle account--state appropriation includes \$121,288,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) \$10,000,000 of the transportation account--state appropriation is provided solely to fund a cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section without first reaching an agreement with affected stakeholders on where the dredge spoils will be deposited. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(6) The motor vehicle account--state appropriation includes \$1,167,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(7) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for a small city pavement preservation program, to be administered by the department's TransAid division. The department, in consultation with stakeholders, shall establish program guidelines. The guidelines should include but not be limited to a provision limiting program eligibility to cities with a population of 2,500.

(8) \$30,000,000 of the motor vehicle account--state appropriation is provided solely for a corridor congestion relief program, to be administered by the department's TransAid division. The purpose of the program is to provide funding for congested urban corridors, as defined and selected by the department of transportation in consultation with cities, counties, regional transportation planning organizations, and the transportation improvement board. At a minimum, project selection criteria should include: Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; systemic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.

(9) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for improving traffic and pedestrian safety near schools. The TransAid division within the department of transportation shall administer this program. Funds should be used for traffic and pedestrian improvements near schools, including roadway channelization and signalization.

(10) The TransAid division within the department of transportation shall develop a prequalification procedure for potential bidders on projects administered or approved by the board. The board shall work with other interested parties including but not limited to associations representing general contractors and the office of minority and women's business enterprises. The prequalification procedure's goal is to ascertain that bidders are qualified by experience, financing, equipment, and organization to do the work called for in the contract documents. The prequalification procedure may require a bidder to (1) satisfy threshold requirements established by the board prior to being furnished a proposal form on any contract; or (2) complete a preaward survey of the bidder's qualification prior to award.

(11) Up to \$100,000 of the motor vehicle account--state appropriation is provided solely for audits of city and county transportation funding to determine whether any city or county has supplanted its local transportation funding with state funding provided under sections 408 and 409 of this act. The department shall report the results of this audit to the senate transportation committee, the house of representatives transportation committee, and the office of financial management by December 31, 2000.

### **PART III TRANSPORTATION AGENCIES CAPITAL FACILITIES**

#### **NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL**

Appropriation:

State Patrol Highway Account--State Appropriation \$ 2,328,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) \$508,000 of the state patrol highway account--state appropriation funds minor works which include communication tower maintenance, Spokane district headquarters HVAC, Morton HVAC replacement, emergency repairs, and Anacortes scale repairs.
- (2) \$500,000 of the state patrol highway account--state appropriation is provided for the Naselle detachment office.
- (3) \$615,000 of the state patrol highway account--state appropriation is provided for repaving the academy drive course.
- (4) \$275,000 of the state patrol highway account--state appropriation is provided for the squawk mountain communication tower.
- (5) \$380,000 of the state patrol highway account--state appropriation is provided for the replacement of two traffic control aircraft.
- (6) \$50,000 of the state patrol highway account--state appropriation is provided for the ridgefield expansion design and the academy hookup fee for waste treatment.

**NEW SECTION. Sec. 302.** The Washington state patrol is authorized to continue with the exchange of the Olympia, Washington Martin Way property for a light industrial land complex to be used to consolidate existing separately located state activities and functions. The agency will work with the office of financial management, department of general administration, the senate transportation committee, and the house of representatives transportation committee in the exchange and approval processes.

#### **NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Account--State Appropriation \$ 25,312,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Before any funds are expended for the transportation facility to be located in Tumwater, Washington, the director of general administration shall conduct an evaluation of the planned facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement as required under RCW 43.82.010(10). Furthermore, the director shall present the findings of the evaluation to the fiscal committees of the house of representatives and the senate by December 31, 1999.

(2) Up to \$100,000 of the motor vehicle account--state appropriation may be expended by the department of general administration to conduct an analysis of future transportation-related facility office space needs in Thurston county, by agency, for the next ten years. The analysis shall consult with state agencies, private developers, and building owners to determine the inventory of space available and planned over the next ten years in government and nongovernment buildings, and the impact on current office space. The predesign must be completed by January 31, 2000.

### **PART IV TRANSFERS AND DISTRIBUTIONS**

#### **NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account Appropriation \$	213,600,000
Ferry Bond Retirement Account Appropriation \$	53,353,000
Transportation Improvement Board Bond Retirement Account--State Appropriation \$	35,158,000
Puget Sound Capital Construction Account--State Appropriation \$	270,000
Motor Vehicle Account--State Appropriation \$	6,543,000
Special Category C Account--State Appropriation \$	405,000
TOTAL APPROPRIATION \$	309,329,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity. If Senate Bill No. 5283 or House Bill No. 1304 is enacted in the form passed by the legislature by June 30, 1999, then \$35,158,000 of the highway bond retirement account appropriation shall lapse. If neither Senate Bill No. 5283 nor House Bill No. 1304 is enacted in the form passed by the legislature by June 30, 1999, then the appropriation for the transportation improvement board bond retirement account shall lapse.

**NEW SECTION. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Fund--Puget Sound Capital Construction Account Appropriation \$	36,000
Motor Vehicle Account--State Appropriation \$	811,000
Special Category C Account Appropriation \$	53,000
TOTAL APPROPRIATION \$	900,000

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$	492,721,000
Transportation Fund Appropriation for motor vehicle excise tax distribution \$	491,606,000

**NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**

Motor Vehicle Fund--State Patrol Highway Account: For transfer to the Department of Retirement Systems Expense Fund \$	171,000
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**NEW SECTION. Sec. 405. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 406.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

**NEW SECTION. Sec. 407. FOR THE STATE TREASURER--TRANSFERS**

(1) RV Account--State Appropriation:  
For transfer to the Motor Vehicle Fund--State \$ 1,590,000

(2) Transportation Account--State Appropriation:  
For transfer to the Transportation Infrastructure  
Account--State \$ 5,000,000

**NEW SECTION. Sec. 408. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Fund--State Appropriation  
for distribution to the cities \$ 12,500,000

Motor Vehicle Fund--State Appropriation  
for distribution to the counties \$ 12,500,000

The distributions in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation for distribution to cities is provided solely to be distributed to cities with a population of over two thousand five hundred in a manner consistent with RCW 46.68.110(4) in one distribution on March 1, 2000.

(2) The motor vehicle fund--state appropriation for distribution to the counties is provided solely to be distributed in a manner consistent with RCW 46.68.122 in one distribution on March 1, 2000.

(3) The amounts provided in this section may not be used to supplant any existing local government funding for transportation projects or programs. Any local government in violation of this requirement shall immediately forfeit its eligibility for future distributions provided under this section.

**NEW SECTION. Sec. 409. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Fund--State Appropriation  
for distribution to the cities \$ 12,500,000

Motor Vehicle Fund--State Appropriation  
for distribution to the counties \$ 12,500,000

The distributions in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation for distribution to cities is provided solely to be distributed to cities with a population of over two thousand five hundred in a manner consistent with RCW 46.68.110(4) in one distribution on March 1, 2001.

(2) The motor vehicle fund--state appropriation for distribution to the counties is provided solely to be distributed in a manner consistent with RCW 46.68.122 in one distribution on March 1, 2001.

(3) The amounts provided in this section may not be used to supplant any existing local government funding for transportation projects or programs. Any local government in violation of this requirement shall immediately forfeit its eligibility for future distributions provided under this section.

**NEW SECTION. Sec. 410.** The office of the state treasurer is authorized to transfer any transportation improvement account and urban arterial trust account balances available in the highway bond retirement account into the transportation improvement board bond retirement account following a cooperative agreement by the department of transportation and the transportation improvement board on the exact amount of the transfer.

**NEW SECTION. Sec. 411.** The motor vehicle account revenues are received at a relatively even flow throughout the year. Expenditures may exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

**NEW SECTION. Sec. 412.** In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective transportation funds and accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 413. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS.** The department of transportation shall make the following transfers contingent on passage of the bills referenced in each proviso as identified by bill number in the form passed by the legislature:

(1) If Senate Bill No. 5615 or House Bill No. 1588 is enacted in the form passed by the legislature the department of transportation shall transfer:

(a) The balances remaining at the close of the 1997-99 biennium in the economic development account and the transportation capital facilities account to the motor vehicle account--state; and

(b) The balance remaining at the close of fiscal year 2000 in the marine operating account to the Puget Sound ferry operations account.

(2) If neither Senate Bill No. 5615 nor House Bill No. 1588 is enacted in the form passed by the legislature the department of transportation is authorized to transfer any balances available in the highway construction stabilization account to the motor vehicle account to fund the appropriations contained in this act.

**NEW SECTION. Sec.414. FOR THE TRANSPORTATION IMPROVEMENT BOARD--TRANSFERS.** The transportation improvement board shall make the following transfers contingent on passage of the bills referenced in each proviso as enacted in the form passed by the legislature:

(1) If Senate Bill No. 5360 or House Bill No. 1053 is enacted in the form passed by the legislature the transportation improvement board shall transfer the balances remaining at the close of the 1997-99 biennium in the small city account and the city hardship assistance account to the urban arterial trust account.

(2) If Senate Bill No. 5615 or House Bill No. 1588 is enacted in the form passed by the legislature the transportation improvement board shall transfer:

(a) The balances remaining at the close of the 1997-99 biennium in the small city account and the city hardship assistance account to the urban arterial trust account; and

(b) The balance remaining at the close of the 1997-99 biennium in the central Puget Sound public transportation systems account to the public transportation systems account.

(3) If Senate Bill No. 5283 is enacted in the form passed by the legislature the transportation improvement board shall agree upon what amount of the balance remaining in the highway bond retirement account at the close of the 1997-99 biennium is apportioned to the transportation improvement board. That amount shall be transferred from the highway bond retirement account to the transportation improvement board bond retirement account.

**PART V**  
**1997-99 SUPPLEMENTAL APPROPRIATIONS**  
**General Government Agencies--Capital**

**Sec. 501.** 1997 c 457 s 110 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS**

Motor Vehicle Fund--State Appropriation \$

3,500,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The entire appropriation is for the repaving of roadways in the following state parks in the 1997-99 biennium:

(a) Moran state park, \$1,800,000;

(b) Cama Beach state park, \$300,000;

(c) Riverside state park, \$640,000;

(d) Steamboat Rock state park, \$225,000;

(e) Damon Point state park, \$485,000; and

(f) Deception Pass state park, \$50,000.

(2) (~~This is a one time appropriation with the repaving efforts to be completed in the parks by June 30, 1999.~~) The repaving contracts will be awarded by competitive bid using department of transportation standards. Progress reports will be prepared and presented to the legislative transportation committees in January 1999. Upon completion of the contracts for the parks listed in subsection (1)(a), (c), (d), and (f) of this section, unspent moneys from those contracts may be used for design of paving projects on the agency's 1999-01 biennium pavement project list.

(3) If any of the parks listed in subsection (1) of this section are closed during the 1997-99 biennium, the amount provided for the park under subsection (1)(a) through (f) of this section shall lapse and return to the motor vehicle fund.

**Transportation Agencies**

**Sec. 502.** 1997 c 457 s 204 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Motor Vehicle Fund--Urban Arterial Trust		
Account--State Appropriation	\$	57,159,000
Motor Vehicle Fund--Transportation Improvement		
Account--State Appropriation	\$	122,014,000
Motor Vehicle Fund--City Hardship Assistance		
Account--State Appropriation	\$	2,649,000
Motor Vehicle Fund--Small City Account--		
State Appropriation	\$	<del>(7,921,000)</del>
		<u>9,921,000</u>
Central Puget Sound Public Transportation		
Account--State Appropriation	\$	27,360,000
Public Transportation Systems Account--		
State Appropriation	\$	3,928,000
		<del>(221,031,000)</del>
		<u>223,031,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation improvement account--state appropriation includes \$40,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. However, the transportation improvement board may authorize the use of current revenues available in lieu of bond proceeds.

**Sec. 503.** 1998 c 348 s 203 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

Motor Vehicle Fund--State Patrol Highway		
Account--State Appropriation	\$	<del>(163,789,000)</del>
		<u>166,035,000</u>
Motor Vehicle Fund--State Patrol Highway		
Account--Federal Appropriation	\$	<del>(4,374,000)</del>
		<u>4,688,000</u>
Motor Vehicle Fund--State Patrol Highway		
Account--Local Appropriation	\$	170,000
Transportation Fund--State Appropriation	\$	4,522,000
		<del>(172,855,000)</del>
		<u>175,415,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The Washington state patrol is authorized to use the federal community oriented policing program (COPS) for 54 troopers with 18 COPS troopers to begin in July 1998 and 36 COPS troopers to begin in January 1999.

(2) \$4,463,000 of the transportation fund--state appropriation and \$3,737,000 of the motor vehicle fund--state patrol highway account--state appropriation are provided for an equalization salary adjustment of three percent on July 1, 1997, and six percent on July 1, 1998, for commissioned officers (entry level trooper through captain), commercial vehicle enforcement officers, and communication officers of the Washington state patrol. The salary adjustments are intended to bring the existing salary levels into the fiftieth percentile of other Washington state law enforcement compensation plans. This is in addition to the salary increase contained in the omnibus appropriation bill or bills. The total of the two increases, in the transportation budget and omnibus appropriation bill or bills, may not exceed twelve percent.

(3) The Washington state patrol will develop a vehicle replacement plan for the next six years. The plan will include an analysis of the current 100,000 miles replacement policy and agency assignment policy. Projected future budget requirements will include forecasts of vehicle replacement costs, vehicle equipment costs, and estimated surplus vehicle values when sold at auction.

(4) The Washington state patrol vessel and terminal security (VATS) program will be funded by the state patrol highway fund beginning July 1, 1997, and into future biennia.

(5) A personnel data base will be maintained of the 801 commissioned traffic law enforcement officers, with a reconciliation at all times to the patrol allocation model and a vehicle assignment and replacement plan.

(6) \$150,000 of the state patrol highway account appropriation is to fund the Washington state patrol's portion of the drug recognition expert training program previously funded by the traffic safety commission.

(7) The Washington state patrol with legislative transportation committee staff will perform an interim study of the Washington state patrol's commercial vehicle enforcement program with a report to be presented to the legislature and office of financial management in January 1998 with a developed business plan and program recommendations which includes, but is not limited to, weigh in motion technologies.

(8)(a) The Washington state patrol, in consultation with the Washington traffic safety commission, shall conduct an analysis of the most effective safety devices for preventing accidents while delivery trucks are operating in reverse gear. The analysis shall focus on trucks equipped with cube-style, walk-in cargo boxes, up to eighteen feet long, that are most commonly used in the commercial delivery of goods and services.

(b) The state patrol shall incorporate research and analysis currently being conducted by the national highway traffic safety administration.

(c) Upon completion of the analysis, the state patrol shall forward its recommendations to the legislative transportation committee and office of financial management.

(9) \$381,000 of the transportation fund--state appropriation is provided for the following traditional general fund purposes: The governor's air travel, the license fraud program, and the special services unit. This transportation fund--state appropriation is not a permanent funding source for these purposes.

(10) \$461,000 of the state patrol highway account appropriation is provided solely for monitoring and stopping fuel tax evasion. The Washington state patrol will report on December 1, 1998, to the legislative transportation committee on the activities and revenue collected associated with fuel tax evasion.

(11) \$289,000 of the state patrol highway account appropriation is provided solely for vehicle license fraud investigation. A report will be presented each session to the legislature on the activities and revenue collected by the vehicle license fraud unit.

(12) \$268,000 of the motor vehicle fund--state patrol highway account is provided solely to cover the employer's share of medicare premiums for commissioned officers hired prior to 1986. If a referendum of these officers does not receive majority support this appropriation shall not be expended by the state patrol.

(13) \$105,000 of the motor vehicle fund--state patrol highway account--state appropriation and \$314,000 of the motor vehicle fund--state patrol highway account--federal appropriation are provided solely for laptop personal computers, peripheral equipment, and necessary software for existing community oriented policing program (COPS) troopers.

(14) \$2,300,000 of the motor vehicle fund--state patrol highway account--state appropriation is provided solely to purchase 100 equipped pursuit vehicles. If the transportation fund--state appropriation reduction described in section 504(9) of this act does not take place, the amount provided in this subsection shall lapse. If the state patrol does not purchase the vehicles prior to June 30, 1999, the amount provided in this subsection shall lapse.

**Sec. 504.** 1998 c 348 s 205 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

Motor Vehicle Fund--State Patrol Highway  
Account--State Appropriation \$

52,926,000

Motor Vehicle Fund--State Patrol Highway  
Account--Federal Appropriation \$

104,000

Transportation Fund--State Appropriation \$ ((2,513,000))

214,000

TOTAL APPROPRIATION \$ ((55,543,000))

53,244,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$1,017,000 for the state patrol highway account--state appropriation is provided solely for year 2000 conversions of transportation automated systems. For purposes of this subsection, transportation automated systems does not include WASIS and WACIS.

(2) \$50,000 of the state patrol highway account--state appropriation is provided solely for a feasibility study to assess the effect of mobile computers on trooper productivity by type of service and measurement of the productivity gains achieved through reduction in administrative time and paperwork processing. The agency shall submit a copy of the proposed study workplan to the office of financial management, the department of information services, and the legislative transportation committee no later than October 1, 1997. A final report shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services no later than January 31, 1998. This project is subject to the provisions of section 502 of this act.

(3) \$50,000 of the state patrol highway account--state appropriation is provided solely for a review of the feasibility of improving the patrol's computer-aided dispatch system to permit tracking of trooper availability and response time to calls for service. The agency shall submit a copy of the proposed study workplan to the office of financial management, the department of information services, and the legislative transportation committee no later than October 1, 1997. A final report shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services no later than January 31, 1998. This project is subject to the provisions of section 502 of this act.

(4) These appropriations maintain current level funding for the Washington state patrol service center and have no budget savings included for a consolidation of service centers based on the study conducted by the technology management group. During the 1997 interim, the costs for current level will be reviewed by the office of financial management and department of information services with a formal data center recommendation, that has been approved by the information services board, to the legislature in January 1998. Current level funding will be split between fiscal year 1998 and fiscal year 1999 with consideration of funding adjustments based on the review and the formal policy and budget recommendations.

(5) \$2,513,000 of the transportation fund--state appropriation is for the following traditional general fund purposes: The executive protection unit, revolving fund charges, budget and fiscal services, computer services, personnel, human resources, administrative services, and property management. This appropriation is not a permanent funding source for these purposes.

(6) \$22,000 of the motor vehicle fund--state patrol highway account appropriation is provided solely to cover the employer's share of medicare premiums for commissioned officers hired prior to 1986. If a referendum of these officers does not receive majority support this appropriation shall not be expended by the state patrol.

(7) The 1998 Washington state patrol interim working group shall review the data center, electronic services division, communications division, and strategic planning and shall provide recommendations on increasing the effectiveness and efficiencies of the programs under review and audit.

(8) \$1,580,000 of the state patrol highway account--state appropriation is provided solely for the transition of the Washington state patrol mainframe data processing functions to the Washington state department of information services data center in Olympia, Washington. The Washington state patrol and the department of information services shall work cooperatively to ensure the transition to the department of information services is completed successfully.

(9) The transportation fund--state appropriation is reduced by \$2,299,000 to correct a double appropriation.

**Sec. 505.** 1998 c 348 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

Highway Safety Fund--Motorcycle Safety Education

Account--State Appropriation \$ 94,000

General Fund--Wildlife Account--State

Appropriation \$ 42,000

Highway Safety Fund--State Appropriation \$ ((10,732,000))

Motor Vehicle Fund--State Appropriation \$	<u>8,218,000</u>
	((5,610,000))
Transportation Fund--State Appropriation \$	<u>4,735,000</u>
	441,000
TOTAL APPROPRIATION \$	((16,919,000))
	<u>13,530,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: ((4)) \$2,498,000 of the highway safety fund--state appropriation and \$793,000 of the motor vehicle fund--state appropriation are provided for the following activities: (1) Identify business objectives and needs relating to technology improvements and integration of the drivers' licensing and vehicle title and registrations systems; (2) converting the drivers' licensing software applications to achieve Year 2000 compliance; (3) convert the drivers' field network from a uniscope to a frame-relay network; (4) develop an interface between the unisys system and the CRASH system; and (5) operate and maintain the highways-licensing building network and the drivers' field network.

**Sec. 506.** 1998 c 348 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

General Fund--Marine Fuel Tax Refund Account-- State Appropriation \$	26,000
General Fund--Wildlife Account--State Appropriation \$	549,000
Motor Vehicle Fund--State Appropriation \$	((49,630,000))
	<u>49,615,000</u>
Department of Licensing Services Account-- State Appropriation \$	2,944,000
TOTAL APPROPRIATION \$	((53,149,000))
	<u>53,134,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$600,000 of the licensing service account--state appropriation is provided for replacement of printers for county auditors and subagents.

(2) The department of licensing, in cooperation with the fuel tax advisory committee, shall prepare and submit a report to the legislative transportation committee containing recommendations for special fuel and motor vehicle fuel recordkeeping and reporting requirements, including but not limited to recommendations regarding the form and manner in which records and tax reports must be maintained and made available to the department; which persons engaged in the business of selling, purchasing, distributing, storing, transporting, or delivering fuel should be required to submit periodic reports regarding the disposition of such fuel; and the feasibility of implementing an automated fuel tracking system. The report is due no later than October 31, 1997.

(3) The department of licensing, in cooperation with representatives of local governments and the department of revenue shall analyze the collection of the local option fuel tax under RCW 82.80.010. Based on that analysis the department of licensing shall offer recommendations regarding the appropriate government entity to collect the local option fuel tax and the best method to accomplish that collection. The department of licensing shall report its findings and recommendations to the legislative transportation committee and the office of financial management by December 1, 1998.

(4) The department of licensing, in conjunction with the interagency commission on outdoor recreation, the department of transportation, and other affected entities, shall conduct a study and make recommendations regarding:

(a) Whether the study required by RCW 43.99.030 to determine what portion of the motor vehicle fuel tax collected is tax on marine fuel is an effective and efficient mechanism for determining what portion of fuel tax revenues should be refunded to the marine fuel tax refund account;

(b) Other possible methodologies for determining the appropriate amount of tax revenue to refund from the motor vehicle fund to the marine tax refund account; and

(c) Whether the tax on fuel used by illegally nonregistered boats should be refunded to the marine tax refund account.

The department of licensing shall make a report of its findings and recommendations to the legislative transportation committee and the office of financial management by December 1, 1998.

(5) \$382,000 of the motor vehicle fund--state appropriation is provided solely to implement Substitute House Bill No. 2659. If Substitute House Bill No. 2659 is not enacted by June 30, 1998, this amount shall lapse.

**Sec. 507.** 1998 c 348 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Highway Safety Fund--Motorcycle Safety Education

Account--State Appropriation \$

1,411,000

Highway Safety Fund--State Appropriation \$

((61,087,000))

59,869,000

Transportation Fund--State Appropriation \$

4,985,000

TOTAL APPROPRIATION \$

((64,112,000))

66,265,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$225,000 of the highway safety account--state appropriation is provided solely to implement Substitute House Bill No. 2442 or Senate Bill No. 6190. If neither bill is enacted by June 30, 1998, this amount shall lapse.

(2) \$480,000 of the highway safety account--state appropriation is provided solely to implement Senate Bill No. 6165. If Senate Bill No. 6165 is not enacted by June 30, 1998, this amount shall lapse.

~~((6))~~ (3) \$1,000,000 of the highway safety account--state appropriation is provided solely to implement 1998 legislation that changes statutes relating to driving under the influence. If legislation changing the DUI statutes is not enacted by June 30, 1998, this amount shall lapse.

**Sec. 508.** 1997 c 457 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Fund--State Appropriation \$

((24,703,000))

24,436,000

Motor Vehicle Fund--Federal Appropriation \$

400,000

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$

((24,338,000))

24,330,000

TOTAL APPROPRIATION \$

((49,441,000))

49,166,000

**Sec. 509.** 1998 c 348 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Motor Vehicle Fund--Economic Development Account--

State Appropriation \$

Motor Vehicle Fund--State Appropriation \$	2,434,000
	<del>((163,275,000))</del>
	<u>123,575,000</u>
Motor Vehicle Fund--Federal Appropriation \$	155,485,000
Motor Vehicle Fund--Private/Local Appropriation \$	40,000,000
Special Category C Account--State Appropriation \$	<del>((73,271,000))</del>
	<u>65,471,000</u>
Transportation Fund--State Appropriation \$	<del>((230,546,000))</del>
	<u>225,546,000</u>
Puyallup Tribal Settlement Account--State Appropriation \$	5,000,000
Puyallup Tribal Settlement Account--Private/Local Appropriation \$	200,000
High Capacity Transportation Account--State Appropriation \$	1,401,000
TOTAL APPROPRIATION \$	<del>((671,612,000))</del>
	<u>619,112,000</u>

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of ~~((73,271,000))~~ \$65,471,000 includes \$26,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817 ~~((and includes \$12,000,000 in proceeds from the sale of bonds authorized by House Bill No. 1012))~~. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. ~~((If House Bill No. 1012 is not enacted by June 30, 1998, \$7,800,000 of the special category C account--state appropriation shall lapse.))~~

(2) The motor vehicle fund--state appropriation includes \$2,685,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year.

(4) The motor vehicle fund--state appropriation in this section includes \$600,000 solely for a rest area and information facility in the Nisqually gateway area to Mt. Rainier, provided that at least forty percent of the total project costs are provided from federal, local, or private sources. The contributions from the nonstate sources may be in the form of in-kind contributions including, but not limited to, donations of property and services.

(5) The appropriations in this section contain \$118,247,000 reappropriation from the 1995-97 biennium.

(6) The motor vehicle fund--state appropriation in this section includes \$250,000 to establish a wetland mitigation pilot project. This appropriation may only be expended if the department of transportation establishes a technical committee to better implement the department's strategic plan. The technical committee shall include, but is not limited to, cities, counties, environmental groups, business groups, tribes, the Puget Sound action team, and the state departments of ecology, fish and wildlife, and community, trade, and economic development, and appropriate federal agencies. The committee shall assist the department in implementing its wetland strategic plan, including working to

eliminate barriers to improved wetland and watershed management. To this end, the technical committee shall: (a) Work to facilitate sharing of agency environmental data, including evaluation of off-site and out-of-kind mitigation options; (b) develop agreed-upon guidance that will enable the preservation of wetlands that are under imminent threat from development for use as an acceptable mitigation option; (c) develop strategies that will facilitate the implementation of mitigation banking, including developing mechanisms for valuing and transferring credits; (d) provide input in the development of wetland functions assessment protocols related to transportation projects; (e) develop incentives for interagency participation in joint mitigation projects within watersheds; and (f) explore options for funding environmental mitigation strategies. The department shall prepare an annual report to the legislative transportation committee and legislative natural resources committees on recommendations developed by the technical committee.

(7) The department shall report January 1st and July 1st of each year, to the legislative transportation committee and the office of financial management of the timing and the scope of work being performed for the regional transit authority. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(8) The translake study funded in this section shall include recommendations to address methods for mitigating traffic noise in the study area.

(9) Funding for the SR 509 project extending south and east from south 188th street in King county is contingent on the development of a proposal linking the project to other freight corridors and a funding plan with participation from partners of the state that are agreed to by the legislative transportation committee and the governor.

(10) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

(11) \$2,000,000 of the motor vehicle fund--state appropriation is provided solely for transfer to the advanced environmental mitigation revolving account--state.

~~((14))~~ (12) \$13,000,000 of the motor vehicle fund--state appropriation and \$12,000,000 of the transportation fund--state appropriation are provided solely for preliminary engineering and purchase of right of way for highway construction.

~~((15) \$35,000,000 of the motor vehicle fund--state appropriation is conditioned upon voter approval of a referendum on a state-wide ballot that provides funding for transportation purposes. If the voters approve such a referendum, \$35,000,000 of the motor vehicle fund--state appropriation is put in reserve solely to be used for the purposes of preliminary engineering and purchase of right of way for highway construction. These moneys may only be expended upon approval of both the legislative transportation committee and the office of financial management.))~~

(13) The department may advertise and award certain specified projects prior to June 30, 1999. This authority extends to the 10 projects listed in the transportation executive information system document titled "1999 Supplemental Budget — Spring Start Projects (Rev.)" dated March 13, 1999.

**Sec. 510.** 1998 c 348 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K**

Transportation Fund--State Appropriation	\$	((1,280,000))
		<u>1,255,000</u>
Motor Vehicle Fund--State Appropriation	\$	16,235,000
TOTAL APPROPRIATION	\$	((17,515,000))
		<u>17,490,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$16,235,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of only the SR 16 corridor improvements and park and ride projects selected under the public-private transportation initiative program authorized under chapter 47.46 RCW; and support costs of the public-private transportation initiatives program.

(2) The appropriations in this section contain \$16,235,000 reappropriated from the 1995-97 biennium.

**Sec. 511.** 1998 c 348 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Fund--State Appropriation	\$	((239,200,000))
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Motor Vehicle Fund--Federal Appropriation \$	<u>237,013,000</u>
	465,000
Motor Vehicle Fund--Private/Local Appropriation \$	3,335,000
TOTAL APPROPRIATION \$	((243,000,000))

240,813,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall deliver the highway maintenance program according to the plans for each major maintenance group to the extent practical. However, snow and ice expenditures are highly variable depending on actual weather conditions encountered. If extraordinary winter needs result in increased winter maintenance expenditures, the department shall, after prior consultation with the transportation commission, the office of financial management, and the legislative transportation committee adopt one or both of the following courses of action: (a) Reduce planned maintenance activities in other groups to offset the necessary increases for snow and ice control; or (b) continue delivery as planned within other major maintenance groups and request a supplemental appropriation in the following legislative session to fund the additional snow and ice control expenditures.

(3) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(4) Funding appropriated for local storm water charges assessed under RCW 90.03.525, which is allocated for, but not paid to, a local storm water utility because the utility did not meet the conditions provided under RCW 90.03.525, may be transferred by the department to program Z of the department to be distributed as grants under the storm water grant program.

**Sec. 512.** 1998 c 348 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Motor Vehicle Fund--State Appropriation \$	((288,720,000))
	<u>285,220,000</u>
Motor Vehicle Fund--Federal Appropriation \$	274,259,000
Motor Vehicle Fund--Private/Local Appropriation \$	2,400,000
TOTAL APPROPRIATION \$	((568,379,000))

561,879,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$6,800,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The appropriations in this section contain \$27,552,000 reappropriated from the 1995-97 biennium.

(3) If the Oregon state legislature enacts a public/private partnership program and the Washington state transportation commission, in consultation with the legislative transportation committee, negotiates and enters into an agreement between Washington and Oregon to place the Lewis and Clark bridge into Oregon's public/private partnership program, up to \$3,000,000 of the motor vehicle fund--state appropriation may be used as Washington's contribution toward the design of the project pursuant to the agreement between Washington and Oregon. Any additional contributions shall be subject to Washington state legislative appropriations and approvals. The department shall provide a status report on this project to the legislative transportation committee by June 30, 1998.

((6)) (4) \$630,000 of the motor vehicle fund--state appropriation is provided for slope stabilization along state route 166 in the Ross Point vicinity. This amount is intended to fund preliminary engineering, right of way acquisition, and to begin construction.

Sec. 513. 1998 c 348 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q**

State Patrol Highway Account--State

Appropriation \$

153,000

Motor Vehicle Fund--State Appropriation \$

((30,412,000))

29,982,000

Motor Vehicle Fund--Federal Appropriation \$

1,000,000

Motor Vehicle Fund--Private/Local

Appropriation \$

275,000

TOTAL APPROPRIATION \$

((31,840,000))

31,410,000

The appropriation in this section is subject to the following conditions and limitations and specified amount is provided solely for that activity:

(1) The department, in cooperation with the Washington state patrol and the tow truck industry, shall develop and submit to the legislative transportation committee by October 31, 1997, a recommendation for implementing new tow truck services during peak hours on the Puget Sound freeway system.

(2) The department, in cooperation with the Washington state patrol, the department of licensing, the state of Oregon, and the United States department of transportation, shall install and operate the commercial vehicle information systems and network (CVISN) at a selected pilot site. If the state department of transportation receives additional federal funding for this project that is eligible to supplant state funding, the appropriation in this section shall be reduced by the amount of the state funds supplanted.

Sec. 514. 1998 c 348 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Motor Vehicle Fund--Puget Sound Capital

Construction Account--State Appropriation \$

777,000

Motor Vehicle Fund--State Appropriation \$

((70,032,000))

69,685,000

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$

1,093,000

Transportation Fund--State Appropriation \$

1,158,000

TOTAL APPROPRIATION \$

((73,060,000))

72,713,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1)(a) The motor vehicle fund--state appropriation includes \$14,300,000 provided solely for programming activities and other efforts needed to bring the department's information systems, and devices with computers built into them, into compliance with the year 2000 requirements of the department of information services. The department is directed to expend the moneys internally reallocated for this purpose before spending from this appropriation. The department is directed to provide quarterly reports on this effort to the legislative transportation committee and the office of financial management beginning October 1, 1997.

(b) Up to \$2,900,000 of the amount provided in (a) of this subsection may be expended for testing and required modifications to electronic devices and other equipment and specialized software that are essential for department operations to ensure they are year 2000 compliant. Before expending any of this amount for these purposes, the department shall consult with the legislative transportation committee and the office of financial management.

(2) The legislative transportation committee shall review and analyze freight mobility issues affecting eastern and southeastern Washington as recommended by the freight mobility advisory committee and report back to the legislature by November 1, 1997. \$500,000 of the motor vehicle fund--state appropriation is provided for this review and analysis. The funding conditioned in this subsection shall be from revenues provided for interjurisdictional studies.

(3) In order to increase visibility for decision making, the department shall review its budgeting and accounting methods for management information systems. The review shall include, but not be limited to, the cost-benefit analysis of existing processes and evaluation of less complex alternatives such as direct appropriations. The results of the review shall be reported to the legislative transportation committee and the office of financial management by July 1, 1998.

**Sec. 515.** 1997 c 457 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

Motor Vehicle Fund--State Appropriation \$	((16,098,000))
	<u>15,884,000</u>
Motor Vehicle Fund--Federal Appropriation \$	10,466,000
Transportation Fund--State Appropriation \$	((1,384,000))
	<u>1,379,000</u>
TOTAL APPROPRIATION \$	((27,948,000))
	<u>27,729,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: Up to \$2,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations, with allocations for participating counties maintained at the 1995-1997 biennium levels for those counties not having metropolitan planning organizations within their boundaries.

**Sec. 516.** 1998 c 348 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT <del>((Motor Vehicle Fund--State Appropriation \$</del>	2,515,000))
<u>Transportation Fund--State Appropriation \$</u>	<u>3,715,000</u>
(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR Motor Vehicle Fund--State Appropriation \$	840,000
(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES Motor Vehicle Fund--State Appropriation \$	3,391,000
(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL Motor Vehicle Fund--State Appropriation \$	((2,240,000))
	<u>2,140,000</u>
(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION Motor Vehicle Fund--State Appropriation \$	12,535,000

(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION	
Motor Vehicle Fund--Puget Sound Ferry Operations	
Account--State Appropriation \$	2,928,000
(7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES	
Motor Vehicle Fund--State Appropriation \$	536,000
(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES	
Motor Vehicle Fund--State Appropriation \$	90,000
(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE	
Motor Vehicle Fund--State Appropriation \$	735,000
(10) FOR ARCHIVES AND RECORDS MANAGEMENT	
Motor Vehicle Fund--State Appropriation \$	355,000
<b>Sec. 517. 1998 c 348 s 218 (uncodified) is amended to read as follows:</b>	
<b>FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W</b>	
Motor Vehicle Fund--Puget Sound Capital	
Construction Account--State Appropriation \$	((209,886,000))
	<u>192,886,000</u>
Motor Vehicle Fund--Puget Sound Capital	
Construction Account--Federal	
Appropriation \$	30,165,000
Motor Vehicle Fund--Puget Sound Capital	
Construction Account--Private/Local	
Appropriation \$	765,000
Transportation Fund--Passenger Ferry Account--	
State Appropriation \$	640,000
TOTAL APPROPRIATION \$	
	((241,456,000))
	<u>224,456,000</u>

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are provided to carry out only the projects (version ((3)) 2) adjusted by the legislature for the 1997-99 budget. The department shall reconcile the 1995-97 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$100,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries, including construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

(4) Washington state ferries is authorized to reimburse up to \$3,000,000 from the Puget Sound capital construction account--state appropriation or Puget Sound capital construction account--federal appropriation to the city of Bremerton and the port of Bremerton for Washington state ferries' financial participation in the development of a Bremerton multimodal transportation terminal, port of Bremerton

passenger-only terminal expansion, and ferry vehicular connections to downtown traffic circulation improvements. The reimbursement shall specifically support the construction of the following components: Appropriate passenger-only ferry terminal linkages to accommodate bow-loading catamaran type vessels and the needed transit connections; and the Washington state ferries' component of the Bremerton multimodal transportation terminal as part of the downtown Bremerton redevelopment project, including appropriate access to the new downtown traffic circulation road network.

(5) The Puget Sound capital construction account--state appropriation includes funding for capital improvements on vessels to meet United States Coast Guard Subchapter W regulation revisions impacting SOLAS (safety of life at sea) requirements for ferry operations on the Anacortes to Sidney, B.C. ferry route.

(6) The Puget Sound capital construction account--state appropriation, the Puget Sound capital construction account--federal appropriation, and the passenger ferry account--state appropriation include funding for the construction of one new passenger-only vessel and the department's exercise of the option to build a second passenger-only vessel. In accordance with chapter 166, Laws of 1998, Washington state ferries shall accelerate activities to ensure the acquisition of four additional passenger-only vessels and the construction of related terminal facilities, including maintenance facilities for the Southworth and Kingston to Seattle passenger-only ferry routes.

(7) The Puget Sound capital construction account--state appropriation includes funding for the exploration and acquisition of a design for constructing a millennium class ferry vessel.

(8) The Puget Sound capital construction account--state appropriation includes \$90,000 for the purchase of defibrillators. At least one defibrillator shall be placed on each vessel in the ferry fleet.

(9) The appropriations in this section contain \$46,962,000 reappropriated from the 1995-97 biennium.

**Sec. 518.** 1998 c 348 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Marine Operating Fund--State Appropriation \$

((270,522,000))

270,473,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of ((~~\$28,696,000~~)) \$27,076,000 for vessel operating fuel in the 1997-99 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1997-99 biennium may not exceed ((~~\$179,095,000~~)) \$180,715,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$313.95 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1997-99 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1997, and thereafter, as established in the 1997-99 general fund operating budget.

(3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

(4) The appropriation in this section includes up to \$1,566,000 for additional operating expenses required to comply with United States Coast Guard Subchapter W regulation revisions for vessels operating on the Anacortes to Sidney, B.C. ferry route. The department shall explore methods to minimize the cost of meeting United States Coast Guard requirements and shall report the results to the legislative transportation committee and office of financial management by September 1, 1997.

(5) The department shall request a reduction of the costs associated with the use of the terminal leased from the Port of Anacortes and costs associated with use of the Sidney, British Columbia terminal.

(6) Agreements between Washington state ferries and concessionaires for automatic teller machines on ferry terminals or vessels shall provide for and include banks and credit unions that primarily serve the west side of Puget Sound.

(7) In the event federal funding is provided for one or more passenger-only ferry vessels for the purpose of transporting United States naval personnel, the department of transportation is authorized to acquire and construct such vessels in accordance with the authority provided in RCW 47.56.030, and the department shall establish a temporary advisory committee comprised of representatives of the Washington state ferries,

transportation commission, legislative transportation committee, office of financial management, and the United States Navy to analyze and make recommendations on, at a minimum, vessel performance criteria, docking, vessel deployment, and operating issues.

(8) The appropriation provides funding for House Bill No. 2165 (paying interest on retroactive raises for ferry workers).

(9) The commission is authorized to increase Washington state ferry tariffs in excess of the fiscal growth factor, established under chapter 43.135 RCW, in fiscal year 1998 and fiscal year 1999.

(10) Funding for Anacortes to Sidney advertising is contingent upon partners meeting their commitment. In no event may the state share exceed fifty percent of the cash contribution toward the project.

(11) \$1,370,000 of this appropriation is provided solely for the Hiyu operation for Southworth/Vashon 5 days per week for 16 hours per day. Prior to placing the Hiyu in permanent service on a route between Vashon and Southworth, the Washington state ferries shall conduct a study of the impact of additional service on Vashon and Southworth and report back to the legislative transportation committee by May 15, 1998.

(12) \$446,000 of this appropriation is provided solely to provide an additional crew member on Jumbo Mark 2 ferries as required by emergency evacuation regulations adopted by the United States Coast Guard. If the Coast Guard requirement can be met without the hiring of additional staff, the portion of this appropriation provided to meet that requirement shall not be expended.

**Sec. 519.** 1998 c 348 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION AND RAIL--PROGRAM Y**

Essential Rail Assistance Account--State

Appropriation \$	256,000
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High Capacity Transportation Account--State

Appropriation \$	((13,225,000))
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13,185,000

Air Pollution Control Account--State

Appropriation \$	6,290,000
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Transportation Fund--State Appropriation \$

((55,029,000))

46,858,000

Transportation Fund--Federal Appropriation \$

3,947,000

Transportation Fund--Private/Local

Appropriation \$	105,000
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Central Puget Sound Public Transportation

Account--State Appropriation \$	((4,250,000))
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250,000

TOTAL APPROPRIATION \$

((83,102,000))

70,891,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$46,180,000 of the transportation fund--state appropriation is provided for intercity rail passenger service including up to \$8,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000; up to \$1,000,000 for one spare advanced technology train power-car and other spare parts, subsidies for operating costs not to exceed \$12,000,000, to maintain service of two state contracted round trips between Seattle and Portland and one state contracted round trip between Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours.

(2) Up to \$3,000,000 of the transportation fund--state appropriation is provided for the rural mobility program administered by the department of transportation. Priority for grants provided from this account shall be given to projects and programs that can be accomplished in the 1997-99 biennium.

(3) Up to \$600,000 of the high capacity transportation account--state appropriation is provided for rail freight coordination, technical assistance, and planning.

(4) The department shall provide biannual reports to the legislative transportation committee and office of financial management regarding the department's rail freight program. The department shall also notify the committee for project expenditures from all fund sources prior to making those expenditures. The department shall examine the ownership of grain cars and the potential for divestiture of those cars and other similar assets and report those findings to the committee prior to the 1998 legislative session.

(5) Up to \$750,000 of the transportation fund--state appropriation and up to \$250,000 of the central Puget Sound public transportation account--state appropriation are provided to fund activities relating to coordinating special needs transportation among state and local providers. These activities may include demonstration projects, assessments of resources available versus needs, and identification of barriers to coordinating special needs transportation. The department will consult with the superintendent of public instruction, the secretary of the department of social and health services, the office of financial management, the fiscal committees of the house of representatives and senate, special needs consumers, and specialized transportation providers in meeting the goals of this subsection.

(6) The appropriations in this section contain \$4,599,000 reappropriated from the 1995-97 biennium.

(7) The high capacity transportation account--state appropriation includes \$75,000 for the department to develop a strategy and to identify how the agency would expend additional moneys to enhance the commute trip reduction program. The report would include recommendations for grant programs for employers and jurisdictions to reduce SOV usage and to provide transit incentives to meet future commute trip reduction requirements. The report is due to the legislative transportation committee by January 1, 1998.

(8) In addition to the appropriations contained in this section, the office of financial management shall release the \$2,000,000 transportation fund--state funds appropriated for the intercity rail passenger program in the 1995-97 biennium but held in reserve pursuant to section 502, chapter 165, Laws of 1996.

(9) Up to \$150,000 of the transportation fund--state appropriation is provided for the management and control of the transportation corridor known as the Milwaukee Road corridor owned by the state between Ellensburg and Lind, and to take actions necessary to allow the department to be in a position, with further legislative authorization, to begin to negotiate a franchise with a rail carrier to establish and maintain a rail line over portions of the corridor by July 1, 1999.

~~((14))~~ (10) \$4,000,000 of the high capacity transportation account--state appropriation for passenger rail infrastructure improvement is provided solely for rail improvements to add rail passenger service north of Seattle. These funds are conditioned on match of at least equal amounts from both Burlington Northern Sante Fe and Amtrak for rail line improvements and upon Amtrak purchasing an additional train set for operation in the corridor. These funds shall not be expended until authorized by the legislative transportation committee and the office of financial management; and the participation of international partners in service provided in the corridor shall be considered in such a decision.

**Sec. 520.** 1998 c 348 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

Motor Vehicle Fund--State Appropriation \$	<del>((9,802,000))</del>
	<u>9,862,000</u>
Motor Vehicle Fund--Federal Appropriation \$	33,726,000
High Capacity Transportation Account-- State Appropriation \$	<del>((650,000))</del>
	<u>450,000</u>
Transportation Account--State Appropriation \$	1,175,000
TOTAL APPROPRIATION \$	<del>((45,353,000))</del>
	<u>45,213,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$1,785,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) As a condition of receiving the full state subsidy in support of the Puget Island ferry, Wahkiakum county must, by December 31, 1997, increase ferry fares for passengers and vehicles by at least ten percent. If the fares are not increased to meet this requirement, the department, in determining the state subsidy after December 31, 1997, shall reduce the operating deficit by the amount that would have been generated if the ten percent fare increase had been implemented.

(3) The appropriations in this section contain \$1,750,000 reappropriated from the 1995-97 biennium.

(4) Up to \$500,000 of the high capacity transportation account--state appropriation is provided for implementation of the recommendations of the freight mobility advisory committee, and any legislation enacted resulting from those recommendations.

(5) \$175,000 of the transportation fund--state appropriation is provided solely to fund the freight mobility strategic investment board. If Second Substitute House Bill No. 2180 is not enacted by June 30, 1998, this amount shall lapse.

(6) The transportation account--state appropriation includes \$600,000 to establish alternatives for flood management and flood hazard reduction projects in the Chehalis Basin. A technical committee comprised of the department of transportation, department of ecology, the United States army corps of engineers, federal emergency management administration, United States geological survey, affected counties and tribes, and other entities with critical knowledge related to flood hazard reduction projects in the Chehalis Basin shall be formed. Funds shall be distributed to counties within the Chehalis Basin by the department of transportation for projects that further understanding of the causes of flooding and options for flood hazard reduction. Alternatives shall be consistent with fish and habitat recovery efforts. Projects funded shall be coordinated with the technical committee. The department of transportation shall present a report to the legislative transportation committee and other appropriate legislative committees regarding findings and/or progress made by funded projects by December 1, 1998.

~~((8))~~ (7) \$750,000 of the motor vehicle fund--state appropriation is provided solely for a median barrier upon the Spokane street viaduct. Use of this funding is contingent upon a commitment of funding from other partners for the remainder of the project cost.

~~((9))~~ (8) Up to \$150,000 of the high capacity transportation account--state appropriation is provided for the installation of active railroad crossing warning devices at the Sunnyside beach park entrance in Steilacoom.

~~((10))~~ (9) \$400,000 of the transportation fund--state appropriation is provided solely for a study by the legislative transportation committee, in cooperation with the port of Benton, developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void

#### . Transportation Agencies Capital Facilities

Sec. 521. 1997 c 457 s 303 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)- -CAPITAL

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$

~~((21,696,000))~~

21,261,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The department of transportation shall provide to the legislative transportation committee prior notice and the latest project information at least two weeks in advance of the bid process for transportation capital facilities projects going to bid in the 1997-99 biennium.

(2) Construction of the Mount Rainier storage facility shall not commence until the department has secured an operational lease that would allow the placement of the facility on United States forest service lands near the entrance to the Mather memorial parkway.

(3) The appropriation in this section contains \$7,719,000 reappropriated from the 1995-97 biennium.

#### Transfers and Distributions

Sec. 522. 1998 c 348 s 402 (uncodified) is amended to read as follows:

#### FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Fund--Puget Sound Capital

Construction Account Appropriation \$

500,000

Motor Vehicle Fund Appropriation \$

130,000

Transportation Improvement Account Appropriation \$	200,000
Special Category C Account Appropriation \$	190,000
Transportation Capital Facilities Account Appropriation \$	1,000
Urban Arterial Account Appropriation \$	5,000
TOTAL APPROPRIATION \$	((1,995,000))

1,026,000

**Sec. 523.** 1998 c 348 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

(1) R V Account--State Appropriation: For transfer to the Motor Vehicle Fund--State \$	1,176,000
(2) Motor Vehicle Fund--State Appropriation: For transfer to the Transportation Capital Facilities Account--State \$	42,569,000
(3) <del>(Small City Account--State Appropriation: For transfer to the Transportation Improvement Account--State --\$</del>	<del>7,500,000))</del>
<u>Motor Vehicle Fund--State Appropriation: For transfer to the Highway Infrastructure Account--State --\$</u>	<u>234,000</u>

**Sec. 524.** 1997 c 457 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

City Hardship Account Appropriation \$	200,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$	471,937,000
Transportation Fund Appropriation <u>for motor vehicle excise tax distribution</u> \$	((3,744,000))
TOTAL APPROPRIATION \$	<u>118,747,000</u>
	((475,881,000))

590,884,000

**Miscellaneous**

NEW SECTION. **Sec. 525.** A new section is added to 1997 c 457 (uncodified) to read as follows:

**INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative state-wide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources;

and

(e) Progress toward enabling electronic access to public information.

(3) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and state-wide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(4) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(5) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(6) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(7) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

**NEW SECTION. Sec. 526.** The following acts or parts of acts are each repealed:

- (1) 1997 c 457 s 502;
- (2) 1997 c 457 s 514; and
- (3) 1997 c 457 s 515.

## **PART VI PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS**

**NEW SECTION. Sec. 601.** As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems, in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation and retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, and temporary separation for development purposes.

Agency plans and offers shall be reviewed and monitored jointly by the department of personnel, office of financial management, and the department of retirement systems. The senate transportation committee and the house of representatives transportation committee shall also review and monitor the plans of agencies that receive funds appropriated under this act.

**NEW SECTION. Sec. 602.** It is the intent of the legislature that agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such program is approved by the director of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2001, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state and the projected or actual net dollar and staff savings over the 1999-2001 biennium.

**NEW SECTION. Sec. 603. PERFORMANCE BASED BUDGETING.** (1) The department of licensing, the department of transportation, the Washington state patrol, and the Washington traffic safety commission, in cooperation with the office of financial management, the senate transportation committee, and the house of representatives transportation committee will continue the implementation of performance based budgeting. The performance based budgeting process will provide a measurable link between agency objectives, service levels, and budget. The agencies shall:

- (a) Continue to develop, enhance, validate, and test indicators of performance, stated in achieving the agencies' goals; and
- (b) Refine performance based budgeting and investment levels in the following programs:
  - (i) Department of transportation: Maintenance program M, preservation program P, traffic operations program Q, and marine program X;
  - (ii) Department of licensing: Driver's services and vehicle services;
  - (iii) Washington state patrol: Field operations bureau; and
  - (iv) Washington traffic safety commission; and
- (c) Submit and implement a plan to provide program managers with the training and technical assistance necessary to extend the practices of performance measurement and performance based budgeting throughout agency programs.

(2) The transportation agencies shall submit a strategic plan and activity summary with their agency request budgets and tie the plan's strategies together with the 2001-2003 budget requests. The strategic plan must include a six-year outlook and define and clarify the agency mission and vision, provide the basis for budget development, and outline and prioritize the agency's goals and strategies. The agencies will continue to improve agency infrastructures to capture and report performance data for use by agency management, the office of financial management, the senate transportation committee, and the house of representatives transportation committee in the decision making process.

(3)(a) The agencies shall input monthly their financial information and quarterly program performance measurements into the transportation executive information system and will utilize the transportation executive information system investment system in the development of their agency policy request budgets.

- (b) The department of licensing and the Washington state patrol shall submit budgets to the legislature at the subprogram level.

**NEW SECTION. Sec. 604. PROGRAM ACCOUNTABILITY REVIEWS.** The senate transportation committee, the house of representatives transportation committee, the office of financial management, and the transportation agencies shall establish the means of conducting program accountability reviews of all transportation programs. The reviews shall include:

(1) Review and analysis of existing programs to determine any program changes required to meet established criteria along with the list of programs to be reviewed as determined by the program accountability review steering committee made up of the senate transportation committee, the house of representatives transportation committee, the office of financial management, and agency personnel. Each review will have a plan with timelines, deliverables, and milestones to ensure it is completed on time with anticipated deliverables. Each review will have a review accountability report presented to the senate transportation committee and the house of representatives transportation committee with recommendations and implementation schedule agreed to by the reviewers and the agency program being reviewed.

(2) A concentration on:

- (a) Appropriateness of service objectives used to determine service levels;
- (b) Effectiveness of current management systems;
- (c) Development or improvement of existing outcome, output, efficiency, and effectiveness performance measures;
- (d) The effectiveness of communication and decision making within the program;
- (e) Staffing levels and organizational structure, including changes to roles and responsibilities;
- (f) The existence and effectiveness of oversight and control measures within the program;
- (g) The process of distributing funds and staff among activities;
- (h) Methods for making trade off decisions within and between programs and activities;
- (i) Development of tools that assist policymakers and managers in using performance measures and investment tradeoff methods;
- (j) Development of long-term investment strategies; and
- (k) Other program items that would be beneficial to include in the program accountability review.

(3) The recommendations will be considered in future biennium transportation budgets in determining whether to enhance, streamline, retain, reduce, or eliminate programs based on value and benefits provided to the state.

**NEW SECTION. Sec. 605.** (1) Twenty-two percent of the funds available for flexible purposes provided under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are for transportation improvements necessary for rural economic development in counties

with a population density of less than 100 persons per square mile, and in urban community empowerment zones. The community economic revitalization board will select eligible projects, with staff support, as appropriate, from the department of transportation to facilitate distribution of the funds. In the event that eligible economic development projects do not materialize by the time the funds must be obligated each year, the remaining funds will revert to eligible rural counties for other regional transportation needs. Project selection for reverted funds will be by the appropriate body in each county for selecting projects funded with regional surface transportation funds, typically the metropolitan planning organization or regional transportation planning organization.

(2) Twenty-two percent of the funds available for flexible purposes provided under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are for the state-wide competitive program. The transportation improvement board will select projects under this program.

(3) Twenty-two percent of the funds available for flexible purposes provided under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are for distribution by the appropriate body in each county that is responsible for selecting projects funded with regional surface transportation funds, typically the metropolitan planning organization or regional transportation planning organization.

(4) Thirty-four percent of the funds available for flexible purposes provided under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are for the Washington state department of transportation.

**Sec. 606.** RCW 43.19.1906 and 1995 c 269 s 1404 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the thirty-five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes. Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars, if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases by institutions of higher education not exceeding thirty-five thousand dollars: PROVIDED, That for purchases between two thousand five hundred dollars and thirty-five thousand dollars quotations shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. For purchases between two thousand five hundred dollars and thirty-five thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a

certified women-owned vendor who shall otherwise qualify to perform such work. A record of competition for all such purchases made from two thousand five hundred to thirty-five thousand dollars shall be documented for audit purposes; and

(8) Negotiation of a contract by the department of transportation, valid until June 30, 2001, with registered tow truck operators to provide roving service patrols in one or more Washington state patrol tow zones whereby those registered tow truck operators wishing to participate would cooperatively, with the department of transportation, develop a demonstration project upon terms and conditions negotiated by the parties.

Beginning on July 1, 1995, and on July 1 of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

**Sec. 607.** RCW 88.16.090 and 1995 c 175 s 1 are each amended to read as follows:

(1) A person may pilot any vessel subject to the provisions of this chapter on waters covered by this chapter only if appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) A person is eligible to be appointed a pilot if the person is a citizen of the United States, over the age of twenty-five years and under the age of seventy years, a resident of the state of Washington at the time of appointment and only if the pilot applicant holds as a minimum, a United States government license as a master of ocean or near coastal steam or motor vessels of not more than one thousand six hundred gross tons or as a master of inland steam or motor vessels of not more than one thousand six hundred gross tons, such license to have been held by the applicant for a period of at least two years prior to taking the Washington state pilotage examination and a first class United States endorsement without restrictions on that license to pilot in the pilotage districts for which the pilot applicant desires to be licensed, and if the pilot applicant meets such other qualifications as may be required by the board. A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee as follows: For the period beginning July 1, 1995, through June 30, ~~((1999)) 2001~~, the fee shall be two thousand five hundred dollars; and for the period beginning July 1, ~~((1999)) 2001~~, the fee shall be three thousand dollars. The fees shall be deposited in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications. The board shall hold examinations at such times as will, in the judgment of the board, ensure the maintenance of an efficient and competent pilotage service. An examination shall be scheduled for the Puget Sound pilotage district if there are three or fewer successful candidates from the previous examination who are waiting to become pilots in that district.

(5) The board shall develop an examination and grading sheet for each pilotage district, for the testing and grading of pilot applicants. The examinations shall be administered to pilot applicants and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same compensation and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who willfully gives advance knowledge of information contained on a pilot examination is guilty of a gross misdemeanor.

(6) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or candidate is fully able to carry out the duties of a pilot under this chapter. The board may in its discretion check with the appropriate authority for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months.

(7) The board shall prescribe, pursuant to chapter 34.05 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

(8) The board may require vessel simulator training for a pilot applicant and shall require vessel simulator training for a pilot subject to RCW 88.16.105. The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(9) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims, and records of familiarization trips of pilot candidates. Willful misrepresentation of such required information by a pilot candidate shall result in disqualification of the candidate.

(10) The board shall adopt rules to establish time periods and procedures for additional training trips and retesting as necessary for pilots who at the time of their licensing are unable to become active pilots.

**Sec. 608.** RCW 36.78.070 and 1993 c 65 s 3 are each amended to read as follows:

The county road administration board shall:

(1) Establish by rule, standards of good practice for the administration of county roads and the efficient movement of people and goods over county roads;

(2) Establish reporting requirements for counties with respect to the standards of good practice adopted by the board;

(3) Receive and review reports from counties and reports from its executive director to determine compliance with legislative directives and the standards of good practice adopted by the board;

(4) Advise counties on issues relating to county roads and the safe and efficient movement of people and goods over county roads and assist counties in developing uniform and efficient transportation-related information technology resources;

(5) Report annually before the fifteenth day of January, and throughout the year as appropriate, to the state department of transportation and to the chairs of the legislative transportation committee and the house and senate transportation committees, and to other entities as appropriate on the status of county road administration in each county, including one copy to the staff of each of the committees. The annual report shall contain recommendations for improving administration of the county road programs;

(6) Administer the rural arterial program established by chapter 36.79 RCW and the program funded by the county arterial preservation ~~((program))~~ account established by RCW ~~((46.68.095))~~ 46.68.090, as well as any other programs provided for in law.

**Sec. 609.** RCW 46.68.090 and 1994 c 225 s 2 and 1994 c 179 s 3 are each reenacted and amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for ~~((the following))~~ purposes(=) enumerated in (a) and (b) of this subsection. The remaining net tax amount shall be distributed monthly by the state treasurer in the proportions set forth in (c) through (l) of this subsection.

(a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly;

~~(c) ((From April 1, 1992, through March 31, 1996, for distribution to the transfer relief account, hereby created in the motor vehicle fund, an amount not to exceed three hundred twenty five one thousandths of one percent;~~

~~(d) For distribution to the rural arterial trust account in the motor vehicle fund, an amount as provided in RCW 82.36.025(2) and 46.68.095(3);~~

~~(e) For distribution to the urban arterial trust account in the motor vehicle fund, an amount as provided in RCW 46.68.100(4) and 82.36.025(3);~~

~~(f) For distribution to the transportation improvement account in the motor vehicle fund, an amount as provided in RCW 46.68.095(1);~~

~~(g) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount as provided in RCW 46.68.095(2);~~

~~(h) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund, an amount as provided in RCW 46.68.095(4);~~

~~(i) For distribution to the motor vehicle fund to be allocated to cities and towns as provided in RCW 46.68.110, an amount as provided in RCW 46.68.095(5);~~

~~(j) For distribution to the motor vehicle fund to be allocated to counties as provided in RCW 46.68.120, an amount as provided in RCW 46.68.095(6);~~

~~(k) For expenditure for highway purposes of the state as defined in RCW 46.68.130, an amount as provided in RCW 82.36.025(4) and 46.68.095(7);~~

~~(l) From July 1, 1994, through June 30, 1995, for distribution to the gasohol exemption holding account, hereby created in the motor vehicle fund, an amount equal to five and thirty four one hundredths of one percent of the amount available prior to distributions provided under (a) through (k) of this subsection, to be used only for highway construction;~~

~~(m) For distribution to the small city account, hereby created in the motor vehicle fund, an amount as provided for in RCW 46.68.095(1), 46.68.100(9), and 82.36.025(3).~~

(2) The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the special fuel tax and remaining after payments, distributions, and expenditures as provided in this section shall, for the purposes of this chapter, be referred to as the "net tax amount.") For distribution to the motor vehicle fund an amount equal to 44.387 percent to be expended for highway purposes of the state as defined in RCW 46.68.130;

(d) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount equal to 3.2609 percent to be expended for special category C projects. Special category C projects are category C projects that, due to high cost only, will require bond financing to complete construction.

The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

- (i) Accident experience;
- (ii) Fatal accident experience;
- (iii) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and
- (iv) Continuity of development of the highway transportation network.

Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection (1)(d):

(e) For distribution to the Puget Sound ferry operations account in the motor vehicle fund an amount equal to 2.3283 percent;

(f) For distribution to the Puget Sound capital construction account in the motor vehicle fund an amount equal to 2.3726 percent;

(g) For distribution to the urban arterial trust account in the motor vehicle fund an amount equal to 7.5597 percent;

(h) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 5.6739 percent and expended in accordance with RCW 47.26.086;

(i) For distribution to the cities and towns from the motor vehicle fund an amount equal to 10.6961 percent in accordance with RCW 46.68.110;

(j) For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent: (i) Out of which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

(k) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an amount equal to 1.9565 percent. These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

(l) For distribution to the rural arterial trust account in the motor vehicle fund an amount equal to 2.5363 percent and expended in accordance with RCW 36.79.020.

(2) Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuel and special fuels.

**Sec. 610.** RCW 46.68.110 and 1996 c 94 s 1 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in RCW ~~((46.68.100(1)))~~ 46.68.090(1)(i) shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) One percent of such funds shall be deducted monthly, as such funds accrue, to be deposited in the ~~((city hardship assistance))~~ urban arterial trust account, ~~((hereby created in the motor vehicle fund,))~~ to implement the city hardship assistance program, as provided in RCW 47.26.164. However, any moneys so retained and not required to carry out the program as of ~~((July 1, 1996, and))~~ July 1st of each odd-numbered year thereafter, shall be provided within sixty days to the treasurer and distributed in the manner prescribed in subsection ~~((4))~~ (5) of this section;

(4) 31.86 percent of the fuel tax distributed to the cities and towns in RCW 46.68.090(1)(i) shall be allocated to the incorporated cities and towns in the manner set forth in subsection (5) of this section and subject to deductions in subsections (1), (2), and (3) of this section, subject

to RCW 35.76.050, to be used exclusively for: The construction, improvement, chip sealing, seal-coating, and repair for arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120; the maintenance of arterial highways and city streets for those cities with a population of less than fifteen thousand; or the payment of any municipal indebtedness which may be incurred in the construction, improvement, chip sealing, seal-coating, and repair of arterial highways and city streets; and

(5) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

**Sec. 611.** RCW 46.68.130 and 1981 c 342 s 11 are each amended to read as follows:

The ((net)) tax amount distributed to the state in the manner provided by RCW ((46.68.100)) 46.68.090, and all moneys accruing to the motor vehicle fund from any other source, less such sums as are properly appropriated and reappropriated for expenditure for costs of collection and administration thereof, shall be expended, subject to proper appropriation and reappropriation, solely for highway purposes of the state, including the purposes of RCW 47.30.030. For the purposes of this section, the term "highway purposes of the state" does not include those expenditures of the Washington state patrol heretofore appropriated or reappropriated from the motor vehicle fund. Nothing in this section or in RCW 46.68.090 may be construed so as to violate terms or conditions contained in highway construction bond issues authorized by statute as of the effective date of this section or thereafter and whose payment is, by the statute, pledged to be paid from excise taxes on motor vehicle fuel and special fuels.

**Sec. 612.** RCW 47.26.405 and 1977 ex.s. c 317 s 17 are each amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state under the provisions of RCW ((46.68.100(6) as now or hereafter amended)) 46.68.090(1)(c) for construction of state highways in urban areas, and shall never constitute a charge against any allocations of any other such funds to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle and special fuels and available to the state for construction of state highways in urban areas proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

**Sec. 613.** RCW 47.26.425 and 1994 c 179 s 22 are each amended to read as follows:

Any funds required to repay the first authorization of two hundred million dollars of bonds authorized by RCW 47.26.420, as amended by section 18, chapter 317, Laws of 1977 ex. sess. or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the urban arterial trust account in the motor vehicle fund ((and the certain sums received by the small city account in the motor vehicle fund imposed by)) pursuant to RCW ((82.36.025(3) and 46.68.100(9)) 46.68.090(1)(g)), and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the urban arterial trust account ((and the small city account)) proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

**Sec. 614.** RCW 47.26.4252 and 1995 c 274 s 12 are each amended to read as follows:

Any funds required to repay the authorization of series II bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979, or the interest thereon when due, shall first be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund ((and the certain sums received by the small city account in the motor vehicle fund imposed by)) pursuant to RCW ((82.36.025(3) and 46.68.100(9)) 46.68.090(1)(g)), subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979. If the moneys distributed to the urban arterial trust account ((and the small city account)) shall ever be insufficient to repay the first authorization bonds together with interest thereon, and the series II bonds or the interest thereon when due, the amount required to make such payments on such bonds or interest thereon shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW ((46.68.100 as now existing or hereafter amended)) 46.68.090. Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues which are distributable to the state, counties, cities, and towns, shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds or series II and series III bonds or interest on those bond issues.

**Sec. 615.** RCW 47.26.4254 and 1995 c 274 s 13 are each amended to read as follows:

(1) Any funds required to repay series III bonds authorized by RCW 47.26.420, or the interest thereon, when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and that is distributed to the urban arterial trust account in the motor vehicle fund ((and the certain sums received by the small city account in the motor vehicle fund imposed by)) pursuant to RCW ((82.36.025(3) and 46.68.100(9)) 46.68.090(1)(g)), subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420. If the moneys so distributed to the urban arterial trust account ((and the small city account)), after first being applied to administrative expenses of the transportation improvement board and to the requirements of bond retirement and payment of interest on first authorization bonds and series II bonds as provided in RCW 47.26.425 and

47.26.4252, are insufficient to meet the requirements for bond retirement or interest on any series III bonds, the amount required to make such payments on series III bonds or interest thereon shall next be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state, counties, cities, and towns pursuant to RCW ~~((46.68.100))~~ 46.68.090, subject, however, to subsection (2) of this section.

(2) To the extent that moneys so distributed to the urban arterial trust account ~~((and the small city account))~~ are insufficient to meet the requirements for bond retirement or interest on any series III bonds, sixty percent of the amount required to make such payments when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state. The remaining forty percent shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the cities and towns pursuant to RCW ~~((46.68.100(1)))~~ 46.68.090(1)(i) and to the counties pursuant to RCW ~~((46.68.100(3)))~~. ~~Of the counties', cities', and towns' share of any additional amounts required in the fiscal year ending June 30, 1984, fifteen percent shall be taken from the counties' distributive share and eighty-five percent from the cities' and towns' distributive share~~ 46.68.090(1)(j). Of the counties', cities', and towns' share of any additional amounts required in each fiscal year ~~((hereafter))~~, the percentage thereof to be taken from the counties' distributive share and from the cities' and towns' distributive share shall correspond to the percentage of funds authorized for specific county projects and for specific city and town projects, respectively, from the proceeds of series III bonds, for the period through the first eleven months of the prior fiscal year as determined by the chairman of the transportation improvement board and reported to the state finance committee and the state treasurer not later than the first working day of June.

(3) Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues that are distributable to the state, counties, cities, and towns shall be repaid from the first moneys distributed to the urban arterial trust account ~~((and the small city account))~~ not required for redemption of the first authorization bonds, series II bonds, or series III bonds or interest on these bonds.

**Sec. 616.** RCW 47.26.505 and 1994 c 179 s 29 are each amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the transportation improvement account in the motor vehicle fund ~~((and the sums received by the small city account in the motor vehicle fund))~~ under RCW ~~((46.68.095))~~ 46.68.090, and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the transportation improvement account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

**Sec. 617.** RCW 47.30.030 and 1979 ex.s. c 121 s 1 are each amended to read as follows:

Where an existing highway severs, or where the right of way of an existing highway accommodates a trail for pedestrians, equestrians, or bicyclists or where the separation of motor vehicle traffic from pedestrians, equestrians, or bicyclists will materially increase the motor vehicle safety, the provision of facilities for pedestrians, equestrians, or bicyclists which are a part of a comprehensive trail plan adopted by federal, state, or local governmental authority having jurisdiction over the trail is hereby authorized. The department of transportation, or the county or city having jurisdiction over the highway, road, or street, or facility is further authorized to expend reasonable amounts out of the funds made available to them, according to the provisions of RCW ~~((46.68.100))~~ 46.68.090, as necessary for the planning, accommodation, establishment, and maintenance of such facilities.

**Sec. 618.** RCW 47.30.050 and 1979 ex.s. c 121 s 2 are each amended to read as follows:

(1) The amount expended by a city, town, or county as authorized by RCW 47.30.030 ~~((, as now or hereafter amended,))~~ shall never in any one fiscal year be less than ~~((one-half of one))~~ 0.42 percent of the total amount of funds received from the motor vehicle fund according to ~~((the provisions of))~~ RCW ~~((46.68.100: PROVIDED, That))~~ 46.68.090. However, this section does not apply to a city or town in any year in which the ~~((one-half of one))~~ 0.42 percent equals five hundred dollars or less, or to a county in any year in which the ~~((one-half of one))~~ 0.42 percent equals three thousand dollars or less ~~((: PROVIDED FURTHER, That))~~. Also, a city, town, or county in lieu of expending the funds each year may credit the funds to a financial reserve or special fund, to be held for not more than ten years, and to be expended for the purposes required or permitted by RCW 47.30.030.

(2) In each fiscal year the department of transportation shall expend, as a minimum, for the purposes mentioned in RCW 47.30.030 ~~((, as now or hereafter amended,))~~ a sum equal to three-tenths of one percent of all funds, both state and federal, expended for the construction of state highways in such year, or in order to more efficiently program trail improvements the department may defer any part of such minimum trail or path expenditures for a fiscal year for a period not to exceed four years after the end of such fiscal year. Any fiscal year in which the department expends for trail or path purposes more than the minimum sum required by this subsection, the amount of such excess expenditure shall constitute a credit which may be carried forward and applied to the minimum trail and path expenditure requirements for any of the ensuing four fiscal years.

(3) The department of transportation, a city, or a county in computing the amount expended for trails or paths under their respective jurisdictions may include the cost of improvements consistent with a comprehensive plan or master plan for bicycle trails or paths adopted by a state or local governmental authority either prior to such construction or prior to January 1, 1980.

**Sec. 619.** RCW 47.56.725 and 1991 c 310 s 1 are each amended to read as follows:

(1) The department is hereby authorized to enter into a continuing agreement with Pierce, Skagit, and Whatcom counties pursuant to which the department shall, from time to time, direct the distribution to each of the counties the amounts authorized in subsection (2) of this section in accordance with RCW ~~((46.68.100))~~ 46.68.090.

(2) The department is authorized to include in each agreement a provision for the distribution of funds to each county to reimburse the county for fifty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry system owned and operated by the county. The total amount to be reimbursed to Pierce, Skagit, and Whatcom counties collectively shall not exceed one million dollars in any biennium. Each county agreement shall contain a requirement that the county shall maintain tolls on its ferries at least equal to tolls in place on January 1, 1990.

(3) The annual fiscal year operating and maintenance deficit, if any, shall be determined by Pierce, Skagit, and Whatcom counties subject to review and approval of the department. The annual fiscal year operating and maintenance deficit is defined as the total of operations and maintenance expenditures less the sum of ferry toll revenues and that portion of fuel tax revenue distributions which are attributable to the county ferry as determined by the department. Distribution of the amounts authorized by subsection (2) of this section by the state treasurer shall be directed by the department upon the receipt of properly executed vouchers from each county.

(4) The county road administration board may evaluate requests by Pierce, Skagit, Wahkiakum, and Whatcom counties for county ferry capital improvement funds. The board shall evaluate the requests and, if approved by a majority of the board, submit the requests to the legislature for funding out of the amounts available under RCW ~~((46.68.100(3)))~~ 46.68.090(1)(j). Any county making a request under this subsection shall first seek funding through the public works trust fund, or any other available revenue source, where appropriate.

**Sec. 620.** RCW 47.56.750 and 1995 c 274 s 16 are each amended to read as follows:

There is hereby created in the highway bond retirement fund in the state treasury a special account to be known as the Columbia river toll bridge account into which shall be deposited any capitalized interest from the proceeds of the bonds, and at least monthly all of the tolls and other revenues received from the operation of the toll bridge and from any interest which may be earned from the deposit or investment of these revenues after the payment of costs of operation, maintenance, management, and necessary repairs of the facility. The principal of and interest on the bonds shall be paid first from money deposited in the Columbia river toll bridge account in the highway bond retirement fund, and then, to the extent that money deposited in that account is insufficient to make any such payment when due, from the state excise taxes on motor vehicle and special fuels deposited in the highway bond retirement fund. There is hereby pledged the proceeds of state excise taxes on motor vehicle and special fuels imposed under chapters 82.36 and 82.38 RCW to pay the bonds and interest thereon, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on the bonds if the money deposited in the Columbia river toll bridge account of the highway bond retirement fund is insufficient to make such payments. Not less than fifteen days prior to the date any interest or principal and interest payments are due, the state finance committee shall certify to the state treasurer such amount of additional moneys as may be required for debt service, and the treasurer shall thereupon transfer from the motor vehicle fund such amount from the proceeds of such excise taxes into the highway bond retirement fund. Any proceeds of such excise taxes required for these purposes shall first be taken from that portion of the motor vehicle fund which results from the imposition of the excise taxes on motor vehicle and special fuels and which is distributed to the state. If the proceeds from the excise taxes distributed to the state are ever insufficient to meet the required payments on principal or interest on the bonds when due, the amount required to make the payments on the principal or interest shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW ~~((46.68.100 as now existing or hereafter amended))~~ 46.68.090. Any payments of the principal or interest taken from the motor vehicle or special fuel tax revenues which are distributable to the counties, cities, and towns shall be repaid from the first moneys distributed to the state not required for redemption of the bonds or interest thereon. The legislature covenants and pledges that it shall at all times provide sufficient revenues from the imposition of such excise taxes to pay the principal and interest due on the bonds.

**Sec. 621.** RCW 47.56.771 and 1995 c 274 s 17 are each amended to read as follows:

(1) The refunding bonds authorized under RCW 47.56.770 shall be general obligation bonds of the state of Washington and shall be issued in a total principal amount not to exceed fifteen million dollars. The exact amount of refunding bonds to be issued shall be determined by the state finance committee after calculating the amount of money deposited with the trustee for the bonds to be refunded which can be used to redeem or defease outstanding toll bridge authority, ferry, and Hood Canal bridge revenue bonds after the setting aside of sufficient money from that fund to pay the first interest installment on the refunding bonds. The refunding bonds shall be serial in form maturing at such time, in such amounts, having such denomination or denominations, redemption privileges, and having such terms and conditions as determined by the state finance committee. The last maturity date of the refunding bonds shall not be later than January 1, 2002.

(2) The refunding bonds shall be signed by the governor and the state treasurer under the seal of the state, which signatures shall be made manually or in printed facsimile. The bonds shall be registered in the name of the owner in accordance with chapter 39.46 RCW. The refunding bonds shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state, and shall contain an unconditional promise to pay the principal thereof and the interest thereon when due. The refunding bonds shall be fully negotiable instruments.

(3) The principal and interest on the refunding bonds shall be first payable in the manner provided in this section from the proceeds of state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW.

(4) The principal of and interest on the refunding bonds shall be paid first from the state excise taxes on motor vehicle and special fuels deposited in the ferry bond retirement fund. There is hereby pledged the proceeds of state excise taxes on motor vehicle and special fuels imposed under chapters 82.36 and 82.38 RCW to pay the refunding bonds and interest thereon, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on the refunding bonds. Not less than fifteen days prior to the date any interest or principal and interest payments are due, the state finance committee shall certify to the state treasurer such amount of additional money as may be required for debt service, and the treasurer shall thereupon transfer from the motor vehicle fund such amount from the proceeds of such excise taxes into the ferry bond retirement fund. Any proceeds of such excise taxes required for these purposes shall first be taken from that portion of the motor vehicle fund which results from the imposition of the excise taxes on motor vehicle and special fuels and which is distributed to the Puget Sound capital construction account. If the proceeds from excise taxes distributed to the state are ever insufficient to meet the required payments on principal or interest on the refunding bonds when due, the amount required to make the payments on the principal or interest shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW ((46.68.100 as now existing or hereafter amended)) 46.68.090. Any payments of the principal or interest taken from the motor vehicle or special fuel tax revenues which are distributable to the counties, cities, and towns shall be repaid from the first money distributed to the state not required for redemption of the refunding bonds or interest thereon. The legislature covenants that it shall at all times provide sufficient revenues from the imposition of such excise taxes to pay the principal and interest due on the refunding bonds.

**Sec. 622.** RCW 47.60.420 and 1990 c 42 s 407 are each amended to read as follows:

To the extent that all revenues from the Washington state ferry system available therefor are insufficient to provide for the payment of principal and interest on the bonds authorized and issued under RCW 47.60.400 through ((47.60.470)) 47.60.450 and for sinking fund requirements established with respect thereto and for payment into such reserves as the department has established with respect to the securing of the bonds, there is imposed a first and prior charge against the Puget Sound capital construction account of the motor vehicle fund created by RCW 47.60.505 and, to the extent required, against all revenues required by RCW ((46.68.100)) 46.68.090 to be deposited in the Puget Sound capital construction account.

To the extent that the revenues from the Washington state ferry system available therefor are insufficient to meet required payments of principal and interest on bonds, sinking fund requirements, and payments into reserves, the department shall use moneys in the Puget Sound capital construction account for such purpose.

**Sec. 623.** RCW 82.36.025 and 1994 c 179 s 30 are each amended to read as follows:

~~((The motor vehicle fuel tax rate shall be computed as the sum of the tax rate provided in subsection (1) of this section and the additional tax rates provided in subsections (2) through (5) of this section.~~

~~((1)) A motor vehicle fuel tax rate of ((seventeen)) twenty-three cents per gallon shall apply to the sale, distribution, or use of motor vehicle fuel.~~

~~((2) An additional motor vehicle fuel tax rate of one third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090(1) (a), (b), and (c) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the rural arterial trust account in the motor vehicle fund for expenditures under RCW 36.79.020.~~

~~((3) An additional motor vehicle fuel tax rate of one third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090(1) (a), (b), and (c) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the urban arterial trust account in the motor vehicle fund. After June 30, 1995, ninety five percent of this revenue shall be deposited in the urban arterial trust account in the motor vehicle fund and five percent shall be deposited in the small city account in the motor vehicle fund.~~

~~((4) An additional motor vehicle fuel tax rate of one third cent per gallon shall be applied to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090(1) (a), (b), and (c) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the motor vehicle fund to be expended for highway purposes of the state as defined in RCW 46.68.130.~~

~~((5) An additional motor vehicle fuel tax rate of four cents per gallon from April 1, 1990, through March 31, 1991, and five cents per gallon from April 1, 1991, applies to the sale, distribution, or use of motor vehicle fuel. The proceeds from the additional tax rate under this subsection, reduced by an amount equal to the sum of the payments under RCW 46.68.090(1) (a), (b), and (c) multiplied by the additional tax rate prescribed by this subsection divided by the motor fuel tax rate provided in this section, shall be deposited in the motor vehicle fund and shall be distributed by the state treasurer according to RCW 46.68.095.)~~

**NEW SECTION. Sec. 624.** The following acts or parts of acts are each repealed:

(1) RCW 46.68.095 (Distribution of additional state-wide taxes) and 1994 c 179 s 4 & 1990 c 42 s 103;

(2) RCW 46.68.100 (Allocation of net tax amount in motor vehicle fund) and 1994 c 179 s 5, 1991 c 310 s 2, 1986 c 66 s 1, 1984 c 7 s 73, 1977 ex.s. c 317 s 9, 1977 c 51 s 1, 1975-76 2nd ex.s. c 57 s 1, 1973 1st ex.s. c 124 s 1, 1972 ex.s. c 24 s 2, 1970 ex.s. c 85 s 4, 1967 ex.s. c 145 s 79, 1967 ex.s. c 83 s 8, 1961 ex.s. c 7 s 6, & 1961 c 12 s 46.68.100;

(3) RCW 46.68.115 (Allocation and use of amounts distributed to cities and towns) and 1987 c 234 s 1, 1983 c 43 s 1, & 1977 ex.s. c 317 s 10;

(4) RCW 46.68.150 (Construction and improvements in urban areas--Expenditure of motor vehicle fuel taxes and bond proceeds) and 1984 c 7 s 74, 1977 ex.s. c 317 s 11, & 1967 ex.s. c 83 s 9;

(5) RCW 47.26.060 (Apportionment of funds to regions--Manner and basis--Biennial adjustment) and 1981 c 315 s 1 & 1967 ex.s. c 83 s 12;

(6) RCW 47.26.070 (Apportioned funds budgeted and expended for projects in urban areas--Priority programming--Long-range objectives) and 1984 c 7 s 154 & 1967 ex.s. c 83 s 13; and

(7) RCW 47.26.410 (Expenditures from fuel taxes and bond proceeds for urban state highways in excess of amount apportionable to a region authorized) and 1984 c 7 s 162 & 1967 ex.s. c 83 s 44.

**NEW SECTION. Sec. 625.** The following bills, as enacted in the form passed by the legislature, are necessary to implement portions of this act: House Bill Nos. 1053, 1147, 1304, 1466, 1588, 2201, 2245, and 2259 and Senate Bill Nos. 5060, 5283, 5360, 5605, 5615, 5955, 6030, and 6068.

**NEW SECTION. Sec. 626.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 627.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

#### MOTION

Senator Betti Sheldon moved that the following amendments by Senators Betti Sheldon, Goings, Oke, Tim Sheldon, Benton, Winsley and Haugen to the Committee on Transportation striking amendment be considered simultaneously and be adopted:

On page 14, line 28 of the amendment, after "\$" strike "585,563,000" and insert "635,563,000"

On page 15, line 8 of the amendment, after "\$" strike "1,170,430,000" and insert "1,220,430,000"

On page 16, line 12 of the amendment, before "in proceeds" strike "\$417,717,000" and insert "\$467,717,000"

On page 16, after line 21 of the amendment, insert the following:

"(9) \$50,000,000 of the motor vehicle account--state appropriation is provided as a cash contribution for the development of the public private initiatives project at Tacoma Narrows. State funds shall be used initially for the acquisition of right of way and the forensic studies of the existing bridge including purchase of equipment necessary to conduct the studies. The balance of state funds not required for acquisition of right of way and forensic studies shall be placed with the designated bond trustee at the same time the privately secured debt proceeds are deposited."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Betti Sheldon, Goings, Oke, Tim Sheldon, Benton, Winsley and Haugen on page 14, line 28; page 15, line 8; page 16, lines 12 and 21; to the Committee on Transportation striking amendment to Substitute House Bill No. 1125.

The motion by Senator Betti Sheldon carried and the amendments to the committee striking amendment were adopted.

#### MOTION

On motion of Senator Haugen, the following amendments by Senators Haugen and Benton to the Committee on Transportation striking amendment were considered simultaneously and were adopted.

On page 16, line 12, before "in proceeds" strike "\$417,717,000" and insert "\$416,432,000"

On page 16, line 30, after "includes" strike "\$10,162,000" and insert "\$9,841,000"

On page 25, line 19, after "\$" strike "10,767,000" and insert "10,817,000"

On page 25, line 30, after "\$" strike "160,577,000" and insert "160,627,000"

On page 27, line 2, before "in proceeds" strike "\$121,288,000" and insert "\$120,121,000"

#### MOTION

Senator Sheahan moved that the following amendment by Senators Sheahan, Morton, West, Benton and McCaslin to the Committee on Transportation striking amendment be adopted:

On page 16, after line 21 of the amendment, insert the following:

"(9) \$175,000 of the motor vehicle account--state appropriation is provided solely for the relocation of gas distribution and electrical utilities as part of the right-of-way purchase for the north Spokane corridor."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sheahan, Morton, West, Benton and McCaslin on page 16, after line 21, to the Committee on Transportation striking amendment to Substitute House Bill No. 1125.

The motion by Senator Sheahan failed and the amendment to the committee striking amendment was not adopted.

#### MOTION

Senator Rossi moved that the following amendment by Senators Rossi and Patterson to the Committee on Transportation striking amendment be adopted:

On page 16, after line 21 of the amendment, insert the following:

"(9) Within available funds, the department shall ensure that all new highway construction is compatible with the use by single-occupant vehicles of HOV lanes during the nonpeak hours of 10:00 a.m. to 3:00 p.m. and 6:00 p.m. to 6:00 a.m. If new construction is linked with existing construction, then the existing construction must be improved to accommodate this nonpeak HOV lane use."

Debate ensued.

#### POINT OF INQUIRY

Senator Goings: "Senator Rossi, on line 8 of the amendment, it says, 'If a new construction is linked with existing construction, then the existing construction must be improved to accommodate this nonpeak HOV lane use.' So, if we are doing HOV improvements on 167, and the existing segment of 167 that we are not improving is currently HOV, does that mean that we have to go back and retrofit the existing portions, as well?"

Senator Rossi: "The Department of Transportation actually has the option, as was pointed out by the Chair of the Transportation Committee, if they want to make it flow in this same manner, they can do that."

Further debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Rossi and Patterson on page 16, after line 21, to the Committee on Transportation striking amendment to Substitute House Bill No. 1125.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee striking amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Hale, Hargrove, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West and Zarelli - 23.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Prentice, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 25.

Excused: Senator Finkbeiner - 1.

#### MOTION

Senator Eide moved that the following amendments by Senators Eide and Haugen to the Committee on Transportation striking amendment be considered simultaneously and be adopted:

On page 20, line 17, after "\$" strike "8,601,000" and insert "6,601,000"

On page 20, line 20, after "\$" strike "6,687,000" and insert "7,437,000"

On page 20, line 25, after "\$" strike "2,050,000" and insert "2,800,000"

On page 20, line 26, after "\$" strike "25,141,000" and insert "24,641,000"

The President declared the question before the Senate to be the adoption of the amendments by Senators Eide and Haugen on page 20, lines 17, 20, 25, and 26, to the Committee on Transportation striking amendment to Substitute House Bill No. 1125.

Debate ensued.

The motion by Senator Eide carried and the amendments to the committee striking amendment were adopted on a rising vote.

#### MOTION

Senator Rossi moved that the following amendment by Senators Rossi and Johnson to the Committee on Transportation striking amendment be adopted:

On page 21, after line 14 of the amendment, insert the following:

"(5) Up to \$200,000 of the high capacity transportation account--state appropriation is provided solely for the department to conduct a study of HOV lane use and report to the senate and house of representatives transportation committees by December 1, 1999."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rossi and Johnson on page 21, after line 14, to the Committee on Transportation striking amendment to Substitute House Bill No. 1125.

The motion by Senator Rossi failed and the amendment to the committee striking amendment was not adopted.

#### MOTION

Senator Rossi moved that the following amendment by Senators Rossi and Johnson to the Committee on Transportation striking amendment be adopted:

On page 21, after line 14 of the amendment, insert the following:

"(5) As a pilot program, the department shall open all HOV lanes on I-405 to use by single-occupant vehicles during the nonpeak hours of 9:00 a.m. to 3:30 p.m. and 6:00 p.m. to 6:00 a.m. and report back to the senate and house of representatives transportation committees on traffic flow along I-405 under this pilot program by December 31, 1999."

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Rossi and Johnson on page 21, after line 14, to the Committee on Transportation striking amendment to Substitute House Bill No. 1125.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee striking amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 1; Excused, 1. Voting yea: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Patterson, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 22.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 25.

Absent: Senator Hargrove - 1.

Excused: Senator Finkbeiner - 1.

#### MOTION

Senator Benton moved that the following amendment to the Committee on Transportation striking amendment be adopted:

On page 21, after line 14, of the amendment, insert the following:

"(5) No funds provided in this section may be used to fund high capacity planning grants for a proposal in a county where that same proposal to impose a tax authorized under chapter 81.104 RCW has been defeated by the voters within the last five years."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 21, after line 14, to the Committee on Transportation striking amendment to Substitute House Bill No. 1125.

The motion by Senator Benton failed and the amendment to the committee striking amendment was not adopted.

#### MOTION

Senator Benton moved that the following amendment to the Committee on Transportation striking amendment be adopted:

On page 21, after line 14 of the amendment, insert the following:

"(5) During this biennium, the department shall issue an annual HOV lane use permit for \$250 per vehicle that authorizes that vehicle to be used in the HOV lanes without restriction. All revenue generated by the sale of this permit shall be deposited into the state motor vehicle fund for highway improvement purposes to increase capacity."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 21, after line 14, to the Committee on Transportation striking amendment to Substitute House Bill No. 1125.

The motion by Senator Benton failed and the amendment to the committee striking amendment was not adopted.

#### MOTION

Senator Benton moved that the following amendment to the Committee on Transportation striking amendment be adopted:

Beginning on page 24, line 33 of the amendment, strike all of subsection (4)

Renumber the remaining subsections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton beginning on page 24, line 33, to the Committee on Transportation striking amendment to Substitute House Bill No. 1125.

The motion by Senator Benton failed and the amendment to the committee striking amendment was not adopted.

#### MOTION

On motion of Senator Haugen, the following amendment by Senators Haugen and Benton to the Committee on Transportation striking amendment was adopted:

On page 28, line 5, after "by the" insert "transportation improvement"

#### MOTION

Senator Johnson moved that the following amendment to the Committee on Transportation striking amendment be adopted:

On page 69, after line 31 of the amendment, insert the following:

**"NEW SECTION. Sec. 603.** During the 1999-2001 biennium, for the purposes of projects funded in this act, the department of transportation shall contract with private sector businesses or consultants, if the department lacks the internal resources to start a project."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Johnson on page 69, after line 31, to the Committee on Transportation striking amendment to Substitute House Bill No. 1125.

The motion by Senator Johnson failed and the amendment to the committee striking amendment was not adopted.

#### MOTION

Senator Rossi moved that the following amendment by Senators Rossi and Benton to the Committee on Transportation striking amendment be adopted:

On page 16, after line 21 of the amendment, insert the following:

"(9) Within available funds, the department shall ensure that all new highway construction is compatible with the use by single-occupant vehicles of HOV lanes during the nonpeak hours of 8:00 p.m. to 5:00 a.m."

Debate ensued.

#### POINT OF ORDER

Senator Heavey: "A point of order, Mr. President. Thank you, I believe the rules do not allow the use of another Senator's name."

## REPLY BY THE PRESIDENT

President Owen: "Senator Heavey, if the President chooses to stop every speaker from mentioning the other Senator's name, we will be here until August."

Further debate ensued.

Senator Finkbeiner demanded a roll call and the demand was sustained

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Rossi and Benton on page 16, after line 21, to the Committee on Transportation striking amendment to Substitute House Bill No. 1125.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Patterson, Roach, Rossi, Sellar, Sheahan, Shin, Stevens, Swecker, West, Winsley and Zarelli - 24.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Snyder, Spanel, Thibaudeau and Wojahn - 25.

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment, as amended, to Substitute Senate Bill No. 1125.

The committee striking amendment, as amended, was adopted.

## MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 43.19.1906, 88.16.090, 36.78.070, 46.68.110, 46.68.130, 47.26.405, 47.26.425, 47.26.4252, 47.26.4254, 47.26.505, 47.30.030, 47.30.050, 47.56.725, 47.56.750, 47.56.771, 47.60.420, and 82.36.025; amending 1997 c 457 ss 110, 204, 215, 223, 303, and 403 (uncodified); amending 1998 c 348 ss 203, 205, 207, 208, 209, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 402, and 404 (uncodified); reenacting and amending RCW 46.68.090; adding a new section to 1997 c 457 (uncodified); creating new sections; repealing RCW 46.68.095, 46.68.100, 46.68.115, 46.68.150, 47.26.060, 47.26.070, and 47.26.410; repealing 1997 c 457 s 502 (uncodified); repealing 1997 c 457 s 514 (uncodified); repealing 1997 c 457 s 515 (uncodified); making appropriations; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1125, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1125, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1125, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Voting nay: Senators Finkbeiner and Heavey - 2.

SUBSTITUTE HOUSE BILL NO. 1125, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 13, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5594 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that while Washington's economy is currently prospering, economic growth continues to be uneven, particularly as between metropolitan and rural areas. This has created in effect two Washingtons. One afflicted by inadequate infrastructure to support and attract investment, another suffering from congestion and soaring housing prices. In order to address these problems, the legislature intends to use resources strategically to build on our state's strengths while addressing threats to our prosperity.

**PART I**  
**RURAL ECONOMIC DEVELOPMENT**  
**Enhanced Flexibility for Use of Community Economic**  
**Revitalization Board Funds**

**Sec. 101.** RCW 43.160.010 and 1996 c 51 s 1 are each amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

- (a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;
- (b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;
- (c) Encouraging wider access to financial resources for both large and small industrial development projects;
- (d) Encouraging new economic development or expansions to maximize employment;
- (e) Encouraging the retention of viable existing firms and employment; and
- (f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways ~~((in the vicinity of new)), county roads, or city streets for industries considering locating or expanding in this state ((or existing industries that are considering significant expansion))~~.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) ~~((It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development.))~~ All ~~((such))~~ transportation improvements on state highways must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280. ~~((It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.))~~

(3) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to assist development of telecommunications infrastructure that supports business development, retention, and expansion in rural natural resources impact areas and rural counties of the state.

(4) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

~~((4))~~ (5) The legislature finds that sharing economic growth state-wide is important to the welfare of the state. Rural counties and rural natural resources impact areas do not share in the economic vitality of the Puget Sound region. The ability of these communities to pursue business and job retention, expansion, and development opportunities depends on their capacity to ready necessary economic development project plans, sites, permits, and infrastructure for private investments. Project-specific planning, predevelopment, and infrastructure ~~((is one of several))~~ are critical ingredients ~~((that are critical))~~ for economic development. Rural counties and rural natural resources impact areas generally lack ~~((the infrastructure))~~ these necessary tools and resources to diversify and revitalize their economies. It is, therefore, the intent of the legislature to increase the ~~((availability of funds to help provide infrastructure to rural natural resource impact areas))~~ amount of funding available through the community economic revitalization board for rural counties and rural natural resources impact areas, and to authorize flexibility for available resources in these areas to help fund planning, predevelopment, and construction costs of infrastructure and facilities and sites that foster economic vitality and diversification.

**Sec. 102.** RCW 43.160.020 and 1997 c 367 s 8 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.  
(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of community, trade, and economic development.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Public facilities" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of bridges, roads, domestic and industrial water, flood control, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications, transportation, natural gas, buildings or structures, and port facilities, all for the purpose of job creation, job retention, or job expansion.

(12) "Rural county" means a county with a population density of less than one hundred persons per square mile as determined by the office of financial management.

(13) "Rural natural resources impact area" means:

(a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection ~~((13))~~ (14) of this section;

(b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection ~~((13))~~ (14) of this section; or

(c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection ~~((13))~~ (14) of this section.

~~((13))~~ (14) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

(a) A lumber and wood products employment location quotient at or above the state average;

(b) A commercial salmon fishing employment location quotient at or above the state average;

(c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;

(d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

(e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The

office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.

**Sec. 103.** RCW 43.160.060 and 1996 c 51 s 5 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision and the finding by the board that ~~((unique))~~ financial circumstances ~~((exist. The board shall not obligate more than twenty percent of its biennial appropriation as grants))~~ require grant assistance to enable the project to move forward.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state, except a project that would relocate a business from a nondistressed urban area to a rural county or rural natural resources impact area.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(d) For a construction project to any local government applicant that is not, at the time of application for financial assistance, in compliance with the provisions of chapter 36.70A RCW.

(2) The board shall only provide financial assistance:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, advanced technology, research and development, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (iv) which support the relocation of businesses from nondistressed urban areas to ~~((distressed))~~ rural counties or rural natural resources impact areas; or (v) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made.

(3) The board shall prioritize each proposed project according to:

(a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located~~((--As long as there is more demand for financial assistance than there are funds available, the board is instructed to fund projects in order of their priority)); and~~

(b) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project.

(4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any financial assistance application is approved, the political subdivision seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

**Sec. 104.** RCW 43.160.070 and 1998 c 321 s 27 (Referendum Bill No. 49) are each amended to read as follows:

Public facilities financial assistance, when authorized by the board, is subject to the following conditions:

(1) The moneys in the public facilities construction loan revolving account and the distressed county public facilities construction loan account shall be used solely to fulfill commitments arising from financial assistance authorized in this chapter or, during the 1989-91 fiscal biennium, for economic development purposes as appropriated by the legislature. The total outstanding amount which the board shall dispense at any time pursuant to this section shall not exceed the moneys available from the accounts. The total amount of outstanding financial assistance in Pierce, King, and Snohomish counties shall never exceed sixty percent of the total amount of outstanding financial assistance disbursed by the board under this chapter without reference to financial assistance provided under RCW 43.160.220.

(2) On contracts made for public facilities loans the board shall determine the interest rate which loans shall bear. The interest rate shall not exceed ten percent per annum. The board may provide reasonable terms and conditions for repayment for loans, including partial

forgiveness of loan principal and interest payments on projects located in rural counties or rural natural resources impact areas, as the board determines. The loans shall not exceed twenty years in duration.

(3) Repayments of loans made from the public facilities construction loan revolving account under the contracts for public facilities construction loans shall be paid into the public facilities construction loan revolving account. Repayments of loans made from the distressed county public facilities construction loan account under the contracts for public facilities construction loans shall be paid into the distressed county public facilities construction loan account. Repayments of loans from moneys from the new appropriation from the public works assistance account for the fiscal biennium ending June 30, 1999, shall be paid into the public works assistance account.

(4) When every feasible effort has been made to provide loans and loans are not possible, the board may provide grants upon finding that unique circumstances exist.

**Sec. 105.** RCW 43.160.076 and 1998 c 321 s 28 (Referendum Bill No. 49) and 1998 c 55 s 4 are each reenacted and amended to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for financial assistance in a biennium under this chapter without reference to financial assistance provided under RCW 43.160.220, the board shall spend at least seventy-five percent for financial assistance for projects in ~~((distressed))~~ rural counties or rural natural resources impact areas. ~~((For purposes of this section, the term "distressed counties" includes any county, in which the average level of unemployment for the three years before the year in which an application for financial assistance is filed, exceeds the average state unemployment for those years by twenty percent.))~~

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in ~~((distressed))~~ rural counties or rural natural resources impact areas are clearly insufficient to use up the seventy-five percent allocation under subsection (1) of this section, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for financial assistance to projects not located in ~~((distressed))~~ rural counties or rural natural resources impact areas.

~~((3) This section expires June 30, 2000.)~~

**Sec. 106.** RCW 43.160.900 and 1993 c 320 s 8 are each amended to read as follows:

(1) The community economic revitalization board shall report to the appropriate standing committees of the legislature biennially on the implementation of this chapter. The report shall include information on the number of applications for community economic revitalization board assistance, the number and types of projects approved, the grant or loan amount awarded each project, the projected number of jobs created or retained by each project, the actual number of jobs created or retained by each project, the amount of state and local tax revenue generated by projects funded under this chapter, the number of delinquent loans, and the number of project terminations. The report may also include additional performance measures and recommendations for programmatic changes. The first report shall be submitted by December 1, 1994.

(2) The joint legislative audit and review committee shall conduct performance reviews on the effectiveness of the program administered by the board under this chapter. The committee may contract for services to conduct the performance reviews. The costs for the performance reviews shall be paid from repayments of principal and interest on loans made under this chapter. The performance reviews shall be submitted to the appropriate committees of the legislature by December 1, 2000, December 1, 2004, and December 1, 2008.

**Sec. 107.** RCW 43.160.200 and 1996 c 51 s 9 are each amended to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010~~((3))~~ ~~((5))~~ and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in rural natural resources impact areas ~~((that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products and salmon fishing industries))~~ and rural counties.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that tourism projects have been approved by the local government. Industrial projects must be approved by the local government and the associate development organization.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for project-specific environmental, capital facilities, land use, permitting, feasibility and marketing studies and plans; project engineering, design, and site planning and analysis; and project debt and revenue impact analysis shall not exceed ~~((twenty-five))~~ fifty thousand dollars per study. Board funds for ~~((feasibility studies))~~ these purposes may be provided as a grant and require a ~~((dollar for dollar))~~ match ~~((with up to one-half in-kind match allowed)).~~

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility construction projects under this section shall not exceed ~~((five hundred thousand))~~ one million dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and ~~((feasibility studies))~~ planning and predevelopment activities.

(10) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the economic development project assisted under this section.

(11) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

~~((H))~~ (12) The board shall establish guidelines for providing financial assistance under this section to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities.

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an analysis that establishes the project is feasible using standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(c) A method of evaluating the impact of the financial assistance on the economy of the community and whether the financial assistance achieved its purpose.

## PART II HOUSING

### Increasing the Housing Finance Commission's Debt Limit

**Sec. 201.** RCW 43.180.160 and 1996 c 310 s 2 are each amended to read as follows:

The total amount of outstanding indebtedness of the commission may not exceed ~~((two))~~ three billion dollars at any time. The calculation of outstanding indebtedness shall include the initial principal amount of an issue and shall not include interest that is either currently payable or that accrues as a part of the face amount of an issue payable at maturity or earlier redemption. Outstanding indebtedness shall not include notes or bonds as to which the obligation of the commission has been satisfied and discharged by refunding or for which payment has been provided by reserves or otherwise.

NEW SECTION. **Sec. 202.** A new section is added to chapter 43.63A RCW to read as follows:

The department shall establish and administer a "one-stop clearinghouse" to coordinate state assistance for growers and nonprofit organizations in developing housing for agricultural employees. Growers, housing authorities, and nonprofit organizations shall have direct access to the one-stop clearinghouse. The department one-stop clearinghouse shall provide assistance on planning and design, building codes, temporary worker housing regulations, financing options, and management to growers and nonprofit organizations interested in farmworker construction. The department one-stop clearinghouse shall also provide educational materials and services to local government authorities on Washington state law concerning farmworker housing.

## PART III

### DISTRESSED AREA TAX INCENTIVES

#### Distressed Area Sales and Use Tax Deferral

**Sec. 301.** RCW 82.60.020 and 1996 c 290 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A ~~((county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent;~~ (b) a county that has a median household income that is less than seventy five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community empowerment zone approved under RCW 43.63A.700 or a county containing such a community empowerment zone; (e) a town with a population of less than twelve hundred persons in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601; (f) a county designated by the governor as an eligible area under RCW 82.60.047; or (g) a county that is contiguous to a county that qualifies as an eligible area under (a)

~~or (f) of this subsection)) county with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th; or (b) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.~~

~~(4)(a) "Eligible investment project" means((:~~

~~(i)) an investment project in an eligible area as defined in subsection (3)((a), (b), (c), (e), or (f))) of this section((; or~~

~~(ii) That portion of an investment project in an eligible area as defined in subsection (3)(d) or (g) of this section which is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested in an application approved before July 1, 1994, and for each seven hundred fifty thousand dollars of investment on which a deferral is requested in an application approved after June 30, 1994)).~~

(b) The lessor/owner of a qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(c) ~~((For purposes of (a)(i) of this subsection:~~

~~(i) The department shall consider the entire investment project, including any investment in machinery and equipment that otherwise qualifies for exemption under RCW 82.08.02565 or 82.12.02565, for purposes of determining the portion of the investment project that qualifies for deferral as an eligible investment project; and~~

~~(ii) The number of new full-time qualified employment positions created by an investment project shall be deemed to be reduced by the number of full-time employment positions maintained by the recipient in any other community in this state that are displaced as a result of the investment project.~~

~~(d)) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects which have already received deferrals under this chapter.~~

(5) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

~~(9) ("Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.~~

~~(10)) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.~~

~~((11)) (10) "Recipient" means a person receiving a tax deferral under this chapter.~~

~~((12)) (11) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.~~

**Sec. 302.** RCW 82.60.040 and 1997 c 156 s 5 are each amended to read as follows:

(1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project that((:

~~(a)) is located in an eligible area as defined in RCW 82.60.020((3) (a), (b), (c), (e), or (f);~~  
~~(b) Is located in an eligible area as defined in RCW 82.60.020(3)(g) if seventy five percent of the new qualified employment positions are to be filled by residents of a contiguous county that is an eligible area as defined in RCW 82.60.020(3) (a) or (f); or~~  
~~(c) Is located in an eligible area as defined in RCW 82.60.020(3)(d) if seventy five percent of the new qualified employment positions are to be filled by residents of a designated community empowerment zone approved under RCW 43.63A.700 located within the county in which the eligible investment project is located)).~~

(2) The department shall keep a running total of all deferrals granted under this chapter during each fiscal biennium.

(3) This section expires July 1, 2004.

**Sec. 303.** RCW 82.60.070 and 1995 1st sp.s. c 3 s 9 are each amended to read as follows:

(1) ~~((Each recipient of a deferral granted under this chapter prior to July 1, 1994, shall submit a report to the department on December 31st of each year during the repayment period until the tax deferral is repaid.))~~ Each recipient of a deferral granted under this chapter after June 30, 1994, shall submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report shall contain information, as required by the department, from which the department may determine whether the recipient is meeting the requirements of this chapter. If the recipient fails to submit a report or submits an inadequate report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable.

(2) If, on the basis of a report under this section or other information, the department finds that an investment project is not eligible for tax deferral under this chapter ~~((for reasons other than failure to create the required number of qualified employment positions)),~~ the amount of deferred taxes outstanding for the project shall be immediately due.

~~(3) ((If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter prior to July 1, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the department shall assess interest, but not penalties, on the deferred taxes for the project. The interest shall be assessed at the rate provided for delinquent excise taxes, shall be assessed retroactively to the date of deferral, and shall accrue until the deferred taxes are repaid.~~

~~(4) If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter after June 30, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes not eligible for deferral shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.~~

~~(5) If, on the basis of a report under this section or other information, the department finds that an investment project qualifying for deferral under RCW 82.60.040(1) (b) or (c) has failed to comply with any requirement of RCW 82.60.045 for any calendar year for which reports are required under subsection (1) of this section, twelve and one-half percent of the amount of deferred taxes shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.~~

~~(6))~~ Notwithstanding any other subsection of this section, deferred taxes need not be repaid on machinery and equipment for lumber and wood products industries, and sales of or charges made for labor and services, of the type which qualifies for exemption under RCW 82.08.02565 or 82.12.02565 to the extent the taxes have not been repaid before July 1, 1995.

~~((7))~~ (4) Notwithstanding any other subsection of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

**NEW SECTION. Sec. 304.** A new section is added to chapter 82.60 RCW to read as follows:

(1) For the purposes of this section:

(a) "Eligible area" also means a designated community empowerment zone approved under RCW 43.63A.700 or a county containing such a community empowerment zone.

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

(2) In addition to the provisions of RCW 82.60.040, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each two hundred fifty thousand dollars of investment on which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone in which the project is located. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) If a person does not meet the requirements of this section by the end of the calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

### **Distressed Area Business and Occupation Tax Job Credit**

**Sec. 305.** RCW 82.62.010 and 1996 c 290 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means ~~((: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community empowerment zone approved under RCW 43.63A.700; or (e) subcounty areas in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.604))~~ an area as defined in RCW 82.60.020.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility, provided the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 306.** RCW 82.62.030 and 1997 c 366 s 5 are each amended to read as follows:

(1) A person shall be allowed a credit against the tax due under chapter 82.04 RCW as provided in this section. ~~((For an application approved before January 1, 1996, the credit shall equal one thousand dollars for each qualified employment position directly created in an eligible business project. For an application approved on or after January 1, 1996, the credit shall equal two thousand dollars for each qualified employment position directly created in an eligible business project. For an application approved on or after July 1, 1997,))~~ The credit shall equal: (a) Four thousand dollars for each qualified employment position with wages and benefits greater than forty thousand dollars annually that is directly created in an eligible business~~((: For an application approved on or after July 1, 1997, the credit shall equal))~~ and (b) two thousand dollars for each qualified employment position with wages and benefits less than or equal to forty thousand dollars annually that is directly created in an eligible business.

(2) The department shall keep a running total of all credits granted under this chapter during each fiscal year. The department shall not allow any credits which would cause the tabulation to exceed ~~((five million five hundred thousand dollars in fiscal year 1998 or 1999 or))~~ seven million five hundred thousand dollars in any fiscal year ~~((thereafter))~~. If all or part of an application for credit is disallowed under this subsection, the disallowed portion shall be carried over for approval the next fiscal year. However, the applicant's carryover into the next fiscal year is only permitted if the tabulation for the next fiscal year does not exceed the cap for that fiscal year as of the date on which the department has disallowed the application.

(3) No recipient may use the tax credits to decertify a union or to displace existing jobs in any community in the state.

(4) No recipient may receive a tax credit on taxes which have not been paid during the taxable year.

**NEW SECTION. Sec. 307.** A new section is added to chapter 82.62 RCW to read as follows:

- (1) For the purposes of this section "eligible area" also means a designated community empowerment zone approved under RCW 43.63A.700 or a county containing such a community empowerment zone.
- (2) An eligible business project located within an eligible area as defined in this section qualifies for a credit under this chapter for those employees who at the time of hire are residents of the community empowerment zone in which the project is located, if the fifteen percent threshold is met. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section.
- (3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

#### **PART IV ECONOMIC VITALITY COMMITTEE**

**NEW SECTION. Sec. 401.** (1) The legislature shall establish an ad hoc economic development group to analyze potential economic development projects of state-wide significance and recommend appropriate administrative or legislative actions.

- (2) The group shall include one representative each from the department of community, trade, and economic development, the department of agriculture, and the department of revenue as well as two representatives from rural economic development councils appointed by the legislature.
- (3) The group shall promote economic development and business diversification throughout the state with special attention given to the economic difficulties of rural counties.
- (4) In order to expedite coordinated responses, the governor may direct the group to meet on an emergency basis when projects of state-wide significance arise.
- (5) The department of community, trade, and economic development shall establish criteria to determine whether a project meets the standards of a "project of state-wide significance." These criteria may include such economic indicators as local unemployment and personal income levels and project scope indicators such as the assessed value of the project in relation to the assessed value of the county.

#### **PART V RURAL WASHINGTON LOAN FUND**

**NEW SECTION. Sec. 501.** (1) The legislature finds that:

- (a) The economic health and well-being of the state is of substantial public concern, particularly in geographic areas of high unemployment, economic stagnation, and poverty;
  - (b) The consequences of minimal economic activity and persistent unemployment and underemployment are serious threats to the safety, health, and welfare of residents of these geographic areas, decreasing the value of private investments and jeopardizing the sources of public revenue;
  - (c) The economic and social interdependence of communities and the vitality of industrial and economic activity necessitates and partially depends upon preventing substantial dislocation of residents and rebuilding the diversification of the areas' economy;
  - (d) The ability to remedy problems in stagnant areas of the state is beyond the power and control of the regulatory process and influence of the state, and the ordinary operations of private enterprise, without additional governmental assistance, are insufficient to adequately remedy the problems of poverty and unemployment; and
  - (e) Revitalization of depressed communities requires stimulation of private investment, development of new business ventures, provision of capital to ventures sponsored by local organizations and capable of growth in the business markets, and assistance to viable, but underfinanced, small businesses in order to create and preserve jobs that are sustainable in the local economy.
- (2) Therefore, the legislature declares there to be a substantial public purpose in providing capital to promote economic development and job creation in areas of economic stagnation, unemployment, and poverty. To accomplish this purpose, the legislature hereby creates the rural Washington loan fund and vests in the department of community, trade, and economic development the authority to spend federal funds to stimulate the economy of distressed areas.

**NEW SECTION. Sec. 502.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Department" means the department of community, trade, and economic development.
- (2) "Director" means the director of community, trade, and economic development.
- (3) "Disabled person" means a person with a physical or mental impairment that substantially limits a major life activity. The impairment must be material and medically cognizable or diagnosable. The impairment must also be permanent in that it is seldom significantly corrected by medical replacement, therapy, or surgical means. Impairment does not include drug or alcohol addiction or any negative effects brought on by the use of drugs or alcohol.

(4) "Distressed area" means: (a) A rural county; (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (c) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate; or (d) a county designated as a rural natural resources impact area under RCW 43.31.601. For purposes of this subsection, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(5) "Fund" means the rural Washington loan fund.

(6) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(7) "Project" means the establishment of a new or expanded business in an area, which business, when completed, will provide employment opportunities. "Project" also means the retention of an existing business in an area, which business, when completed, will provide employment opportunities.

(8) "Rural county" means a county with a population density of fewer than one hundred persons per square mile, as determined by the office of financial management.

**NEW SECTION. Sec. 503.** Subject to the restrictions contained in this chapter, the department is authorized to approve applications of local governments for federal community development block grant funds or other federal funds that the local governments would use to make loans to finance business projects within their jurisdictions. Applications approved by the department under this chapter must conform to applicable federal requirements.

**NEW SECTION. Sec. 504.** (1) The department may approve an application providing a loan for a project only if the department finds that the project:

(a) Will result in creation of employment opportunities, maintenance of threatened employment, or development or expansion of business ownership by disabled persons, minorities, and women;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds or other applicable federal funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, employment of disadvantaged workers, and development or expansion of business ownership by disabled persons, minorities, and women, will primarily accrue to residents of the area;

(d) Will probably be successful; and

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable, or because the return on investment is inadequate.

(2)(a) The department shall, subject to applicable federal funding criteria, give priority to applications that capitalize or recapitalize an existing or new local revolving loan fund based on criteria established by the department.

(b) The department shall, subject to applicable federal funding criteria, give higher priority to economic development projects that contain provisions for child care.

(3) The department may not approve an application that fails to provide for adequate reporting or disclosure of financial data to the department. The department may require an annual or other periodic audit of the project books.

(4) The department may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to that organization by the recipient of the loan or grant.

(5) The department shall fix the terms and rates pertaining to its loans.

(6) If there is more demand for loans than funds available for lending, the department shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the "greatest amount of employment or benefit," the department shall also consider the employment which would be saved by its loan and the benefit relative to the community, not just the total number of new jobs or jobs saved.

(7) To the extent permitted under federal law, the department shall require applicants to provide for the transfer of all payments of principal and interest on loans to the rural Washington loan fund created under this chapter. Under circumstances where federal law does not permit the department to require the transfer, the department shall give priority to applicants who on their own volition make commitments to provide for the transfer.

(8) The department may not approve any application to finance or help finance a shopping mall.

(9) For loans not made to minority and women-owned businesses and businesses owned by disabled persons, the department shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed.

(10) If an objection is raised to a project on the basis of unfair business competition, the department shall evaluate the potential impact of a project on similar businesses located in the local market area. The department may deny a grant if the department determines the proposed project is not likely to result in a net increase in employment within a local market area.

(11) For loans to minority and women-owned businesses and businesses owned by disabled persons that do not meet the credit criteria, the department may consider nontraditional credit standards to offset past discrimination that has precluded full participation of minority or women-owned businesses or businesses owned by disabled persons in the economy. For applicants with high potential who do not meet the credit criteria, the department shall consider developing alternative borrowing methods. For applicants denied loans due to credit problems, the department shall provide financial counseling within available resources and provide referrals to credit rehabilitation services. In circumstances of competing applications, the department shall give priority to members of eligible groups which previously have been least served by this fund.

**NEW SECTION. Sec. 505.** The department is encouraged to work with local development organizations to promote applications for loans by the fund. The department shall also provide assistance to local development organizations and local governments to identify viable projects for consideration by the department. The department shall provide technical assistance to organizations that administer local revolving loan funds regarding practices to establish sustainable operations. The department shall adopt such rules and regulations as are appropriate to carry out its authority under this chapter.

**NEW SECTION. Sec. 506.** The department may receive and approve applications on a monthly basis but shall receive and approve applications on at least a quarterly basis for each fiscal year. The department shall make every effort to simplify the loan process for applicants. Department staff shall process and assist in the preparation of applications. Each application shall show in detail the nature of the project, the types and numbers of jobs to be created, wages to be paid to new employees, and methods of hiring unemployed persons from the local market area. Each application must contain a credit analysis of the business to receive the loan.

**NEW SECTION. Sec. 507.** The department shall make available an amount of federal community development block grant funds equal to the amount of state funds transferred or appropriated to the department for purposes of supplementing the department's block grant funds.

**NEW SECTION. Sec. 508.** The department may make grants of state funds to local governments that qualify as entitlement communities under the federal law authorizing community development block grants. These grants may be made only on condition that the entitlement community provide the department with assurances that the entitlement community will: (1) Spend the grant moneys for purposes and in a manner satisfying state constitutional requirements; (2) spend the grant moneys for purposes and in a manner satisfying federal requirements; and (3) spend at least the same amount of the grant for loans to businesses from the federal funds received by the entitlement community.

**NEW SECTION. Sec. 509.** There is established the rural Washington loan fund, which shall be an account in the state treasury. The rural Washington loan fund shall include revenue from the sources established by this chapter, appropriations by the legislature, federal funds, private contributions, all loan payments of principal and interest that are transferred under section 504 of this act, and all other sources. Moneys in the account may be spent only after legislative appropriation for loans or grants under this chapter. Any expenditures of federal moneys must conform to applicable federal law.

**NEW SECTION. Sec. 510.** (1) The department shall develop guidelines for rural Washington loan funds to be used to fund local economic development revolving loan funds. The department shall consider the selection process for grantees, loan quality criteria, legal and regulatory issues, and ways to minimize duplication between development loan funds and local economic development revolving loan funds.

(2) The department may make loans or grants from the rural Washington loan fund to local governments to capitalize new, or to recapitalize existing, economic development revolving loan funds in distressed areas.

**NEW SECTION. Sec. 511.** The department shall develop performance standards for judging the effectiveness of the program including, to the extent possible, examining the effectiveness of loans or grants with regard to:

- (1) Creation of jobs for individuals of low and moderate income;
- (2) Retention of existing employment;
- (3) Creation of new employment opportunities;
- (4) Diversification of the economic base of local communities;
- (5) Establishment of employee cooperatives;
- (6) Providing assistance in cases of employee buyouts of firms to prevent the loss of existing employment; and
- (7) The degree of risk assumed by the rural Washington loan fund, with emphasis on loans that did not receive financing from commercial lenders, but that are considered financially sound.

**NEW SECTION. Sec. 512.** Any funds appropriated by the legislature to the rural Washington loan fund for purposes of the timber recovery act shall be used for development loans in rural natural resources impact areas as defined in RCW 43.31.601.

**NEW SECTION. Sec. 513.** Subject to the restrictions contained in this chapter, the department is authorized to approve applications of minority and women-owned businesses for loans or loan guarantees from the fund. Applications approved by the department under this

chapter must conform to applicable federal requirements. The department shall prioritize available funds for loan guarantees rather than loans when possible. The department may enter into agreements with other public or private lending institutions to develop a joint loan guarantee program for minority and women-owned businesses. If such a program is developed, the department may provide funds, in conjunction with the other organizations, to operate the program. This section does not preclude the department from making individual loan guarantees.

To the maximum extent practicable, the department shall make available to minority and women-owned businesses, on an equal basis, funds available under this section. The department shall submit to the appropriate committees of the senate and house of representatives quarterly reports that detail the number of loans approved and the characteristics of the recipients by ethnic and gender groups.

**NEW SECTION. Sec. 514.** The department may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter, and the department may spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.

## PART VI REPEALED SECTIONS

**Sec. 601.** RCW 43.131.386 and 1997 c 367 s 19 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2001:

- (1) RCW 43.31.601 and 1997 c 367 s 1, 1995 c 226 s 1, 1992 c 21 s 2, & 1991 c 314 s 2;
- (2) RCW 43.31.641 and 1997 c 367 s 6, 1995 c 226 s 4, 1993 c 280 s 50, & 1991 c 314 s 7;
- (3) RCW 50.22.090 and (~~(1995 c 226 s 5, 1993 c 316 s 10, 1992 c 47 s 2, & 1991 c 315 s 4)~~) 1997 c 367 s 4;
- (4) (~~(RCW 43.160.212 and 1996 c 168 s 4, 1995 c 226 s 6, & 1993 c 316 s 5;~~
- ~~(5))~~ RCW 43.63A.021 and 1997 c 367 s 5 & 1995 c 226 s 11;
- ~~((6))~~ ~~(5)~~ RCW 43.63A.600 and 1995 c 226 s 12, 1994 c 114 s 1, 1993 c 280 s 77, & 1991 c 315 s 23;
- ~~((7))~~ ~~(6)~~ RCW 43.63A.440 and 1997 c 367 s 7, 1995 c 226 s 13, 1993 c 280 s 74, & 1989 c 424 s 7;
- ~~((8)~~ RCW 43.160.200 and 1995 c 226 s 16, 1993 c 320 s 7, 1993 c 316 s 4, & 1991 c 314 s 23;
- ~~(9))~~ ~~(7)~~ RCW 28B.50.258 and 1995 c 226 s 18 & 1991 c 315 s 16;
- ~~((10))~~ ~~(8)~~ RCW 28B.50.262 and 1995 c 226 s 19 & 1994 c 282 s 3;
- ~~((11))~~ ~~(9)~~ RCW 28B.80.570 and 1997 c 367 s 14, 1995 c 226 s 20, 1992 c 21 s 6, & 1991 c 315 s 18;
- ~~((12))~~ ~~(10)~~ RCW 28B.80.575 and 1995 c 269 s 1001, 1995 c 226 s 21, & 1991 c 315 s 19;
- ~~((13))~~ ~~(11)~~ RCW 28B.80.580 and 1997 c 367 s 15, 1995 c 226 s 22, 1993 sp.s. c 18 s 34, 1992 c 231 s 31, & 1991 c 315 s 20;
- ~~((14))~~ ~~(12)~~ RCW 28B.80.585 and 1995 c 226 s 23 & 1991 c 315 s 21;
- ~~((15))~~ ~~(13)~~ RCW 43.17.065 and 1995 c 226 s 24, 1993 c 280 s 37, 1991 c 314 s 28, & 1990 1st ex.s. c 17 s 77;
- ~~((16))~~ ~~(14)~~ RCW 43.20A.750 and (~~(1995 c 226 s 25, 1993 c 280 s 38, 1992 c 21 s 4, & 1991 c 153 s 28)~~) 1997 c 367 s 16;
- ~~((17))~~ ~~(15)~~ RCW 43.168.140 and 1995 c 226 s 28 & 1991 c 314 s 20;
- ~~((18))~~ ~~(16)~~ RCW 50.12.270 and 1997 c 367 s 17, 1995 c 226 s 30, & 1991 c 315 s 3;
- ~~((19))~~ ~~(17)~~ RCW 50.70.010 and 1995 c 226 s 31, 1992 c 21 s 1, & 1991 c 315 s 5; and
- ~~((20))~~ ~~(18)~~ RCW 50.70.020 and 1995 c 226 s 32 & 1991 c 315 s 6.

**NEW SECTION. Sec. 602.** RCW 43.160.212 (Rural natural resources impact areas--Loans for public works facilities) and 1996 c 168 s 4, 1995 c 226 s 6, 1993 c 316 s 5, 1992 c 21 s 8, & 1991 c 314 s 26 are each repealed.

**NEW SECTION. Sec. 603.** 1997 c 367 s 11, 1995 c 226 s 8, 1993 c 316 s 7, & 1991 c 314 s 33 (uncodified) are each repealed.

**NEW SECTION. Sec. 604.** The following acts or parts of acts are each repealed:

- (1) RCW 43.168.010 (Legislative findings and declaration) and 1985 c 164 s 1;
- (2) RCW 43.168.020 (Definitions) and 1996 c 290 s 3, 1995 c 226 s 27, 1993 c 280 s 56, 1991 c 314 s 19, 1988 c 42 s 18, 1987 c 461 s 2, & 1985 c 164 s 2;
- (3) RCW 43.168.031 (State development loan fund committee--Terminated June 30, 1994--Powers and duties transferred) and 1995 c 399 s 92 & 1988 c 186 s 7;
- (4) RCW 43.168.040 (Approval of applications for federal community development block grant funds for projects) and 1987 c 461 s 3 & 1985 c 164 s 4;
- (5) RCW 43.168.050 (Application approval--Conditions and limitations) and 1993 c 512 s 12, 1990 1st ex.s. c 17 s 74, 1989 c 430 s 9, 1987 c 461 s 4, 1986 c 204 s 2, & 1985 c 164 s 5;
- (6) RCW 43.168.060 (Staff support and other duties of department--Rules) and 1985 c 164 s 6;
- (7) RCW 43.168.070 (Processing of applications--Contents of applications) and 1993 c 512 s 14, 1987 c 461 s 5, & 1985 c 164 s 7;
- (8) RCW 43.168.090 (Availability of funds for committee use) and 1985 c 164 s 9;
- (9) RCW 43.168.100 (Entitlement community grants--Conditions) and 1993 c 512 s 15, 1986 c 204 s 1, & 1985 c 164 s 10;

- (10) RCW 43.168.110 (Washington state development loan fund) and 1992 c 235 s 11 & 1985 c 164 s 11;
- (11) RCW 43.168.120 (Guidelines for use of funds for existing economic development revolving loan funds--Grants to local governments to assist existing economic development revolving loan funds) and 1987 c 461 s 6;
- (12) RCW 43.168.130 (Development of performance standards) and 1998 c 245 s 52 & 1987 c 461 s 7;
- (13) RCW 43.168.140 (Rural natural resources impact areas) and 1995 c 226 s 28 & 1991 c 314 s 20;
- (14) RCW 43.168.150 (Minority and women-owned businesses--Application process--Joint loan guarantee program) and 1993 c 512 s 13; and
- (15) RCW 43.168.900 (Severability--1985 c 164) and 1985 c 164 s 15.

**PART VII  
MISCELLANEOUS**

NEW SECTION. **Sec. 701.** Part headings and subheadings used in this act are not any part of the law.

NEW SECTION. **Sec. 702.** Sections 501 through 514 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 703.** This act takes effect August 1, 1999.

NEW SECTION. **Sec. 704.** Sections 301 through 303, 305, and 306 of this act do not affect any existing right acquired or liability or obligation under the sections amended or repealed in those sections or any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. **Sec. 705.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "vitality;" strike the remainder of the title and insert "amending RCW 43.160.010, 43.160.020, 43.160.060, 43.160.070, 43.160.900, 43.160.200, 43.180.160, 82.60.020, 82.60.040, 82.60.070, 82.62.010, 82.62.030, and 43.131.386; reenacting and amending RCW 43.160.076; adding a new section to chapter 43.63A RCW; adding a new section to chapter 82.60 RCW; adding a new section to chapter 82.62 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 43.160.212, 43.168.010, 43.168.020, 43.168.031, 43.168.040, 43.168.050, 43.168.060, 43.168.070, 43.168.090, 43.168.100, 43.168.110, 43.168.120, 43.168.130, 43.168.140, 43.168.150, and 43.168.900; repealing 1997 c 367 s 11, 1995 c 226 s 8, 1993 c 316 s 7, and 1991 c 314 s 33 (uncodified); providing an effective date; and providing an expiration date.", and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

**MOTION**

On motion of Senator Tim Sheldon, the Senate refuses to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5594 and asks the House to recede therefrom.

**MOTION**

At 3:59 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Tuesday, April 20, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTH DAY, JANUARY 18, 1999

JOURNAL OF THE SENATE

JOURNAL OF THE SENATE

NINETY-NINTH DAY, APRIL 19, 1999

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**ONE HUNDREDTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Tuesday, April 20, 1999

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Costa, Finkbeiner, Fraser, Hargrove, Long, McDonald, Oke, Patterson, Sellar, Tim Sheldon, Swecker and Zarelli. On motion of Senator Franklin, Senators Brown and Patterson were excused. On motion of Senator Honeyford, Senator Long was excused.

The Sergeant at Arms Color Guard consisting of Pages John Baxter and Brandon Peeples, presented the Colors. Reverend Sherman Snow, retired from the United Methodist Church of Seattle, and a guest of Senator Mary Margaret Haugen, offered the prayer.

**MOTION**

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

**MESSAGES FROM THE HOUSE**

April 16, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2284, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

April 17, 1999

MR. PRESIDENT:

The Co-Speakers have signed HOUSE JOINT MEMORIAL NO. 4006, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

April 19, 1999

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

HOUSE BILL NO. 1023,  
SUBSTITUTE HOUSE BILL NO. 1068,

HOUSE BILL NO. 1080,  
SECOND SUBSTITUTE HOUSE BILL NO. 1116,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131,  
ENGROSSED HOUSE BILL NO. 1151,  
HOUSE BILL NO. 1154,  
SUBSTITUTE HOUSE BILL NO. 1183,  
HOUSE BILL NO. 1194,  
HOUSE BILL NO. 1261,  
SUBSTITUTE HOUSE BILL NO. 1291,  
HOUSE BILL NO. 1299,  
SUBSTITUTE HOUSE BILL NO. 1371,  
HOUSE BILL NO. 1432,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514,  
HOUSE BILL NO. 1524,  
HOUSE BILL NO. 1550,  
HOUSE BILL NO. 1556,  
SUBSTITUTE HOUSE BILL NO. 1558,  
HOUSE BILL NO. 1599,  
SUBSTITUTE HOUSE BILL NO. 1623,  
SUBSTITUTE HOUSE BILL NO. 1647,  
SUBSTITUTE HOUSE BILL NO. 1677,  
HOUSE BILL NO. 1699,  
HOUSE BILL NO. 1741,  
HOUSE BILL NO. 1831,  
ENGROSSED HOUSE BILL NO. 1832,  
SUBSTITUTE HOUSE BILL NO. 1838,  
SUBSTITUTE HOUSE BILL NO. 1848,  
HOUSE BILL NO. 1849,  
HOUSE BILL NO. 1863,  
SUBSTITUTE HOUSE BILL NO. 1880,  
SUBSTITUTE HOUSE BILL NO. 1951,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1991,  
SUBSTITUTE HOUSE BILL NO. 2053,  
SECOND SUBSTITUTE HOUSE BILL NO. 2061,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2090,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2107,  
HOUSE BILL NO. 2207,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2239,  
HOUSE JOINT MEMORIAL NO. 4012.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE JOINT MEMORIAL NO. 4006.

INTRODUCTION AND FIRST READING

SB 6103 by Senators Thibaudeau, Deccio, Winsley and Wojahn

AN ACT Relating to access to individual health insurance coverage; amending RCW 48.04.010, 48.20.028, 48.41.020, 48.41.030, 48.41.040, 48.41.060, 48.41.080, 48.41.090, 48.41.100, 48.41.110, 48.41.120, 48.41.130, 48.41.140, 48.41.200, 48.43.015, 48.43.025, 48.43.035, 48.44.020, 48.44.022, 48.46.060, 48.46.064, 70.47.100, 43.84.092, and 43.84.092; reenacting and amending RCW 48.43.005 and 70.47.060; adding new sections to chapter 48.41 RCW; adding new sections to chapter 48.43 RCW; adding new sections to chapter 48.46 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.01 RCW; creating new sections; repealing RCW 48.41.180; making appropriations; providing an expiration date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 2284 by House Committee on Finance (originally sponsored by Representatives Rockefeller, DeBolt, Skinner, Conway, Lantz, Kastama, Alexander, Haigh and Kessler)

Changing property tax exemption provisions.

Referred to Committee on Ways and Means.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9068, Lee D. Lannoye, as a member of the Housing Finance Commission, was confirmed.

#### APPOINTMENT OF LEE D. LANNOYE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 10; Excused, 3.

Voting yea: Senators Bauer, Benton, Deccio, Eide, Fairley, Franklin, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, Morton, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Wojahn - 36.

Absent: Senators Costa, Finkbeiner, Fraser, Hargrove, McDonald, Oke, Sellar, Sheldon, T., Swecker and Zarelli - 10.

Excused: Senators Brown, Long and Patterson - 3.

#### MOTION

On motion of Senator Honeyford, Senators Finkbeiner, Oke and Sellar were excused.

#### MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9169, Jose Ruiz, as a member of the State Board for Community and Technical Colleges, was confirmed.

#### APPOINTMENT OF JOSE RUIZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Fraser - 1.

Excused: Senators Brown, Finkbeiner, Long, Oke and Sellar - 5.

## MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 7, 1999

MR. PRESIDENT:

Under suspension of the rules, SENATE BILL NO. 5005 was returned to second reading and the House adopted the following amendment and passed the bill as amended by the House:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 47.36.320 and 1986 c 114 s 2 are each amended to read as follows:

The department is authorized to erect and maintain specific information panels within the right of way of both the primary system and the scenic system to give the traveling public specific information as to gas, food, recreation, or lodging available off the primary or scenic highway accessible by way of highways intersecting the primary or scenic highway. Such specific information panels and tourist-oriented directional signs shall be permitted only at locations within the corporate limits of cities and towns and areas zoned for commercial or industrial uses where there is adequate distance between interchanges to ensure compliance with the provisions of Title 23 C.F.R. Secs. 655.308(a) and 655.309(a). Specific information panels shall include the words "GAS," "FOOD," "RECREATION," or "LODGING" and directional information and may contain one or more individual business signs maintained on the panel. The erection and maintenance of specific information panels along primary or scenic highways shall conform to the national standards promulgated by the United States secretary of transportation pursuant to sections 131 and 315 of Title 23 United States Code and rules adopted by the state department of transportation including the manual on uniform traffic control devices for streets and highways. A motorist service business located within one mile of a state highway shall not be permitted to display its name, brand, or trademark on a specific information panel unless its owner has first entered into an agreement with the department limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the roof of its main building.

The department shall adopt rules for the erection and maintenance of tourist-oriented directional signs with the following restrictions:

(1) Where installed, they shall be placed in advance of the "GAS," "FOOD," "RECREATION," or "LODGING" specific information panels previously described in this section;

(2) Signs shall not be placed to direct a motorist to an activity visible from the main traveled roadway;

(3) Premises on which the qualified tourist-oriented business is located must be within fifteen miles of the state highway except as provided in RCW 47.36.330(3) (b) and (c), and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway.

The department shall charge reasonable fees for the display of individual business signs to defray the costs of their installation and maintenance.

**Sec. 2.** RCW 47.36.330 and 1985 c 142 s 3 are each amended to read as follows:

(1) Not more than six business signs may be permitted on specific information panels authorized by RCW 47.36.310 and 47.36.320.

(2) The maximum distance that eligible service facilities may be located on either side of an interchange or intersection to qualify for a business sign are as follows:

(a) On fully-controlled, limited access highways, gas, food, or lodging activities shall be located within three miles. Camping activities shall be within five miles.

(b) On highways with partial access control or no access control, gas, food, lodging, or camping activities shall be located within five miles.

(3)(a) If no eligible services are located within the distance limits prescribed in subsection (2) of this section, the distance limits shall be increased until an eligible service of a type being considered is reached, up to a maximum of fifteen miles.

(b) The department may erect and maintain signs on an alternate route that is longer than fifteen miles if it is safer and still provides reasonable and convenient travel to an eligible service.

(c) The department may erect and maintain signs on a route up to a maximum of twenty miles if it qualifies as an eligible service and is within a distressed area under the criteria of chapter 43.165 RCW.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

### MOTION

On motion of Senator Goings, the Senate concurred in the House amendment to Senate Bill No. 5005.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5005, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5005, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Fraser - 1.

Excused: Senators Finkbeiner, Long and Oke - 3.

SENATE BILL NO. 5005, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### MESSAGE FROM THE HOUSE

April 12, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5020 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that recreational license dealers are private businesses that provide the service of license sales in every part of the state. The dealers who sell recreational fishing and hunting licenses for the department of fish and wildlife perform a valuable public service function for those members of the public who purchase licenses as well as a revenue generating function for the department. The modernized fishing and hunting license format will require additional investments by license dealers in employee training and public education.

**Sec. 2.** RCW 77.32.050 and 1998 c 191 s 10 are each amended to read as follows:

All recreational licenses, permits, tags, and stamps required by ~~((this chapter))~~ Titles 75 and 77 RCW and raffle tickets authorized under chapter 77.12 RCW shall be issued under the authority of the commission. The commission shall adopt rules for the issuance of recreational licenses, permits, tags, stamps, and raffle tickets, and for the collection, payment, and handling of license fees, terms and conditions to govern dealers, and dealers' fees. A transaction fee on recreational licenses may be set by the commission and collected from licensees. The department may authorize all or part of such fee to be paid directly to a contractor providing automated licensing system services. Fees retained by dealers shall be uniform throughout the state. The department shall authorize dealers to collect and retain dealer fees of at least two dollars for purchase of a standard hunting or fishing recreational license document, except that the commission may set a lower dealer fee for issuance of tags or when a licensee buys a license that involves a stamp or display card format rather than a standard department licensing document form.

**Sec. 3.** RCW 75.25.092 and 1998 c 191 s 2 are each amended to read as follows:

(1) A personal use shellfish and seaweed license is required for all persons other than residents or nonresidents under fifteen years of age to fish for, take, dig for, or possess seaweed or shellfish for personal use from state waters or offshore waters including national park beaches.

(2) The fees for annual personal use shellfish and seaweed licenses are:

- (a) For a resident fifteen years of age or older, seven dollars;
- (b) For a nonresident fifteen years of age or older, twenty dollars; and
- (c) For a senior, five dollars.

(3) The license fee for a two-day personal use shellfish and seaweed license is six dollars for residents or nonresidents fifteen years of age or older.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Jacobsen, the Senate concurred in the House amendment to Senate Bill No. 5020.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5020, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5020, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Morton, Patterson, Prentice, Rasmussen, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 33.

Voting nay: Senators Benton, Deccio, Finkbeiner, Honeyford, Horn, Johnson, McCaslin, McDonald, Roach, Rossi, Sheahan, West and Zarelli - 13.

Absent: Senator Hargrove - 1.

Excused: Senators Long and Oke - 2.

SENATE BILL NO. 5020, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 8, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5036 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 2.08.065 and 1996 c 208 s 5 are each amended to read as follows:

There shall be in the county of Grant, ~~((two))~~ three judges of the superior court; in the county of Okanogan, ~~((one))~~ two judges of the superior court; in the county of Mason, two judges of the superior court; in the county of Thurston, eight judges of the superior court; in the counties of Pacific and Wahkiakum jointly, one judge of the superior court; in the counties of Ferry, Pend Oreille, and Stevens jointly, two judges of the superior court; and in the counties of San Juan and Island jointly, two judges of the superior court.

NEW SECTION. Sec. 2. (1) The additional judicial position for Grant county created by section 1 of this act is effective only if Grant county through its duly constituted legislative authority documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial position as provided by state law or the state Constitution.

(2) The additional judicial position for Okanogan county created by section 1 of this act is effective only if Okanogan county through its duly constituted legislative authority documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the existing and additional judicial positions as provided by state law or the state Constitution."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

Senator Heavey moved that the Senate concur in the House amendment to Engrossed Senate Bill No. 5036.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Heavey that the Senate concur in the House amendment to Engrossed Senate Bill No. 5036.

The motion by Senator Heavey carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 5036.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5036, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5036, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Long and Oke - 2.

ENGROSSED SENATE BILL NO. 5036, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator McAuliffe was excused.

#### MESSAGE FROM THE HOUSE

April 12, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5040 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 70.79.010 and 1951 c 32 s 1 are each amended to read as follows:

There is hereby created within this state a board of boiler rules, which shall hereafter be referred to as the board, consisting of five members who shall be appointed to the board by the governor, one for a term of one year, one for a term of two years, one for a term of three years, and two for a term of four years. At the expiration of their respective terms of office, they, or their successors identifiable with the same interests respectively as hereinafter provided, shall be appointed for terms of four years each. The governor may at any time remove any member of the board for inefficiency or neglect of duty in office. Upon the death or incapacity of any member the governor shall fill the vacancy for the remainder of the vacated term with a representative of the same interests with which his or her predecessor was identified. Of these five appointed members, one shall be representative of owners and users of boilers and unfired pressure vessels within the state, one shall be representative of the boiler or unfired pressure vessel manufacturers within the state, one shall be a representative of a boiler insurance company licensed to do business within the state, one shall be a mechanical engineer on the faculty of a recognized engineering college or a graduate mechanical engineer having equivalent experience, and one shall be representative of the boilermakers ~~((or practical steam))~~, stationary operating engineers, or pressure vessel operators. The board shall elect one of its members to serve as ~~((chairman))~~ chair and, at the call of the ~~((chairman))~~ chair, the board shall meet at least four times each year at the state capitol or other place designated by the board.

**Sec. 2.** RCW 70.79.030 and 1972 ex.s. c 86 s 1 are each amended to read as follows:

The board shall formulate definitions~~((,))~~ and rules~~((, and regulations))~~ for the safe and proper construction, installation, repair, use, and operation of boilers and for the safe and proper construction, installation, and repair of unfired pressure vessels in this state. The definitions~~((,))~~ and rules~~((, and regulations))~~ so formulated shall be based upon, and, at all times, follow the ~~((generally))~~ nationally or internationally accepted ~~((nationwide))~~ engineering standards, formulae, and practices established and pertaining to boiler and unfired pressure vessel construction and safety, and the board may by resolution adopt ~~((an))~~ existing published codifications thereof, ~~((known as "The Boiler Construction Code of the American Society of Mechanical Engineers", with~~

~~the amendments and interpretations thereto made and approved by the council of the society, and may likewise adopt the amendments and interpretations subsequently made and published by the same authority;~~) and when so adopted the same shall be deemed incorporated into, and to constitute a part or the whole of the definitions~~((,))~~ and rules~~((, and regulations))~~ of the board. Amendments and interpretations to the code ~~((so adopted))~~ shall be ~~((adopted))~~ enforceable immediately upon being ~~((promulgated))~~ adopted, to the end that the definitions~~((,))~~ and rules~~((, and regulations))~~ shall at all times follow ~~((the generally))~~ nationally or internationally accepted ~~((nationwide))~~ engineering standards~~((: PROVIDED,))~~. However, ~~((That))~~ all rules ~~((and regulations promulgated))~~ adopted by the board~~((, including any or all of the boiler construction code of the American society of mechanical engineers with amendments and interpretations thereof,))~~ shall be adopted in compliance with the Administrative Procedure Act, chapter 34.05 RCW, as now or hereafter amended. ~~((All boilers and unfired pressure vessels subject to the jurisdiction of the board, which have been constructed or installed in accordance with the code of the American society of mechanical engineers shall be prima facie evidence of compliance with those provisions of this chapter and the rules of the board.))~~

**Sec. 3.** RCW 70.79.080 and 1996 c 72 s 1 are each amended to read as follows:

This chapter shall not apply to the following boilers, unfired pressure vessels and domestic hot water tanks:

(1) Boilers and unfired pressure vessels under federal regulation or operated by any railroad subject to the provisions of the interstate commerce act;

(2) Unfired pressure vessels meeting the requirements of the interstate commerce commission for shipment of liquids or gases under pressure;

(3) Air tanks located on vehicles operating under the rules of other state authorities and used for carrying passengers, or freight;

(4) Air tanks installed on the right of way of railroads and used directly in the operation of trains;

(5) Unfired pressure vessels having a volume of five cubic feet or less when not located in places of public assembly;

(6) Unfired pressure vessels designed for a pressure not exceeding fifteen pounds per square inch gauge when not located in place of public assembly;

(7) Tanks used in connection with heating water for domestic and/or residential purposes;

(8) Boilers and unfired pressure vessels in cities having ordinances which are enforced and which have requirements equal to or higher than those provided for under this chapter, covering the installation, operation, maintenance and inspection of boilers and unfired pressure vessels;

(9) Tanks containing water with no air cushion and no direct source of energy that operate at ~~((ambient))~~ a temperature of one hundred thirty degrees Fahrenheit or less;

(10) Electric boilers:

(a) Having a tank volume of not more than one and one-half cubic feet;

(b) Having a maximum allowable working pressure of eighty pounds per square inch or less, with a pressure relief system to prevent excess pressure; and

(c) If constructed after June 10, 1994, constructed to American society of mechanical engineers code, or approved or otherwise certified by a nationally recognized or recognized foreign testing laboratory or construction code, including but not limited to Underwriters Laboratories, Edison Testing Laboratory, or Instituto Superiore Per La Prevenzione E La Sicurezza Del Lavoro;

(11) Electrical switchgear and control apparatus that have no external source of energy to maintain pressure and are located in restricted access areas under the control of an electric utility;

(12) Regardless of location, unfired pressure vessels and hot water heaters less than one and one-half cubic feet (11.25 gallons) in volume with a safety valve setting of one hundred fifty pounds per square inch gauge (psig) or less, or less than six inches in diameter and less than five cubic feet (37.5 gallons) in volume with a safety valve set at any pressure, or less than fifteen psig containing substances other than steam, lethal substances, or liquids with low flash points.

**Sec. 4.** RCW 70.79.090 and 1988 c 254 s 20 are each amended to read as follows:

The following boilers and unfired pressure vessels shall be exempt from the requirements of RCW 70.79.220 and 70.79.240 through 70.79.330:

(1) Boilers or unfired pressure vessels located on farms and used solely for agricultural purposes;

(2) Unfired pressure vessels that are part of fertilizer applicator rigs designed and used exclusively for fertilization in the conduct of agricultural operations;

(3) Steam boilers used exclusively for heating purposes carrying a pressure of not more than fifteen pounds per square inch gauge and which are located in private residences or in apartment houses of less than six families;

(4) Hot water heating boilers carrying a pressure of not more than thirty pounds per square inch and which are located in private residences or in apartment houses of less than six families;

(5) Approved pressure vessels (hot water heaters listed by a nationally recognized testing agency), with approved safety devices including a pressure relief valve, with a nominal water containing capacity of one hundred twenty gallons or less having a heat input of two hundred thousand b.t.u.'s per hour or less, used for hot water supply at pressure of one hundred sixty pounds per square inch or less, and at temperatures of two hundred ~~ten~~ degrees Fahrenheit or less: PROVIDED, HOWEVER, That such pressure vessels are not installed in schools, child care centers, public and private hospitals, nursing and boarding homes, churches, public buildings owned or leased and maintained by the state or any political subdivision thereof, and assembly halls;

(6) Unfired pressure vessels containing only water under pressure for domestic supply purposes, including those containing air, the compression of which serves only as a cushion or airlift pumping systems, when located in private residences or in apartment houses of less than six families;

(7) Unfired pressure vessels containing liquified petroleum gases.

**Sec. 5.** RCW 70.79.130 and 1951 c 32 s 13 are each amended to read as follows:

In addition to the deputy boiler inspectors authorized by RCW 70.79.120, the chief inspector shall, upon the request of any company authorized to insure against loss from explosion of boilers and unfired pressure vessels in this state, or upon the request of any company operating boilers or unfired pressure vessels in this state, issue to any inspectors of said company commissions as special inspectors, provided that each such inspector before receiving his or her commission shall satisfactorily pass the examination provided for in RCW 70.79.170, or, in lieu of such examination, shall hold a certificate of competency as an inspector of boilers and unfired pressure vessels for a state that has a standard of examination substantially equal to that of this state or a certificate as an inspector of boilers and unfired pressure vessels from the national board of boiler and pressure vessel inspectors. A commission as a special inspector for a company operating boilers or unfired pressure vessels in this state shall be issued only if, in addition to meeting the requirements stated herein, the inspector is continuously employed by the company for the purpose of making inspections of boilers or unfired pressure vessels used, or to be used, by such company.

**Sec. 6.** RCW 70.79.140 and 1951 c 32 s 14 are each amended to read as follows:

Special inspectors shall receive no salary from, nor shall any of their expenses be paid by the state, and the continuance of a special inspector's commission shall be conditioned upon his or her continuing in the employ of a boiler insurance company duly authorized as aforesaid or upon continuing in the employ of a company operating boilers or unfired pressure vessels in this state and upon his or her maintenance of the standards imposed by this chapter.

**Sec. 7.** RCW 70.79.150 and 1951 c 32 s 15 are each amended to read as follows:

Special inspectors shall inspect all boilers and unfired pressure vessels insured or ~~((all unfired pressure vessels))~~ operated by their respective companies and, when so inspected, the owners and users of such insured boilers and unfired pressure vessels shall be exempt from the payment to the state of the inspection fees as provided for in RCW 70.79.330.

**Sec. 8.** RCW 70.79.160 and 1951 c 32 s 16 are each amended to read as follows:

Each company employing special inspectors shall, within thirty days following each internal boiler or unfired pressure vessel inspection made by such inspectors, file a report of such inspection with the chief inspector upon appropriate forms ~~((as promulgated by the American society of mechanical engineers))~~. Reports of external inspections shall not be required except when such inspections disclose that the boiler or unfired pressure vessel is in dangerous condition.

**Sec. 9.** RCW 70.79.280 and 1951 c 32 s 27 are each amended to read as follows:

All boilers and all unfired pressure vessels to be installed in this state after the ~~((twelve months))~~ twelve-month period from the date upon which the rules ~~((and regulations))~~ of the board shall become effective shall be inspected during construction as required by the applicable rules ~~((and regulations))~~ of the board by an inspector authorized to inspect boilers and unfired pressure vessels in this state, or, if constructed outside of the state, by an inspector holding a certificate from the national board of boiler and pressure vessel inspectors, or a certificate of competency as an inspector of boilers and unfired pressure vessels for a state that has a standard of examination substantially equal to that of this state as provided in RCW 70.79.170.

**Sec. 10.** RCW 70.79.310 and 1951 c 32 s 30 are each amended to read as follows:

The chief inspector, or his or her authorized representative, may at any time suspend an inspection certificate when, in his or her opinion, the boiler or unfired pressure vessel for which it was issued~~((r))~~ cannot be operated without menace to the public safety, or when the boiler or unfired pressure vessel is found not to comply with the rules ~~((and regulations))~~ herein provided. A special inspector shall have corresponding powers with respect to inspection certificates for boilers or unfired pressure vessels insured or ~~((unfired pressure vessels))~~ operated by the company employing him or her. Such suspension of an inspection certificate shall continue in effect until such boiler or unfired pressure vessel shall have been made to conform to the rules ~~((and regulations))~~ of the board, and until said inspection certificate shall have been reinstated."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

MOTION

On motion of Senator Fairley, the Senate concurred in the House amendment to Senate Bill No. 5040.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5040, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5040, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Long, McAuliffe and Oke - 3.

SENATE BILL NO. 5040, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5095 with the following amendment(s):

On page 1, after the enacting clause strike the remainder of the bill, and insert:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.21 RCW to read as follows:

A public corporation, commission, or authority created under this chapter, and officers and multi-member governing body thereof, are subject to general laws regulating local governments, multi-member governing bodies, and local governmental officials, including, but not limited to, the requirement to be audited by the state auditor and various accounting requirements provided under chapter 43.09 RCW, the open public record requirements of chapter 42.17 RCW, the prohibition on using its facilities for campaign purposes under RCW 42.17.130, the open public meetings law of chapter 42.30 RCW, the code of ethics for municipal officers under chapter 42.23 RCW, and the local government whistleblower law under chapter 42.41 RCW."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

MOTION

Senator Patterson moved that the Senate concur in the House amendment to Senate Bill No. 5095.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Patterson that the Senate concur in the House amendment to Senate Bill No. 5095.

The motion by Senator Patterson carried and the Senate concurred in the House amendment to Senate Bill No. 5095.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5095, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5095, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senator Deccio - 1.

Excused: Senators Long, McAuliffe and Oke - 3.

SENATE BILL NO. 5095, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 15, 1999

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5108 with the following amendment(s):

On page 3, after line 29, insert the following:

**"NEW SECTION. Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void."

Renumber the remaining section consecutively, correct internal references accordingly, and correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Costa, the Senate concurred in the House amendment to Second Substitute Senate Bill No. 5108.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5108, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5108, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44. Absent: Senators Finkbeiner and Hargrove - 2. Excused: Senators Long, McAuliffe and Oke - 3. SECOND SUBSTITUTE SENATE BILL NO. 5108, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 8, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5153 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 47.06A.020 and 1998 c 175 s 3 are each amended to read as follows:

(1) The board shall:

(a) Adopt rules and procedures necessary to implement the freight mobility strategic investment program;

(b) Solicit from public entities proposed projects that meet eligibility criteria established in accordance with subsection (4) of this section; and

(c) Review and evaluate project applications based on criteria established under this section, and prioritize and select projects comprising a portfolio to be funded in part with grants from state funds appropriated for the freight mobility strategic investment program. In determining the appropriate level of state funding for a project, the board shall ensure that state funds are allocated to leverage the greatest amount of partnership funding possible. After selecting projects comprising the portfolio, the board shall submit them as part of its budget request to the office of financial management and the legislature. The board shall ensure that projects submitted as part of the portfolio are not more appropriately funded with other federal, state, or local government funding mechanisms or programs. The board shall reject those projects that appear to improve overall general mobility with limited enhancement for freight mobility.

The board shall provide periodic progress reports on its activities to the ~~((governor))~~ office of financial management and the legislative transportation committee.

(2) The board may:

(a) Accept from any state or federal agency, loans or grants for the financing of any transportation project and enter into agreements with any such agency concerning the loans or grants;

(b) Provide technical assistance to project applicants;

(c) Accept any gifts, grants, or loans of funds, property, or financial, or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter;

(d) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter; and

(e) Do all things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

(3) The board shall designate strategic freight corridors within the state. The board shall update the list of designated strategic corridors not less than every two years, and shall establish a method of collecting and verifying data, including information on city and county-owned roadways.

(4) From June 11, 1998, through the biennium ending June 30, 2001, the board shall utilize threshold project eligibility criteria that, at a minimum, includes the following:

(a) The project must be on a strategic freight corridor;

(b) The project must meet one of the following conditions:

(i) It is primarily aimed at reducing identified barriers to freight movement with only incidental benefits to general or personal mobility; or

(ii) It is primarily aimed at increasing capacity for the movement of freight with only incidental benefits to general or personal mobility; or

(iii) It is primarily aimed at mitigating the impact on communities of increasing freight movement, including roadway/railway conflicts; and

(c) The project must have a total public benefit/total public cost ratio of equal to or greater than one.

(5) From June 11, 1998, through the biennium ending June 30, 2001, the board shall use the multicriteria analysis and scoring framework for evaluating and ranking eligible freight mobility and freight mitigation projects developed by the freight mobility project prioritization committee and contained in the January 16, 1998, report entitled "Project Eligibility, Priority and Selection Process for a Strategic Freight Investment Program." The prioritization process shall measure the degree to which projects address important program objectives and shall generate a project score that reflects a project's priority compared to other projects. The board shall assign scoring points to each criterion that indicate the relative importance of the criterion in the overall determination of project priority. After June 30, 2001, the board may supplement and refine the initial project priority criteria and scoring framework developed by the freight mobility project prioritization committee as expertise and experience is gained in administering the freight mobility program.

(6) It is the intent of the legislature that each freight mobility project contained in the project portfolio submitted by the board utilize the greatest amount of nonstate funding possible. The board shall adopt rules that give preference to projects that contain the greatest levels of financial participation from nonprogram fund sources. The board shall consider twenty percent as the minimum partnership contribution, but shall also ensure that there are provisions allowing exceptions for projects that are located in areas where minimal local funding capacity exists or where the magnitude of the project makes the adopted partnership contribution financially unfeasible.

(7) The board shall develop and recommend policies that address operational improvements that primarily benefit and enhance freight movement, including, but not limited to, policies that reduce congestion in truck lanes at border crossings and weigh stations and provide for access to ports during nonpeak hours.

**Sec. 2.** RCW 47.06A.030 and 1998 c 175 s 4 are each amended to read as follows:

(1) The freight mobility strategic investment board is created. The board shall convene by July 1, 1998.

(2) The board is composed of twelve members. The following members are appointed by the governor for terms of four years, except that five members initially are appointed for terms of two years: (a) Two members, one of whom is from a city located within or along a strategic freight corridor, appointed from a list of at least four persons nominated by the association of Washington cities or its successor; (b) two members, one of whom is from a county having a strategic freight corridor within its boundaries, appointed from a list of at least four persons nominated by the Washington state association of counties or its successor; (c) two members, one of whom is from a port district located within or along a strategic freight corridor, appointed from a list of at least four persons nominated by the Washington public ports association or its successor; (d) one member representing the office of financial management; (e) one member appointed as a representative of the trucking industry; (f) one member appointed as a representative of the railroads; (g) the secretary of the department of transportation; (h) one member representing the steamship industry; and (i) one member of the general public. In appointing the general public member, the governor shall endeavor to appoint a member with special expertise in relevant fields such as public finance, freight transportation, or public works construction. The governor shall appoint the general public member as chair of the board. In making appointments to the board, the governor shall ensure that each geographic region of the state is represented.

(3) Members of the board (~~((may not receive compensation. Reimbursement for))~~) shall be reimbursed for reasonable and customary travel ((and other)) expenses ((shall be provided by each respective organization that a member represents on the board)) as provided in RCW 43.03.050 and 43.03.060.

(4) If a vacancy on the board occurs by death, resignation, or otherwise, the governor shall fill the vacant position for the unexpired term. Each vacancy in a position appointed from lists provided by the associations and departments under subsection (2) of this section must be filled from a list of at least four persons nominated by the relevant association or associations.

(5) The appointments made in subsection (2) of this section are not subject to confirmation.

**Sec. 3.** RCW 47.06A.040 and 1998 c 175 s 5 are each amended to read as follows:

The board (~~((shall))~~, at its option, may either appoint an executive director, who shall serve at its pleasure and whose salary shall be set by the board(~~((Staff support to the board shall initially be provided by the department of transportation, the transportation improvement board, and the county road administration board or their successor agencies. The board shall develop a plan that provides for administration and staffing of the program and present this plan to the office of financial management and the legislative transportation committee by December 31, 1998))~~) or make provisions ensuring the responsibilities of the executive director are carried out by an existing transportation-related state agency or by private contract. Staff support to the board shall be provided by the department of transportation, the transportation improvement board, and the county road administration board, or their successor agencies.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Gardner, the Senate concurred in the House amendment to Substitute Senate Bill No. 5153.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5153, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5153, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Long and Oke - 2.

SUBSTITUTE SENATE BILL NO. 5153, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 9, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5147 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 51.32.040 and 1996 c 47 s 1 are each amended to read as follows:

(1) Except as provided in RCW 43.20B.720 and 74.20A.260, no money paid or payable under this title shall, before the issuance and delivery of the check or warrant, be assigned, charged, or taken in execution, attached, garnished, or pass or be paid to any other person by operation of law, any form of voluntary assignment, or power of attorney. Any such assignment or charge is void unless the transfer is to a financial institution at the request of a worker or other beneficiary and made in accordance with RCW 51.32.045.

(2)(a) If any worker suffers (i) a permanent partial injury and dies from some other cause than the accident which produced the injury before he or she receives payment of the award for the permanent partial injury or (ii) any other injury before he or she receives payment of any monthly installment covering any period of time before his or her death, the amount of the permanent partial disability award or the monthly payment, or both, shall be paid to the surviving spouse or the child or children if there is no surviving spouse. If there is no surviving spouse and no child or children, the award or the amount of the monthly payment shall be paid by the department or self-insurer and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

(b) If any worker suffers an injury and dies from it before he or she receives payment of any monthly installment covering time loss for any period of time before his or her death, the amount of the monthly payment shall be paid to the surviving spouse or the child or children if there is no surviving spouse. If there is no surviving spouse and no child or children, the amount of the monthly payment shall be paid by the department or self-insurer and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

(c) Any application for compensation under this subsection (2) shall be filed with the department or self-insuring employer within one year of the date of death. The department or self-insurer may satisfy its responsibilities under this subsection (2) by sending any payment due in the name of the decedent and to the last known address of the decedent.

(3)(a) Any worker or beneficiary receiving benefits under this title who is subsequently confined in, or who subsequently becomes eligible for benefits under this title while confined in, any institution under conviction and sentence shall have all payments of the compensation canceled during the period of confinement. After discharge from the institution, payment of benefits due afterward shall be paid if the worker or beneficiary would, except for the provisions of this subsection (3), otherwise be entitled to them.

(b) If any prisoner is injured in the course of his or her employment while participating in a work or training release program authorized by chapter 72.65 RCW and is subject to the provisions of this title, he or she is entitled to payments under this title, subject to the requirements of chapter 72.65 RCW, unless his or her participation in the program has been canceled, or unless he or she is returned to a state correctional institution, as defined in RCW 72.65.010(3), as a result of revocation of parole or new sentence.

(c) If the confined worker has any beneficiaries during the confinement period during which benefits are canceled under (a) or (b) of this subsection, they shall be paid directly the monthly benefits which would have been paid to the worker for himself or herself and the worker's beneficiaries had the worker not been confined.

(4) Any lump sum benefits to which a worker would otherwise be entitled but for the provisions of this section shall be paid on a monthly basis to his or her beneficiaries.

**Sec. 2.** RCW 51.48.110 and 1986 c 56 s 1 are each amended to read as follows:

Where death results from the injury or occupational disease and the deceased leaves no beneficiaries, a self-insurer shall pay into the supplemental pension fund the sum of ten thousand dollars, less any amount that the self-insurer paid under RCW 51.32.040(2) as payment due for the period of time before the worker's death."

Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Fairley, the Senate concurred in the House amendment to Substitute Senate Bill No. 5147.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5147, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5147, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senators Benton and Heavey - 2.

Excused: Senator Oke - 1.

SUBSTITUTE SENATE BILL NO. 5147, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Eide was excused.

#### MESSAGE FROM THE HOUSE

April 7, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5125 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 15.92.090 and 1995 c 390 s 1 are each amended to read as follows:

(1) A commission on pesticide registration is established. The commission shall be composed of twelve voting members appointed by the governor as follows:

(a) Eight members from the following segments of the state's agricultural industry as nominated by a state-wide private agricultural association or agricultural commodity commission formed under Title 15 RCW: (i) The tree fruit industry; (ii) hop growers; (iii) potato growers; (iv) wheat growers; (v) vegetable and seed growers; (vi) berry growers; (vii) wine grape growers; and (viii) the nursery and landscape industry. Although members are appointed from various segments of the agriculture industry, they are appointed to represent and advance the interests of the industry as a whole.

(b) One member from each of the following: (i) Forest protection industry; (ii) food processors; (iii) agricultural chemical industry; and (iv) professional pesticide applicators. One member shall be appointed for each such segment of the industry and shall be nominated by a state-wide, private association of that segment of the industry. The representative of the agricultural chemical industry shall be involved in the manufacture of agricultural crop protection products.

The following shall be ex officio, nonvoting members of the commission: The coordinator of the interregional project number four at Washington State University; the director of the department of ecology or the director's designee; the director of the department of agriculture or the director's designee; the director of the department of labor and industries or the director's designee; and the secretary of the department of health or the secretary's designee.

(2) Each voting member of the commission shall serve a term of three years. However, the first appointments in the first year shall be made by the governor for one, two, and three-year terms so that, in subsequent years, approximately one-third of the voting members shall be appointed each year. The governor shall assign the initial one, two, and three-year terms to members by lot. A vacancy shall be filled by appointment for the unexpired term in the same manner provided for an appointment to the full term. No member of the commission may be removed by the governor during his or her term of office unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office. Each member of the commission shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 for attending meetings of the commission and for performing special duties, in the way of official commission business, specifically assigned to the person by the commission. The voting members of the commission serve without compensation from the state other than such travel expenses.

(3) Nominations for the initial appointments to the commission under subsection (1) of this section shall be submitted by September 1, 1995. The governor shall make initial appointments to the commission by October 15, 1995.

(4) The commission shall elect a chair from among its voting members each calendar year. After its original organizational meeting, the commission shall meet at the call of the chair. A majority of the voting members of the commission constitutes a quorum and an official action of the commission may be taken by a majority vote of the ~~((voting members))~~ quorum.

**Sec. 2.** RCW 15.92.095 and 1995 c 390 s 2 are each amended to read as follows:

(1) ~~((The following apply))~~ This subsection applies to the use of ~~((state moneys appropriated to Washington State University specifically and expressly for studies or activities regarding the registration of pesticides))~~ state appropriations made to or legislatively intended for the commission on pesticide registration and to any other moneys appropriated by the state and received by the commission on pesticide registration:

(a) The moneys may not be expended without the express approval of the commission on pesticide registration;

(b) The moneys may be used for: (i) Evaluations, studies, or investigations approved by the commission on pesticide registration regarding the registration or reregistration of pesticides for minor crops or minor uses or regarding the availability of pesticides for emergency uses. These evaluations, studies, or investigations may be conducted by the food and environmental quality laboratory or may be secured by the commission from other qualified laboratories, researchers, or contractors by contract, which contracts may include, but are not limited to, those purchasing the use of proprietary information; (ii) evaluations, studies, or investigations approved by the commission regarding research, implementation, and demonstration of any aspect of integrated pest management and pesticide resistance management programs; (iii) the tracking system described in RCW 15.92.060; and ~~((iii))~~ (iv) the support of the commission on pesticide registration and its activities; and

(c) Not less than twenty-five percent of such moneys shall be dedicated to studies or investigations concerning the registration or use of pesticides for crops that are not among the top twenty agricultural commodities in production value produced in the state, as determined annually by the Washington agricultural statistics service.

(2) The commission on pesticide registration shall establish priorities to guide it in approving the use of moneys for evaluations, studies, and investigations under this section. Each biennium, the commission shall prepare a contingency plan for providing funding for laboratory studies or investigations that are necessary to pesticide registrations or related processes that will address emergency conditions for agricultural crops that are not generally predicted at the beginning of the biennium.

**Sec. 3.** RCW 15.92.100 and 1995 c 390 s 3 are each amended to read as follows:

The commission on pesticide registration shall:

(1) Provide guidance to the food and environmental quality laboratory established in RCW 15.92.050 regarding the laboratory's studies, investigations, and evaluations concerning the registration of pesticides for use in this state for minor crops and minor uses and concerning the availability of pesticides for emergency uses;

(2) Encourage agricultural organizations to assist in providing funding, in-kind services, or materials for laboratory studies and investigations concerning the registration of pesticides and research, implementation, and demonstration of any aspect of integrated pest management and pesticide resistance management programs for minor crops and minor uses that would benefit the organizations;

(3) Provide guidance to the laboratory regarding a program for: Tracking the availability of effective pesticides for minor crops, minor uses, and emergency uses; providing this information to organizations of agricultural producers; and maintaining close contact between the laboratory, the department of agriculture, and organizations of agricultural producers regarding the need for research to support the registration of pesticides for minor crops and minor uses and the availability of pesticides for emergency uses;

(4) Ensure that the activities of the commission and the laboratory are coordinated with the activities of other laboratories in the Pacific Northwest, the United States department of agriculture, and the United States environmental protection agency to maximize the effectiveness of regional efforts to assist in the registration of pesticides for minor crops and minor uses and in providing for the availability of pesticides for emergency uses for the region and the state; and

(5) Ensure that prior to approving any residue study that there is written confirmation of registrant support and willingness or ability to add the given minor crop to its label including any restrictions or guidelines the registrant intends to impose."

On page 1, line 2 of the title, after "registration;" strike the remainder of the title and insert "and amending RCW 15.92.090, 15.92.095, and 15.92.100.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

## MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendments to Senate Bill No. 5125.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5125, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5125, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Eide and Oke - 2.

SENATE BILL NO. 5125, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 12, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5290 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.21A.660 and 1996 c 190 s 1 are each amended to read as follows:

Funds in the freshwater aquatic weeds account may be appropriated to the department of ecology to develop a freshwater aquatic weeds management program ~~((t))~~. Funds shall be expended as follows:

(1) ~~((Issue))~~ No less than two-thirds of the appropriated funds shall be issued as grants to (a) cities, counties, tribes, special purpose districts, and state agencies to prevent, remove, reduce, or manage excessive freshwater aquatic weeds; (b) fund demonstration or pilot projects consistent with the purposes of this section; and (c) fund hydrilla eradication activities in waters of the state. Except for hydrilla eradication activities, such grants shall only be issued for lakes, rivers, or streams with a public boat launching ramp or which are designated by the department of fish and wildlife for fly-fishing. The department shall give preference to projects having matching funds or in-kind services; and

(2) No more than one-third of the appropriated funds shall be expended to:

(a) Develop public education programs relating to preventing the propagation and spread of freshwater aquatic weeds;

and

~~((3))~~ (b) Provide technical assistance to local governments and citizen groups((;

~~(4) Fund demonstration or pilot projects consistent with the purposes of this section; and~~

~~(5) Fund hydrilla eradication activities in waters of the state)).~~

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.21A RCW to read as follows:

(1) The department shall appoint an advisory committee to oversee the freshwater aquatic weeds management program.

(2) The advisory committee shall include representatives from the following groups:

(a) Recreational boaters interested in freshwater aquatic weed management;

(b) Residents adjacent to lakes, rivers, or streams with public boat launch facilities;

(c) Local governments;

(d) Scientific specialists;

(e) Pesticide registrants, as defined in RCW 15.58.030(34);

(f) Certified pesticide applicators, as defined in RCW 17.21.020(5), who specialize in the use of aquatic pesticides; and

(g) If chapter . . . , Laws of 1999 (Senate Bill No. 5315) is enacted by June 30, 1999, the aquatic nuisance species coordinating committee.

(3) The advisory committee shall review and provide recommendations to the department on freshwater aquatic weeds management program activities and budget and establish criteria for grants funded from the freshwater aquatic weeds account.", and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Goings, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5290.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5290, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5290, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Benton - 1.

Excused: Senators Eide and Oke - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5290, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator McAuliffe was excused.

#### MESSAGE FROM THE HOUSE

April 8, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5273 with the following amendment(s):

On page 3, beginning on line 28, after "(2)" insert "The criteria developed in subsection (1) of this section must not impose nor require regulation of privately owned lands or property rights.

(3)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.,and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Gardner, the Senate concurred in the House amendment to Substitute Senate Bill No. 5273.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5273, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5273, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators McAuliffe and Oke - 2. SUBSTITUTE SENATE BILL NO. 5273, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 7, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5307 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 78.44.031 and 1997 c 142 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter.

(1) "Approved subsequent use" means the post surface-mining land use contained in an approved reclamation plan and approved by the local land use authority.

(2) "Completion of surface mining" means the cessation of mining and directly related activities in any segment of a surface mine that occurs when essentially all minerals that can be taken under the terms of the reclamation permit have been depleted except minerals required to accomplish reclamation according to the approved reclamation plan.

(3) "Department" means the department of natural resources.

(4) "Determination" means any action by the department including permit issuance, reporting, reclamation plan approval or modification, permit transfers, orders, fines, or refusal to issue permits.

(5) "Disturbed area" means any place where activities clearly in preparation for, or during, surface mining have physically disrupted, covered, compacted, moved, or otherwise altered the characteristics of soil, bedrock, vegetation, or topography that existed prior to such activity. Disturbed areas may include but are not limited to: Working faces, water bodies created by mine-related excavation, pit floors, the land beneath processing plant and stock pile sites, spoil pile sites, and equipment staging areas. Disturbed areas shall also include aboveground waste rock sites and tailing facilities, and other surface manifestations of underground mines.

Disturbed areas do not include:

(a) Surface mine access roads unless these have characteristics of topography, drainage, slope stability, or ownership that, in the opinion of the department, make reclamation necessary; ~~((and))~~

(b) Lands that have been reclaimed to all standards outlined in this chapter, rules of the department, any applicable SEPA document, and the approved reclamation plan; and

(c) Subsurface aspects of underground mines, such as portals, tunnels, shafts, pillars, and stopes.

(6) "Miner" means any person or persons, any partnership, limited partnership, or corporation, or any association of persons, including every public or governmental agency engaged in surface mining ~~((from the surface))~~.

(7) "Minerals" means clay, coal, gravel, industrial minerals, metallic substances, peat, sand, stone, topsoil, and any other similar solid material or substance to be excavated from natural deposits on or in the earth for commercial, industrial, or construction use.

(8) "Operations" means all mine-related activities, exclusive of reclamation, that include, but are not limited to activities that affect noise generation, air quality, surface and ground water quality, quantity, and flow, glare, pollution, traffic safety, ground vibrations, and/or significant or substantial impacts commonly regulated under provisions of land use or other permits of local government and local ordinances, or other state laws.

Operations specifically include:

(a) The mining or extraction of rock, stone, gravel, sand, earth, and other minerals;

(b) Blasting, equipment maintenance, sorting, crushing, and loading;  
(c) On-site mineral processing including asphalt or concrete batching, concrete recycling, and other aggregate recycling;  
(d) Transporting minerals to and from the mine, on site road maintenance, road maintenance for roads used extensively for surface mining activities, traffic safety, and traffic control.

(9) "Overburden" means the earth, rock, soil, and topsoil that lie above mineral deposits.

(10) "Permit holder" means any person or persons, any partnership, limited partnership, or corporation, or any association of persons, either natural or artificial, including every public or governmental agency engaged in surface mining and/or the operation of surface mines, whether individually, jointly, or through subsidiaries, agents, employees, operators, or contractors who holds a state reclamation permit.

(11) "Reclamation" means rehabilitation for the appropriate future use of disturbed areas resulting from surface mining including areas under associated mineral processing equipment (~~and~~), areas under stockpiled materials, and aboveground waste rock and tailing facilities, and all other surface disturbances associated with underground mines. Although both the need for and the practicability of reclamation will control the type and degree of reclamation in any specific surface mine, the basic objective shall be to reestablish on a perpetual basis the vegetative cover, soil stability, and water conditions appropriate to the approved subsequent use of the surface mine and to prevent or mitigate future environmental degradation.

(12) "Reclamation setbacks" include those lands along the margins of surface mines wherein minerals and overburden shall be preserved in sufficient volumes to accomplish reclamation according to the approved plan and the minimum reclamation standards. Maintenance of reclamation setbacks may not preclude other mine-related activities within the reclamation setback.

(13) "Recycling" means the reuse of minerals or rock products.

(14) "Screening" consists of vegetation, berms or other topography, fencing, and/or other screens that may be required to mitigate impacts of surface mining on adjacent properties and/or the environment.

(15) "Segment" means any portion of the surface mine that, in the opinion of the department:

(a) Has characteristics of topography, drainage, slope stability, ownership, mining development, or mineral distribution, that make reclamation necessary;

(b) Is not in use as part of surface mining and/or related activities; and

(c) Is larger than seven acres and has more than five hundred linear feet of working face except as provided in a segmental reclamation agreement approved by the department.

(16) "SEPA" means the state environmental policy act, chapter 43.21C RCW and rules adopted thereunder.

(17)(a) "Surface mine" means any area or areas in close proximity to each other, as determined by the department, where extraction of minerals (~~from the surface~~) results in:

(i) More than three acres of disturbed area;

(ii) Surface mined slopes greater than thirty feet high and steeper than 1.0 foot horizontal to 1.0 foot vertical; or

(iii) More than one acre of disturbed area within an eight acre area, when the disturbed area results from mineral prospecting or exploration activities.

(b) Surface mines include areas where mineral extraction from the surface or subsurface occurs by the auger method or by reworking mine refuse or tailings, when (~~these activities~~) the disturbed area exceeds the size or height thresholds listed in (a) of this subsection.

(c) Surface mining occurs when operations have created or are intended to create a surface mine as defined by this subsection.

(d) Surface mining shall exclude excavations or grading used:

(i) Primarily for on-site construction, on-site road maintenance, or on-site landfill construction;

(ii) For the purpose of public safety or restoring the land following a natural disaster;

(iii) For the purpose of removing stockpiles;

(iv) For forest or farm road construction or maintenance on site or on contiguous lands;

(v) Primarily for public works projects if the mines are owned or primarily operated by counties with 1993 populations of less than twenty thousand persons, and if each mine has less than seven acres of disturbed area; and

(vi) For sand authorized by RCW 43.51.685(~~and~~);

~~(vii) For underground mines).~~

(18) "Topsoil" means the naturally occurring upper part of a soil profile, including the soil horizon that is rich in humus and capable of supporting vegetation together with other sediments within four vertical feet of the ground surface.

**NEW SECTION. Sec. 2.** A new section is added to chapter 78.44 RCW to read as follows:

Surface disturbances caused by an underground metals mining and milling operation are subject to the requirements of this chapter if the operation is proposed after June 30, 1999. An operation is proposed when an agency is presented with an application for an operation or expansion of an existing operation having a probable significant adverse environmental impact

under chapter 43.21C RCW. The department of ecology shall retain authority for reclamation of surface disturbances caused by an underground operation operating at any time prior to June 30, 1999, unless the operator requests that authority for reclamation of surface disturbances caused by such operation be transferred to the department under the requirements of this chapter.

**NEW SECTION. Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Jacobsen, the Senate concurred in the House amendment to Senate Bill No. 5307. The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5307, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5307, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senators Loveland and Snyder - 2.

Excused: Senators McAuliffe and Oke - 2. SENATE BILL NO. 5307, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

#### MOTION

On motion of Senator Benton, the following resolution was adopted:

#### SENATE RESOLUTION 1999-8666

By Senators Benton, Bauer, Zarelli and Honeyford

WHEREAS, George J. Schmid was a stellar example of the American dream and all that is great about American society's entrepreneurial spirit; a man who achieved success starting with only hard work, determination and desire; and

WHEREAS, From nothing Mr. Schmid built businesses in Camas/Washougal that have employed hundreds of local citizens, and that helped forge the modern economic destiny of the area; and

WHEREAS, While Mr. Schmid helped pioneer and sustain the economic development of Camas/Washougal, he took pains to protect the local environment; and

WHEREAS, Mr. Schmid started concrete, asphalt and wood recycling operations long before concerns for recycling efforts were customary; and

WHEREAS, Mr. Schmid donated both his time and resources to charities within his community in ways that will impact the community positively for years to come; and

WHEREAS, Mr. Schmid willingly answered his country's call by serving in the U.S. Army during the Korean War; and

WHEREAS, George Schmid tirelessly gave of himself to his community, his state and his country;

NOW, THEREFORE, BE IT RESOLVED, That George Schmid is hereby remembered by the Washington State Senate for his substantial contribution to the development of the Camas/Washougal community, for his charity toward the community, and, in general, for his great sense of duty to the community in which he was able to succeed from humble beginnings; and

BE IT FURTHER RESOLVED, that copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of George Schmid's immediate family.

Senators Benton and Bauer spoke to Senate Resolution 1999-8666.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Emma Schmid, the wife of George Schmid, his daughter and his sons who were seated in the gallery.

#### MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 6, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5358 with the following amendment(s):

On page 1, beginning on line 4, strike all of section 1 and insert the following:

"**Sec. 1.** RCW 46.61.611 and 1967 c 232 s 6 are each amended to read as follows:

No person shall operate on a public highway a motorcycle in which the handlebars or grips are more than ~~((fifteen))~~ thirty inches higher than the seat or saddle for the operator."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

Senator Gardner moved that the Senate concur in the House amendment to Senate Bill No. 5358.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Gardner that the Senate concur in the House amendment to Senate Bill No. 5358.

The motion by Senator Gardner carried and the Senate concurred in the House amendment to Senate Bill No. 5358.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5358, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5358, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar,

Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47. Excused: Senators McAuliffe and Oke - 2. SENATE BILL NO. 5358, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 13, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5385 with the following amendment(s):

On page 1, after the enacting clause, strike the remainder of the bill and insert the following:

**"Sec. 1.** RCW 67.38.160 and 1982 1st ex.s. c 22 s 16 are each amended to read as follows:

A cultural arts, stadium and convention district established in accordance with this chapter shall be dissolved and its affairs liquidated by either of the following methods:

(1) When so directed by a majority of persons in the district voting on such question. An election placing such question before the voters may be called in the following manner:

~~((1))~~ (a) By resolution of the cultural arts, stadium and convention district governing authority;

~~((2))~~ (b) By resolution of the county legislative body or bodies with the concurrence therein by resolution of the city council of a component city; or

~~((3))~~ (c) By petition calling for such election signed by at least ten percent of the qualified voters residing within the district filed with the auditor of the county wherein the largest portion of the district is located. The auditor shall examine the same and certify to the sufficiency of the signatures thereon: PROVIDED, That to be validated, signatures must have been collected within a ninety-day period as designated by the petition sponsors.

With dissolution of the district, any outstanding obligations and bonded indebtedness of the district shall be satisfied or allocated by mutual agreement to the county or counties and component cities of the cultural arts, stadium and convention district.

(2) By submission of a petition signed by at least two-thirds of the legislative bodies who have representatives on the district governing body for an order of dissolution to the superior court of a county of the district. All of the signatures must have been collected within one hundred twenty days of the date of submission to the court. The procedures for dissolution provided in RCW 53.48.030 through 53.48.120 shall apply, except that the balance of any assets, after payment of all costs and expenses, shall be divided among the county or counties and component cities of the district on a per capita basis. Any duties to be performed by a county official pursuant to RCW 53.48.030 through 53.48.120 shall be performed by the relevant official of the county in which the petition for dissolution is filed.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

Senator Patterson moved that the Senate concur in the House amendment to Senate Bill No. 5385.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Patterson that the Senate concur in the House amendment to Senate Bill No. 5385.

The motion by Senator Patterson carried and the Senate concurred in the House amendment to Senate Bill No. 5385.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5385, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5385, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-

Welles, Long, Loveland, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47. Excused: Senators McAuliffe and Oke - 2. SENATE BILL NO. 5385, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Eide, Senator Patterson was excused.  
On motion of Senator Hale, Senator Deccio was excused.

#### MOTION

On motion of Senator Honeyford, Senator Johnson was excused.

#### MESSAGE FROM THE HOUSE

April 9, 1999

#### MR. PRESIDENT:

The House has passed SENATE BILL NO. 5499 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 70.127.010 and 1993 c 42 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

~~(1) ("Branch office" means a location or site from which a home health, hospice, or home care agency provides services within a portion of the total geographic area served by the parent agency. The branch office is part of the agency and is located sufficiently close to share administration, supervision, and services.~~

~~(2))~~ "Department" means the department of health.

~~((3))~~ (2) "Home care agency" means a private or public agency or organization that administers or provides home care services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence.

~~((4))~~ (3) "Home care services" means personal care services, homemaker services, respite care services, or any other nonmedical services provided to ill, disabled, or infirm persons which services enable these persons to remain in their own residences consistent with their desires, abilities, and safety.

~~((5))~~ (4) "Home health agency" means a private or public agency or organization that administers or provides home health aide services or two or more home health services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence. A private or public agency or organization that administers or provides nursing services only may elect to be designated a home health agency for purposes of licensure.

~~((6))~~ (5) "Home health services" means health or medical services provided to ill, disabled, or infirm persons. These services may be of an acute or maintenance care nature, and include but are not limited to nursing services, home health aide services, physical therapy services, occupational therapy services, speech therapy services, respiratory therapy services, nutritional services, medical social services, and medical supplies or equipment services.

~~((7))~~ (6) "Home health aide services" means services provided by a home health agency or a hospice agency under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist. Such care includes ambulation and exercise, assistance with self-administered medications, reporting changes in patients' conditions and needs, completing appropriate records, and personal care or homemaker services.

~~((8))~~ (7) "Homemaker services" means services that assist ill, disabled, or infirm persons with household tasks essential to achieving adequate household and family management.

~~((9))~~ (8) "Hospice agency" means a private or public agency or organization administering or providing hospice care directly or through a contract arrangement to terminally ill persons in places of temporary or permanent residence by using an interdisciplinary team composed of at least nursing, social work, physician, and pastoral or spiritual counseling.

~~((10))~~ (9) "Hospice care" means: (a) Palliative care provided to a terminally ill person in a place of temporary or permanent residence that alleviates physical symptoms, including pain, as well as alleviates the emotional and spiritual discomfort associated with dying; and (b) bereavement care provided to the family of a terminally ill person that alleviates the emotional and spiritual discomfort associated with the death of a family member. Hospice care may include health and medical services and

personal care, respite, or homemaker services. Family means individuals who are important to and designated by the patient, and who need not be relatives.

~~((14))~~ (10) "Ill, disabled, or infirm persons" means persons who need home health, hospice, or home care services in order to maintain themselves in their places of temporary or permanent residence.

~~((12))~~ (11) "Personal care services" means services that assist ill, disabled, or infirm persons with dressing, feeding, and personal hygiene to facilitate self-care.

~~((13))~~ (12) "Public or private agency or organization" means an entity that employs or contracts with two or more persons who provide care in the home.

~~((14))~~ (13) "Respite care services" means services that assist or support the primary care giver on a scheduled basis.

(14) "Service area" means the geographic area in which the department has given prior approval to a licensee to provide home health, hospice, or home care services.

**Sec. 2.** RCW 70.127.080 and 1993 c 42 s 4 are each amended to read as follows:

(1) An applicant for a home health, hospice, or home care agency license shall:

(a) File a written application on a form provided by the department;

(b) Demonstrate ability to comply with this chapter and the rules adopted under this chapter;

(c) Cooperate with on-site review conducted by the department prior to licensure or renewal except as provided in RCW 70.127.085;

(d) Provide evidence of and maintain professional liability insurance in the amount of one hundred thousand dollars per occurrence or adequate self-insurance as approved by the department. This subsection shall not apply to hospice agency applicants that provide hospice care without receiving compensation for delivery of services;

(e) Provide evidence of and maintain public liability and property damage insurance coverage in the sum of fifty thousand dollars for injury or damage to property per occurrence and fifty thousand dollars for injury or damage, including death, to any one person and one hundred thousand dollars for injury or damage, including death, to more than one person, or evidence of adequate self-insurance for public liability and property damage as approved by the department. This subsection shall not apply to hospice agency applicants that provide hospice care without receiving compensation for delivery of services;

(f) Provide such proof as the department may require concerning organizational structure, and the identity of the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets;

(g) File with the department for approval a ((list of the counties)) description of the service area in which the applicant will operate and a description of how the applicant intends to provide management and supervision of services throughout the service area. The department shall adopt rules necessary to establish criteria for approval that are related to appropriate management and supervision of services throughout the service area. In developing the rules, the department may not establish criteria that:

(i) Limit the number or type of agencies in any service area; or

(ii) Limit the number of persons any agency may serve within its service area unless the criteria are related to the need for trained and available staff to provide services within the service area;

(h) File with the department a list of the services offered;

(i) Pay to the department a license fee as provided in RCW 70.127.090; and

(j) Provide any other information that the department may reasonably require.

(2) A certificate of need under chapter 70.38 RCW is not required for licensure.

(3) A license or renewal shall not be granted pursuant to this chapter if the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets, within the last five years have been found in a civil or criminal proceeding to have committed any act which reasonably relates to the person's fitness to establish, maintain, or administer an agency or to provide care in the home of another.

~~((4) A separate license is not required for a branch office.)~~

**Sec. 3.** RCW 70.127.090 and 1993 c 42 s 5 are each amended to read as follows:

An application for a license or any renewal shall be accompanied by a fee as established by the department under RCW 43.70.250. The department shall adopt by rule licensure fees ((shall be)) based on a sliding scale using such factors as the number of agency full-time equivalents, ((with agencies with the highest number of full-time equivalents paying the highest fee. Full-time equivalent is a measurement based on a forty-hour work week and is applicable to paid agency employees or contractors)) geographic area served, number of locations, or type and volume of services provided. For agencies receiving a licensure survey that requires more than ~~((one))~~ two on-site reviews by the department per licensure period, an additional fee ~~((of fifty percent of the base licensure fee))~~ as determined by the department by rule shall be charged for each additional on-site review. The department shall charge a reasonable fee for processing changes in ownership. The department may set different licensure fees for each licensure category.

**Sec. 4.** RCW 70.127.110 and 1988 c 245 s 12 are each amended to read as follows:

The department shall adopt rules providing for the combination of applications and licenses, and the reduction of individual license fees if an applicant applies for more than one category of license under this chapter. The department shall provide for combined licensure inspections and audits for licensees holding more than one license under this chapter. The department may prorate licensure fees to facilitate combined licensure inspections and audits.

**NEW SECTION. Sec. 5.** The department of health shall submit a report to the health care committees of the legislature with recommendations for any changes needed to the home health, hospice, and home care licensure law, chapter 70.127 RCW, in order to allow the department to regulate this fast-growing and evolving industry. The report, at a minimum, shall specifically address the following questions:

(1) Does the scope of the licensure law need to be revised in order to enhance protection for persons receiving home health, hospice, and home care services?

(2) Does the department of health need additional compliance strategies in order to provide protection for persons receiving home health, hospice, and home care services?

(3) Does chapter 70.126 RCW need to be retained in statute, or is it simply duplicative and confusing?

A report shall be submitted by November 1, 1999, together with any recommendations for legislation necessary to implement the findings and recommendations of the department of health. The department of health shall prepare the report with existing funds."

Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Thibaudeau, the Senate concurred in the House amendment to Senate Bill No. 5499.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5499, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5499, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45. Excused: Senators Deccio, Johnson, McAuliffe and Patterson - 4. SENATE BILL NO. 5499, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 12, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5502 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 47.64.220 and 1989 c 327 s 2 are each amended to read as follows:

(1) Prior to collective bargaining, the marine employees' commission shall conduct a salary survey. The results of the survey shall be published in a report which shall be a public document comparing wages, hours, employee benefits, and conditions of employment of involved ferry employees with those of public and private sector employees in states along the west coast of the United States, including Alaska, and in British Columbia doing directly comparable but not necessarily identical work, giving consideration to factors peculiar to the area and the classifications involved. Such survey report shall be for the purpose of

disclosing generally prevailing levels of compensation, benefits, and conditions of employment. It shall be used to guide generally but not to define or limit collective bargaining between the parties. The commission shall make such other findings of fact as the parties may request during bargaining or impasse.

(2) Except as provided in subsection (3) of this section, salary and employee benefit information collected from private employers that identifies a specific employer with the salary and employee benefit rates which that employer pays to its employees is not subject to public disclosure under chapter 42.17 RCW.

(3) A person or entity, having reason to believe that the salary survey results are inaccurate, may submit a petition to the state auditor requesting an audit of the data upon which the salary survey results are based. The state auditor shall review and analyze all data collected for the salary survey, including proprietary information, but is prohibited from disclosing the salary survey data to any other person or entity, except by court order.

**NEW SECTION. Sec. 2.** A new section is added to chapter 42.17 RCW to read as follows:

Salary and employee benefit information collected under RCW 47.64.220(1) and described in RCW 47.64.220(2) is exempt from disclosure under this chapter except as provided in RCW 47.64.220.

**NEW SECTION. Sec. 3.** Section 1, chapter . . ., Laws of 1999 (section 1 of this act) is a clarification of existing law and applies retroactively.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Gardner, the Senate concurred in the House amendment to Senate Bill No. 5502. The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5502, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5502, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Excused: Senators Deccio, Johnson and McAuliffe - 3. SENATE BILL NO. 5502, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Morton was excused.

#### MESSAGE FROM THE HOUSE

April 9, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5064 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 42.17.310 and 1998 c 69 s 1 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

~~(oo)~~ Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

~~((pp))~~ ~~(pp)~~ Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

~~((qq))~~ ~~(qq)~~ Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

**NEW SECTION. Sec. 2.** A new section is added to chapter 47.04 RCW to read as follows:

The department, a county, city, town, any other public entity, and any private entity under the public-private transportation initiatives authorized under chapter 47.46 RCW, that provides transit, high-speed ground transportation, high capacity transportation service, ferry service, toll facilities, or other public transportation service or facilities may only use personally identifiable information obtained from the use of electronic toll payments, transit passes, or other fare media such as magnetic strip cards or stored value cards for billing purposes. This information may not be used to track or monitor individual use of the public transportation facilities or service, except for billing purposes and to provide statistical compilations and reports that do not identify an individual."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Gardner, the Senate concurred in the House amendment to Substitute Senate Bill No. 5064.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5064, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5064, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44. Absent: Senator Hargrove - 1. Excused: Senators Deccio, Johnson, McAuliffe and Morton - 4. SUBSTITUTE SENATE BILL NO. 5064, as amended by the House, having

received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### HAPPY BIRTHDAY TO SENATOR McCASLIN

The President extended Happy Birthday wishes to Senator McCaslin.

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. I was just talking to the Senator from the nineteenth district--the Senator from the sixth district will be happy that I used the district instead of the name--but the Senator and I are always talking about our birthdays, because his birthday is in May. You told me it was in May--okay, his birthday is in July. I was trying to compare things between the good Senator and myself, because he was here when I arrived. He was the Secretary of the Senate then. We always talked about our birthdays--his is now in July--he moved it again. That's the way things are. You know how the Democrats are, don't you folks? Anyway, today I have something on him, because I am one year older than he is.

"He may be the head of the strongest party in the state, and he has the most powerful position in the state, but you are younger. You are just a kid. I want you to remember that. I mean--he has a beautiful wife; I have a beautiful wife. She writes poetry; mine makes laws, including the ones at our house. Mine is an attorney, but he does have a lovely wife and she writes beautiful poetry. It has been an absolute pleasure knowing you younger people.

"Goings is laughing--I have fillings older than Goings. I won't go in to my dentures. Anyway, we have a kid over here--he is twenty-nine and he will be thirty pretty soon. They are on a downhill pull, Sid. I have enjoyed every year up here. I get to celebrate my birthday just on the long one hundred and five day session, although next year, we may have a session longer and I will celebrate it then. I'm sorry I am not here in July, Sid, to really help you on your way--as you catch up to me. I won't give up. God bless all of you and thanks, Mr. President, for recognizing the fact that I lived longer than a lot of people wished I had."

Debate ensued.

#### PERSONAL PRIVILEGE

Senator Snyder: "A point of personal privilege, Mr. President. I want to join in wishing my elder a Happy Birthday here today. I think the Senator--and I am going to mention a name here--Senator Deccio and Senator McCaslin and myself are the only three left that served in World War II and the Legislature. At one time, that was almost a criteria. You had to be a World War II Vet to get elected. Also, it is another well-known figure's birthday today that will go down in history. It is Adolph Hitler's birthday today."

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. I have to respond to that. You brought up the nice members of my family. Queen Mary was also born on April 20, so there were some real nice people, too. I have to tell you, my staff--my former secretary whose is now, I am told, is a session aide, and my administrative aide, brought me a cake and they put 'seventy-three' on it and I reversed it and it is now 'thirty-seven.' Senator Rossi came in and said, 'Boy, you sure aged during your time in the Senate.' You are absolutely right, you do age up here, but I still love you all. Senator Deccio, some day we may know when you were born if, in fact, you were really born."

#### REMARKS BY SENATOR DECCIO

Senator Deccio: "Okay, I was born in October of 1921, which makes me seventy-seven. Now, is everybody happy? I feel like I am thirty-six."

#### MOTIONS

On motion of Senator Eide, Senator Patterson was excused.

On motion of Senator Honeyford, Senator Deccio was excused.

#### MESSAGE FROM THE HOUSE

April 14, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5154 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 64.12 RCW to read as follows:

(1) An electric utility is immune from liability under RCW 64.12.030, 64.12.040, and 4.24.630 and any claims for general or special damages, including claims of emotional distress, for cutting or removing vegetation located on or originating from land or property adjacent to electric facilities that:

(a) Has come in contact with or caused damage to electric facilities;

(b) Poses an imminent hazard to the general public health, safety, or welfare and the electric utility provides notice and makes a reasonable effort to obtain an agreement from the resident or property owner present on the property to trim or remove such hazard. For purposes of this subsection (1)(b), notice may be provided by posting a notice or flier in a conspicuous location on the affected property that gives a good faith estimate of the time frame in which the electric utility's trimming or removal work must occur, specifies how the electric utility may be contacted, and explains the responsibility of the resident or property owner to respond pursuant to the requirements of the notice. An electric utility may act without agreement if the resident or property owner fails to respond pursuant to the requirements of the notice. No notice or agreement is necessary if the electric utility's action is necessary to protect life, property, or restore electric service; or

(c) Poses a potential threat to damage electric facilities and the electric utility attempts written notice by mail to the last known address of record indicating the intent to act or remove vegetation and secures agreement from the affected property owner of record for the cutting, removing, and disposition of the vegetation. Such notice shall include a brief statement of the need and nature of the work intended that will impact the owner's property or vegetation, a good faith estimate of the time frame in which such work will occur, and how the utility can be contacted regarding the cutting or removal of vegetation. If the affected property owner fails to respond to a notice from the electric utility within two weeks of the date the electric utility provided notice, the electric utility may secure agreement from a resident of the affected property for the cutting, removing, and disposition of vegetation.

(2)(a) A hazard to the general public health, safety, or welfare is deemed to exist when:

(i) Vegetation has encroached upon electric facilities by overhanging or growing in such close proximity to overhead electric facilities that it constitutes an electrical hazard under applicable electrical construction codes or state and federal health and safety regulations governing persons who are employed or retained by, or on behalf of, an electric utility to construct, maintain, inspect, and repair electric facilities or to trim or remove vegetation; or

(ii) Vegetation is visibly diseased, dead, or dying and has been determined by a qualified forester or certified arborist employed or retained by, or on behalf of, an electric utility to be of such proximity to electric facilities that trimming or removal of the vegetation is necessary to avoid contact between the vegetation and electric facilities.

(b) The factors to be considered in determining the extent of trimming required to remove a hazard to the general public health, safety, or welfare may include normal tree growth, the combined movement of trees and conductors under adverse weather conditions, voltage, and sagging of conductors at elevated temperatures.

(3) A potential threat to damage electric facilities exists when vegetation is of such size, condition, and proximity to electric facilities that it can be reasonably expected to cause damage to electric facilities and, based upon this standard, the vegetation has been determined to pose a potential threat by a qualified forester or certified arborist employed or retained by or on behalf of an electric utility.

(4) For the purposes of this section:

(a) "Electric facilities" means lines, conduits, ducts, poles, wires, pipes, conductors, cables, cross-arms, receivers, transmitters, transformers, instruments, machines, appliances, instrumentalities, and all devices and apparatus used, operated, owned, or controlled by an electric utility, for the purposes of manufacturing, transforming, transmitting, distributing, selling, or furnishing electricity.

(b) "Electric utility" means an electrical company, as defined under RCW 80.04.010, a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a

cooperative formed under chapter 23.86 RCW, and a mutual corporation or association formed under chapter 24.06 RCW, that is engaged in the business of distributing electricity in the state.

(c) "Vegetation" means trees, timber, or shrubs.

**Sec. 2.** RCW 4.24.630 and 1994 c 280 s 1 are each amended to read as follows:

(1) Every person who goes onto the land of another and who removes timber, crops, minerals, or other similar valuable property from the land, or wrongfully causes waste or injury to the land, or wrongfully injures personal property or improvements to real estate on the land, is liable to the injured party for treble the amount of the damages caused by the removal, waste, or injury. For purposes of this section, a person acts "wrongfully" if the person intentionally and unreasonably commits the act or acts while knowing, or having reason to know, that he or she lacks authorization to so act. Damages recoverable under this section include, but are not limited to, damages for the market value of the property removed or injured, and for injury to the land, including the costs of restoration. In addition, the person is liable for reimbursing the injured party for the party's reasonable costs, including but not limited to investigative costs and reasonable attorneys' fees and other litigation-related costs.

(2) This section does not apply in any case where liability for damages is provided under RCW 64.12.030, 79.01.756, 79.01.760, ~~((or)) 79.40.070, or where there is immunity from liability under section 1 of this act.~~

**NEW SECTION. Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Heavey, the Senate concurred in the House amendment to Substitute Senate Bill No. 5154.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5154, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5154, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 3; Excused, 4.

Voting yea: Senators Bauer, Brown, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41. Voting nay: Senator Fairley - 1. Absent: Senators Benton, Snyder and Spanel - 3. Excused: Senators Deccio, Johnson, McAuliffe and Patterson - 4. SUBSTITUTE SENATE BILL NO. 5154, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 6, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5179 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

#### "PART I DEFINITIONS

**NEW SECTION. Sec. 101.** The definitions in this section apply throughout this title unless the context clearly requires otherwise.

(1) "Commission" means the state parks and recreation commission.

(2) "Chair" means the member of the commission elected pursuant to RCW 43.51.030 (as recodified by this act).

(3) "Director" and "director of the state parks and recreation commission" mean the director of parks and recreation or the director's designee.

(4) "Recreation" means those activities of a voluntary and leisure time nature that aid in promoting entertainment, pleasure, play, relaxation, or instruction.

(5) "Natural forest" means a forest that faithfully represents, or is meant to become representative of, its unaltered state.

## PART II GENERAL POLICIES

**Sec. 201.** RCW 43.51.020 and 1984 c 287 s 82 are each amended to read as follows:

There is hereby created a "state parks and recreation commission" consisting of seven ~~((electors))~~ citizens of the state. The members of the commission shall be appointed by the governor by and with the advice and consent of the senate and shall serve for a term of six years, expiring on December 31st of even-numbered years, and until their successors are appointed. In case of a vacancy, the governor shall fill the vacancy for the unexpired term of the commissioner whose office has become vacant.

~~((The commissioners incumbent as of August 11, 1969, shall serve as follows: Those commissioners whose terms expire December 31, 1970, shall serve until December 31, 1970; the elector appointed to succeed to the office, the term for which expired December 31, 1968, shall serve until December 31, 1974; the terms of three of the four remaining commissioners shall each expire on December 31, 1972.~~

~~To assure that no more than the terms of three members will expire simultaneously on December 31st in any one even-numbered year, the term of not more than one commissioner incumbent on August 11, 1969, as designated by the governor, who was either appointed or reappointed to serve until December 31, 1972, shall be increased by the governor by two years, and said term shall expire December 31, 1974.))~~

In making the appointments to the commission, the governor shall choose ~~((electors))~~ citizens who understand park and recreation needs and interests. No person shall serve if he or she holds any elective or full-time appointive state, county, or municipal office. Members of the commission shall be compensated in accordance with RCW 43.03.240 and in addition shall be allowed their travel expenses incurred while absent from their usual places of residence in accordance with RCW 43.03.050 and 43.03.060.

Payment of expenses pertaining to the operation of the commission shall be made upon vouchers certified to by such persons as shall be designated by the commission.

**Sec. 202.** RCW 43.51.030 and 1965 c 8 s 43.51.030 are each amended to read as follows:

The commission shall elect one of its members as ~~((chairman))~~ chair. The commission may be convened at such times as the ~~((chairman))~~ chair deems necessary, and a majority shall constitute a quorum for the transaction of business.

## PART III DUTIES AND POWERS OF THE COMMISSION

NEW SECTION. **Sec. 301.** In addition to whatever other duties may exist in law or be imposed in the future, it is the duty of the commission to:

- (1) Implement integrated pest management practices and regulate pests as required by RCW 17.15.020;
- (2) Take steps necessary to control spartina and purple loosestrife as required by RCW 17.26.020;
- (3) Participate in the implementation of chapter 19.02 RCW;
- (4) Coordinate planning and provide staffing and administrative assistance to the Lewis and Clark trail committee as required by RCW 27.34.340;
- (5) Administer those portions of chapter 46.10 RCW not dealing with registration and licensing of snowmobiles as required by RCW 46.10.210;
- (6) Consult and participate in the scenic and recreational highway system as required by chapter 47.39 RCW; and
- (7) Develop, prepare, and distribute information relating to marine oil recycling tanks and sewage holding tank pumping stations, in cooperation with other departments, as required by chapter 88.02 RCW.

The commission has the power reasonably necessary to carry out these duties.

**Sec. 302.** RCW 43.51.040 and 1989 c 175 s 106 are each amended to read as follows:

The commission shall:

(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt policies, ~~((promulgate))~~ and adopt, issue, and enforce rules pertaining to the use, care, and administration of state parks and parkways. The commission shall cause a copy of the rules to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule posted shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules as shall be adopted.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

(5) Grant concessions or leases in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than forty years, and upon such conditions as shall be approved by the commission: PROVIDED, That leases exceeding a twenty-year term shall require a unanimous vote of the commission: PROVIDED FURTHER, That if, during the term of any concession or lease, it is the opinion of the commission that it would be in the best interest of the state, the commission may, with the consent of the concessionaire or lessee, alter and amend the terms and conditions of such concession or lease: PROVIDED FURTHER, That television station leases shall be subject to the provisions of RCW 43.51.063 (as recodified by this act), only: PROVIDED FURTHER, That the rates of such concessions or leases shall be renegotiated at five-year intervals. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary.

(7) By majority vote of its authorized membership select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights of way for state highways. Option agreements executed under authority of this ~~((subdivision))~~ subsection shall be valid only if:

(a) The cost of the option agreement does not exceed one dollar; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition, development, redevelopment, renovation, care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to which the state contributed or in whose care, control, or supervision the state participated pursuant to the provisions of this section, shall be governed by the provisions hereof.

**Sec. 303.** RCW 43.51.045 and 1984 c 82 s 1 are each amended to read as follows:

(1) The commission shall:

(a) Manage timber and land under its jurisdiction to maintain and enhance aesthetic and recreational values;

(b) Apply modern conservation practices to maintain and enhance aesthetic, recreational, and ecological resources; and

(c) Designate and preserve certain forest areas throughout the state as natural forests or natural areas for interpretation, study, and preservation purposes.

(2) Trees may be removed from state parks:

(a) When hazardous to persons, property, or facilities;

(b) As part of a park maintenance or development project, or conservation practice;

(c) As part of a road or utility easement; or

(d) When damaged by a catastrophic forest event.

(3) Tree removal under subsection (2) of this section shall be done by commission personnel, unless the personnel lack necessary expertise. Except in emergencies and when feasible, significant trees shall be removed only after they have been marked or appraised by a professional forester. The removal of significant trees from a natural forest may take place only after a public hearing has been held, except in emergencies.

(4) When feasible, felled timber shall be left on the ground for natural purposes or used for park purposes including, but not limited to, building projects, trail mulching, and firewood. In natural forest areas, first consideration shall be given to leaving timber on the ground for natural purposes.

(5) The commission may issue permits to individuals under RCW 4.24.210 and 43.51.065 (as recodified by this act) for the removal of wood debris from state parks for personal firewood use.

(6) Only timber that qualifies for cutting or removal under subsection (2) of this section may be sold. Timber shall be sold only when surplus to the needs of the park.

(7) Net revenue derived from timber sales shall be deposited in the state parks renewal and stewardship account created in RCW 43.51.275 (as recodified by this act).

**Sec. 304.** RCW 43.51.046 and 1991 c 11 s 1 are each amended to read as follows:

(1) ~~((By July 1, 1992,))~~ The ~~((state parks and recreation))~~ commission shall provide waste reduction and recycling information in each state park campground and day-use area.

(2) ~~((By July 1, 1993,))~~ The commission shall provide recycling receptacles in the day-use and campground areas of at least ~~((fifteen))~~ **forty** state parks. The receptacles shall be clearly marked for the disposal of at least two of the following recyclable materials: Aluminum, glass, newspaper, plastic, and tin. The commission shall endeavor to provide recycling receptacles in parks that are near urban centers or in heavily used parks.

(3) The commission shall provide daily maintenance of such receptacles from April through September of each year.

(4) ~~((Beginning July 1, 1993, the commission shall provide recycling receptacles in at least five additional state parks per biennium until the total number of state parks having recycling receptacles reaches forty.~~

~~(5))~~ The commission is authorized to enter into agreements with any person, company, or nonprofit organization to provide for the collection and transport of recyclable materials and related activities under this section.

**Sec. 305.** RCW 43.51.055 and 1997 c 74 s 1 are each amended to read as follows:

(1) The commission shall grant to any person who meets the eligibility requirements specified in this section a senior citizen's pass which shall (a) entitle such person, and members of his or her camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission, and (b) entitle such person to free admission to any state park.

(2) The commission shall grant a senior citizen's pass to any person who applies for the same and who meets the following requirements:

(a) The person is at least sixty-two years of age; and

(b) The person is a domiciliary of the state of Washington and meets reasonable residency requirements prescribed by the commission; and

(c) The person and his or her spouse have a combined income which would qualify the person for a property tax exemption pursuant to RCW 84.36.381, as now law or hereafter amended. The financial eligibility requirements of this subparagraph (c) shall apply regardless of whether the applicant for a senior citizen's pass owns taxable property or has obtained or applied for such property tax exemption.

(3) Each senior citizen's pass granted pursuant to this section is valid so long as the senior citizen meets the requirements of subsection (2)(b) of this section. Notwithstanding, any senior citizen meeting the eligibility requirements of this section may make a voluntary donation for the upkeep and maintenance of state parks.

(4) A holder of a senior citizen's pass shall surrender the pass upon request of a commission employee when the employee has reason to believe the holder fails to meet the criteria in subsection (2)(a), (b), or (c) of this section. The holder shall have the pass returned upon providing proof to the satisfaction of the director of the parks and recreation commission that the holder does meet the eligibility criteria for obtaining the senior citizen's pass.

(5) Any resident of Washington who is disabled as defined by the social security administration and who receives social security benefits for that disability, or any other benefits for that disability from any other governmental or nongovernmental source, or who is entitled to benefits for permanent disability under RCW 71A.10.020~~((2))~~ **(3)** due to unemployability full time at the minimum wage, or who is legally blind or profoundly deaf, or who has been issued a card, decal, or special license plate for a permanent disability under RCW 46.16.381 shall be entitled to receive, regardless of age and upon making application therefor, a disability pass at no cost to the holder. The pass shall (a) entitle such person, and members of his or her camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission, and (b) entitle such person to free admission to any state park.

(6) A card, decal, or special license plate issued for a permanent disability under RCW 46.16.381 may serve as a pass for the holder to entitle that person and members of the person's camping unit to a fifty percent reduction in the campsite rental fee prescribed by the commission, and to allow the holder free admission to state parks.

(7) Any resident of Washington who is a veteran and has a service-connected disability of at least thirty percent shall be entitled to receive a lifetime veteran's disability pass at no cost to the holder. The pass shall (a) entitle such person, and members of his or her camping unit, to free use of any campsite within any state park; (b) entitle such person to free admission to any state park; and (c) entitle such person to an exemption from any reservation fees.

(8) All passes issued pursuant to this section shall be valid at all parks any time during the year: PROVIDED, That the pass shall not be valid for admission to concessionaire operated facilities.

(9) This section shall not affect or otherwise impair the power of the commission to continue or discontinue any other programs it has adopted for senior citizens.

(10) The commission shall adopt such rules ~~((and regulations))~~ as it finds appropriate for the administration of this section. Among other things, such rules ~~((and regulations))~~ shall prescribe a definition of "camping unit" which will authorize a reasonable number of persons traveling with the person having a pass to stay at the campsite rented by such person, a minimum Washington residency requirement for applicants for a senior citizen's pass and an application form to be completed by applicants for a senior citizen's pass.

**Sec. 306.** RCW 43.51.061 and 1969 ex.s. c 31 s 2 are each amended to read as follows:

~~((Notwithstanding any other provisions of this chapter or of other laws))~~ No provision of law relating to the commission~~((,))~~ shall prevent the commission ~~((may delegate))~~ from delegating to the director ~~((of parks and recreation))~~ such powers and duties of the commission as they may deem proper.

**Sec. 307.** RCW 43.51.060 and 1995 c 211 s 3 are each amended to read as follows:

The commission may:

- (1) Make rules and regulations for the proper administration of its duties;
- (2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group shall agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole for public use on agency property, provided that the facility is consistent with the purposes of the agency;
- (3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;
- (4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;
- (5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;
- (6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper;
- (7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed ten years;
- (8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040~~((, and upon his recommendation, a supervisor of recreation,))~~ and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and
- (9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: PROVIDED, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

#### PART IV DUTIES OF THE DIRECTOR

NEW SECTION. **Sec. 401.** In addition to other duties the commission may from time to time impose, it is the duty of the director to:

- (1) Ensure the control of weeds in parks to the extent required by RCW 17.04.160 and 17.10.205; and
- (2) Participate in the operations of the environmental enhancement and job creation task force under chapter 43.21J RCW.

The director has the power reasonably necessary to carry out these duties.

**Sec. 402.** RCW 43.51.052 and 1997 c 137 s 2 are each amended to read as follows:

(1) The parks improvement account is hereby established in the state treasury.

(2) The ~~((parks and recreation))~~ commission shall deposit all moneys received from the sale of interpretive, recreational, and historical literature and materials in this account. Moneys in the account may be spent only for development, production, and distribution costs associated with literature and materials.

(3) Disbursements from the account shall be on the authority of the director ~~((of the parks and recreation commission))~~, or the director's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW. No appropriation is required for disbursement of moneys to be used for support of further production of materials provided for in RCW 43.51.050(2) (as recodified by this act). The director may transfer a portion of the moneys in this account to the state parks renewal and stewardship account and may expend moneys so transferred for any purpose provided for in RCW 43.51.275 (as recodified by this act).

## PART V PROHIBITED ACTS AND PENALTIES

**Sec. 501.** RCW 46.61.587 and 1984 c 258 s 329 are each amended to read as follows:

Any violation of RCW 43.51.320 (as recodified by this act) or 46.61.585 or any rule ~~((promulgated))~~ adopted by the parks and recreation commission to enforce the provisions thereof ~~((shall be punished by a fine of not more than twenty-five dollars))~~ is a civil infraction as provided in chapter 7.84 RCW.

**Sec. 502.** RCW 7.84.010 and 1993 c 244 s 2 are each amended to read as follows:

The legislature declares that decriminalizing certain offenses contained in Titles 75, 76, 77, ~~((and))~~ 79\_ and 79A RCW and chapter~~((s))~~ 43.30~~((, 43.51, and 88.12))~~ RCW and any rules adopted pursuant to those titles and chapters would promote the more efficient administration of those titles and chapters. The purpose of this chapter is to provide a just, uniform, and efficient procedure for adjudicating those violations which, in any of these titles and chapters or rules adopted under these chapters or titles, are declared not to be criminal offenses. The legislature respectfully requests the supreme court to prescribe any rules of procedure necessary to implement this chapter.

**Sec. 503.** RCW 7.84.020 and 1993 c 244 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definition in this section applies throughout this chapter.

"Infraction" means an offense which, by the terms of Title 75, 76, 77, ~~((or))~~ 79\_ or 79A RCW or chapter 43.30~~((, 43.51, or 88.12))~~ RCW and rules adopted under these titles and chapters, is declared not to be a criminal offense and is subject to the provisions of this chapter.

## PART VI PROCEDURES FOR DISPOSAL OF PARK LAND

**Sec. 601.** RCW 43.51.210 and 1998 c 42 s 1 are each amended to read as follows:

Whenever the ~~((state parks and recreation))~~ commission finds that any land under its control cannot advantageously be used for park purposes, it is authorized to dispose of such land by the method provided in this section or by the method provided in RCW 43.51.200 (as recodified by this act). If such lands are school or other grant lands, control thereof shall be relinquished by resolution of the commission to the proper state officials. If such lands were acquired under restrictive conveyances by which the state may hold them only so long as they are used for park purposes, they may be returned to the donor or grantors by the commission. All other such lands may be either sold by the commission to the highest bidder or exchanged for other lands of equal value by the commission, and all conveyance documents shall be executed by the governor. All such exchanges shall be accompanied by a transfer fee, to be set by the commission and paid by the other party to the transfer; such fee shall be paid into the parkland acquisition account established under RCW 43.51.200 as recodified by this act). Sealed bids on all sales shall be solicited at least twenty days in advance of the sale date by an advertisement appearing at least ~~((in three))~~ once a week for two consecutive ~~((issues of))~~ weeks in a newspaper of general circulation in the county in which the land to be sold is located. If the commission feels that no bid received adequately reflects the fair value of the land to be sold, it may reject all bids, and may call for new bids. All proceeds derived from the sale of such park property shall be paid into the park land acquisition account. All land considered for exchange shall be evaluated by the commission to determine its adaptability to park usage. The equal value of all lands exchanged shall first be determined by the appraisals to the satisfaction of the commission~~((: PROVIDED, That))~~. No sale or exchange of state park lands shall be made without the unanimous consent of the commission.

## PART VII

## VOLUNTEERS

**NEW SECTION. Sec. 701.** The commission shall cooperate in implementing and operating the conservation corps as required by chapter 43.220 RCW.

**Sec. 702.** RCW 43.220.160 and 1983 1st ex.s. c 40 s 16 are each amended to read as follows:

- (1) There is established a conservation corps within the state parks and recreation commission.
- (2) Specific work project areas of the state parks and recreation conservation corps may include the following:
  - (a) Restoration or development of park facilities;
  - (b) Trail construction and maintenance;
  - (c) Litter control;
  - (d) Park and land rehabilitation;
  - (e) Fire suppression;
  - (f) Road repair; and
  - (g) Other projects as the state parks and recreation commission may determine. If ~~((appropriation))~~ appropriate facilities are available, the state parks and recreation commission may authorize carrying out projects which involve overnight stays.

## PART VIII SCENIC RIVER SYSTEM

**Sec. 801.** RCW 79.72.020 and 1994 c 264 s 64 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) ~~((Department))~~ "Commission" means the state parks and recreation commission.
- (2) "Committee of participating agencies" or "committee" means a committee composed of the executive head, or the executive's designee, of each of the state departments of ecology, fish and wildlife, natural resources, and transportation, the state parks and recreation commission, the interagency committee for outdoor recreation, the Washington state association of counties, and the association of Washington cities. In addition, the governor shall appoint two public members of the committee. Public members of the committee shall be compensated in accordance with RCW 43.03.220 and shall receive reimbursement for their travel expenses as provided in RCW 43.03.050 and 43.03.060.

When a specific river or river segment of the state's scenic river system is being considered by the committee, a representative of each participating local government associated with that river or river segment shall serve as a member of the committee.

- (3) "Participating local government" means the legislative authority of any city or county, a portion of whose territorial jurisdiction is bounded by or includes a river or river segment of the state's scenic river system.
- (4) "River" means a flowing body of water or a section, segment, or portion thereof.
- (5) "River area" means a river and the land area in its immediate environs as established by the participating agencies not exceeding a width of one-quarter mile landward from the streamway on either side of the river.
- (6) "Scenic easement" means the negotiated right to control the use of land, including the air space above the land, for the purpose of protecting the scenic view throughout the visual corridor.
- (7) "Streamway" means that stream-dependent corridor of single or multiple, wet or dry, channel or channels within which the usual seasonal or stormwater run-off peaks are contained, and within which environment the flora, fauna, soil, and topography is dependent on or influenced by the height and velocity of the fluctuating river currents.
- (8) "System" means all the rivers and river areas in the state designated by the legislature for inclusion as scenic rivers but does not include tributaries of a designated river unless specifically included by the legislature. The inclusion of a river in the system does not mean that other rivers or tributaries in a drainage basin shall be required to be part of the management program developed for the system unless the rivers and tributaries within the drainage basin are specifically designated for inclusion by the legislature.
- (9) "Visual corridor" means that area which can be seen in a normal summer month by a person of normal vision walking either bank of a river included in the system. The visual corridor shall not exceed the river area.

**Sec. 802.** RCW 79.72.030 and 1977 ex.s. c 161 s 3 are each amended to read as follows:

- (1) The ~~((department))~~ commission shall develop and adopt management policies for publicly owned or leased land on the rivers designated by the legislature as being a part of the state's scenic river system and within the associated river areas. The ~~((department))~~ commission may adopt ~~((regulations))~~ rules identifying river classifications which reflect the characteristics common to various segments of scenic rivers and may adopt management policies consistent with local government's shoreline management master plans appropriate for each such river classification. All such policies shall be subject to review by the

committee of participating agencies. Once such a policy has been approved by a majority vote of the committee members, it shall be adopted by the ((department)) commission in accordance with the provisions of chapter 34.05 RCW, as now or hereafter amended. Any variance with such a policy by any public agency shall be authorized only by the approval of the committee of participating agencies by majority vote, and shall be made only to alleviate unusual hardships unique to a given segment of the system.

(2) Any policies developed pursuant to subsection (1) of this section shall include management plans for protecting ecological, economic, recreational, aesthetic, botanical, scenic, geological, hydrological, fish and wildlife, historical, cultural, archaeological, and scientific features of the rivers designated as being in the system. Such policies shall also include management plans to encourage any nonprofit group, organization, association, person, or corporation to develop and adopt programs for the purpose of increasing fish propagation.

(3) The committee of participating agencies shall, by two-thirds majority vote, identify on a river by river basis any publicly owned or leased lands which could be included in a river area of the system but which are developed in a manner unsuitable for land to be managed as part of the system. The ((department)) commission shall exclude lands so identified from the provisions of any management policies implementing the provisions of this chapter.

(4) The committee of participating agencies, by majority vote, shall determine the boundaries which shall define the river area associated with any included river. With respect to the rivers named in RCW 79.72.080 (as recodified by this act), the committee shall make such determination, and those determinations authorized by subsection (3) of this section, within one year of September 21, 1977.

(5) Before making a decision regarding the river area to be included in the system, a variance in policy, or the excluding of land from the provisions of the management policies, the committee shall hold hearings in accord with chapter 34.05 RCW, with at least one public hearing to be held in the general locale of the river under consideration. The ((department)) commission shall cause to be published in a newspaper of general circulation in the area which includes the river or rivers to be considered, a description, including a map showing such river or rivers, of the material to be considered at the public hearing. Such notice shall appear at least twice in the time period between two and four weeks prior to the public hearing.

(6) Meetings of the committee shall be called by the ((department)) commission or by written petition signed by five or more of the committee members. The ((chairman)) chair of the ((parks and recreation)) commission or the ((chairman's)) chair's designee shall serve as the ((chairman)) chair of any meetings of the committee held to implement the provisions of this chapter.

The committee shall seek and receive comments from the public regarding potential additions to the system, shall initiate studies, and may, through the ((department)) commission, submit to any session of the legislature proposals for additions to the state scenic river system. These proposals shall be accompanied by a detailed report on the factors which, in the committee's judgment, make an area a worthy addition to the system.

**Sec. 803.** RCW 79.72.040 and 1989 c 175 s 169 are each amended to read as follows:

(1) The management program for the system shall be administered by the ((department)) commission. The ((department)) commission shall have the responsibility for coordinating the development of the program between affected state agencies and participating local governments, and shall develop and adopt rules, in accord with chapter 34.05 RCW, the Administrative Procedure Act, for each portion of the system, which shall implement the management policies. In developing rules for a specific river in the system, the ((department)) commission shall hold at least one public hearing in the general locale of the river under consideration. The hearing may constitute the hearing required by chapter 34.05 RCW. The ((department)) commission shall cause a brief summary of the proposed rules to be published twice in a newspaper of general circulation in the area that includes the river to be considered in the period of time between two and four weeks prior to the public hearing. In addition to the foregoing required publication, the ((department)) commission shall also provide notice of the hearings, rules, and decisions of the ((department)) commission to radio and television stations and major local newspapers in the areas that include the river to be considered.

(2) In addition to any other powers granted to carry out the intent of this chapter, the ((department)) commission is authorized, subject to approval by majority vote of the members of the committee, to: (a) Purchase, within the river area, real property in fee or any lesser right or interest in real property including, but not limited to scenic easements and future development rights, visual corridors, wildlife habitats, unique ecological areas, historical sites, camping and picnic areas, boat launching sites, and/or easements abutting the river for the purpose of preserving or enhancing the river or facilitating the use of the river by the public for fishing, boating and other water related activities; and (b) purchase, outside of a river area, public access to the river area.

The right of eminent domain shall not be utilized in any purchase made pursuant to this section.

(3) The ((department)) commission is further authorized to: (a) Acquire by gift, devise, grant, or dedication the fee, an option to purchase, a right of first refusal or any other lesser right or interest in real property and upon acquisition such real

property shall be held and managed within the scenic river system; and (b) accept grants, contributions, or funds from any agency, public or private, or individual for the purposes of this chapter.

(4) The ~~((department))~~ commission is hereby vested with the power to obtain injunctions and other appropriate relief against violations of any provisions of this chapter and any rules adopted under this section or agreements made under the provisions of this chapter.

**Sec. 804.** RCW 79.72.050 and 1977 ex.s. c 161 s 5 are each amended to read as follows:

(1) All state government agencies and local governments are hereby directed to pursue policies with regard to their respective activities, functions, powers, and duties which are designed to conserve and enhance the conditions of rivers which have been included in the system, in accordance with the management policies and the rules ~~((and regulations))~~ adopted by the ~~((department))~~ commission for such rivers. Local agencies are directed to pursue such policies with respect to all lands in the river area owned or leased by such local agencies. Nothing in this chapter shall authorize the modification of a shoreline management plan adopted by a local government and approved by the state pursuant to chapter 90.58 RCW without the approval of the department of ecology and local government. The policies adopted pursuant to this chapter shall be integrated, as fully as possible, with those of the shoreline management act of 1971.

(2) Nothing in this chapter shall grant to the committee of participating agencies or the ~~((department))~~ commission the power to restrict the use of private land without either the specific written consent of the owner thereof or the acquisition of rights in real property authorized by RCW 79.72.040 (as recodified by this act).

(3) Nothing in this chapter shall prohibit the department of natural resources from exercising its full responsibilities and obligations for the management of state trust lands.

**Sec. 805.** RCW 79.72.070 and 1988 c 36 s 58 are each amended to read as follows:

Nothing contained in this chapter shall affect the authority of the department of ~~((fisheries and the department of))~~ fish and wildlife to construct facilities or make improvements to facilitate the passage or propagation of fish nor shall anything in this chapter be construed to interfere with the powers, duties, and authority of the department of ~~((fisheries or the department of))~~ fish and wildlife to regulate, manage, conserve, and provide for the harvest of fish or wildlife within any area designated as being in the state's scenic river system~~((: PROVIDED, That))~~. No hunting shall be permitted in any state park.

## PART IX ACQUIRING AND DEVELOPING PARK HOLDINGS

**Sec. 901.** RCW 43.51.070 and 1965 c 8 s 43.51.070 are each amended to read as follows:

The commission may receive and accept donations of lands for state park purposes, and shall ~~((have))~~ be responsible for the management and control of all lands so acquired. It may from time to time recommend to the legislature the acquisition of lands for park purposes by purchase or condemnation.

**Sec. 902.** RCW 43.51.110 and 1965 c 8 s 43.51.110 are each amended to read as follows:

The commissioner of public lands may, upon his or her own motion, and shall, when directed so to do by the ~~((state parks and recreation))~~ commission, withdraw from sale any land held by the state and not acquired directly from the United States with reservations as to the manner of sale thereof and the purposes for which it may be sold, and certify to the commission that such land is withheld from sale pursuant to the terms of this section.

All such land shall be under the care, charge, control, and supervision of the ~~((state parks and recreation))~~ commission, and after appraisal in such manner as the commission directs may be exchanged for land of equal value ~~((abutting upon a public highway))~~, and to this end the ~~((chairman))~~ chair and secretary of the commission may execute deeds of conveyance in the name of the state.

**Sec. 903.** RCW 43.51.140 and 1982 c 156 s 2 are each amended to read as follows:

Any such individual, group, organization, agency, club, or association desiring to obtain such permit shall make application therefor in writing to the commission, describing the lands proposed to be improved and stating the nature of the proposed improvement. Prior to granting a permit, the commission shall determine that the applicants are ~~((persons of good standing in the community in which they reside))~~ likely to actually improve the park, parkway, or land subject to the application.

**Sec. 904.** RCW 43.51.220 and 1965 c 8 s 43.51.220 are each amended to read as follows:

To encourage the development of the Puget Sound country as a recreational boating area, the commission is authorized to establish landing, launch ramp, and other facilities for small pleasure boats at places on Puget Sound frequented by such boats and where the commission shall find such facilities will be of greatest advantage to the users of pleasure boats. The commission is authorized to acquire land or to make use of lands belonging to the state for such purposes, and to construct the necessary floats, launch ramp, and other desirable structures and to make such further development of any area used in connection therewith as in the judgment of the commission is best calculated to facilitate the public enjoyment thereof.

**Sec. 905.** RCW 43.51.237 and 1997 c 150 s 3 are each amended to read as follows:

(1) The commission shall develop a cost-effective plan to identify historic archaeological resources in at least one state park containing a military fort located in Puget Sound. The plan shall include the use of a professional archaeologist and volunteer citizens. ~~((By December 1, 1997, the commission shall submit a brief report to the appropriate standing committees of the legislature on how the plan will be implemented and the cost of the plan.))~~

(2) Any park land that is made available for use by recreational metal detectors under this section shall count toward the requirements established in RCW 43.51.235 (as recodified by this act).

**Sec. 906.** RCW 43.51.270 and 1995 c 211 s 4 are each amended to read as follows:

(1) The department of natural resources and the ~~((state parks and recreation))~~ commission shall have authority to negotiate ~~((a))~~ sales to the ~~((state parks and recreation))~~ commission, for park and outdoor recreation purposes, of trust lands at fair market value.

(2) The department of natural resources and the ~~((state parks and recreation))~~ commission shall negotiate a sale to the ~~((state parks and recreation))~~ commission of the lands and timber thereon identified in the joint study under section 4, chapter 163, Laws of 1985, and commonly referred to as the Point Lawrence trust property, San Juan county — on the extreme east point of Orcas Island. Timber conservation and management practices provided for in RCW 43.51.045 and 43.51.395 (as recodified by this act) shall govern the management of land and timber transferred under this subsection as of the effective date of the transfer, upon payment for the property, and nothing in this chapter shall be construed as restricting or otherwise modifying the department of natural resources' management, control, or use of such land and timber until such date.

NEW SECTION. **Sec. 907.** The commission is authorized to evaluate and acquire land under RCW 79.01.612 in cooperation with the department of natural resources.

NEW SECTION. **Sec. 908.** The commission may select land held by the department of natural resources for acquisition under RCW 79.08.102 (as recodified by this act) et seq.

## PART X

### SPECIAL PARKS--YAKIMA RIVER CONSERVATION AREA

**Sec. 1001.** RCW 43.51.948 and 1977 ex.s. c 75 s 2 are each amended to read as follows:

For the purposes of RCW 43.51.946 through 43.51.956 (as recodified by this act), the Yakima river conservation area is to contain no more than the area delineated in appendix D on pages D-3, D-4, D-6, D-7, D-9, and D-10 of the report entitled "The Yakima River Regional Greenway" which resulted from the Yakima river study authorized in section 170, chapter 269, Laws of 1975, first extraordinary session. This area is also defined as sections 12 and 17, township 13 north, range 18 east totaling approximately 18.0 acres, sections 7, 17, 18, 20, 21, 28, 29, 32, 33, township 13 north, range 19 east totaling approximately 936.0 acres, and sections 4, 5, 8, 9, 17, township 12 north, range 19 east totaling approximately 793.7 acres.

## PART XI

### SPECIAL PARKS--SEASHORE CONSERVATION AREA

**Sec. 1101.** RCW 43.51.720 and 1988 c 75 s 6 are each amended to read as follows:

Recreation management plans shall not prohibit or restrict public vehicles operated in the performance of official duties ~~((or))~~ vehicles responding to an emergency, or vehicles specially authorized by the director or the director's designee.

**Sec. 1102.** RCW 43.51.730 and 1988 c 75 s 8 are each amended to read as follows:

In preparing, adopting, or approving a recreation management plan, local jurisdictions and the commission shall consult with the ~~((department of fisheries, the))~~ department of fish and wildlife and the United States fish and wildlife service.

**Sec. 1103.** RCW 43.51.750 and 1988 c 75 s 12 are each amended to read as follows:

Any individual, partnership, corporation, association, organization, cooperative, local government, or state agency aggrieved by a decision of the commission under ~~((RCW 43.51.695 through 43.51.765))~~ this chapter may appeal under chapter 34.05 RCW.

## PART XII

### YOUTH DEVELOPMENT AND CONSERVATION CORPS

**Sec. 1201.** RCW 43.51.510 and 1965 c 8 s 43.51.510 are each amended to read as follows:

There is hereby created and established a youth development and conservation division within the ((state parks and recreation)) commission (((hereafter referred to as the "commission"))). The commission shall appoint such supervisory personnel as necessary to carry out the purposes of RCW 43.51.500 through 43.51.570 (as recodified by this act).

**Sec. 1202.** RCW 43.51.540 and 1982 c 70 s 1 are each amended to read as follows:

(1) The minimum compensation shall be at the rate of twenty-five dollars per week, except that up to the minimum state wage may be paid on the basis of assigned leadership responsibilities or special skills.

(2) Enrollees shall be furnished quarters, subsistence, medical and hospital services, transportation, equipment, as the commission may deem necessary and appropriate for their needs. Such quarters, subsistence, and equipment may be furnished by any governmental or public agency.

(3) The compensation of enrollees of any program under this chapter may be paid biweekly.

### **PART XIII UNDERWATER PARKS**

**Sec. 1301.** RCW 43.51.432 and 1994 c 264 s 20 are each amended to read as follows:

The ((state parks and recreation)) commission may establish a system of underwater parks to provide for diverse recreational diving opportunities and to conserve and protect unique marine resources of the state of Washington. In establishing and maintaining an underwater park system, the commission may:

(1) Plan, construct, and maintain underwater parks;

(2) Acquire property and enter management agreements with other units of state government for the management of lands, tidelands, and bedlands as underwater parks;

(3) Construct artificial reefs and other underwater features to enhance marine life and recreational uses of an underwater park;

(4) Accept gifts and donations for the benefit of underwater parks;

(5) Facilitate private efforts to construct artificial reefs and underwater parks;

(6) Work with the federal government, local governments and other appropriate agencies of state government, including but not limited to: The department of natural resources, the department of fish and wildlife and the natural heritage council to carry out the purposes of ((RCW 43.51.430 through 43.51.438)) this chapter; and

(7) Contract with other state agencies or local governments for the management of an underwater park unit.

### **PART XIV SPECIAL PARKS--WINTER RECREATION AREAS**

**Sec. 1401.** RCW 43.51.290 and 1990 c 136 s 2 and 1990 c 49 s 2 are each reenacted and amended to read as follows:

In addition to its other powers, duties, and functions the ((state parks and recreation)) commission may:

(1) Plan, construct, and maintain suitable facilities for winter recreational activities on lands administered or acquired by the commission or as authorized on lands administered by other public agencies or private landowners by agreement;

(2) Provide and issue upon payment of the proper fee, under RCW 43.51.300 (as recodified by this act), 43.51.320 (as recodified by this act), and 46.61.585, with the assistance of such authorized agents as may be necessary for the convenience of the public, special permits to park in designated winter recreational area parking spaces;

(3) Administer the snow removal operations for all designated winter recreational area parking spaces; and

(4) Compile, publish, and distribute maps indicating such parking spaces, adjacent trails, and areas and facilities suitable for winter recreational activities.

The commission may contract with any public or private agency for the actual conduct of such duties, but shall remain responsible for the proper administration thereof. The commission is not liable for unintentional injuries to users of lands administered for winter recreation purposes under this section or under RCW 46.10.210, whether the lands are administered by the commission, by other public agencies, or by private landowners through agreement with the commission. Nothing in this section prevents the liability of the commission for injuries sustained by a user by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted. A road covered with snow and groomed for the purposes of winter recreation consistent with this chapter and chapter 46.10 RCW shall not be presumed to be a known dangerous artificial latent condition for the purposes of this chapter.

### **PART XV**

## RECREATIONAL VESSELS

**Sec. 1501.** RCW 88.12.015 and 1993 c 244 s 6 are each amended to read as follows:

(1) ~~((It is a misdemeanor, punishable under RCW 9.92.030, for any person to commit))~~ A violation of this chapter designated as an infraction ~~((under this chapter))~~ is a misdemeanor, punishable under RCW 9.92.030, if ~~((during a period of three hundred sixty-five days the person has previously committed two infractions for violating the same provision under this chapter and if the violation is also committed during such period and is of the same provision as the previous violations))~~ the current violation is the person's third violation of the same provision of this chapter during the past three hundred sixty-five days.

(2) A violation designated in this chapter as a civil infraction shall constitute a ~~((misdemeanor until the violation is included in a civil infraction monetary schedule adopted by rule by the state supreme court))~~ civil infraction pursuant to chapter 7.84 RCW.

**Sec. 1502.** RCW 88.12.165 and 1984 c 183 s 3 are each amended to read as follows:

(1) All reports made to the commission pursuant to RCW ~~((88.12.130))~~ 88.12.155 and 43.51.400 ~~(as recodified by this act)~~ shall be without prejudice to the person who makes the report and shall be for the confidential usage of governmental agencies, except as follows:

(a) Statistical information which shall be made public;

(b) The names and addresses of the operator and owner and the registration number or name of the vessel as documented which was involved in an accident or casualty and the names and addresses of any witnesses which, if reported, shall be disclosed upon written request to any person involved in a reportable accident, or, for a reportable casualty, to any member of a decedent's family or the personal representatives of the family.

(2) A report made to the commission pursuant to RCW ~~((88.12.130))~~ 88.12.155 and 43.51.400 ~~(as recodified by this act)~~ or copy thereof shall not be used in any trial, civil or criminal, arising out of an accident or casualty, except that solely to prove a compliance or failure to comply with the report requirements of RCW ~~((88.12.130))~~ 88.12.155 and 43.51.400 ~~(as recodified by this act)~~, a certified statement which indicates that a report has or has not been made to the commission shall be provided upon demand to any court or upon written request to any person who has or claims to have made a report.

**Sec. 1503.** RCW 88.12.175 and 1987 c 427 s 1 are each amended to read as follows:

Law enforcement authorities, fire departments, or search and rescue units of any city or county government shall provide to the commission a report, prepared by the local government agency regarding any boating accident occurring within their jurisdiction resulting in a death or injury requiring hospitalization. Such report shall be provided to the commission within ten days of the occurrence of the accident. The results of any investigation of the accident conducted by the city or county governmental agency shall be included in the report provided to the commission. At the earliest opportunity, but in no case more than forty-eight hours after becoming aware of an accident, the agency shall notify the commission of the accident. The commission shall have authority to investigate any boating accident. The results of any investigation conducted by the commission shall be made available to the local government for further processing. This provision does not eliminate the requirement for a boating accident report by the operator required under RCW ~~((88.12.130))~~ 88.12.155 (as recodified by this act).

The report of a county coroner, or any public official assuming the functions of a coroner, concerning the death of any person resulting from a boating accident, shall be submitted to the commission within one week of completion. Information in such report may be, together with information in other such reports, incorporated into the state boating accident report provided for in RCW 43.51.400~~((5))~~ (4) (as recodified by this act), and shall be for the confidential usage of governmental agencies as provided in RCW ~~((88.12.140))~~ 88.12.165 (as recodified by this act).

**Sec. 1504.** RCW 88.12.195 and 1993 c 244 s 20 are each amended to read as follows:

Such notice as is required by RCW 88.12.185 (as recodified by this act) shall be given personally, or in writing; if in writing, it shall be served upon the owner, or may be sent by mail to the post office where such owner usually receives his or her letters. Such notice shall inform the party where the vessel was taken up, and where it may be found, and what amount the taker-up or finder demands for his or her charges.

**Sec. 1505.** RCW 88.12.205 and 1993 c 244 s 21 are each amended to read as follows:

(1) In all cases where the notice required by RCW 88.12.185 (as recodified by this act) is not given personally, it shall be the duty of the taker-up to post up at the post office nearest the place where such vessel may be taken up, a written notice of the taking up of such vessel~~((, which))~~. The written notice shall contain a description of the ~~((same))~~ vessel, with the name, if any is painted thereon, also the place where taken up, the place where the property may be found, and the charge for taking the same up.

(2) If the taker-up is traveling upon waters of the state, such notice shall additionally be posted up at the first post office he or she shall pass after the taking up~~((; and))~~.

~~(3) In all cases, ((he or she))~~ the person who took up the vessel shall at the time when, and place where, he or she posts up such notice, also mail a copy of such notice, directed to the postmaster of each post office on waters of the state, and within fifty miles of the place where such vessel is taken up.

**Sec. 1506.** RCW 88.12.295 and 1989 c 393 s 1 are each amended to read as follows:

The legislature finds that the waters of Washington state provide a unique and valuable recreational resource to large and growing numbers of boaters. Proper stewardship of, and respect for, these waters requires that, while enjoying them for their scenic and recreational benefits, boaters must exercise care to assure that such activities do not contribute to the despoliation of these waters, and that watercraft be operated in a safe and responsible manner. The legislature has specifically addressed the topic of access to clean and safe waterways by requiring the 1987 boating safety study and by establishing the Puget Sound ~~((water quality authority))~~ action team.

The legislature finds that there is a need to educate Washington's boating community about safe and responsible actions on our waters and to increase the level and visibility of the enforcement of boating laws. To address the incidence of fatalities and injuries due to recreational boating on our state's waters, local and state efforts directed towards safe boating must be stimulated. To provide for safe waterways and public enjoyment, portions of the watercraft excise tax and boat registration fees should be made available for boating safety and other boating recreation purposes.

In recognition of the need for clean waterways, and in keeping with the Puget Sound action team's water quality ~~((authority's 1987 management))~~ work plan, the legislature finds that adequate opportunities for responsible disposal of boat sewage must be made available. There is hereby established a five-year initiative to install sewage pumpout or sewage dump stations at appropriate marinas.

To assure the use of these sewage facilities, a boater environmental education program must accompany the five-year initiative and continue to educate boaters about boat wastes and aquatic resources.

The legislature also finds that, in light of the increasing numbers of boaters utilizing state waterways, a program to acquire and develop sufficient waterway access facilities for boaters must be undertaken.

To support boating safety, environmental protection and education, and public access to our waterways, the legislature declares that a portion of the income from boating-related activities, as specified in RCW 82.49.030 and 88.02.040, should support these efforts.

**Sec. 1507.** RCW 88.12.305 and 1994 c 264 s 81 are each amended to read as follows:

The commission, in consultation with the departments of ecology, fish and wildlife, natural resources, social and health services, and the Puget Sound ~~((water quality authority))~~ action team shall conduct a literature search and analyze pertinent studies to identify areas which are polluted or environmentally sensitive within the state's waters. Based on this review the commission shall designate appropriate areas as polluted or environmentally sensitive, for the purposes of chapter 393, Laws of 1989 only.

**Sec. 1508.** RCW 88.12.365 and 1993 c 244 s 36 are each amended to read as follows:

The commission shall, in consultation with interested parties, review progress on installation of sewage pumpout and dump units, the boater environmental education program, and the boating safety program. ~~((The commission shall report its findings to the legislature by December 1994.))~~

**Sec. 1509.** RCW 88.12.385 and 1989 c 393 s 14 are each amended to read as follows:

The commission shall adopt rules as are necessary to carry out all sections of ~~((this act))~~ chapter 393, Laws of 1989 except for RCW ~~((88.12.410,))~~ 88.12.335 (as recodified by this act) and 82.49.030 ~~((, and 88.12.450(1)))~~. The commission shall comply with all applicable provisions of chapter 34.05 RCW in adopting the rules.

## PART XVI RECODIFICATION

NEW SECTION. **Sec. 1601.** The following sections are recodified as a new title in the Revised Code of Washington to be codified as Title 79A RCW:

RCW 43.51.020  
RCW 43.51.030  
RCW 43.51.040  
RCW 43.51.045  
RCW 43.51.046  
RCW 43.51.048  
RCW 43.51.050

RCW 43.51.052  
RCW 43.51.055  
RCW 43.51.060  
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RCW 43.51.065  
RCW 43.51.070  
RCW 43.51.090  
RCW 43.51.100  
RCW 43.51.110  
RCW 43.51.112  
RCW 43.51.1121  
RCW 43.51.113  
RCW 43.51.114  
RCW 43.51.120  
RCW 43.51.130  
RCW 43.51.140  
RCW 43.51.150  
RCW 43.51.160  
RCW 43.51.170  
RCW 43.51.180  
RCW 43.51.200  
RCW 43.51.210  
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RCW 43.51.375  
RCW 43.51.380  
RCW 43.51.385  
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RCW 43.98.030  
RCW 43.98.040  
RCW 43.98.050  
RCW 43.98.060  
RCW 43.98.070  
RCW 43.98.080  
RCW 43.98.090  
RCW 43.98A.005  
RCW 43.98A.010  
RCW 43.98A.020  
RCW 43.98A.030  
RCW 43.98A.040  
RCW 43.98A.050  
RCW 43.98A.060  
RCW 43.98A.070  
RCW 43.98A.080  
RCW 43.98A.090  
RCW 43.98A.100  
RCW 43.98A.900  
RCW 43.98B.005  
RCW 43.98B.010  
RCW 43.98B.020  
RCW 43.98B.030  
RCW 43.98B.900  
RCW 43.98B.910  
RCW 43.98B.920  
RCW 43.99.010  
RCW 43.99.020  
RCW 43.99.025  
RCW 43.99.030  
RCW 43.99.040  
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RCW 43.99.060  
RCW 43.99.070  
RCW 43.99.080  
RCW 43.99.095  
RCW 43.99.100  
RCW 43.99.110

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RCW 43.99.142  
RCW 43.99.146  
RCW 43.99.150  
RCW 43.99.170  
RCW 43.99.800  
RCW 43.99.810  
RCW 43.99.820  
RCW 43.99.830  
RCW 43.99.900  
RCW 43.99.910  
RCW 67.18.005  
RCW 67.18.010  
RCW 67.18.020  
RCW 67.18.030  
RCW 67.18.040  
RCW 67.18.050  
RCW 67.18.900  
RCW 67.32.010  
RCW 67.32.020  
RCW 67.32.030  
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RCW 67.32.070  
RCW 67.32.080  
RCW 67.32.090  
RCW 67.32.100  
RCW 67.32.110  
RCW 67.32.130  
RCW 67.32.140  
RCW 70.88.010  
RCW 70.88.020  
RCW 70.88.030  
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RCW 70.88.100  
RCW 70.117.010  
RCW 70.117.015  
RCW 70.117.020  
RCW 70.117.025  
RCW 70.117.030  
RCW 70.117.040  
RCW 77.12.720  
RCW 77.12.730  
RCW 77.12.740

RCW 79.08.102  
RCW 79.08.104  
RCW 79.08.106  
RCW 79.08.1062  
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RCW 79.08.1074  
RCW 79.08.1078  
RCW 79.08.109  
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RCW 79.72.100  
RCW 79.72.900  
RCW 88.12.010  
RCW 88.12.015  
RCW 88.12.020  
RCW 88.12.025  
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RCW 88.12.032  
RCW 88.12.033  
RCW 88.12.035  
RCW 88.12.045  
RCW 88.12.055  
RCW 88.12.065  
RCW 88.12.075  
RCW 88.12.085  
RCW 88.12.095  
RCW 88.12.105  
RCW 88.12.115  
RCW 88.12.125  
RCW 88.12.135  
RCW 88.12.145  
RCW 88.12.155  
RCW 88.12.165  
RCW 88.12.175  
RCW 88.12.185  
RCW 88.12.195  
RCW 88.12.205  
RCW 88.12.215  
RCW 88.12.218  
RCW 88.12.222  
RCW 88.12.225  
RCW 88.12.227  
RCW 88.12.230  
RCW 88.12.232

RCW 88.12.235  
RCW 88.12.245  
RCW 88.12.250  
RCW 88.12.255  
RCW 88.12.260  
RCW 88.12.265  
RCW 88.12.275  
RCW 88.12.276  
RCW 88.12.278  
RCW 88.12.279  
RCW 88.12.285  
RCW 88.12.295  
RCW 88.12.305  
RCW 88.12.315  
RCW 88.12.325  
RCW 88.12.335  
RCW 88.12.345  
RCW 88.12.355  
RCW 88.12.365  
RCW 88.12.375  
RCW 88.12.385  
RCW 88.12.500  
RCW 88.12.505  
RCW 88.27.010  
RCW 88.27.020  
RCW 88.27.030  
RCW 88.27.040  
RCW 88.27.050  
RCW 88.27.900  
RCW 90.56.090

**PART XVII  
REPEALED SECTIONS**

**NEW SECTION. Sec. 1701.** The following acts or parts of acts are each repealed:

- (1) RCW 43.51.010 (Definitions) and 1965 c 8 s 43.51.010;
- (2) RCW 79.08.108 (Exchange of lands to secure state park lands) and 1988 c 128 s 61 & 1953 c 96 s 1;
- (3) RCW 43.51.047 (Sale of timber) and 1995 c 211 s 2 & 1984 c 82 s 3;
- (4) RCW 43.51.080 (Parks in island counties) and 1965 c 8 s 43.51.080;
- (5) RCW 43.51.545 (Compensation--Biweekly payment of compensation authorized) and 1965 ex.s. c 48 s 3;
- (6) RCW 43.51.260 (Acquisition of Wallace Falls property authorized) and 1969 c 41 s 1 & 1965 c 146 s 2;
- (7) RCW 43.51.355 (Authority of commission to implement RCW 43.51.350) and 1977 ex.s. c 266 s 2;
- (8) RCW 43.51.230 (Lease with option to purchase parental school facilities) and 1965 c 8 s 43.51.230; and
- (9) RCW 88.12.395 (Committee to adopt rules) and 1989 c 393 s 15.

**PART XVIII  
CODIFICATION DIRECTIVE**

**NEW SECTION. Sec. 1801.** Sections 101, 301, 401, 701, 907, and 908 of this act are each added to Title 79A RCW, created in section 1601 of this act.

**PART XIX  
SEVERABILITY**

**NEW SECTION. Sec. 1901.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 43.51.020, 43.51.030, 43.51.040, 43.51.045, 43.51.046, 43.51.055, 43.51.061, 43.51.060, 43.51.052, 46.61.587, 7.84.010, 7.84.020, 43.51.210, 43.220.160, 79.72.020, 79.72.030, 79.72.040, 79.72.050, 79.72.070, 43.51.070, 43.51.110, 43.51.140, 43.51.220, 43.51.237, 43.51.270, 43.51.948, 43.51.720, 43.51.730, 43.51.750, 43.51.510, 43.51.540, 43.51.432, 88.12.015, 88.12.165, 88.12.175, 88.12.195, 88.12.205, 88.12.295, 88.12.305, 88.12.365, and 88.12.385; reenacting and amending RCW 43.51.290; adding a new title to the Revised Code of Washington to be codified as Title 79A RCW; recodifying RCW 43.51.020, 43.51.030, 43.51.040, 43.51.045, 43.51.046, 43.51.048, 43.51.050, 43.51.052, 43.51.055, 43.51.060, 43.51.061, 43.51.062, 43.51.063, 43.51.065, 43.51.070, 43.51.090, 43.51.100, 43.51.110, 43.51.112, 43.51.1121, 43.51.113, 43.51.114, 43.51.120, 43.51.130, 43.51.140, 43.51.150, 43.51.160, 43.51.170, 43.51.180, 43.51.200, 43.51.210, 43.51.215, 43.51.220, 43.51.235, 43.51.237, 43.51.240, 43.51.250, 43.51.270, 43.51.275, 43.51.285, 43.51.290, 43.51.300, 43.51.310, 43.51.320, 43.51.321, 43.51.330, 43.51.340, 43.51.350, 43.51.360, 43.51.365, 43.51.370, 43.51.375, 43.51.380, 43.51.385, 43.51.395, 43.51.400, 43.51.405, 43.51.407, 43.51.409, 43.51.411, 43.51.415, 43.51.417, 43.51.419, 43.51.420, 43.51.430, 43.51.432, 43.51.434, 43.51.436, 43.51.438, 43.51.440, 43.51.442, 43.51.444, 43.51.446, 43.51.448, 43.51.450, 43.51.452, 43.51.454, 43.51.456, 43.51.500, 43.51.510, 43.51.530, 43.51.540, 43.51.550, 43.51.560, 43.51.570, 43.51.580, 43.51.590, 43.51.650, 43.51.655, 43.51.660, 43.51.665, 43.51.670, 43.51.675, 43.51.685, 43.51.695, 43.51.700, 43.51.705, 43.51.710, 43.51.715, 43.51.720, 43.51.725, 43.51.730, 43.51.735, 43.51.740, 43.51.745, 43.51.750, 43.51.755, 43.51.760, 43.51.765, 43.51.900, 43.51.910, 43.51.920, 43.51.930, 43.51.940, 43.51.942, 43.51.943, 43.51.944, 43.51.945, 43.51.946, 43.51.947, 43.51.948, 43.51.949, 43.51.950, 43.51.951, 43.51.952, 43.51.953, 43.51.954, 43.51.955, 43.51.956, 43.98.010, 43.98.020, 43.98.030, 43.98.040, 43.98.050, 43.98.060, 43.98.070, 43.98.080, 43.98.090, 43.98A.005, 43.98A.010, 43.98A.020, 43.98A.030, 43.98A.040, 43.98A.050, 43.98A.060, 43.98A.070, 43.98A.080, 43.98A.090, 43.98A.100, 43.98A.900, 43.98B.005, 43.98B.010, 43.98B.020, 43.98B.030, 43.98B.900, 43.98B.910, 43.98B.920, 43.99.010, 43.99.020, 43.99.025, 43.99.030, 43.99.040, 43.99.050, 43.99.060, 43.99.070, 43.99.080, 43.99.095, 43.99.100, 43.99.110, 43.99.120, 43.99.124, 43.99.126, 43.99.130, 43.99.135, 43.99.142, 43.99.146, 43.99.150, 43.99.170, 43.99.800, 43.99.810, 43.99.820, 43.99.830, 43.99.900, 43.99.910, 67.18.005, 67.18.010, 67.18.020, 67.18.030, 67.18.040, 67.18.050, 67.18.900, 67.32.010, 67.32.020, 67.32.030, 67.32.040, 67.32.050, 67.32.060, 67.32.070, 67.32.080, 67.32.090, 67.32.100, 67.32.110, 67.32.130, 67.32.140, 70.88.010, 70.88.020, 70.88.030, 70.88.040, 70.88.050, 70.88.060, 70.88.070, 70.88.080, 70.88.090, 70.88.100, 70.117.010, 70.117.015, 70.117.020, 70.117.025, 70.117.030, 70.117.040, 77.12.720, 77.12.730, 77.12.740, 79.08.102, 79.08.104, 79.08.106, 79.08.1062, 79.08.1064, 79.08.1066, 79.08.1069, 79.08.1072, 79.08.1074, 79.08.1078, 79.08.109, 79.72.010, 79.72.020, 79.72.030, 79.72.040, 79.72.050, 79.72.060, 79.72.070, 79.72.080, 79.72.090, 79.72.100, 79.72.900, 88.12.010, 88.12.015, 88.12.020, 88.12.025, 88.12.029, 88.12.032, 88.12.033, 88.12.035, 88.12.045, 88.12.055, 88.12.065, 88.12.075, 88.12.085, 88.12.095, 88.12.105, 88.12.115, 88.12.125, 88.12.135, 88.12.145, 88.12.155, 88.12.165, 88.12.175, 88.12.185, 88.12.195, 88.12.205, 88.12.215, 88.12.218, 88.12.222, 88.12.225, 88.12.227, 88.12.230, 88.12.232, 88.12.235, 88.12.245, 88.12.250, 88.12.255, 88.12.260, 88.12.265, 88.12.275, 88.12.276, 88.12.278, 88.12.279, 88.12.285, 88.12.295, 88.12.305, 88.12.315, 88.12.325, 88.12.335, 88.12.345, 88.12.355, 88.12.365, 88.12.375, 88.12.385, 88.12.500, 88.12.505, 88.27.010, 88.27.020, 88.27.030, 88.27.040, 88.27.050, 88.27.900, and 90.56.090; repealing RCW 43.51.010, 79.08.108, 43.51.047, 43.51.080, 43.51.545, 43.51.260, 43.51.355, 43.51.230, and 88.12.395; and prescribing penalties.", and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Jacobsen, the Senate concurred in the House amendments to Substitute Senate Bill No. 5179.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5179, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5179, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44. Absent: Senators Loveland, Snyder and Spanel - 3. Excused: Senators Deccio and McAuliffe - 2. SUBSTITUTE SENATE BILL NO. 5179, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Spanel, the following resolution was adopted:

SENATE RESOLUTION 1999-8677

By Senators Spanel, B. Sheldon, Loveland, Bauer, Wojahn, McDonald, Sellar, Hale, Kline, Rasmussen, Heavey, Goings, Haugen, Fairley, Johnson, Patterson, Gardner, Eide, T. Sheldon, Long, Jacobsen, West, Zarelli, Rossi, Winsley, Deccio, Oke, Morton, McCaslin, Stevens, Franklin, Honeyford, Benton, Sheahan, Horn, Shin, Kohl-Welles, Thibaudeau, Hargrove and Costa

WHEREAS, In January 1949, a young man from Long Beach began his rise to Senatorial fame as an elevator operator in the State Capitol; and

WHEREAS, This same man has come to embody the institution he has served for the last fifty years, moving up from the Bill Room and the House of Representatives, to a nineteen year term as Secretary of the Senate, then to elected office as the State Senator from the Nineteenth District and finally to Senate Majority Leader; and

WHEREAS, A Senator by any other name cannot compare to our own Senator Sid Snyder, a man whose civility, credibility, respect for the legislative process and commitment to "do the right thing" remind us why we were elected to office; and

WHEREAS, His diplomacy as Secretary of the Senate and dedicated service to forty-nine bosses earned him the well-deserved title of "the Fiftieth Senator;" and

WHEREAS, While Senator Snyder may portray himself as a Democratic Donkey, he has the institutional memory of an elephant and the well-deserved title of Senate Historian; and

WHEREAS, This master of Reed's Rules can bring a sweat to the brow of the opposition by simply thumbing through his "little red book" on the Senate floor; and

WHEREAS, His personal charm and dedicated work ethic also proved valuable in his successful business endeavors, from Sid's Market to the Bank of the Pacific; and

WHEREAS, His passion for politics have often left his poetic "political widow" Bette Snyder and their three children, Sid Jr., Karen and Sally, "Home Alone" and running the store; and

WHEREAS, Back on the coast, trusting constituents have been known to hand over their ballots - - as well as their grocery money -- to the so-called "Governor of Southwest Washington"; and

WHEREAS, Senator Snyder's distaste for skinny grocers has made him a self-proclaimed "light eater" -- from daylight until dark; and

WHEREAS, While in the majority, Senator Snyder has been known to run the Senate as he would a grocery store: volume, volume, volume; and

WHEREAS, His penchant for storytelling often conflicts with his own mantra: "When in the majority, vote; when in the minority, talk;" and

WHEREAS, Senator Snyder once gave new meaning to the phrase "wag the dog" when he sat on the beloved canine companion of former Governor Dixy Lee Ray;

WHEREAS, Always a good listener and willing to compromise, Senator Snyder has earned the respect of both sides of the aisle; and

WHEREAS, His countless (and often repeated) stories, impersonations of Senator Clyde Tisdale and sense of humor help keep us from taking ourselves too seriously;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate and thank Senator Sid Snyder for his half-century of dedicated public service, friendship and leadership; and

BE IT FURTHER RESOLVED, That the Senate thank his wife and family for sharing with the Legislature for the last fifty years the company and humor of this very decent and honorable man.

Senators Spanel, McDonald, Bauer, Wojahn, McCaslin, Heavey, Deccio, Hargrove, Sellar, Shin, Oke, Jacobsen and McAuliffe spoke to Senate Resolution 1999-8677.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Senator Snyder's immediate family--his wife, Bette, his children Sid Jr., Karen and Sally and their families--who were seated with Sid on the rostrum.

The President also welcomed and introduced Betty Cherberg, the wife of former Lieutenant Governor John Cherberg, as well as many former legislators and lobbyists, who were seated in the gallery.

#### INTRODUCTION OF GOVERNOR GARY LOCKE

The President welcomed and introduced Governor Gary Locke who congratulated Senator Snyder on his fifty years of service in and around the State Legislature.

#### INTRODUCTION OF SENATOR SNYDER

The President introduced and congratulated Senator Snyder on his achievements over the past fifty years. Senator Snyder addressed the Senate and thanked all those involved in making this day special for him.

The President invited all to a reception in the rotunda to meet Senator Snyder's family and to congratulate him on his fifty years of service.

#### MOTION

At 11:34 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:04 p.m. by President Owen.

#### MOTION

On motion of Senator Betti Sheldon, the Senate returned to the sixth order of business.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9115, Rachel Garson, as a member of the Lottery Commission, was confirmed.

#### APPOINTMENT OF RACHEL GARSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 7; Excused, 0.

Voting yea: Senators Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Wojahn and Zarelli - 42.

Absent: Senators Bauer, Brown, Haugen, Loveland, Sellar, West and Winsley - 7.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

#### MOTIONS

On motion of Senator Eide, Senator Haugen was excused.

On motion of Senator Franklin, Senators Bauer and Loveland were excused.

#### MESSAGE FROM THE HOUSE

April 13, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5213 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28A.195 RCW to read as follows:

(1) The legislature finds additional safeguards are necessary to ensure safety of school children attending private schools in the state of Washington. Private schools approved under this chapter are authorized to require that employees who have regularly scheduled unsupervised access to children, whether current employees on the effective date of this act or applicants for employment on or after the effective date of this act, undergo a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.838, 10.97.030, and 10.97.050 and through the federal bureau of investigation. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. Employees or applicants for employment who have completed a record check in accordance with RCW 28A.410.010 shall not be required to undergo a record check under this section. The superintendent of public instruction shall provide a copy of the record report to the employee or applicant. If an employee or applicant has undergone a record check as authorized under this section, additional record checks shall not be required unless required by other provisions of law.

(2) The approved private school, the employee, or the applicant shall pay the costs associated with the record check authorized in this section.

(3) Applicants may be employed on a conditional basis pending completion of the investigation. If the employee or applicant has had a record check within the previous two years, the approved private school or contractor may waive any record check required by the approved private school under subsection (1) of this section.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Eide, the Senate concurred in the House amendment to Substitute Senate Bill No. 5213.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5213, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5213, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 43.

Absent: Senators Brown, Snyder and West - 3.

Excused: Senators Bauer, Haugen and Loveland - 3.

SUBSTITUTE SENATE BILL NO. 5213, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 6, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5219 with the following amendment(s):

On page 1, after the enacting clause, strike the remainder of the bill, and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends annexation procedures set forth in sections 2 through 5 of this act to be alternative methods available to port districts that are less than county-wide. The legislature does not intend the alternative procedures to supersede any other method authorized by chapter 53.04 RCW or other law for annexation of territory to a port district.

**NEW SECTION. Sec. 2.** A port district that is less than county-wide, and that is located in a county with a population of less than ninety thousand and located in the Interstate 5 corridor, may petition for annexation of an area that is contiguous to its boundaries, is not located within the boundaries of any other port district, and contains no registered voters. The petition must be in writing, addressed to and filed with the port commission, and signed by the owners of not less than seventy-five percent of the property value in the area to be annexed, according to the assessed value for general taxation. The petition must contain a legal description of the property according to government legal subdivisions or legal plats, or a sufficient metes and bounds description, and must be accompanied by a plat outlining the boundaries of the property to be annexed.

**NEW SECTION. Sec. 3.** If a petition meeting the requirements set forth in section 2 of this act is filed with the commission, the commission shall determine a date, time, and location for a hearing on the petition and shall provide public notice of that hearing and its nature by publishing the notice in one issue of a newspaper of general circulation in the district and by posting the notice in three public places within the territory proposed for annexation. The commission may require proof of a petition's authenticity before complying with notice requirements imposed by this section and may require the signers of a petition to bear the costs of publishing and posting notice.

**NEW SECTION. Sec. 4.** At the hearing, the commission may determine to annex all or any portion of the proposed area described in the petition. Following the hearing, the commission shall by resolution approve or disapprove annexation. Upon passage of the resolution, the commission shall file, with the board of county commissioners of the county in which the annexed property is located, a certified copy of the resolution. On the date fixed in the resolution, the area annexed becomes part of the district.

**NEW SECTION. Sec. 5.** (1) By a majority vote of the commission, and with the written consent of all the owners of the property to be annexed, a port commission of a district that is less than county-wide, and that is located in a county with a population of less than ninety thousand and located in the Interstate 5 corridor, may annex, for industrial development or other port district purposes, property contiguous to the district's boundaries and not located within the boundaries of any other port district.

(2) The written consent required by subsection (1) of this section must contain a full and correct legal description of the property to be annexed, must include the signature of all owners of the property to be annexed, and must be addressed to and filed with the commission.

(3) If the commission approves annexation under this section, it shall do so by resolution and shall file a certified copy of the resolution with the board of county commissioners of the county in which the annexed property is located. Upon the date fixed in the resolution, the area annexed becomes part of the district.

**NEW SECTION. Sec. 6.** No property within the territory annexed under sections 2 through 5 of this act may be taxed or assessed for the payment of any outstanding indebtedness of the port district as it existed before the annexation unless another law requires the tax or assessment.", and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

Senator Patterson moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5219.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Patterson that the Senate concur in the House amendment to Substitute Senate Bill No. 5219.

The motion by Senator Patterson carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5219.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5219, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5219, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44.

Absent: Senators Brown and West - 2.

Excused: Senators Bauer, Haugen and Loveland - 3

SUBSTITUTE SENATE BILL NO. 5219, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator McCaslin, Senator Deccio was excused.

#### MESSAGE FROM THE HOUSE

April 6, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5279 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the intent of the legislature that minor children in the care and custody of the department of social and health services under chapter 13.34 RCW be provided the most appropriate possible mental health care consistent with the child's best interests, family reconciliation, the child's medical need for mental health treatment, available state and community resources, and professional standards of medical care. The legislature intends that admission of such minors for mental health hospitalization be made pursuant to the criteria and standards for mental health services for minors established in chapter 71.34 RCW, and that minor children in the care and custody of the department in need of mental health hospitalization shall retain all rights set forth therein. The legislature specifically intends that this act may not be construed to affect the standards or procedures established for the involuntary commitment of minors under chapter 71.34 RCW.

**NEW SECTION. Sec. 2.** A new section is added to chapter 13.34 RCW to read as follows:

The department shall obtain the prior consent of a child's parent, legal guardian, or legal custodian before a dependent child is admitted into an inpatient mental health treatment facility. If the child's parent, legal guardian, or legal custodian is unavailable or does not agree with the proposed admission, the department shall request a hearing and provide notice to all interested parties to seek prior approval of the juvenile court before such admission. In the event that an emergent situation creating a risk of substantial harm to the health and welfare of a child in the custody of the department does not allow time for the department to obtain prior approval or to request a court hearing before consenting to the admission of the child into an inpatient

mental health hospital, the department shall seek court approval by requesting that a hearing be set on the first available court date.

**NEW SECTION. Sec. 3.** A new section is added to chapter 13.34 RCW to read as follows:

A dependent child who is admitted to an inpatient mental health facility shall be placed in a facility, with available treatment space, that is closest to the family home, unless the department, in consultation with the admitting authority finds that admission in the facility closest to the child's home would jeopardize the health or safety of the child.

**NEW SECTION. Sec. 4.** A new section is added to chapter 13.34 RCW to read as follows:

For minors who cannot consent to the release of their records with the department because they are not old enough to consent to treatment, or, if old enough, lack the capacity to consent, or if the minor is receiving treatment involuntarily with a provider the department has authorized to provide mental health treatment under section 2 of this act, the department shall disclose, upon the treating physician's request, all relevant records, including the minor's passport, in the department's possession that the treating physician determines contain information required for treatment of the minor. The treating physician shall maintain all records received from the department in a manner that distinguishes the records from any other records in the minor's file with the treating physician and the department records may not be disclosed by the treating physician to any other person or entity absent a court order."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Costa, the Senate concurred in the House amendment to Substitute Senate Bill No. 5279.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5279, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5279, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44. Absent: Senators Brown and West - 2. Excused: Senators Deccio, Haugen and Loveland - 3. SUBSTITUTE SENATE BILL NO. 5279, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Swecker: "A point of personal privilege, Mr. President. During the noon hour, I was made aware that there was a gunman attack on a high school in Littleton, Colorado--Columbine High School. The attack used firearms and explosive devises. Up to sixteen students have been wounded and one hundred-fifty students are still in the high school and some of them are hostages. There may be additional wounded inside. If the President would permit, I would ask for a moment of silence and perhaps a moment of personal prayer."

#### MOMENT OF SILENCE

The President asked the members to rise in a moment of silence for the students and their families at this time of tragedy at Columbine High School.

#### MOTIONS

On motion of Senator McCaslin, Senator West was excused.  
On motion of Senator Eide, Senator Brown was excused.

#### MESSAGE FROM THE HOUSE

April 6, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5384 with the following amendment(s):

On page 2, beginning on line 16, strike all material through page 3, line 12., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

Senator Gardner moved that the Senate concur in the House amendment to Senate Bill No. 5384.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Gardner that the Senate concur in the House amendment to Senate Bill No. 5384.

The motion by Senator Gardner carried and the Senate concurred in the House amendment to Senate Bill No. 5384.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5384, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5384, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 2; Excused, 3.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 41. Voting nay: Senators Hargrove, Morton and Sheahan - 3. Absent: Senators Hochstatter and McAuliffe - 2. Excused: Senators Brown, Haugen and West - 3. SENATE BILL NO. 5384, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 1:31 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:36 p.m. by President Owen.

#### MESSAGE FROM THE HOUSE

April 13, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5671 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.05.030 and 1992 c 7 s 2 are each amended to read as follows:

Whenever two or more persons assemble for the purpose of (~~advocating or teaching the doctrines of criminal anarchy~~) committing criminal sabotage, as defined in RCW ((9.05.040)) 9.05.060, such an assembly is unlawful, and every person

voluntarily and knowingly participating therein by his or her presence, aid, or instigation, shall be punished by imprisonment in a state correctional facility for not more than ten years, or by a fine of not more than five thousand dollars, or both.

**Sec. 2.** RCW 9.05.060 and 1919 c 173 s 1 are each amended to read as follows:

(1) Whoever, with intent that his or her act shall, or with reason to believe that it may, injure, interfere with, interrupt, supplant, nullify, impair, or obstruct the owner's or operator's management, operation, or control of any agricultural, stockraising, lumbering, mining, quarrying, fishing, manufacturing, transportation, mercantile, or building enterprise, or any other public or private business or commercial enterprise, wherein ~~((persons are))~~ any person is employed for wage, shall willfully ~~((injure))~~ damage or destroy, or attempt or threaten to ~~((injure))~~ damage or destroy, any property whatsoever, or shall ~~((willfully derange, or attempt or threaten to derange,))~~ unlawfully take or retain, or attempt or threaten unlawfully to take or retain, possession or control of any property, instrumentality, machine, mechanism, or appliance used in such business or enterprise, shall be guilty of criminal sabotage.

(2) Criminal sabotage is a felony.

**Sec. 3.** RCW 9.05.090 and 1919 c 173 s 4 are each amended to read as follows:

RCW 9.05.030 and 9.05.060 ~~((through 9.05.080))~~ shall not be construed to repeal or amend any existing penal statute.

**NEW SECTION. Sec. 4.** The following acts or parts of acts are each repealed:

- (1) RCW 9.05.010 (Criminal anarchy defined) and 1941 c 215 s 1, 1909 c 249 s 310, & 1903 c 45 s 1;
  - (2) RCW 9.05.020 (Advocating criminal anarchy--Penalty) and 1992 c 7 s 1, 1941 c 215 s 2, 1909 c 249 s 311, & 1903 c 45 s 2;
  - (3) RCW 9.05.040 (Permitting premises to be used for assemblages of anarchists) and 1909 c 249 s 315;
  - (4) RCW 9.05.050 (Evidence--Self-incrimination) and 1909 c 249 s 316;
  - (5) RCW 9.05.070 (Interference with owner's control) and 1919 c 173 s 2;
  - (6) RCW 9.05.080 (Penalty for advocating sabotage) and 1919 c 173 s 3;
  - (7) RCW 9.05.100 (Displaying emblems of seditious and anarchistic groups) and 1919 c 181 s 1;
  - (8) RCW 9.05.110 (Possession of emblems unlawful) and 1919 c 181 s 2;
  - (9) RCW 9.05.120 (Penalty) and 1919 c 181 s 3;
  - (10) RCW 9.05.130 (Searches and seizures) and 1919 c 181 s 4;
  - (11) RCW 9.05.140 (Exceptions) and 1919 c 181 s 5;
  - (12) RCW 9.05.150 (Publishing matter inciting breach of peace) and 1909 c 249 s 312; and
  - (13) RCW 9.05.160 (Liability of editors and others) and 1909 c 249 s 313 & 1905 c 45 s 3."
- Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Heavey, the Senate concurred in the House amendment to Substitute Senate Bill No. 5671.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5671, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5671, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Absent: Senator Finkbeiner - 1.

SUBSTITUTE SENATE BILL NO. 5671, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTIONS

On motion of Senator Deccio, Senators Benton, Finkbeiner, Horn and Winsley were excused.

On motion of Senator Rossi, Senator Johnson was excused.

## MESSAGE FROM THE HOUSE

April 15, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5127 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The state of Washington affirms the importance of ensuring that crimes involving child sexual abuse are investigated thoroughly and objectively. Children who have been victims of crime deserve to have those who committed the crimes against them brought to justice. Those who may have been accused should expect that investigative agencies will make every effort to conduct thorough and impartial investigations.

The best approach to investigations of child sexual abuse crimes involves a coordinated effort by investigative agencies that minimizes repetitive investigative interviews and improves the quality of the investigations. The legislature intends to improve the training and resources available to individuals who conduct these interviews and to increase the accuracy of risk assessments and determinations of fact associated with interviews.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.101 RCW to read as follows:

(1) On-going specialized training shall be provided for persons responsible for investigating child sexual abuse. Training participants shall have the opportunity to practice interview skills and receive feedback from instructors.

(2) The commission, the department of social and health services, the Washington association of sheriffs and police chiefs, and the Washington association of prosecuting attorneys shall design and implement state-wide training that contains consistent elements for persons engaged in the interviewing of children for child sexual abuse cases, including law enforcement, prosecution, and child protective services.

(3) The training shall: (a) Be based on research-based practices and standards; (b) minimize the trauma of all persons who are interviewed during abuse investigations; (c) provide methods of reducing the number of investigative interviews necessary whenever possible; (d) assure, to the extent possible, that investigative interviews are thorough, objective, and complete; (e) recognize needs of special populations, such as persons with developmental disabilities; (f) recognize the nature and consequences of victimization; (g) require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; (h) address record retention and retrieval; and (i) documentation of investigative interviews.

**NEW SECTION. Sec. 3.** The Washington state institute for public policy shall convene a work group to develop state guidelines for the development of child sexual abuse investigations protocols. The work group shall consist of representatives from the department of social and health services, the Washington association of sheriffs and police chiefs, and the Washington association of prosecuting attorneys.

The work group shall solicit input from a mental health professional certified under chapter 18.19 RCW, a physician licensed under chapter 18.71 RCW with substantial experience in child sexual abuse examinations, a member of the Washington state bar whose practice is primarily defense-oriented, the attorney general, a superior court judge, a child development specialist, a representative from an agency serving the developmentally disabled, an advanced registered nurse practitioner licensed under chapter 18.79 RCW, a representative from a child serving agency, and a victim's advocate.

The work group guidelines shall include issues to be addressed within local protocols adopted pursuant to this act. Those issues shall include multivictim cases, cases involving multiple suspects, information sharing between the department and law enforcement, methods to reduce the number of investigative interviews, and documentation of investigations.

The work group guidelines shall be provided as a resource to local agencies in developing local protocols mandated under this act.

The guidelines developed by the work group shall be presented to the legislature not later than December 1, 1999.

**NEW SECTION. Sec. 4.** A new section is added to chapter 26.44 RCW to read as follows:

(1) Each agency involved in investigating child sexual abuse shall document its role in handling cases and how it will coordinate with other local agencies or systems and shall adopt a local protocol based on the state guidelines. The department and local law enforcement agencies may include other agencies and systems that are involved with child sexual abuse victims in the multidisciplinary coordination.

(2) Each county shall develop a written protocol for handling criminal child sexual abuse investigations. The protocol shall address the coordination of child sexual abuse investigations between the prosecutor's office, law enforcement, the department, local advocacy groups, and any other local agency involved in the criminal investigation of child sexual abuse, including those investigations involving multiple victims and multiple offenders. The protocol shall be developed by the prosecuting attorney with the assistance of the agencies referenced in this subsection.

(3) Local protocols under this section shall be adopted and in place by July 1, 2000, and shall be submitted to the legislature prior to that date.

**Sec. 5.** RCW 74.14B.010 and 1987 c 503 s 8 are each amended to read as follows:

(1) Caseworkers employed in children services shall meet minimum standards established by the department of social and health services. Comprehensive training for caseworkers shall be completed before such caseworkers are assigned to case-carrying responsibilities without direct supervision. Intermittent, part-time, and standby workers shall be subject to the same minimum standards and training.

(2) On-going specialized training shall be provided for persons responsible for investigating child sexual abuse. Training participants shall have the opportunity to practice interview skills and receive feedback from instructors.

(3) The department, the criminal justice training commission, the Washington association of sheriffs and police chiefs, and the Washington association of prosecuting attorneys shall design and implement state-wide training that contains consistent elements for persons engaged in the interviewing of children, including law enforcement, prosecution, and child protective services.

(4) The training shall: (a) Be based on research-based practices and standards; (b) minimize the trauma of all persons who are interviewed during abuse investigations; (c) provide methods of reducing the number of investigative interviews necessary whenever possible; (d) assure, to the extent possible, that investigative interviews are thorough, objective, and complete; (e) recognize needs of special populations, such as persons with developmental disabilities; (f) recognize the nature and consequences of victimization; (g) require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; (h) address record retention and retrieval; and (i) documentation of investigative interviews.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.20A RCW to read as follows:

The department shall establish three pilot projects involving child sexual abuse investigations. The projects shall follow written protocols and use different methods and techniques to conduct and preserve interviews with alleged child victims of sexual abuse. The department shall provide the appropriate committees of the senate and house of representatives an interim report by December 15, 1999, and a final report by December 15, 2000. The Washington state institute for public policy shall evaluate the pilot projects and report to the legislature by December 1, 2000.

**Sec. 7.** RCW 26.44.035 and 1997 c 386 s 26 are each amended to read as follows:

(1) If the department or a law enforcement agency responds to a complaint of alleged child abuse or neglect and discovers that another agency has also responded to the complaint, the agency shall notify the other agency of their presence, and the agencies shall coordinate the investigation and keep each other apprised of progress.

(2) The department, each law enforcement agency, each county prosecuting attorney, each city attorney, and each court shall make as soon as practicable a written record and shall maintain records of all incidents of suspected child abuse reported to that person or agency.

(3) Every employee of the department who conducts an interview of any person involved in an allegation of abuse or neglect shall retain his or her original written records or notes setting forth the content of the interview unless the notes were entered into the electronic system operated by the department which is designed for storage, retrieval, and preservation of such records.

(4) Written records involving child sexual abuse shall, at a minimum, be a near verbatim record for the disclosure interview. The near verbatim record shall be produced within fifteen calendar days of the disclosure interview, unless waived by management on a case-by-case basis.

(5) Records kept under this section shall be identifiable by means of an agency code for child abuse.

**NEW SECTION. Sec. 8.** The legislature finds that the parent, guardian, or foster parent of a child who may be the victim of abuse or neglect may become involved in the investigation of the abuse or neglect. The parent, guardian, or foster parent may also be made a party to later court proceedings and be subject to a court-ordered examination by a physician, psychologist, or psychiatrist. It is the intent of the legislature by enacting section 9 of this act to avoid actual or perceived conflicts of interest that may occur when the parent, guardian, or foster parent is also a law enforcement officer and is assigned to conduct the investigation of alleged abuse or neglect concerning the child.

**NEW SECTION. Sec. 9.** A new section is added to chapter 26.44 RCW to read as follows:

A law enforcement agency shall not allow a law enforcement officer to participate as an investigator in the investigation of alleged abuse or neglect concerning a child for whom the law enforcement officer is, or has been, a parent, guardian, or foster parent. This section is not intended to limit the authority or duty of a law enforcement officer to report, testify, or be examined as authorized or required by this chapter, or to perform other official duties as a law enforcement officer.

**NEW SECTION. Sec. 10.** If specific funding for the purposes of sections 1 through 7 this act, referencing sections 1 through 7 of this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, sections 1 through 7 this act are null and void."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

Senator Heavey moved that the Senate concur in the House amendment to Senate Bill No. 5127.

#### POINT OF INQUIRY

Senator Zarelli: "Senator Heavey, just one inquiry. I haven't had a chance to go through the changes made by the House. Do you know if they made a change that required that these suggestions for state-wide protocol will actually come back to the Judiciary Committee for review before implementation or what they come up with is what we are stuck with? Do you follow my question?"

Senator Heavey: "Adopted protocol--local jurisdictions under the bill are required to adopt local protocols and then after adoption, they would advance them to the Legislature for review."

Further debate ensued.

#### POINT OF INQUIRY

Senator Franklin: "Senator Heavey, in regards to this amendment and as we had heard the bill and dealt with the issue of Wenatchee and also in regards to questioning and to protocol, my understanding was that in multiple jurisdictions that there will be a standard with flexibility for the locals. Is that in this amendment?"

Senator Heavey: "Thank you, Senator Franklin. What is in the amendment is not a mandated multiple jurisdiction approach, but what is mandated is that when each locality deals with developing their protocols, they must consider how to deal with the multiple jurisdictional issue."

Senator Franklin: "Then, Senator, you said that for the multiple jurisdictional, there is not an overall standard with the flexibility built in for the locals? That is what I am trying to understand as we have discussed this issue over and over."

Senator Heavey: "The group that will be developing protocols in the three pilot projects will, as I understand the bill, make recommendations on protocols and the ways to approach multiple jurisdictional issues. The locals have to consider how to approach multiple jurisdictional issues when they adopt their protocols. There is no mandated statewide--how we deal with multiple jurisdictional issues."

Further debate ensued.

#### POINT OF INQUIRY

Senator Kohl-Welles: "Senator Heavey, it appears the current version of the bill requires that the state group identify key issues that local protocols should address, but it doesn't require that they be addressed in local protocols. Do you think this might be somewhat problematic since it doesn't provide assurance that certain core issues will be addressed statewide?"

Senator Heavey: "Actually, the current version of the bill does require, or mandate, that the local protocols address issues raised by the state team. The bill specifically requires the issues to include multivictim cases, multiple suspect cases, information sharing between the department and law enforcement, methods to reduce the number of investigative interviews, and documentation of investigations. This can be found on page 2, starting on

line 31, and continuing to page 3, line 2. In addition, the state work group is precluded from identifying other issues that must be addressed within local protocols."

Senator Kohl-Welles: "Is it true that the bill does not make clear that the near-verbatim requirement for DSHS documentation cannot be superseded by local protocol?"

Senator Heavey: "The 'near-verbatim' standard for disclosure interviews established on page 5, section 7 of the bill is included into RCW 26.44.035 and cannot be modified or stricken by the local protocols, which cannot supersede state statute."

Senator Kohl-Welles: "Thank you."

Further debate ensued.

#### CALL FOR THE PREVIOUS QUESTION

Senators Betti Sheldon, Snyder and Goings called for the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The motion carried and the call for the previous question carried.

The President declared the question before the Senate to be the motion by Senator Heavey that the Senate concur in the House amendment to Senate Bill No. 5127.

The motion by Senator Heavey carried and the Senate concurred in the House amendment to Senate Bill No. 5127.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5127, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5127, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Wojahn and Zarelli - 41. Voting nay: Senators Hargrove, Long and Morton - 3. Excused: Senators Benton, Finkbeiner, Horn, Johnson and Winsley - 5. SENATE BILL NO. 5127, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 16, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5214 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 9.41.280 and 1996 c 295 s 13 are each amended to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; or

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a

period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the county-designated mental health professional unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the county-designated mental health professional for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The county-designated mental health professional shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

The county-designated mental health professional may determine whether to refer the person to the county-designated chemical dependency specialist for examination and evaluation in accordance with chapter 70.96A RCW. The county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 70.96A RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the county-designated mental health professional or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The county-designated mental health professional and county-designated chemical dependency specialist shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the county-designated mental health professional determines it is appropriate, the county-designated mental health professional may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

- (a) Any student or employee of a private military academy when on the property of the academy;
  - (b) Any person engaged in military, law enforcement, or school district security activities;
  - (c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;
  - (d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;
  - (e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;
  - (f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;
  - (g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or
  - (h) Any law enforcement officer of the federal, state, or local government agency.
- (4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.
- (5) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.
- (6) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

**Sec. 2.** RCW 13.40.040 and 1997 c 338 s 13 are each amended to read as follows:

(1) A juvenile may be taken into custody:

- (a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the juvenile has committed an offense or has violated terms of a disposition order or release order; or
- (b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection (2) of this section; or
- (c) Pursuant to a court order that the juvenile be held as a material witness; or
- (d) Where the secretary or the secretary's designee has suspended the parole of a juvenile offender.

(2) A juvenile may not be held in detention unless there is probable cause to believe that:

- (a) The juvenile has committed an offense or has violated the terms of a disposition order; and
  - (i) The juvenile will likely fail to appear for further proceedings; or
  - (ii) Detention is required to protect the juvenile from himself or herself; or
  - (iii) The juvenile is a threat to community safety; or
  - (iv) The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or
  - (v) The juvenile has committed a crime while another case was pending; or
- (b) The juvenile is a fugitive from justice; or
- (c) The juvenile's parole has been suspended or modified; or
- (d) The juvenile is a material witness.

(3) Upon a finding that members of the community have threatened the health of a juvenile taken into custody, at the juvenile's request the court may order continued detention pending further order of the court.

(4) Except as provided in RCW 9.41.280, a juvenile detained under this section may be released upon posting a probation bond set by the court. The juvenile's parent or guardian may sign for the probation bond. A court authorizing such a release shall issue an order containing a statement of conditions imposed upon the juvenile and shall set the date of his or her next court appearance. The court shall advise the juvenile of any conditions specified in the order and may at any time amend such an order in order to impose additional or different conditions of release upon the juvenile or to return the juvenile to custody for failing to conform to the conditions imposed. In addition to requiring the juvenile to appear at the next court date, the court may condition the probation bond on the juvenile's compliance with conditions of release. The juvenile's parent or guardian may notify the court that the juvenile has failed to conform to the conditions of release or the provisions in the probation bond. If the parent notifies the court of the juvenile's failure to comply with the probation bond, the court shall notify the surety. As provided in the terms of the bond, the surety shall provide notice to the court of the offender's noncompliance. A juvenile may be released only to a responsible adult or the department of social and health services. Failure to appear on the date scheduled by the court pursuant to this section shall constitute the crime of bail jumping.

**Sec. 3.** RCW 28A.600.230 and 1989 c 271 s 246 are each amended to read as follows:

(1) A school principal, vice principal, or principal's designee may search a student, the student's possessions, and the student's locker, if the principal, vice principal, or principal's designee has reasonable grounds to suspect that the search will yield evidence of the student's violation of the law or school rules. A search is mandatory if there are reasonable grounds to suspect a student has illegally possessed a firearm in violation of RCW 9.41.280.

(2) Except as provided in subsection (3) of this section, the scope of the search is proper if the search is conducted as follows:

- (a) The methods used are reasonably related to the objectives of the search; and
- (b) Is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

(3) A principal or vice principal or anyone acting under their direction may not subject a student to a strip search or body cavity search as those terms are defined in RCW 10.79.070.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void."

Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator McAuliffe moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5214.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment to Substitute Senate Bill No. 5214.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5214.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5214, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5214, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Finkbeiner - 1.

SUBSTITUTE SENATE BILL NO. 5214, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 16, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5374 with the following amendment(s):

##### Amendment One

On page 23, after line 21, insert the following:

**"Sec. 9.** RCW 46.20.120 and 1999 c 6 s 19 are each amended to read as follows:

An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department shall give examinations at places and times reasonably available to the people of this state.

(1) **Waiver.** The department may waive:

(a) All or any part of the examination of any person applying for the renewal of a driver's license unless the department determines that the applicant is not qualified to hold a driver's license under this title; or

(b) The actual demonstration of the ability to operate a motor vehicle if the applicant:

(i) Surrenders a valid driver's license issued by the person's previous home state; and

(ii) Is otherwise qualified to be licensed.

(2) **Fee.** Each applicant for a new license must pay an examination fee of seven dollars.

(a) The examination fee is in addition to the fee charged for issuance of the license.

(b) "New license" means a license issued to a driver:

(i) Who has not been previously licensed in this state; or

(ii) Whose last previous Washington license has been expired for more than ~~((four))~~ six years.

**Sec. 10.** RCW 46.20.161 and 1999 c 6 s 22 are each amended to read as follows:

The department, upon receipt of a fee of ~~((fourteen))~~ thirty dollars, unless the driver's license is issued for a period other than six years, in which case the fee shall be five dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. The license must include a distinguishing number assigned to the licensee, the name of record, date of birth, Washington residence address, photograph, a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee.

**Sec. 11.** RCW 46.20.181 and 1999 c 6 s 23 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, every driver's license expires on the ~~((fourth))~~ sixth anniversary of the licensee's birthdate following the issuance of the license.

(2) A person may renew his or her license on or before the expiration date by submitting an application as prescribed by the department and paying a fee of ~~((fourteen))~~ thirty dollars. This fee includes the fee for the required photograph.

(3) A person renewing his or her driver's license more than sixty days after the license has expired shall pay a penalty fee of ten dollars in addition to the renewal fee, unless his or her license expired when:

- (a) The person was outside the state and he or she renews the license within sixty days after returning to this state; or
- (b) The person was incapacitated and he or she renews the license within sixty days after the termination of the incapacity.

(4) During the period from July 1, 2000, to July 1, 2006, the department may issue or renew a driver's license for a period other than six years, or may extend by mail a license that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of licensed drivers. The fee for a driver's license issued or renewed for a period other than six years, or that has been extended by mail, is five dollars for each year that the license is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

**Sec. 12.** RCW 46.20.470 and 1989 c 178 s 21 are each amended to read as follows:

There shall be an additional fee for issuing any class of commercial driver's license in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each class shall not exceed ~~((twelve))~~ twenty-four dollars for the original commercial driver's license or subsequent renewals, unless the commercial driver's license is renewed or extended for a period other than six years, in which case the fee for each class shall not exceed four dollars for each year that the commercial driver's license is renewed or extended. The fee shall be deposited in the highway safety fund.

**Sec. 13.** RCW 46.20.505 and 1993 c 115 s 1 are each amended to read as follows:

Every person applying for a special endorsement or a new category of endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay an examination fee of two dollars which is not refundable. In addition, the endorsement fee for the initial or new category motorcycle endorsement shall ~~((be six))~~ not exceed twelve dollars, and the subsequent renewal endorsement fee shall ~~((be fourteen))~~ not exceed thirty dollars, unless the endorsement is renewed or extended for a period other than six years, in which case the subsequent renewal endorsement fee shall not exceed five dollars for each year that the endorsement is renewed or extended. The initial or new category and renewal endorsement fees shall be deposited in the motorcycle safety education account of the highway safety fund.

NEW SECTION. Sec. 14. Sections 9 through 13 of this act take effect July 1, 2000."

Correct the title.

#### Amendment Two

On page 23, after line 21, insert the following:

**"Sec. 9.** RCW 46.20.500 and 1997 c 328 s 3 are each amended to read as follows:

No person may drive a motorcycle or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles ~~((, nor may a person drive a motorcycle of a larger engine displacement than that authorized by such special endorsement or by an instruction permit for such category))~~. However, a person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped. No driver's license is required for operation of an electric-assisted bicycle if the operator is at least sixteen years of age. Persons under sixteen years of age may not operate an electric-assisted bicycle.

**Sec. 10.** RCW 46.20.505 and 1993 c 115 s 1 are each amended to read as follows:

Every person applying for a special endorsement ~~((or a new category of endorsement))~~ of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay an examination fee of two dollars which is not refundable. In addition, the endorsement fee for the initial ~~((or new category))~~ motorcycle endorsement shall be six dollars and the subsequent renewal endorsement fee shall be fourteen dollars. The initial ~~((or new category))~~ and renewal endorsement fees shall be deposited in the motorcycle safety education account of the highway safety fund.

**Sec. 11.** RCW 46.20.510 and 1999 c 6 s 25 are each amended to read as follows:

~~((1))~~ ~~((Categories. There are three categories for the special motorcycle endorsement of a driver's license. Category one is for motorcycles or motor-driven cycles having an engine displacement of one hundred fifty cubic centimeters or less. Category two is for motorcycles having an engine displacement of five hundred cubic centimeters or less. Category three includes categories one and two, and is for motorcycles having an engine displacement of five hundred one cubic centimeters or more.~~

~~((2))~~ **Motorcycle instruction permit.** A person holding a valid driver's license who wishes to learn to ride a motorcycle ~~((or obtain an endorsement of a larger category))~~ may apply for a motorcycle instruction permit. The department may issue a motorcycle instruction permit after the applicant has successfully passed all parts of the motorcycle examination other than the driving test. The director shall collect a two dollar and fifty cent fee for the motorcycle instruction permit or renewal, and deposit the fee in the motorcycle safety education account of the highway safety fund.

~~((3))~~ **(2) Effect of motorcycle instruction permit.** A person holding a motorcycle instruction permit may drive a motorcycle upon the public highways if the person has immediate possession of the permit and a valid driver's license ~~((with current endorsement, if any))~~. An individual with a motorcyclist's instruction permit may not carry passengers~~((,))~~ and may not operate a motorcycle during the hours of darkness ~~((or on a fully-controlled, limited-access facility, and shall be under the direct visual supervision of a person with a motorcycle endorsement of the appropriate category and at least five years' riding experience))~~.

~~((4))~~ **(3) Term of motorcycle instruction permit.** A motorcycle instruction permit is valid for ninety days from the date of issue.

(a) The department may issue one additional ninety-day permit.

(b) The department may issue a third motorcycle instruction permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

**Sec. 12.** RCW 46.20.515 and 1982 c 77 s 4 are each amended to read as follows:

The motorcycle endorsement examination ~~((for each displacement category shall))~~ must emphasize maneuvers necessary for on-street operation, including emergency braking and turning as may be required to avoid an impending collision."

Correct the title.

### Amendment Three

On page 1, line 6, strike all of section 1, renumber the remaining sections consecutively, and correct internal references accordingly.

### Amendment Four

On page 23, after line 21, insert the following:

**"Sec. 9.** RCW 46.20.041 and 1999 c 6 s 9 are each amended to read as follows:

(1) If the department has reason to believe that a person is suffering from a physical or mental disability or disease that may affect that person's ability to drive a motor vehicle, the department must evaluate whether the person is able to safely drive a motor vehicle. As part of the evaluation:

(a) The department shall permit the person to demonstrate personally that notwithstanding the disability or disease he or she is able to safely drive a motor vehicle.

(b) The department may require the person to obtain a statement signed by a licensed physician or other proper authority designated by the department certifying the person's condition.

(i) The ~~((certificate))~~ statement is for the confidential use of the director and the chief of the Washington state patrol and for other public officials designated by law. It is exempt from public inspection and copying notwithstanding chapter 42.17 RCW.

(ii) The ~~((certificate))~~ statement may not be offered as evidence in any court except when appeal is taken from the order of the director canceling or withholding a person's driving privilege. However, the department may make the ~~((certificate))~~ statement available to the director of the department of retirement systems for use in determining eligibility for or continuance of disability benefits and it may be offered and admitted as evidence in any administrative proceeding or court action concerning the disability benefits.

(2) On the basis of the evaluation the department may:

(a) Issue or renew a driver's license to the person without restrictions;

(b) Cancel or withhold the driving privilege from the person; or

(c) Issue a restricted driver's license to the person. The restrictions must be suitable to the licensee's driving ability.

The restrictions may include:

(i) Special mechanical control devices on the motor vehicle operated by the licensee;

(ii) Limitations on the type of motor vehicle that the licensee may operate; or

(iii) Other restrictions determined by the department to be appropriate to assure the licensee's safe operation of a motor vehicle.

(3) The department may either issue a special restricted license or may set forth the restrictions upon the usual license form.

(4) The department may suspend or revoke a restricted license upon receiving satisfactory evidence of any violation of the restrictions. In that event the licensee is entitled to a driver improvement interview and a hearing as provided by RCW 46.20.322 or 46.20.328.

(5) Operating a motor vehicle in violation of the restrictions imposed in a restricted license is a traffic infraction.

**Sec. 10.** RCW 46.20.055 and 1999 c 6 s 11 are each amended to read as follows:

(1) **Driver's instruction permit.** ~~((a) A person who is at least fifteen and one-half years of age may apply to the department for a driver's instruction permit.))~~ The department may issue a driver's instruction permit ~~((after the))~~ with a

photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, ~~((and))~~ paid a five-dollar fee~~((-))~~, and meets the following requirements:

(a) Is at least fifteen and one-half years of age; or

~~((The department may issue a driver's instruction permit to an applicant who))~~ Is at least fifteen years of age ~~((if he or she))~~ and:

(i) Has submitted a proper application; and

(ii) Is enrolled in a traffic safety education program approved and accredited by the superintendent of public instruction that includes practice driving.

(2) **Nonphoto permit fee.** An applicant who meets the requirements of subsection (1) of this section other than payment of the five-dollar fee may obtain a driver's instruction permit without a photograph by paying a fee of four dollars.

(3) **Waiver of written examination for instruction permit.** The department may waive the written examination, if, at the time of application, an applicant is enrolled in:

(a) A traffic safety education course as defined by RCW 28A.220.020(2); or

(b) A course of instruction offered by a licensed driver training school as defined by RCW 46.82.280(1).

The department may require proof of registration in such a course as it deems necessary.

~~((3))~~ (4) **Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

(a) The person has immediate possession of the permit; and

~~((The seat beside the driver is occupied by))~~ An approved instructor, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

~~((4))~~ (5) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

(a) The department may issue one additional one-year permit.

(b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

**Sec. 11.** RCW 46.20.100 and 1999 c 6 s 16 are each amended to read as follows:

(1) **Application.** The application of a person under the age of eighteen years for a driver's license or a motorcycle endorsement must be signed by a parent or guardian with custody of the minor. If the ~~((minor))~~ person under the age of eighteen has no father, mother, or guardian, then the application must be signed by the minor's employer.

(2) **Traffic safety education requirement.** For a person under the age of eighteen years to obtain a driver's license he or she must meet the traffic safety education requirements of this subsection.

(a) To meet the traffic safety education requirement for a driver's license the applicant must satisfactorily complete a traffic safety education course as defined in RCW 28A.220.020. The course must meet the standards established by the office of the state superintendent of public instruction. The traffic safety education course may be provided by:

(i) A recognized secondary school; or

(ii) A commercial driving enterprise that is annually approved by the office of the superintendent of public instruction.

(b) To meet the traffic safety education requirement for a motorcycle endorsement, the applicant must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

(c) The department may waive the traffic safety education requirement for a driver's license if the applicant demonstrates to the department's satisfaction that:

(i) He or she was unable to take or complete a traffic safety education course;

(ii) A need exists for the applicant to operate a motor vehicle; and

(iii) He or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property~~((, under rules adopted by))~~.

The department may adopt rules to implement this subsection (2)(c) in concert with the supervisor of the traffic safety education section of the office of the superintendent of public instruction.

(d) The department may waive the traffic safety education requirement if the applicant was licensed to drive a motor vehicle or motorcycle outside this state and provides proof that he or she has had education equivalent to that required under this subsection.

**Sec. 12.** RCW 46.20.117 and 1999 c 6 s 18 are each amended to read as follows:

(1) **Issuance.** The department shall issue ~~((a resident of the state of Washington))~~ an identicard, containing a picture, if ~~((he or she))~~ the applicant:

(a) Does not hold a valid Washington driver's license;

(b) Proves his or her identity as required by RCW 46.20.035; and

(c) Pays the required fee. The fee is four dollars unless an applicant is a recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services. For those persons the fee must be the actual cost of production of the identicard.

(2) **Design and term.** The identicard must:

(a) Be distinctly designed so that it will not be confused with the official driver's license; and

(b) Expire on the fifth anniversary of the applicant's birthdate after issuance.

(3) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.336 (as recodified by chapter 6, Laws of 1999)."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendments (Amendments Two, Three and Four) on page 23, after line 21; and on page 1, line 6; and page 23, after line 21; to Senate Bill No. 5374.

MOTION

On motion of Senator Haugen, the Senate refuses to concur in the House amendment (Amendment One) on page 23, after line 21, to Senate Bill No. 5374 and asks the House to recede therefrom.

MOTION

At 3:22 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Wednesday, April 21, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

ONE HUNDREDTH DAY, APRIL 20, 1999

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**ONE HUNDRED-FIRST DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Wednesday, April 21, 1999

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Deccio, Finkbeiner, Patterson, Roach, Sellar, Snyder and Thibaudeau. On motion of Senator Eide, Senators Brown, Patterson and Thibaudeau were excused. On motion of Senator Honeyford, Senators Deccio, Finkbeiner, Roach and Sellar were excused.

The Sergeant at Arms Color Guard consisting of Pages Alice Joy and Corinne Peterson, presented the Colors. Senator Bob Morton offered the prayer.

#### MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

#### MESSAGE FROM THE GOVERNOR

April 20, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 20, 1999, Governor Locke approved the following Senate Bills entitled:

Senate Bill No. 5114

Relating to an exemption from annual inspections for hospitals accredited by the American osteopathic association.

Senate Bill No. 5196

Relating to trust and estate dispute resolution.

Senate Bill No. 5197

Relating to disclaimer of interests.

Senate Bill No. 5198

Relating to updating the probate and trust law to comport with Internal Revenue Code language.

Senate Bill No. 5211

Relating to the jurisdiction of limited jurisdiction courts.

Substitute Senate Bill No. 5234

Relating to custodial sexual misconduct.

Senate Bill No. 5253

Relating to grounds for disciplinary action against real estate brokers or salespersons.

Senate Bill No. 5347

Relating to the fruit and vegetable district fund.

Senate Bill No. 5442

Relating to real estate broker's records.

Substitute Senate Bill No. 5573

Relating to criminal history records.

Substitute Senate Bill No. 5609

Relating to state employees' suggestion awards and incentive pay.

Substitute Senate Bill No. 5651

Relating to timber sales.

Senate Bill No. 5652

Relating to statutory limits on appraiser fees in eminent domain proceedings.

Senate Bill No. 5772

Relating to confidentiality of records of participants in programs for victims of domestic violence or sexual assault.

Substitute Senate Bill No. 5928

Relating to good faith communications to self-regulatory organizations delegated authority by government agencies.

Senate Bill No. 5954

Relating to torts committed against recipients of state assistance.

Senate Bill No. 6030

Relating to the Lewis and Clark Highway.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGES FROM THE HOUSE

April 20, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
SUBSTITUTE SENATE BILL NO. 5029,  
ENGROSSED SENATE BILL NO. 5371,  
ENGROSSED SENATE JOINT MEMORIAL NO. 8013, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 20, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
SUBSTITUTE HOUSE BILL NO. 1204,  
SUBSTITUTE HOUSE BILL NO. 1345,  
HOUSE BILL NO. 1554,  
SUBSTITUTE HOUSE BILL NO. 1620,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1887,  
SUBSTITUTE HOUSE BILL NO. 2152, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 20, 1999

MR. PRESIDENT:

The House concurred in the Senate amendments to the following House Bills and passed the bills as amended by the Senate:

SECOND SUBSTITUTE HOUSE BILL NO. 1132,  
SUBSTITUTE HOUSE BILL NO. 1153,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1407,  
HOUSE BILL NO. 1549,  
SUBSTITUTE HOUSE BILL NO. 1619,  
HOUSE BILL NO. 1642,  
SECOND SUBSTITUTE HOUSE BILL NO. 1716,  
HOUSE BILL NO. 1761,  
SUBSTITUTE HOUSE BILL NO. 1770,  
SUBSTITUTE HOUSE BILL NO. 1811,  
SUBSTITUTE HOUSE BILL NO. 1826,  
SUBSTITUTE HOUSE BILL NO. 1969,  
SUBSTITUTE HOUSE BILL NO. 1971,  
SUBSTITUTE HOUSE BILL NO. 1992,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2085.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5005,  
SENATE BILL NO. 5020,  
ENGROSSED SENATE BILL NO. 5036,  
SENATE BILL NO. 5040,  
SUBSTITUTE SENATE BILL NO. 5064,  
SENATE BILL NO. 5095,  
SECOND SUBSTITUTE SENATE BILL NO. 5108,  
SENATE BILL NO. 5125,  
SENATE BILL NO. 5127,  
SUBSTITUTE SENATE BILL NO. 5147,  
SUBSTITUTE SENATE BILL NO. 5153,  
SUBSTITUTE SENATE BILL NO. 5154,  
SUBSTITUTE SENATE BILL NO. 5179,  
SUBSTITUTE SENATE BILL NO. 5213,  
SUBSTITUTE SENATE BILL NO. 5214,  
SUBSTITUTE SENATE BILL NO. 5219,  
SUBSTITUTE SENATE BILL NO. 5273,  
SUBSTITUTE SENATE BILL NO. 5279,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5290,  
SENATE BILL NO. 5307,  
SENATE BILL NO. 5358,  
SENATE BILL NO. 5384,  
SENATE BILL NO. 5385,  
SENATE BILL NO. 5499,  
SENATE BILL NO. 5502,  
SUBSTITUTE SENATE BILL NO. 5671.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1204,  
SUBSTITUTE HOUSE BILL NO. 1345,  
HOUSE BILL NO. 1554,  
SUBSTITUTE HOUSE BILL NO. 1620,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1887,  
SUBSTITUTE HOUSE BILL NO. 2152.

INTRODUCTION AND FIRST READING

SB 6104 by Senators McCaslin and Deccio

AN ACT Relating to special levies for school nurses; and amending RCW 84.52.0531.  
Referred to Committee on Education.

MOTION

On motion of Senator Franklin, the following resolution was adopted:

SENATE RESOLUTION 1999-8681

By Senators Franklin, Winsley, McAuliffe, Wojahn, Rasmussen, Eide and Goings

WHEREAS, Tacoma School District Superintendent Dr. James Shoemake was selected by the Washington Association of School Administrators as Washington's 1998 "Superintendent of the Year"; and

WHEREAS, In that capacity, Dr. Shoemake represented the State of Washington in the National Superintendent of the Year competition; and

WHEREAS, Dr. Shoemake, in just three years as Tacoma schools chief, has brought a sense of stability and direction to the district; and

WHEREAS, Dr. Shoemake's efforts to improve the public's perception of Tacoma Schools has reinvigorated the community's support, leading to approval of a \$150 million construction levy in 1997 that had failed three previous times; and

WHEREAS, In addition to being one of the district's best spokesmen, Dr. Shoemake is noted for his meticulous management style, and his problem-solving approach; and

WHEREAS, Prior to coming to Tacoma, Dr. Shoemake served for nine years as superintendent of the Mukilteo School District, and as school superintendent in Joplin, Missouri, and Haysville, Kansas; and

WHEREAS, Dr. Shoemake, through all his efforts, has remained focused on his main goal of improving student learning and achievement;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor Dr. James Shoemake, Superintendent of Tacoma Public School District No. 10, for his selection as Washington School Superintendent of the Year for 1998, and for his ongoing efforts on behalf of and commitment to the education of Tacoma's children; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Dr. James Shoemake and to Tacoma Public School District No. 10.

Senators Franklin, Shin, Rasmussen, Wojahn and Winsley spoke to Senate Resolution 1999-8681.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Dr. James Shoemake, Superintendent of the Tacoma Public Schools and the 1998 Superintendent of the Year for the Washington Association of School Administrators, who was seated in the gallery.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

April 20, 1999

SB 5180 Prime Sponsor, Senator Loveland: Making appropriations for the 1999-01 biennium. Reported by Committee on Ways and Means.

MAJORITY Recommendation: That Substitute Senate Bill No. 5180 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair, Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Thibaudeau, Winsley and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford, McDonald, Rossi and West.

April 20, 1999

SB 5967 Prime Sponsor, Senator Loveland: Relating to human services. Reported by Committee on Ways and Means.

MAJORITY Recommendation: That Substitute Senate Bill No. 5967 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Brown, Vice Chair, Fairley, Fraser, Honeyford, Rasmussen, B. Sheldon, Spanel, Thibaudeau, West, Wojahn and Zarelli.

April 20, 1999

SB 5968 Prime Sponsor, Senator Loveland: Relating to human services. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5968 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Chair; Bauer, Vice Chair, Fairley, Fraser, Honeyford, Kline, Kohl-Welles, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

April 20, 1999

E2SHB 1484 Prime Sponsor, House Committee on Health Care: Modifying property valuation methods for reimbursing nursing facilities. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley, Wojahn and Zarelli.

April 20, 1999

SHB 1663 Prime Sponsor, House Committee on Judiciary: Creating a unified family court. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Judiciary. Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Long, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn.

#### MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Bill No. 5180, Senate Bill No. 5967, Senate Bill No. 5968, Engrossed Second Substitute House Bill No. 1484 and Substitute House Bill No. 1663 were advanced to second reading and placed on the second reading calendar.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9118, William A. Glassford, as a member of the Small Business Export Finance Assistance Center Board of Directors, was confirmed.

Senators Prentice and Betti Sheldon spoke to the confirmation of William A. Glassford.

#### APPOINTMENT OF WILLIAM A. GLASSFORD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 41.

Absent: Senator Snyder - 1.

Excused: Senators Brown, Deccio, Finkbeiner, Patterson, Roach, Sellar and Thibaudeau - 7.

#### MOTION

On motion of Senator Eide, Senator McAuliffe was excused.

#### MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9165, Mary Helen Roberts, as a member of the Board of Trustees for Edmonds Community College District No. 23, was confirmed.

#### APPOINTMENT OF MARY HELEN ROBERTS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 42.

Excused: Senators Brown, Deccio, Finkbeiner, McAuliffe, Patterson, Roach and Thibaudeau - 7.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced the mother of Senator Eide, Marlene Haechler, who was seated in the gallery.

#### MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 14, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5862 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 42.17.310 and 1998 c 69 s 1 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination

organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(nn) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(oo) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(pp) Before and during the course of any collective bargaining, labor negotiations, or grievance or mediation proceedings records that would reveal the strategy or position being taken by an agency.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the

disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld."

Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Gardner, the Senate refuses to concur in the House amendment to Senate Bill No. 5862 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 14, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5931 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 42.17 RCW to read as follows:

(1) It is the intent of the legislature to ensure that the commission provide the general public timely access to all contribution and expenditure reports submitted by candidates, continuing political committees, bona fide political parties, lobbyists, and lobbyists' employers. The legislature finds that failure to comply with this chapter's requirements for full and timely disclosure threatens to undermine our electoral process.

(2) Beginning January 1, 2001, the commission shall establish goals that all reports, copies of reports, or copies of the data or information included in reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180, that are:

(a) Submitted using the commission's electronic filing system shall be accessible in the commission's office within two business days of the commission's receipt of the report and shall be accessible on the commission's web site within seven business days of the commission's receipt of the report; and

(b) Submitted in any format or using any method other than as described in (a) of this subsection, shall be accessible in the commission's office within two business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420, and shall be accessible on the commission's web site within from fourteen to twenty-eight business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420, as specified in rule adopted by the commission.

**NEW SECTION. Sec. 2.** A new section is added to chapter 42.17 RCW to read as follows:

By July 1st of each year beginning in 2000, the commission shall calculate the following performance measures, provide a copy of the performance measures to the governor and appropriate legislative committees, and make the performance measures available to the public:

(1) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.040, 42.17.065, 42.17.080, and 42.17.100 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(2) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.105 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(3) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.150, 42.17.170, 42.17.175, and 42.17.180 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(4) The percentage of candidates, categorized as state-wide, state legislative, or local, that have used each of the following methods to file reports under RCW 42.17.080 or 42.17.105: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method;

(5) The percentage of continuing political committees that have used each of the following methods to file reports under RCW 42.17.065 or 42.17.105: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method; and

(6) The percentage of lobbyists and lobbyists' employers that have used each of the following methods to file reports under RCW 42.17.150, 42.17.170, 42.17.175, or 42.17.180: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method.

**NEW SECTION. Sec. 3.** A new section is added to chapter 42.17 RCW to read as follows:

(1) The commission shall develop an information technology plan consistent with plans or portfolios required by chapter 43.105 RCW.

(2) The plan must include, but not be limited to, the following:

(a) A baseline assessment of the agency's information technology resources and capabilities that will serve as the benchmark for subsequent planning and performance measures;

(b) A statement of the agency's mission, goals, and objectives for information technology, including goals and objectives for achieving electronic access to agency records, information, and services for at least the next five years;

(c) An explanation of how the agency's mission, goals, and objectives for information technology support and conform to the state strategic information technology plan;

(d) An implementation strategy to enhance electronic access to public records and information required to be filed with and disclosed by the commission. This implementation strategy must be assembled to include:

(i) Adequate public notice and opportunity for comment;

(ii) Consideration of a variety of electronic technologies, including those that help to transcend geographic locations, standard business hours, economic conditions of users, and disabilities;

(iii) Methods to educate agency employees, the public, and the news media in the effective use of agency technology;

(iv) Ways to simplify and improve public access to information held by the commission through electronic means;

(e) Projects and resources required to meet the objectives of the plan; and

(f) If feasible, estimated schedules and funding required to implement identified projects.

**NEW SECTION. Sec. 4.** A new section is added to chapter 42.17 RCW to read as follows:

In preparing the information technology plan, the commission shall consult with affected state agencies, the department of information services, and stakeholders in the commission's work, including representatives of political committees, bona fide political parties, news media, and the general public.

**NEW SECTION. Sec. 5.** A new section is added to chapter 42.17 RCW to read as follows:

The commission shall submit the information technology plan to the senate and house of representatives fiscal committees, the governor, the senate state and local government committee, the house of representatives state government committee, and the department of information services by January 1, 2000. It is the intent of the legislature that the commission thereafter comply with the requirements of chapter 43.105 RCW with respect to preparation and submission of biennial performance reports on the commission's information technology.

**NEW SECTION. Sec. 6.** A new section is added to chapter 42.17 RCW to read as follows:

The commission shall prepare and submit to the department of information services a biennial performance report in accordance with chapter 43.105 RCW.

The report must include:

(1) An evaluation of the agency's performance relating to information technology;

(2) An assessment of progress made toward implementing the agency information technology plan;

(3) An analysis of the commission's performance measures, set forth in section 2 of this act, that relate to the electronic filing of reports and timely public access to those reports via the commission's web site;

(4) A comprehensive description of the methods by which citizens may interact with the agency in order to obtain information and services from the commission; and

(5) An inventory of agency information services, equipment, and proprietary software.

**Sec. 7.** RCW 42.17.365 and 1993 c 2 s 29 are each amended to read as follows:

The commission shall conduct a sufficient number of audits and field investigations so as to provide a statistically valid finding regarding the degree of compliance with the provisions of this chapter by all required filers. Any documents, records, reports, computer files, papers, or materials provided to the commission for use in conducting audits and investigations must be returned to the candidate, campaign, or political committee from which they were received within two weeks of the commission's completion of an audit or field investigation.

**Sec. 8.** RCW 42.17.367 and 1994 c 40 s 2 are each amended to read as follows:

By January 1, ~~((1995))~~ 2000, the ~~((public disclosure))~~ commission shall ~~((design a program for electronic access to public documents filed with the commission. The program may include on-line access to the commission's magic and electronic bulletin board systems, providing information for the internet system, fax-request service, automated telephone service, electronic filing of reports, and other service delivery options. Documents available in the program shall include, but are not limited to, public documents filed with the public disclosure commission, including, but not limited to, commission meeting schedules, financial affairs reports, contribution reports, expenditure reports, and gift reports. Implementation of the program is contingent on the availability of funds))~~ operate a web site or contract for the operation of a web site that allows access to reports, copies of reports, or copies of data and information submitted in reports, filed with the commission under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, and 42.17.105. By January 1, 2001, the web site shall allow access to reports, copies of reports, or copies of data and information submitted in reports, filed with the commission under RCW 42.17.150, 42.17.170, 42.17.175, and 42.17.180. In addition, the commission shall attempt to make available via the web site other public records submitted to or generated by the commission that are required by this chapter to be available for public use or inspection.

**Sec. 9.** RCW 42.17.420 and 1995 c 397 s 18 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, when any application, report, statement, notice, or payment required to be made under the provisions of this chapter has been deposited postpaid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the envelope is the date of mailing. The provisions of this section do not apply to reports required to be delivered under RCW 42.17.105 and 42.17.175.

(2) When a report is filed electronically with the commission, it is deemed to have been received on the file transfer date. The commission shall notify the filer of receipt of the electronically filed report. Such notification may be sent by mail, facsimile, or electronic mail. If the notification of receipt of the electronically filed report is not received by the filer, the filer may offer his or her own proof of sending the report, and such proof shall be treated as if it were a receipt sent by the commission. Electronic filing may be used for purposes of filing the special reports required to be delivered under RCW 42.17.105 and 42.17.175.

**NEW SECTION. Sec. 10.** A new section is added to chapter 42.17 RCW to read as follows:

(1) By July 1, 1999, the commission shall offer every candidate, public official, political committee, and party organization that is required to file reports under this chapter the option of filing financial affairs reports, contribution reports, and expenditure reports electronically by diskette or via modem, satellite, or the Internet.

(2) By January 1, 2001, the commission shall offer all lobbyists and lobbyists' employers required to file reports under RCW 42.17.150, 42.17.170, 42.17.175, or 42.17.180 the option of filing these reports electronically by diskette or via modem, satellite, or the Internet.

(3) The commission shall make available to each candidate, public official, political committee, lobbyist, lobbyist employer, and party organization an electronic copy of the appropriate reporting forms at no charge.

**NEW SECTION. Sec. 11.** A new section is added to chapter 42.17 RCW to read as follows:

Beginning January 1, 2001, each continuing political committee, that expended ten thousand dollars or more in the preceding year or expects to expend ten thousand dollars or more in expenditures in the current year, shall file all contribution reports and expenditure reports required by this chapter electronically by diskette or via modem, satellite, or the Internet. Failure by a continuing political committee to comply with this section is a violation of this chapter.

**Sec. 12.** RCW 42.17.080 and 1995 c 397 s 2 are each amended to read as follows:

(1) On the day the treasurer is designated, each candidate or political committee shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the treasurer resides, in addition to any statement of organization required under RCW 42.17.040 or 42.17.050, a report of all contributions received and expenditures made prior to that date, if any.

(2) At the following intervals each treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the committee maintains its office or headquarters, and if there is no office or headquarters then in the county in which the treasurer resides, a report containing the information required by RCW 42.17.090:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election: PROVIDED, That this report shall not be required following a primary election from:

- (i) A candidate whose name will appear on the subsequent general election ballot; or
- (ii) Any continuing political committee; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section: PROVIDED, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

When there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there shall be no obligation to make any further reports.

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of the fifth business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of the one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date on which the special or general election is held and ending on the date of that election, each Friday the treasurer shall file with the commission and the appropriate county elections officer a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds so deposited and the amount contributed by each person. However, contributions of no more than twenty-five dollars in the aggregate from any one person may be deposited without identifying the contributor. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer for his or her records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit.

(4) The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day ~~((and shall))~~. As specified in the committee's statement of organization filed under RCW 42.17.040, the books of account must be open for public inspection as follows:

(a) For at least two consecutive hours ((Monday through Friday, excluding legal holidays)) on the eighth day immediately before the election, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission; and

(b) By appointment for inspections to be conducted at the designated place for inspections between 8:00 a.m. and 8:00 p.m. on any other day from the seventh day through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days in the week prior to the election. The appointment must be allowed at an authorized time and day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection.

~~(5)~~ (5) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

~~((5))~~ (6) All reports filed pursuant to subsections (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

~~((6))~~ (7) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission.

~~((7))~~ (8) The commission shall adopt administrative rules establishing requirements for filer participation in any system designed and implemented by the commission for the electronic filing of reports.

**NEW SECTION. Sec. 13.** By September 1, 2000, the joint legislative audit and review committee shall have completed a performance audit of the duties and staffing of the public disclosure commission.

**NEW SECTION. Sec. 14.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

MOTION

On motion of Senator Gardner, the Senate refuses to concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5931 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 12, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5988 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.225.010 and 1998 c 244 s 14 are each amended to read as follows:

(1) All parents in this state of any child eight years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless:

(a) The child is attending an approved private school for the same time or is enrolled in an extension program as provided in RCW 28A.195.010(4);

(b) The child is receiving home-based instruction as provided in subsection ~~((4))~~ (5) of this section;

(c) The child is attending an education center as provided in chapter 28A.205 RCW;

(d) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services, is incarcerated in an adult correctional facility, or has been temporarily excused upon the request of his or her parents for purposes agreed upon by the school authorities and the parent: PROVIDED, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED FURTHER, That students excused for such temporary absences may be claimed as full time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and shall not affect school district compliance with the provisions of RCW 28A.150.220; or

(e) The child is sixteen years of age or older and:

(i) The child is regularly and lawfully employed and either the parent agrees that the child should not be required to attend school or the child is emancipated in accordance with chapter 13.64 RCW;

(ii) The child has already met graduation requirements in accordance with state board of education rules and regulations;

or

(iii) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.305.190.

(2) If a parent enrolls a child six years of age and under eight years of age in the public school of the district in which the child resides, that parent has the responsibility to ensure the child attends, and the child has the responsibility to attend, for the full time when that school is in session, except for a child who is or will be home schooled under chapter 28A.200 RCW or unless one of the other exceptions in subsection (1) of this section is met. This subsection does not apply to a child enrolled in a public school part-time for the purpose of receiving ancillary services. An exception shall be made to this requirement for children whose parents formally remove them from enrollment in kindergarten if the child is less than eight years old.

~~(3)~~ A parent for the purpose of this chapter means a parent, guardian, or person having legal custody of a child.

~~((3))~~ (4) An approved private school for the purposes of this chapter and chapter 28A.200 RCW shall be one approved under regulations established by the state board of education pursuant to RCW 28A.305.130.

~~((4))~~ (5) For the purposes of this chapter and chapter 28A.200 RCW, instruction shall be home-based if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW 28A.195.010 and 28A.195.040 and if such activities are:

(a) Provided by a parent who is instructing his or her child only and are supervised by a certificated person. A certificated person for purposes of this chapter and chapter 28A.200 RCW shall be a person certified under chapter 28A.410 RCW. For purposes of this section, "supervised by a certificated person" means: The planning by the certificated person and the parent of objectives consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person; and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed thirty for purposes of this subsection; or

(b) Provided by a parent who is instructing his or her child only and who has either earned forty-five college level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a postsecondary institution or a vocational-technical institute; or

(c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.

~~((5))~~ (6) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection ~~((4))~~ (5) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed.

**Sec. 2.** RCW 28A.225.020 and 1996 c 134 s 2 are each amended to read as follows:

(1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences;

(b) Schedule a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence.

(2) For purposes of this chapter, an "unexcused absence" means that a child:

(a) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

(b) Has failed to meet the school district's policy for excused absences.

(3) If a child transfers from one school district to another, the receiving school or school district shall honor the attendance record including the unexcused absences accumulated at the previous school or from the previous school district.

**Sec. 3.** RCW 28A.225.030 and 1996 c 134 s 3 are each amended to read as follows:

(1) If a child is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. However, if the petition alleges a violation of RCW 28A.225.010(2), the petition shall only allege a violation by the parent. Except as provided in this subsection, no additional documents need be filed with the petition.

(2) The district shall not later than the fifth unexcused absence in a month:

(a) Enter into an agreement with a student and parent that establishes school attendance requirements;

(b) Refer a student to a community truancy board as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

(c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

**Sec. 4.** RCW 28A.225.035 and 1997 c 68 s 1 are each amended to read as follows:

(1) A petition for a civil action under RCW 28A.225.030 shall consist of a written notification to the court alleging that:

- (a) The child has unexcused absences during the current school year;
- (b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and
- (c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, age, school, and residence of the child and the names and residence of the child's parents.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4) ~~(When a petition is filed under RCW 28A.225.030)~~ Upon receipt of a petition and supporting affidavit from a school district alleging a violation of RCW 28A.225.010 by a child subject to this chapter, the juvenile court shall require that the child, if age eight or older, a parent, and a school representative appear before a truancy board as defined in RCW 28A.225.025, unless the respondent requests a hearing before the court.

(5) Within thirty days of receipt of the truancy referral, the truancy board shall meet with the child, a parent, and the school representative, and enter into an agreement regarding expectations and any actions necessary to address the truancy. The agreement shall be presented to the court for its approval. The court may approve the agreement without a separate hearing. The court shall approve the agreement by order or shall schedule a hearing. The court may, if the school district and community truancy board agree, permit the truancy board to provide continued supervision over the student and report on compliance with the agreement.

(6) Notwithstanding the provisions in subsection (4) of this section, if the juvenile court finds that a truancy board would not be the most effective means of addressing the underlying truancy due to extenuating circumstances, the juvenile court shall schedule a hearing at which the court shall consider the petition. However, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. When a hearing is held, the court shall:

- (a) Separately notify the child, the parent of the child, and the school district of the hearing;
- (b) Notify the parent and the child of their rights to present evidence at the hearing; and
- (c) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

~~((5))~~ (7) Except as provided in RCW 28A.225.030(1) the court may require the attendance of both the child and the parents at any hearing on a petition filed under RCW 28A.225.030.

~~((6))~~ (8) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030.

(9) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court ~~((may))~~ shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

~~((7))~~ (10) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

~~((8))~~ (11) If the court assumes jurisdiction, the school district shall regularly report to the court any additional unexcused absences by the child.

~~((9))~~ (12) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(13) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

**Sec. 5.** RCW 28A.225.090 and 1998 c 296 s 39 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to:

(a) Attend the child's current school;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law.

(2) If the child fails to comply with the court order, the court may order the child to be punished by detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as community service. Failure by a child to comply with an order issued under this subsection shall not be punishable by detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW.

(3) If the child continues to be truant after entering into a court-approved agreement with the truancy board under RCW 28A.225.035, or if the child fails to enter into an agreement with the truancy board, the truancy board shall return the matter to the juvenile court for a hearing. If upon entering an order the child continues to be truant, the juvenile court shall find the child in contempt and impose a remedial sanction in accordance with chapter 7.21 RCW designed to immediately return the child to school, including the actual imposition of detention. The court shall consider the fact that the child was provided ample opportunity to attend school with assistance from the truancy board.

(4) Any parent violating any of the provisions of either RCW 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

**Sec. 6.** RCW 28A.225.025 and 1996 c 134 s 9 are each amended to read as follows:

For purposes of this chapter, "community truancy board" means a board composed of members of the local community in which the child attends school. Juvenile courts shall establish and operate community truancy boards. However, establishment and operation of community truancy boards may be delegated to school districts with the agreement of both the court and the school district. The ~~((local school district boards of directors may create a community truancy board or))~~ juvenile courts may use other ~~((boards))~~ entities that exist or are created, such as diversion ~~((boards))~~ units. However, a diversion unit or other existing ~~((board))~~ entity must agree before it is used as a truancy board. ~~((Members of the board shall be selected from representatives of the community.))~~ Duties of a community truancy board shall include, but not be limited to, recommending methods for improving school attendance such as assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences or suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall provide, to the extent funds are appropriated, start-up grants for alternative programs and services that provide instruction and learning for truant, at-risk, and expelled students. Each grant application shall

contain proposed performance indicators and an evaluation plan to measure the success of the program and its impact on improved student learning. Applications shall contain the applicant's plan for maintaining the program and services after the grant period.

**NEW SECTION. Sec. 8.** If funds are appropriated by the legislature for this specific purpose the superintendent of public instruction shall contract with the institute for public policy or a similar agency to: Evaluate the effectiveness of the petition process and community truancy boards in chapter 28A.225 RCW in reducing truancy; determine whether students who do return to school after being subject to court action have disciplinary actions such as suspensions or expulsions, establish patterns of improved attendance, are successful in their classes, and successfully complete their education program; and determine the costs imposed on school districts by the petition process and other truancy-related procedural requirements required by the legislature in 1992 and thereafter.

The cost determination shall be submitted to the appropriate committees of the legislature by December 15, 1999. The evaluation shall be submitted to the appropriate committees of the legislature by December 15, 2000.

This section expires December 31, 2000.

**NEW SECTION. Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Eide, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 5988 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 17, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1006 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Heavey, the Senate refuses to recede from the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1006 and asks the House to concur therein.

#### MESSAGE FROM THE HOUSE

April 19, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1317 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Haugen, the Senate refuses to recede from the Senate amendment(s) to Substitute House Bill No. 1317 and asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 19, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1376 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Haugen, the Senate refuses to recede from the Senate amendment(s) to Substitute House Bill No. 1376 and asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 15, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 6058 with the following amendment(s):

Strike everything after the enacting clause and insert:

**"Sec. 1.** RCW 82.04.120 and 1998 c 168 s 1 are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include: (1) The production or fabrication of special made or custom made articles; and (2) the production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician.

"To manufacture" shall not include: Conditioning of seed for use in planting; cubing hay or alfalfa; ~~((or))~~ activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen, or canned outside this state; the growing, harvesting, or producing of agricultural products; or packing of agricultural products, including sorting, washing, rinsing, grading, waxing, treating with fungicide, packaging, chilling, or placing in controlled atmospheric storage.

**Sec. 2.** RCW 82.60.020 and 1996 c 290 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Controlled atmosphere fruit storage" means any storage warehouse consisting of one or more rooms, or one or more rooms in any one facility in which atmospheric gases are controlled in their amount and in degrees of temperature for the purpose of controlling the condition and maturity of any fresh fruits in order that, upon removal, they may be designated as having been exposed to controlled atmosphere.

~~(3)~~ "Department" means the department of revenue.

~~((3))~~ (4) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community empowerment zone approved under RCW 43.63A.700 or a county containing such a community empowerment zone; (e) a town with a population of less than twelve hundred persons

in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601; (f) a county designated by the governor as an eligible area under RCW 82.60.047; or (g) a county that is contiguous to a county that qualifies as an eligible area under (a) or (f) of this subsection.

~~((4))~~ (5)(a) "Eligible investment project" means:

(i) An investment project in an eligible area as defined in subsection ~~((3))~~ (4)(a), (b), (c), (e), or (f) of this section; or

(ii) That portion of an investment project in an eligible area as defined in subsection ~~((3))~~ (4)(d) or (g) of this section which is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested in an application approved before July 1, 1994, and for each seven hundred fifty thousand dollars of investment on which a deferral is requested in an application approved after June 30, 1994.

(b) The lessor/owner of a qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(c) For purposes of (a)(ii) of this subsection:

(i) The department shall consider the entire investment project, including any investment in machinery and equipment that otherwise qualifies for exemption under RCW 82.08.02565 or 82.12.02565, for purposes of determining the portion of the investment project that qualifies for deferral as an eligible investment project; and

(ii) The number of new full-time qualified employment positions created by an investment project shall be deemed to be reduced by the number of full-time employment positions maintained by the recipient in any other community in this state that are displaced as a result of the investment project.

(d) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects which have already received deferrals under this chapter.

~~((5))~~ (6) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

~~((6))~~ (7) "Manufacturing" means ~~((all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles))~~ the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

~~((7))~~ (8) "Person" has the meaning given in RCW 82.04.030.

~~((8))~~ (9) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing, controlled atmosphere fruit storage, and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing, controlled atmosphere fruit storage, or research and development. If a building is used partly for manufacturing, controlled atmosphere fruit storage, or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

~~((9))~~ (10) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

~~((10))~~ (11) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing, controlled atmosphere fruit storage, or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; ~~((manufacturing))~~ components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

~~((11))~~ (12) "Recipient" means a person receiving a tax deferral under this chapter.

~~((12))~~ (13) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 3.** RCW 82.62.010 and 1996 c 290 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community empowerment zone approved under RCW 43.63A.700; or (e) subcounty areas in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility, provided the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means ~~((all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles))~~ the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 4.** RCW 82.04.120 and 1999 c . . . s 1 (section 1 of this act) are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include: (1) The production or fabrication of special made or custom made articles; and (2) the production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician.

"To manufacture" shall not include: Conditioning of seed for use in planting; cubing hay or alfalfa; activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen, or canned outside this state; the growing, harvesting, or producing of agricultural products; ~~((or))~~ packing of agricultural products, including sorting, washing, rinsing, grading, waxing, treating with fungicide, packaging, chilling, or placing in controlled atmospheric storage; or activities which consist of the assembly of an article from pumping equipment, motor equipment, or compressor equipment, including starters, controls, couplings, blowers, and other accessories for such equipment, if some of the equipment and accessories are purchased from another person and the amount paid for the purchased equipment and accessories is at least eighty percent of the costs of the goods sold, based on materials, labor, and direct overhead.

**NEW SECTION. Sec. 5.** Sections 1, 2(7), and 3 of this act are intended to clarify that this is the intent of the legislature both retroactively and prospectively.

**NEW SECTION. Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Johnson moved that the Senate concur in the House amendment to Substitute Senate Bill No. 6058.

MOTION

Senator Snyder moved that further consideration of Substitute Senate Bill No. 6058 be deferred.

Senator Johnson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Snyder to defer further consideration of Substitute Senate Bill No. 6058.

ROLL CALL

The Secretary called the roll and the motion by Senator Snyder to defer further consideration of Substitute Senate Bill No. 6058 carried by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 25.

Voting nay: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 22.

Excused: Senators Brown and Finkbeiner - 2.

MESSAGE FROM THE HOUSE

April 19, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

MOTION

On motion of Senator Haugen, the Senate refuses to recede from the Senate amendment(s) to Engrossed Substitute House Bill No. 1562 and asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 19, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1378 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Goings, the Senate refuses to recede from the House amendment(s) to House Bill No. 1378 and asks the House to concur therein.

#### MOTION

At 9:49 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:56 a.m. by President Owen.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

#### MOTION

On motion of Senator Honeyford, Senator Swecker was excused.

### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9153, Karen Miller, as a member of the Housing Finance Commission, was confirmed.

Senators Prentice, Long and Shin spoke to the confirmation of Karen Miller as a member of the Housing Finance Commission.

#### APPOINTMENT OF KAREN MILLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Absent: Senators Bauer and McDonald - 2.

Excused: Senators Finkbeiner and Swecker - 2.

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9048, Arnold Wright, as a member of the Board of Trustees for Clover Park Technical College District No. 29, was confirmed.

#### APPOINTMENT OF ARNOLD WRIGHT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senators Deccio, McDonald and Snyder - 3.

Excused: Senators Finkbeiner and Swecker - 2.

#### MOTION

On motion of Senator Honeyford, Senator Zarelli was excused.

#### SECOND READING

SENATE BILL NO. 5180, by Senators Loveland, West, Brown and Winsley (by request of Governor Locke)

Making appropriations for the 1999-01 biennium.

#### MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 5180 was substituted for Senate Bill No. 5180 and the substitute bill was placed on second reading and read the second time.

Senator West moved that the following amendments by Senators West and Sheahan be considered simultaneously and be adopted:

On page 14, on line 32, strike "72,469,000" and insert "72,688,000"

On page 14, on line 33, strike "71,387,000" and insert "72,252,000" and readjust the totals accordingly.

On page 20, on line 16 strike "1,157,000" and insert "1,376,000".

On page 20, on line 17, strike "1,723,000" and insert "2,588,000".

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators West and Sheahan on page 14, lines 32 and 33, and page 20, lines 16 and 17, to Substitute Senate Bill No. 5180.

The motion by Senator West failed and the amendments were not adopted.

#### MOTION

Senator Rossi moved that the following amendments be considered simultaneously and be adopted:

On page 19, after line 22, strike all material through "project." on line 25.

On page 14, on line 32, strike "72,469,000" and insert "72,219,000"

On page 60, on line 18, strike "68,937,000" and insert "69,187,000"

Senator Johnson demanded a roll call and the demand was sustained.

Debate ensued.

#### POINT OF ORDER

Senator Roach: "A point of order, Mr. President. We have just made a big deal this session about not reading Senator's names and going for the districts. I think the Senator from whatever district should be reading the districts of those Senators as he goes down the list."

Senator Bauer: "Mr. President, I had asked the permission of the President to read this--"

#### REPLY BY THE PRESIDENT

President Owen: "The Senator is not addressing the other Senators. He asked for permission from the body to read and he is doing exactly that."

Further debate ensued.

#### CALL FOR THE PREVIOUS QUESTION

Senators Snyder, Prentice and Wojahn called for the previous question.

The President declared the question before the Senate to be shall the main question be now put.

The motion carried and the call for the previous question carried.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Rossi on page 14, line 32; page 19, line 22; and page 60, line 18; to Substitute Senate Bill No. 5180.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 20; Nays, 25; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, Morton, Oke, Patterson, Roach, Rossi, Sellar, Sheahan, Sheldon, T., Stevens, West and Winsley - 20.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 25.

Absent: Senator McDonald - 1.

Excused: Senators Finkbeiner, Swecker and Zarelli - 3.

#### MOTION

Senator Honeyford moved that the following amendment be adopted:

On page 74, after line 18, insert the following:

"(24) \$100,000 of the water quality account appropriation is provided for a grant to the Yakima conservation district for a demonstration project of nitrogen removal technology in the Granger drain."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Honeyford on page 74, after line 18, to Substitute Senate Bill No. 5180.

The motion by Senator Honeyford failed and the amendment was not adopted.

#### MOTION

Senator Morton moved that the following amendments be considered simultaneously and be adopted:

On page 77, line 14, strike "42,896,000" and insert "42,956,000"

On page 77, line 15, strike "42,443,000" and insert "42,503,000"

Adjust the total appropriation accordingly.

On page 81, after line 34, insert the following:

"(23) \$60,000 of the general fund-state appropriation for fiscal year 2000 and \$60,000 of the general fund-state appropriation for fiscal year 2001 are provided for the purchase of Bull Trout eggs for incubation in northeast Washington."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Morton on page 77, lines 14 and 15 and page 81, after line 34, to Substitute Senate Bill No. 5180.

The motion by Senator Morton failed and the amendments were not adopted.

#### MOTION

Senator Morton moved that the following amendments be considered simultaneously and be adopted:

On page 77, line 14, strike "42,896,000" and insert "43,241,000"

On page 77, line 15, strike "42,443,000" and insert "42,788,000"

Adjust the total appropriation accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Morton on page 77, lines 14 and 15, to Substitute Senate Bill No. 5180.

The motion by Senator Morton failed and the amendments were not adopted.

#### MOTION

Senator Benton moved that the following amendments by Senators Benton and Zarelli be considered simultaneously and be adopted:

On page 88, line 5, strike "\$27,800,000" and insert "\$27,975,000"

On page 88, line 6, strike "\$26,535,000" and insert "\$26,710,000"

On page 88, line 13, strike "147,971,000" and insert "148,321,000"

On page 93, line 25, after "low-income communities." insert the following:

"(cc) \$350,000 of the general fund-state appropriation is provided solely for a K-12 transportation allocation formula study in thirty school districts with efficient pupil transportation programs. The purpose of the study is to determine the extent to which districts are underfunded for pupil transportation and to recommend modifications to the funding formula to provide adequate funding. The superintendent may commission an independent contractor to carry out the study. The study shall examine transportation programs to determine which school activities and programs fall under basic education and therefore should be considered for state funding. The superintendent shall report to the fiscal committees of the legislature and the office of financial management no later than November 15, 2000."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Benton and Zarelli on page 88, lines 5, 6 and 13, and page 93, line 25, to Substitute Senate Bill No. 5180.

The motion by Senator Benton failed and the amendments were not adopted.

#### MOTION

Senator Hochstatter moved that the following amendment by Senator Zarelli be adopted:

On page 94, line 16, after "additional 7.2" strike "certificated instructional staff" and insert "teacher"

Senator Johnson demanded a roll call and the demand was sustained.

Debate ensued

#### CALL FOR THE PREVIOUS QUESTION

Senators Snyder, Wojahn and Prentice called for the previous question.

The President declared the question before the Senate to be shall the main question be now put.

The motion carried and the call for the previous question carried.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Zarelli on page 94, line 16, to Substitute Senate Bill No. 5180.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; Nays, 27; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, West and Winsley - 20. Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27. Excused: Senators Swecker and Zarelli - 2.

#### MOTION

Senator Hochstatter moved that the following amendment by Senator Zarelli be adopted:

On page 94, line 17, after "grade 4." insert "It is legislative intent that districts not increase K-3 class sizes as a result of the new composite K-4 ratio in effect for the 1999-00 and 2000-01 school years."

Debate ensued.

Senator Finkbeiner demanded a roll call and the demand was sustained.

Further debate ensued

#### CALL FOR THE PREVIOUS QUESTION

Senators Snyder, Betti Sheldon and Winsley called for the previous question.

The President declared the question before the Senate to be shall the main question be now put.

The motion carried and the call for the previous question carried.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Zarelli on page 94, line 17, to Substitute Senate Bill No. 5180.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; Nays, 27; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, West and Winsley - 19.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 27.

Absent: Senator Deccio - 1.

Excused: Senators Swecker and Zarelli - 2.

#### MOTION

Senator Finkbeiner moved that the following amendments by Senator Zarelli be considered simultaneously and be adopted:

On page 101, line 1, strike the entire subsection (c) and insert:

"(c) "LEAP Document 12E" means the computerized tabulation of 1999-00 and 2000-01 school year salary allocations for certificated administrative staff and classified staff and derived base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on April 21, 1999."

On page 104, line 6, strike the entire subsection (7).

On page 104, line 21, strike the "(8)" and insert "(7)".

On page 104, line 30, strike the entire subsection (1) and insert:

"(1) \$412,995,000 is provided for:

(a) A cost of living adjustment for state funded certificated instructional staff of 4.67 percent effective September 1, 1999, and another 3.0 percent effective September 1, 2000; and

(b) A cost of living adjustment for state funded classified and certificated administrative staff of 3.0 percent effective September 1, 1999, and another 3.0 percent effective September 1, 2000."

On page 105, line 15, strike "learning improvement days for certificated instructional staff,"

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

#### CALL FOR THE PREVIOUS QUESTION

Senators Snyder, Loveland and Bauer called for the previous question.

The President declared the question before the Senate to be shall the main question be now put.

The motion carried and the call for the previous question carried.

The President declared the question before the Senate to be the adoption of the amendments by Senator Zarelli on page 101, line 1; page 104, lines 6, 21, and 30; and page 105, line 15, to Substitute Senate Bill No. 5180.

The motion by Senator Finkbeiner failed and the amendments by Senator Zarelli were not adopted.

#### MOTION

Senator Tim Sheldon moved that the following amendment be adopted:

On page 104, after line 22, insert the following:

"(9) No part of any monies appropriated in part V may be expended for sick-leave benefits or compensation during the time an employee engages in a strike or work stoppage if the employee is using sick leave to engage in the strike or work stoppage. During a strike or

work stoppage, a school district board of directors may require a signed statement from a licensed health care provider that an employee's absence was due to illness or injury."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

#### CALL FOR THE PREVIOUS QUESTION

Senators Snyder, Spanel and Bauer called for the previous question.

The President declared the question before the Senate to be shall the main question be now put.

The motion carried on a rising vote and the call for the previous question carried.

The President declared the question before the Senate to be the adoption of the amendment by Senator Tim Sheldon on page 104, after line 22, to Substitute Senate Bill No. 5180.

The motion by Senator Tim Sheldon failed and the amendment was not adopted on a rising vote.

#### PARLIAMENTARY INQUIRY

Senator West: "A parliamentary inquiry. Mr. President, I can understand if there were more than half the people present voting by standing and that being declared as passing, but to have less than half the people--it is not uncommon for the people to be absent from the floor or missing from the floor. So, to not ask for the number of 'nay's,' I think --and to declare the vote as being failed--an amendment requires a simple majority, not a constitutional majority and so I would ask the President to consider that as far as the last vote was concerned."

#### REPLY BY THE PRESIDENT

President Owen: "Senator West, you are correct, but the President has pretty good eyes and every member on the floor is required to vote. This side over here was not standing and it was pretty clear that when I took the vote that there would not be enough votes to get the sixty percent required to pass an amendment. Based on your request, I will see to it that every time we take a division, we have both sides standing and the count be taken. Every member has that right."

EDITOR'S NOTE: See further reply to Senator West's parliamentary inquiry after Senator West moved amendments to Substitute Senate Bill No. 5180.

#### POINT OF ORDER

Senator Heavey: "A point of order, Mr. President. If I may I would like to read from Rules. It would support the decision of the President. It says, 'In that event the presiding officer should disregard such previous proceedings, after he has become entirely satisfied of their nature, and put only such motions that would expedite the declaration of the will of the assembly.' I think your motion clearly expedited the will of the assembly and I support your decision."

#### MOTION

Senator West moved that the following amendments by Senators West and Sheahan be considered simultaneously and be adopted:

On page 130, line 8, increase the general fund--state appropriation for fiscal year 2000 by \$240,000 and adjust the total accordingly.

On page 130, line 9, increase the general fund--state appropriation for fiscal year 2001 by \$120,000 and adjust the total accordingly.

On page 131, line 27, after "program." insert the following:

"(13) \$240,000 of the general fund--state appropriation for fiscal year 2000 and \$120,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a feasibility study for the development of a multi-disciplinary prostate cancer research and treatment center at the University of Washington Academic Medical Center. The feasibility study shall be submitted to the legislature by December 1, 2000, and shall include an analysis of the availability of funding that could support such a center."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators West and Sheahan on page 130, lines 8 and 9, and page 131, line 27, to Substitute Senate Bill No. 5180.

The motion by Senator West failed and the amendments were not adopted.

FURTHER REMARKS BY PRESIDENT OWEN IN ANSWER TO SENATOR WEST'S PARLIAMENTARY INQUIRY

President Owen: "Senator West, the President would like your indulgence for one moment. You are accurate when it comes to amendments and the President did not realize this either, but the staff has pointed it out to us. In most cases, it is fifty percent of those on the floor who are voting on an amendment. In the case of the budget, it takes sixty percent of the members elected, so the President believes that when he does take the vote on the budget, if there are not thirty members standing, he will not go on and take the 'nay' votes. I did not realize that either, Senator."

Senator West: "Thank you for that clarification. I agree with you and find that information helpful."

PARLIAMENTARY INQUIRY

Senator McCaslin: "A parliamentary inquiry, Mr. President. Even if you had ruled Senator West correct, what would then be the procedure?"

REPLY BY THE PRESIDENT

President Owen: "Excuse me?"

Senator McCaslin: "Well, how would you undo the gavel? I know that President Pritchard used to undo it several times and I always asked him, 'what does the gavel mean' when he ungaveled things. I hope you would not ungavel things."

President Owen: "Well, Senator McCaslin, I like to take issues as they actually come up and so since I was right in that last one, I don't feel that it is necessary for me to respond to that. If it comes up, I'll figure it out"

Senator McCaslin: "And I want to make it clear to you and the body, I am not saying that you are wrong."

MOTION

Senator Rossi moved that the following amendments by Senators Rossi and Zarelli be considered simultaneously and be adopted:

On page 113, line 31, strike "35,144,000" and insert "36,644,000"

On page 113, line 32, strike "34,355,000" and insert "35,855,000"

On page 113, line 33, strike "69,499,000" and insert "72,499,000"

On page 114, line 15, strike "2,190,000" and insert "5,190,000"

On page 146, line 25, strike "2,500,000" and insert "1,000,000"

On page 146, line 26, strike "2,500,000" and insert "1,000,000"

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

CALL FOR THE PREVIOUS QUESTION

Senators Snyder, McAuliffe and Prentice called for the previous question.

The President declared the question before the Senate to be shall the main question be now put.

The motion carried and the call for the previous question carried.

Senator Johnson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Rossi and Zarelli on page 113, lines 31, 32 and 33; page 114, line 15; and page 146, lines 25 and 26, to Substitute Senate Bill No. 5180.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 19; Nays, 28; Absent, 0; Excused, 2. Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens and West - 19.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 28.

Excused: Senators Swecker and Zarelli - 2.

#### PARLIAMENTARY INQUIRY

Senator Benton: "I rise to a point of parliamentary inquiry, please. If we are going to close down debate on the budget, as apparently is the case, without giving the minority an opportunity to speak on these issues--we had one speech to my knowledge--are we operating under the three minute rule or the one speech per amendment rule at the present time?"

#### REPLY BY THE PRESIDENT

President Owen: "No, we are not, Senator Benton, but any member can demand the previous question."

Senator Benton: "I understand that, Mr. President, so my further inquiry is this: When members of this body stand and repeatedly stand to speak on an amendment, it is obvious that we have several members that have a passion on a particular amendment--particularly this last one for me. Why is it then, when a member of the other side, particularly the majority leader stands and has not been standing, why is it that the President picks him to call for the question? I guess my question to you is what priority order is there in recognizing members who stand to speak--from the President and is there such an order?"

President Owen: "It is the President's discretion."

Senator Benton: "Well, thank you, Mr. President."

#### PERSONAL PRIVILEGE

Senator Snyder: "Maybe just a point of personal privilege on clarifying things, I think we have been very, very liberal in letting members speak. I demanded the previous question only rarely. We have not invoked the three minute rule like was invoked in the previous two years. I said at the beginning of this session that we were going to be cooperative, but we weren't going to have that cooperation say that we were going to capitulate. We have had a lot of these amendments that we defeated yesterday in Ways and Means and the beginning of the session here today. We allowed several speakers to speak on each side of the issues, and I think when we are down to the point of getting to the last two or three amendments here, after one or two speakers on each side, I am going to continue to demand the previous question because we need to expedite things and get the budget over to the House of Representatives and in a position to try and get out of here in our constitutional limit of one hundred and five days on Sunday."

#### PERSONAL PRIVILEGE

Senator Johnson: "I think that we understand, on this side of the aisle, that the majority has the hammer on these things. We are just asking for some fairness. I think in the last couple of votes--maybe we were at fault--for not addressing the President out loud, but we aren't asking for any extra consideration--just fairness. Thank you."

#### MOTION

Senator Winsley moved that the following amendment by Senators Winsley and Loveland be adopted:

On page 150, after line 5, insert the following:

**"NEW SECTION. Sec. 718.** For the period from July 1, 1999, through June 30, 2001, a one hundred fifty thousand dollar death benefit shall be paid as a sundry claim to a teacher's estate if the teacher is killed in the course of employment. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries

shall notify the director of the department of general administration if a teacher's estate is determined to be eligible for payment under this section."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Winsley and Loveland on page 150, after line 5, to Substitute Senate Bill No. 5180.

The motion by Senator Winsley carried and the amendment was adopted.

#### MOTION

On motion of Senator Loveland, the following amendment by Senators Loveland, Fraser and Long was adopted:

On page 153, after line 13, insert the following:

**"NEW SECTION. Sec.721. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--PENSION ADVISORY COMMITTEE**

Department of Retirement Systems Expense Account

Appropriation     \$

181,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The state pension advisory committee is created in the department of retirement systems for the period July 1, 1999, through June 30, 2001. The committee membership shall consist of: (a) Four active members of the state retirement systems, to be appointed by the governor; (b) three retired members of the state retirement systems, appointed by the governor; (c) three local government employer representatives, to be appointed by the governor; (d) the director of the department of retirement systems; and (e) the director of the office of financial management. The governor shall appoint one of the committee members to be committee chair.

(2) Within the level of funding provided in this section, the state pension advisory committee shall review changes in state pension benefits which have been enacted since 1990 and may make recommendations to the joint committee on pension policy regarding: (a) Major pension system priorities and goals for the next five to ten years; (b) proposals for promoting equity between state pension systems; and (c) a prioritized list of proposed pension system changes.

In developing its recommendations the committee shall take into consideration constraints on the state's and local government's fiscal capacity, the changing nature of the work force and employment patterns, issues of cost-shifting between employees groups, and disproportionalities between how much employees in different age groups would pay in increased contributions for a benefit increase compared to the value of the benefit increase.

The committee shall also advise the department of retirement systems regarding the content and design of the department's annual report on the state retirement systems.

The committee shall report its recommendations, if any, to the joint committee on pension policy no later than June 1, 2000.

(3) Committee staff support shall be provided by one professional position employed by the department of retirement systems from the funding provided in this section.

(4) In conducting its review the pension advisory committee shall, to the greatest extent feasible, make use of fiscal notes, studies, and other analysis which has already been completed by the office of the state actuary. The committee may also expend not more than \$60,000 for actuarial services to assist with: (a) Committee education, including a review of tax-deferred savings options available to public employees; (b) the development of recommendations as provided in subsection (2) of this section; and (c) the review and evaluation of fiscal notes and analysis done by the office of the state actuary. The contract for actuarial services shall be entered into by the department of retirement systems for the committee."

Renumber the remaining sections consecutively and correct any internal references accordingly.

#### MOTION

On motion of Senator Loveland, the rules were suspended, Engrossed Substitute Senate Bill No. 5180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Honeyford, Senator McDonald was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5180.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5180 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 29.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens and West - 17.

Excused: Senators McDonald, Swecker and Zarelli - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Snyder, Engrossed Substitute Senate Bill No. 5180 was immediately transmitted to the House Representatives.

## MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

## MOTION

On motion of Senator Gardner, the following resolution was adopted:

### SENATE RESOLUTION 1999-8674

By Senator Gardner

WHEREAS, The Blaine Borderites won their first State 2A Basketball Championship last month with an impressive 63-54 victory over the formidable Pullman Greyhounds; and

WHEREAS, The team finished the 1998-1999 season with a perfect 27-0 record; and

WHEREAS, The Borderites have won three consecutive league and district titles and are undefeated at home since 1996; and

WHEREAS, Coach Rob Ridnour creates a family atmosphere by teaching his players the importance of committing to each other; and

WHEREAS, The team has incredibly devoted fans, more than one thousand of whom traveled to Yakima for the state championship;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor the talent of the Blaine Borderites Basketball Team, and the great sense of pride they have given the people of Blaine; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Blaine High School and to Rob Ridnour, coach of the Blaine Borderites Basketball Team.

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Blaine Borderites, the State 2A Basketball Champions, who were seated in the gallery.

## MOTION

At 1:22 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 3:00 p.m.

The Senate was called to order at 3:00 p.m. by President Owen.

MOTION

Pursuant to Rule 46, on motion of Senator Betti Sheldon, the Committee on Health and Long-Term Care was given permission to meet during session.

EDITOR'S NOTE: Rule 46 reads 'No committee shall sit during the daily session of the senate unless by special leave.'

MOTION

On motion of Senator Honeyford, Senators Deccio, Johnson and Winsley were excused.

MOTION

On motion of Senator Eide, Senators Costa, Franklin, Thibaudeau and Wojahn were excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9093, Bonnie C. Boyle, as a member of the Board of Trustees for Clover Park Technical College District No. 29, was confirmed.

APPOINTMENT OF BONNIE C. BOYLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 34; Nays, 0; Absent, 6; Excused, 9.

Voting yea: Senators Bauer, Benton, Brown, Eide, Fairley, Finkbeiner, Fraser, Goings, Hale, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens and Zarelli - 34.

Absent: Senators Gardner, Hargrove, Haugen, Sellar, Snyder and West - 6.

Excused: Senators Costa, Deccio, Franklin, Johnson, McDonald, Swecker, Thibaudeau, Winsley and Wojahn - 9.

MOTIONS

On motion of Senator Eide, Senator McAuliffe was excused.

On motion of Senator Honeyford, Senator Sellar was excused

MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9183, Elizabeth A. Willis, as a member of the Board of Trustees for Pierce Community College District No. 11, was confirmed.

APPOINTMENT OF ELIZABETH A. WILLIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 32; Nays, 0; Absent, 6; Excused, 11.

Voting yea: Senators Bauer, Eide, Fairley, Finkbeiner, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, West and Zarelli - 32.

Absent: Senators Benton, Brown, Gardner, Hargrove, Horn and Snyder - 6.

Excused: Senators Costa, Deccio, Franklin, Johnson, McAuliffe, McDonald, Sellar, Swecker, Thibaudeau, Winsley and Wojahn - 11.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MOTION

On motion of Senator Eide, Senator Hargrove was excused.

MESSAGE FROM THE HOUSE

April 17, 1999

MR. PRESIDENT:

The House refuses to concur in Senate amendment(s) to HOUSE BILL NO. 1936 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Fairley moved that the Senate recede from its amendment(s) to House Bill No. 1936.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate recede from its amendment(s) to House Bill No. 1936.

The motion by Senator Fairley carried and the Senate receded from its amendment(s) to House Bill No. 1936.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1936, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1936, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, West, Winsley, Wojahn and Zarelli - 43. Excused: Senators Hargrove, McAuliffe, McDonald, Sellar, Swecker and Thibaudeau - 6. HOUSE BILL NO. 1936, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5134 with the following amendment(s):

On page 8, beginning on line 1, strike all of section 11

On page 14, line 12, after "through" strike "11 and 17" and insert "10 and 16"

Renumber the remaining sections consecutively and correct internal references accordingly., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

## MOTION

On motion of Senator Heavey, the Senate concurred in the House amendments to Substitute Senate Bill No. 5134.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5134, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5134, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Hargrove, McAuliffe, McDonald, Swecker and Thibaudeau - 5. SUBSTITUTE SENATE BILL NO. 5134, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 14, 1999

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5452 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislative authority of any town or city located in a county with a population of less than one million may create a public facilities district. The legislative authorities of any contiguous group of towns or cities located in a county or counties each with a population of less than one million may enter an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(2) A public facilities district shall be coextensive with the boundaries of the city or town or contiguous group of cities or towns that created the district.

(3)(a) A public facilities district created by a single city or town shall be governed by a board of directors consisting of five members selected as follows: (i) Two members appointed by the legislative authority of the city or town; and (ii) three members appointed by legislative authority based on recommendations from local organizations. The members appointed under (a)(i) of this subsection, shall not be members of the legislative authority of the city or town. The members appointed under (a)(ii) of this subsection, shall be based on recommendations received from local organizations that may include, but are not limited to the local chamber of commerce, local economic development council, and local labor council. The members shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(b) A public facilities district created by contiguous group of cities and towns shall be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities and towns; and (ii) four members appointed by the legislative authority based on recommendations from local organizations. The members appointed under (b)(i) of this subsection shall not be members of the legislative authorities of the cities and towns. The members appointed under (b)(ii) of this subsection, shall be based on recommendations received from local organizations that include, but are not limited to the local chamber of commerce, local economic development council, local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors shall be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(4) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) A public facilities district may acquire and transfer real and personal property by lease, sublease, purchase, or sale. No direct or collateral attack on any metropolitan facilities district purported to be authorized or created in conformance with this chapter may be commenced more than thirty days after creation by the city legislative authority.

**NEW SECTION. Sec. 2.** (1) A public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more regional centers. For purposes of this chapter, "regional center" means a convention, conference, or special events center, or any combination of facilities, and related parking facilities, serving a regional population constructed, improved, or rehabilitated after the effective date of this section at a cost of at least ten million dollars, including debt service. "Regional center" also includes an existing convention, conference, or special events center, and related parking facilities, serving a regional population, that is improved or rehabilitated after the effective date of this section where the costs of improvement or rehabilitation are at least ten million dollars, including debt service. A regional center is conclusively presumed to serve a regional population if state and local government investment in the construction, improvement, or rehabilitation of the regional center is equal to or greater than ten million dollars.

(2) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations for the purpose of a regional center.

(3) A public facilities district may impose charges, fees, and taxes authorized in section 4 of this act, and use revenues derived therefrom for the purpose of paying principal and interest payments on bonds issued by the public facilities district to construct a regional center.

(4) Notwithstanding the establishment of a career, civil, or merit service system, a public facilities district may contract with a public or private entity for the operation or management of its public facilities.

(5) A public facilities district is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional center.

**NEW SECTION. Sec. 3.** (1) To carry out the purpose of this chapter, a public facilities district may issue general obligation bonds, not to exceed an amount, together with any outstanding nonvoter-approved general obligation indebtedness, equal to one-half of one percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015. A facilities district additionally may issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when authorized by the voters of the public facilities district pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by taxes authorized in this act.

(2) General obligation bonds may be issued with a maturity of up to thirty years, and shall be issued and sold in accordance with the provisions of chapter 39.46 RCW.

(3) The general obligation bonds may be payable from the operating revenues of the public facilities district in addition to the tax receipts of the district.

**NEW SECTION. Sec. 4.** (1) The board of directors of the public facilities district may impose the following for the purpose of funding a regional center:

- (a) Charges and fees for the use of any of its facilities;
- (b) Admission charges under section 10 of this act;
- (c) Vehicle parking charges under section 11 of this act; and
- (d) Sales and use taxes authorized under RCW 82.14.048 and section 13 of this act.

(2) The board may accept and expend or use gifts, grants, and donations for the purpose of a regional center. The revenue from the charges, fees, and taxes imposed under this section shall be used only for the purposes authorized by this chapter.

**NEW SECTION. Sec. 5.** The board of directors of the public facilities district shall adopt a resolution that may be amended from time to time that shall establish the basic requirements governing methods and amounts of reimbursement payable to such district officials and employees for travel and other business expenses incurred on behalf of the district. The resolution shall, among other things, establish procedures for approving such expenses; the form of the travel and expense voucher; and requirements governing the use of credit cards issued in the name of the district. The resolution may also establish procedures for payment of per diem to board members. The state auditor shall, as provided by general law, cooperate with the public facilities district in establishing adequate procedures for regulating and auditing the reimbursement of all such expenses.

**NEW SECTION. Sec. 6.** The board of directors of the public facilities district shall have authority to authorize the expenditure of funds for the public purposes of preparing and distributing information to the general public and promoting, advertising, improving, developing, operating, and maintaining a regional center. Nothing contained in this section may be construed to authorize preparation and distribution of information to the general public for the purpose of influencing the outcome of a district election.

**NEW SECTION. Sec. 7.** The public facilities district may secure services by means of an agreement with a service provider. The public facilities district shall publish notice, establish criteria, receive and evaluate proposals, and negotiate with respondents under requirements set forth by district resolution.

**NEW SECTION. Sec. 8.** In addition to provisions contained in chapter 39.04 RCW, the public facilities district is authorized to follow procedures contained in RCW 43.19.1906 and 43.19.1911 for all purchases, contracts for purchase, and sales.

**NEW SECTION. Sec. 9.** (1) A public facilities district may issue revenue bonds to fund revenue-generating facilities, or portions of facilities, which it is authorized to provide or operate. Whenever revenue bonds are to be issued, the board of directors of the district shall create or have created a special fund or funds from which, along with any reserves created pursuant to RCW 39.44.140, the principal and interest on such revenue bonds shall exclusively be payable. The board may obligate the district to set aside and pay into the special fund or funds a fixed proportion or a fixed amount of the revenues from the public improvements, projects, or facilities, and all related additions, that are funded by the revenue bonds. This amount or proportion shall be a lien and charge against these revenues, subject only to operating and maintenance expenses. The board shall have due regard for the cost of operation and maintenance of the public improvements, projects, or facilities, or additions, that are funded by the revenue bonds, and shall not set aside into the special fund or funds a greater amount or proportion of the revenues that in its judgment will be available over and above the cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. The board may also provide that revenue bonds payable out of the same source or sources of revenue may later be issued on a parity with any revenue bonds being issued and sold.

(2) Revenue bonds issued under this section shall not be an indebtedness of the district issuing the bonds, and the interest and principal on the bonds shall only be payable from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created under RCW 39.44.140. The owner or bearer of a revenue bond or any interest coupon issued under this section shall not have any claim against the district arising from the bond or coupon except for payment from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created under RCW 39.44.140. The substance of the limitations included in this subsection shall be plainly printed, written, or engraved on each bond issued under this section.

(3) Revenue bonds with a maturity in excess of thirty years shall not be issued. The board of directors of the district shall by resolution determine for each revenue bond issue the amount, date, form, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, and covenants including the refunding of existing revenue bonds. Facsimile signatures may be used on the bonds and any coupons. Refunding revenue bonds may be issued in the same manner as revenue bonds are issued.

**NEW SECTION. Sec. 10.** A public facility district may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to a regional center. This includes a tax on persons who are admitted free of charge or at reduced rates if other persons pay a charge or a regular higher charge for the same privileges or accommodations.

The term "admission charge" includes:

- (1) A charge made for season tickets or subscriptions;
- (2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
- (3) A charge made for food and refreshment if free entertainment, recreation, or amusement is provided;
- (4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;
- (5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

**NEW SECTION. Sec. 11.** A public facility district may levy and fix a tax on any vehicle parking charges imposed at any parking facility that is owned or leased by the public facility district as part of a regional center. No county or city or town within which the regional center is located may impose a tax of the same or similar kind on any vehicle parking charges at the facility. For the purposes of this section, "vehicle parking charges" means only the actual parking charges exclusive of taxes and service charges and the value of any other benefit conferred. The tax authorized under this section shall be at the rate of not more than ten percent.

**Sec. 12.** RCW 82.14.048 and 1995 c 396 s 6 are each amended to read as follows:

The governing board of a public facilities district under chapter 36.100 RCW or chapter 35-- RCW (sections 1 through 11 of this act) may submit an authorizing proposition to the voters of the district, and if the proposition is approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter.

The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax shall ~~((equal one-tenth))~~ not exceed two-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

Moneys received from any tax imposed under this section shall be used for the purpose of providing funds for the costs associated with the financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of its public facilities.

No tax may be collected under this section by a public facilities district under chapter 35.-- RCW (sections 1 through 11 of this act) before August 1, 2000, and no tax in excess of one-tenth of one percent may be collected under this section by a public facilities district under chapter 36.100 RCW before August 1, 2000.

**NEW SECTION. Sec. 13.** A new section is added to chapter 82.14 RCW to read as follows:

(1) Except as provided in subsection (6) of this section, the governing body of a public facilities district created under chapter 35.-- RCW (sections 1 through 11 of this act) or chapter 36.100 RCW that commences construction of a new regional center, or improvement or rehabilitation of an existing new regional center, before January 1, 2003, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax shall not exceed 0.033 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the public facilities district.

(3) No tax may be collected under this section before August 1, 2000. The tax imposed in this section shall expire when the bonds issued for the construction of the regional center and related parking facilities are retired, but not more than twenty-five years after the tax is first collected.

(4) Moneys collected under this section shall only be used for the purposes set forth in section 2 of this act and must be matched with an amount from other public or private sources equal to thirty-three percent of the amount collected under this section, provided that amounts generated from nonvoter approved taxes authorized under chapter 35.-- RCW (sections 1 through 11 of this act) or nonvoter approved taxes authorized under chapter 36.100 RCW shall not constitute a public or private source. For the purpose of this section, public or private sources includes, but is not limited to cash or in-kind contributions used in all phases of the development or improvement of the regional center, land that is donated and used for the siting of the regional center, cash or in-kind contributions from public or private foundations, or amounts attributed to private sector partners as part of a public and private partnership agreement negotiated by the public facilities district.

(5) The combined total tax levied under this section shall not be greater than 0.033 percent. If both a public facilities district created under chapter 35.-- RCW (sections 1 through 11 of this act) and a public facilities district created under chapter 36.100 RCW impose a tax under this section, the tax imposed by a public facilities district created under chapter 35.-- RCW (sections 1 through 11 of this act) shall be credited against the tax imposed by a public facilities district created under chapter 36.100 RCW.

(6) A public facilities district created under chapter 36.100 RCW is not eligible to impose the tax under this section if the legislative authority of the county where the public facilities district is located has imposed a sales and use tax under RCW 82.14.0485 or 82.14.0494.

**Sec. 14.** RCW 82.14.050 and 1991 sp.s. c 13 s 34 are each amended to read as follows:

The counties, cities, and transportation authorities under RCW 82.14.045 and public facilities districts under chapter 36.100 RCW and chapter 35.-- RCW (sections 1 through 11 of this act) shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter which is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, cities, transportation authorities, and public facilities districts imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, and public facilities districts monthly.

**Sec. 15.** RCW 36.100.060 and 1995 1st sp.s. c 14 s 4 are each amended to read as follows:

(1) To carry out the purpose of this chapter, a public facilities district may issue general obligation bonds, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to one-half of one percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A facilities district additionally may issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, when authorized by the voters of the public facilities district pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by excess property tax levies as provided in this chapter.

(2) General obligation bonds may be issued with a maturity of up to thirty years, and shall be issued and sold in accordance with the provisions of chapter 39.46 RCW.

(3) The general obligation bonds may be payable from the operating revenues of the public facilities district in addition to the tax receipts of the district.

(4) The excise tax imposed pursuant to RCW 36.100.040 shall terminate upon final payment of all bonded indebtedness for its public facilities, except that the excise tax may be reauthorized by a public vote, in the same manner as originally authorized, for funding of additional public facilities or a regional center.

**Sec. 16.** RCW 36.100.030 and 1995 1st sp.s. c 14 s 3 are each amended to read as follows:

(1) A public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate sports facilities, entertainment facilities, ~~((er))~~ convention facilities, or ~~((any combination of such facilities))~~ regional centers as defined in section 2 of this act, together with contiguous parking facilities. The taxes that are provided for in this chapter may only be imposed for these purposes.

(2) A public facilities district may enter into agreements under chapter 39.34 RCW for the joint provision and operation of such facilities and may enter into contracts under chapter 39.34 RCW where any party to the contract provides and operates such facilities for the other party or parties to the contract.

(3) Notwithstanding the establishment of a career, civil, or merit service system, a public facility [facilities] district may contract with a public or private entity for the operation or management of its public facilities.

(4) A public facilities district is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any of its public facilities.

(5) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations.

**NEW SECTION. Sec. 17.** A new section is added to chapter 36.100 RCW to read as follows:

A public facility district may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to a regional center, as defined in section 2 of this act. This includes a tax on persons who are admitted free of charge or at reduced rates if other persons pay a charge or a regular higher charge for the same privileges or accommodations.

The term "admission charge" includes:

(1) A charge made for season tickets or subscriptions;

(2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;

(3) A charge made for food and refreshment if free entertainment, recreation, or amusement is provided;

(4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;

(5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

**NEW SECTION. Sec. 18.** A new section is added to chapter 36.100 RCW to read as follows:

A public facility district may levy and fix a tax on any vehicle parking charges imposed at any parking facility that is owned or leased by the public facility district as part of a regional center, as defined in section 2 of this act. No county or city or town within which the regional center is located may impose a tax of the same or similar kind on any vehicle parking charges at the facility. For the purposes of this section, "vehicle parking charges" means only the actual parking charges exclusive of taxes and service charges and the value of any other benefit conferred. The tax authorized under this section shall be at the rate of not more than ten percent.

**Sec. 19.** RCW 35.21.280 and 1995 3rd sp.s. c 1 s 202 are each amended to read as follows:

Every city and town may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to any place: PROVIDED, No city or town shall impose such tax on persons paying an

admission to any activity of any elementary or secondary school or any public facility of a public facility district under chapter 35.-- RCW (sections 1 through 11 of this act) or chapter 36.100 RCW for which a tax is imposed under section 10 or 17 of this act. This includes a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same privileges or accommodations. A city that is located in a county with a population of one million or more may not levy a tax on events in stadia constructed on or after January 1, 1995, that are owned by a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand. The city or town may require anyone who receives payment for an admission charge to collect and remit the tax to the city or town.

The term "admission charge" includes:

- (1) A charge made for season tickets or subscriptions;
- (2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
- (3) A charge made for food and refreshment in any place where free entertainment, recreation or amusement is provided;
- (4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;
- (5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

**Sec. 20.** RCW 36.38.010 and 1997 c 220 s 301 (Referendum Bill No. 48) are each amended to read as follows:

(1) Any county may by ordinance enacted by its county legislative authority, levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid for county purposes by persons who pay an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations; and require that one who receives any admission charge to any place shall collect and remit the tax to the county treasurer of the county: PROVIDED, No county shall impose such tax on persons paying an admission to any activity of any elementary or secondary school or any public facility of a public facility district under chapter 35.-- RCW (sections 1 through 11 of this act) or chapter 36.100 RCW for which a tax is imposed under section 10 or 17 of this act.

(2) As used in this chapter, the term "admission charge" includes a charge made for season tickets or subscriptions, a cover charge, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations; a charge made for food and refreshments in any place where any free entertainment, recreation, or amusement is provided; a charge made for rental or use of equipment or facilities for purpose of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge. It shall also include any automobile parking charge where the amount of such charge is determined according to the number of passengers in any automobile.

(3) Subject to subsections (4) and (5) of this section, the tax herein authorized shall not be exclusive and shall not prevent any city or town within the taxing county, when authorized by law, from imposing within its corporate limits a tax of the same or similar kind: PROVIDED, That whenever the same or similar kind of tax is imposed by any such city or town, no such tax shall be levied within the corporate limits of such city or town by the county.

(4) Notwithstanding subsection (3) of this section, the legislative authority of a county with a population of one million or more may exclusively levy taxes on events in baseball stadiums constructed on or after January 1, 1995, that are owned by a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand at the rates of:

(a) Not more than one cent on twenty cents or fraction thereof, to be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium as defined in RCW 82.14.0485. If the revenue from the tax exceeds the amount needed for that purpose, the excess shall be placed in a contingency fund which may only be used to pay unanticipated capital costs on the baseball stadium, excluding any cost overruns on initial construction; and

(b) Not more than one cent on twenty cents or fraction thereof, to be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium as defined in RCW 82.14.0485. The tax imposed under this subsection (4)(b) shall expire when the bonds issued for the construction of the baseball stadium are retired, but not later than twenty years after the tax is first collected.

(5) Notwithstanding subsection (3) of this section, the legislative authority of a county that has created a public stadium authority to develop a stadium and exhibition center under RCW 36.102.050 may levy and fix a tax on charges for admission to events in a stadium and exhibition center, as defined in RCW 36.102.010, constructed in the county on or after January 1, 1998, that is owned by a public stadium authority under chapter 36.102 RCW. The tax shall be exclusive and shall preclude the city or town within which the stadium and exhibition center is located from imposing a tax of the same or similar kind on charges for admission to events in the stadium and exhibition center, and shall preclude the imposition of a general county admissions tax on charges for

admission to events in the stadium and exhibition center. For the purposes of this subsection, "charges for admission to events" means only the actual admission charge, exclusive of taxes and service charges and the value of any other benefit conferred by the admission. The tax authorized under this subsection shall be at the rate of not more than one cent on ten cents or fraction thereof. Revenues collected under this subsection shall be deposited in the stadium and exhibition center account under RCW 43.99N.060 until the bonds issued under RCW 43.99N.020 for the construction of the stadium and exhibition center are retired. After the bonds issued for the construction of the stadium and exhibition center are retired, the tax authorized under this section shall be used exclusively to fund repair, reequipping, and capital improvement of the stadium and exhibition center. The tax under this subsection may be levied upon the first use of any part of the stadium and exhibition center but shall not be collected at any facility already in operation as of July 17, 1997.

**Sec. 21.** RCW 82.29A.130 and 1997 c 220 s 202 (Referendum Bill No. 48) are each amended to read as follows:

The following leasehold interests shall be exempt from taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040:

(1) All leasehold interests constituting a part of the operating properties of any public utility which is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.

(2) All leasehold interests in facilities owned or used by a school, college or university which leasehold provides housing for students and which is otherwise exempt from taxation under provisions of RCW 84.36.010 and 84.36.050.

(3) All leasehold interests of subsidized housing where the fee ownership of such property is vested in the government of the United States, or the state of Washington or any political subdivision thereof but only if income qualification exists for such housing.

(4) All leasehold interests used for fair purposes of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States, the state of Washington or any of its political subdivisions: PROVIDED, That this exemption shall not apply to the leasehold interest of any sublessee of such nonprofit fair association if such leasehold interest would be taxable if it were the primary lease.

(5) All leasehold interests in any property of any public entity used as a residence by an employee of that public entity who is required as a condition of employment to live in the publicly owned property.

(6) All leasehold interests held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to this chapter, RCW 84.36.451 and 84.40.175.

(7) All leasehold interests in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States: PROVIDED, That this exemption shall apply only where it is determined that contract rent paid is greater than or equal to ninety percent of fair market rental, to be determined by the department of revenue using the same criteria used to establish taxable rent in RCW 82.29A.020(2)(b).

(8) All leasehold interests for which annual taxable rent is less than two hundred fifty dollars per year. For purposes of this subsection leasehold interests held by the same lessee in contiguous properties owned by the same lessor shall be deemed a single leasehold interest.

(9) All leasehold interests which give use or possession of the leased property for a continuous period of less than thirty days: PROVIDED, That for purposes of this subsection, successive leases or lease renewals giving substantially continuous use of possession of the same property to the same lessee shall be deemed a single leasehold interest: PROVIDED FURTHER, That no leasehold interest shall be deemed to give use or possession for a period of less than thirty days solely by virtue of the reservation by the public lessor of the right to use the property or to allow third parties to use the property on an occasional, temporary basis.

(10) All leasehold interests under month-to-month leases in residential units rented for residential purposes of the lessee pending destruction or removal for the purpose of constructing a public highway or building.

(11) All leasehold interests in any publicly owned real or personal property to the extent such leasehold interests arises solely by virtue of a contract for public improvements or work executed under the public works statutes of this state or of the United States between the public owner of the property and a contractor.

(12) All leasehold interests that give use or possession of state adult correctional facilities for the purposes of operating correctional industries under RCW 72.09.100.

(13) All leasehold interests used to provide organized and supervised recreational activities for disabled persons of all ages in a camp facility and for public recreational purposes by a nonprofit organization, association, or corporation that would be exempt from property tax under RCW 84.36.030(1) if it owned the property. If the publicly owned property is used for any taxable purpose, the leasehold excise taxes set forth in RCW 82.29A.030 and 82.29A.040 shall be imposed and shall be apportioned accordingly.

(14) All leasehold interests in the public or entertainment areas of a baseball stadium with natural turf and a retractable roof or canopy that is in a county with a population of over one million, that has a seating capacity of over forty thousand, and that is

constructed on or after January 1, 1995. "Public or entertainment areas" include ticket sales areas, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality and stadium club areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas and suites, the playing field, and any other areas to which the public has access or which are used for the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include locker rooms or private offices exclusively used by the lessee.

(15) All leasehold interests in the public or entertainment areas of a stadium and exhibition center, as defined in RCW 36.102.010, that is constructed on or after January 1, 1998. For the purposes of this subsection, "public or entertainment areas" has the same meaning as in subsection (14) of this section, and includes exhibition areas.

(16) All leasehold interests in public facilities districts, as provided in chapter 36.100 RCW or chapter 35.-- RCW (sections 1 through 11 of this act).

**NEW SECTION. Sec. 22.** Sections 1 through 11 of this act constitute a new chapter in Title 35 RCW.

**NEW SECTION. Sec. 23.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "centers;" strike the remainder of the title and insert "amending RCW 82.14.048, 82.14.050, 36.100.060, 36.100.030, 35.21.280, 36.38.010, and 82.29A.130; adding a new section to chapter 82.14 RCW; adding new sections to chapter 36.100 RCW; and adding a new chapter to Title 35 RCW."

#### MOTION

Senator Bauer moved that the Senate concur in the House amendments to Second Substitute Senate Bill No. 5452.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bauer that the Senate concur in the House amendments to Second Substitute Senate Bill No. 5452.

The motion by Senator Bauer carried and the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5452.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5452, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5452, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McCaslin, Morton, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli - 39.

Voting nay: Senators Fairley, Honeyford, Johnson, Oke, Roach, Sheldon, T. and Stevens - 7.

Excused: Senators McAuliffe, McDonald and Swecker - 3. SECOND SUBSTITUTE SENATE BILL NO. 5452, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 12, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5508 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the department of fish and wildlife manages the recreational crab fishery through an imprecise system of catch estimation. Increased harvest data accuracy is needed for the recreational crab fishery and this goal can be accomplished through the establishment of a crab catch record card system.

The department shall utilize data from the crab catch record cards in preparing catch reports and in catch-sharing negotiations.

NEW SECTION. Sec. 2. A new section is added to chapter 77.32 RCW to read as follows:

A crab catch record card is required to fish for and harvest Dungeness crabs (*Cancer magister*) in the recreational fishery. The crab catch record card shall be administered under the rules of the commission.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 15, 1999.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Jacobsen, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5508.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5508, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5508, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senators Finkbeiner and Hargrove - 2.

Excused: Senators McAuliffe, McDonald and Swecker - 3. ENGROSSED SUBSTITUTE SENATE BILL NO. 5508, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 17, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1673 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1673 was returned to second reading and read the second time.

#### MOTIONS

On motion of Senator Goings, the Senate will reconsider the vote by which the Committee on State and Local Government striking amendment was adopted on April 12, 1999.

On motion of Senator Patterson, the following amendment by Senators Patterson and Horn to the Committee on State and Local Government striking amendment, on reconsideration, was adopted:

On page 1, beginning on line 25 of the amendment, after "(a)" strike everything through "agent;" on line 28, and insert "Political advertising that contains a false statement of material fact about a candidate for public office. However, this subsection (1)(a) does not apply to statements made by a candidate or the candidate's agent about the candidate himself or herself;"

The President declared the question before the Senate to be the adoption of the Committee on State and Local Government striking amendment, as amended on reconsideration.

The Committee on State and Local Government striking amendment, as amended on reconsideration, was adopted.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1673, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1673, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1673, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 2; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, Winsley and Wojahn - 41. Voting nay: Senators Johnson, West and Zarelli - 3. Absent: Senators Finkbeiner and Hochstatter - 2. Excused: Senators McAuliffe, McDonald and Swecker - 3. SUBSTITUTE HOUSE BILL NO. 1673, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

#### MOTION

On motion of Senator Honeyford, Senators Finkbeiner and Hochstatter were excused.

#### SECOND READING

SENATE BILL NO. 5967, by Senators Loveland and Rasmussen

Relating to human services.

#### MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 5967 was substituted for Senate Bill No. 5967 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 5967 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5967 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Finkbeiner, Hochstatter, McAuliffe, McDonald and Swecker - 5.

SUBSTITUTE SENATE BILL NO. 5967, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5968, by Senators Loveland and Rasmussen

Relating to human services.

## MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 5968 was substituted for Senate Bill No. 5968 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 5968 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5968.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5968 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Brown - 1.

Excused: Senators Finkbeiner, Hochstatter, McAuliffe, McDonald and Swecker - 5.

SUBSTITUTE SENATE BILL NO. 5968, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1484, by House Committee on Health Care (originally sponsored by Representatives Parlette, Cody, Alexander, Conway and Edwards)

Modifying property valuation methods for reimbursing nursing facilities.

The bill was read the second time.

## MOTION

On motion of Senator Thibaudeau, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.46.020 and 1998 c 322 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(3) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(4) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(5) "Audit" or "department audit" means an examination of the records of a nursing facility participating in the medicaid payment system, including but not limited to: The contractor's financial and statistical records, cost reports and all supporting documentation and schedules, receivables, and resident trust funds, to be performed as deemed necessary by the department and according to department rule.

(6) "Bad debts" means amounts considered to be uncollectible from accounts and notes receivable.

(7) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in (c)(i), (ii), or (iii) of this subsection with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(8) "Capital portion of the rate" means the sum of the property and financing allowance rate allocations, as established in part E of this chapter.

(9) "Capitalization" means the recording of an expenditure as an asset.

~~((9))~~ (10) "Case mix" means a measure of the intensity of care and services needed by the residents of a nursing facility or a group of residents in the facility.

~~((10))~~ (11) "Case mix index" means a number representing the average case mix of a nursing facility.

~~((11))~~ (12) "Case mix weight" means a numeric score that identifies the relative resources used by a particular group of a nursing facility's residents.

~~((12))~~ (13) "Contractor" means a person or entity licensed under chapter 18.51 RCW to operate a medicare and medicaid certified nursing facility, responsible for operational decisions, and contracting with the department to provide services to medicaid recipients residing in the facility.

~~((13))~~ (14) "Default case" means no initial assessment has been completed for a resident and transmitted to the department by the cut-off date, or an assessment is otherwise past due for the resident, under state and federal requirements.

~~((14))~~ (15) "Department" means the department of social and health services (DSHS) and its employees.

~~((15))~~ (16) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

~~((16))~~ (17) "Direct care" means nursing care and related care provided to nursing facility residents. Therapy care shall not be considered part of direct care.

~~((17))~~ (18) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct care of a nursing facility's residents.

~~((18))~~ (19) "Entity" means an individual, partnership, corporation, limited liability company, or any other association of individuals capable of entering enforceable contracts.

~~((19))~~ (20) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

~~((20))~~ (21) "Facility" or "nursing facility" means a nursing home licensed in accordance with chapter 18.51 RCW, excepting nursing homes certified as institutions for mental diseases, or that portion of a multiservice facility licensed as a nursing home, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

~~((21))~~ (22) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

~~((22))~~ (23) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

~~((23))~~ (24) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

~~((24))~~ (25) "Goodwill" means the excess of the price paid for a nursing facility business over the fair market value of all net identifiable tangible and intangible assets acquired, as measured in accordance with generally accepted accounting principles.

~~((25))~~ (26) "Grouper" means a computer software product that groups individual nursing facility residents into case mix classification groups based on specific resident assessment data and computer logic.

~~((26))~~ (27) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

~~((27))~~ (28) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

~~((28))~~ (29) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

~~((29))~~ (30) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

~~((30))~~ (31) "Medical care program" or "medicaid program" means medical assistance, including nursing care, provided under RCW 74.09.500 or authorized state medical care services.

~~((31))~~ (32) "Medical care recipient," "medicaid recipient," or "recipient" means an individual determined eligible by the department for the services provided under chapter 74.09 RCW.

~~((32))~~ (33) "Minimum data set" means the overall data component of the resident assessment instrument, indicating the strengths, needs, and preferences of an individual nursing facility resident.

~~((33))~~ (34) "Net book value" means the historical cost of an asset less accumulated depreciation.

~~((34))~~ (35) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles ~~(, plus an allowance for working capital which shall be five percent of the product of the per patient day rate multiplied by the prior calendar year reported total patient days of each contractor)~~.

~~((35))~~ (36) "Noncapital portion of the rate" means the sum of the direct care, therapy care, operations, support services, and variable return rate allocations, as established in part E of this chapter.

(37) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

~~((36))~~ (38) "Owner" means a sole proprietor, general or limited partners, members of a limited liability company, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

~~((37))~~ (39) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

~~((38))~~ (40) "Patient day" or "resident day" means a calendar day of care provided to a nursing facility resident, regardless of payment source, which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist. A "medicaid day" or "recipient day" means a calendar day of care provided to a medicaid recipient determined eligible by the department for services provided under chapter 74.09 RCW, subject to the same conditions regarding admission and discharge applicable to a patient day or resident day of care.

~~((39))~~ (41) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

~~((40))~~ (42) "Qualified therapist" means:

- (a) A mental health professional as defined by chapter 71.05 RCW;
- (b) A mental retardation professional who is a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;
- (c) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;
- (d) A physical therapist as defined by chapter 18.74 RCW;
- (e) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training; and
- (f) A respiratory care practitioner certified under chapter 18.89 RCW.

~~((41))~~ (43) "Rate" or "rate allocation" means the medicaid per-patient-day payment amount for medicaid patients calculated in accordance with the allocation methodology set forth in part E of this chapter.

~~((42))~~ (44) "Real property," whether leased or owned by the contractor, means the building, allowable land, land improvements, and building improvements associated with a nursing facility.

~~((43))~~ (45) "Rebased rate" or "cost-rebased rate" means a facility-specific component rate assigned to a nursing facility for a particular rate period established on desk-reviewed, adjusted costs reported for that facility covering at least six months of a prior calendar year designated as a year to be used for cost-rebasing payment rate allocations under the provisions of this chapter.

~~((44))~~ (46) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

~~((45))~~ (47) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

~~((46))~~ (48) "Related care" means only those services that are directly related to providing direct care to nursing facility residents. These services include, but are not limited to, nursing direction and supervision, medical direction, medical records, pharmacy services, activities, and social services.

~~((47))~~ (49) "Resident assessment instrument," including federally approved modifications for use in this state, means a federally mandated, comprehensive nursing facility resident care planning and assessment tool, consisting of the minimum data set and resident assessment protocols.

~~((48))~~ (50) "Resident assessment protocols" means those components of the resident assessment instrument that use the minimum data set to trigger or flag a resident's potential problems and risk areas.

~~((49))~~ (51) "Resource utilization groups" means a case mix classification system that identifies relative resources needed to care for an individual nursing facility resident.

~~((50))~~ (52) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

~~((51))~~ (53) "Secretary" means the secretary of the department of social and health services.

~~((52))~~ (54) "Support services" means food, food preparation, dietary, housekeeping, and laundry services provided to nursing facility residents.

~~((53))~~ (55) "Therapy care" means those services required by a nursing facility resident's comprehensive assessment and plan of care, that are provided by qualified therapists, or support personnel under their supervision, including related costs as designated by the department.

~~((54))~~ (56) "Title XIX" or "medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended and the medicaid program administered by the department.

**Sec. 2.** RCW 74.46.360 and 1997 c 277 s 1 are each amended to read as follows:

(1) For all partial or whole rate periods after December 31, 1984, the cost basis of land and depreciation base of depreciable assets shall be the historical cost of the contractor or lessor, when the assets are leased by the contractor, in acquiring the asset in an arm's-length transaction and preparing it for use, less goodwill, and less accumulated depreciation, if applicable, which has been incurred during periods that the assets have been used in or as a facility by any contractor, such accumulated depreciation to be measured in accordance with subsections (4), (5), and (6) of this section and RCW 74.46.350 and 74.46.370. If the department challenges the historical cost of an asset, or if the contractor cannot or will not provide the historical costs, the department will have the department of general administration, through an appraisal procedure, determine the fair market value of the assets at the time of purchase. The cost basis of land and depreciation base of depreciable assets will not exceed such fair market value.

(2) For new or replacement building construction or for substantial building additions requiring the acquisition of land and which commenced to operate on or after July 1, 1997, the department shall determine allowable land costs of the additional land acquired for the replacement construction or building additions to be the lesser of:

(a) The contractor's or lessor's actual cost per square foot; or

(b) The square foot land value as established by an appraisal that meets the latest publication of the Uniform Standards of Professional Appraisal Practice (USPAP) and the financial institutions reform, recovery, and enhancement act (FIRREA).

(3) Subject to the provisions of subsection (2) of this section, if, in the course of financing a project, an arm's-length lender has ordered a Uniform Standards of Professional Appraisal Practice appraisal on the land that meets financial institutions reform, recovery, and enhancement act standards and the arm's-length lender has accepted the ordered appraisal, the department shall accept the appraisal value as allowable land costs for calculation of payment.

If the contractor or lessor is unable or unwilling to provide or cause to be provided to the department, or the department is unable to obtain from the arm's-length lender, a lender-approved appraisal that meets the standards of the Uniform Standards of Professional Appraisal Practice and financial institutions reform, recovery, and enhancement act, the department shall order such an appraisal and accept the appraisal as the allowable land costs. If the department orders the Uniform Standards of Professional Appraisal Practice and financial institutions reform, recovery, and enhancement act appraisal, the contractor shall immediately reimburse the department for the costs incurred.

(4) The historical cost of depreciable and nondepreciable donated assets, or of depreciable and nondepreciable assets received through testate or intestate distribution, shall be the lesser of:

(a) Fair market value at the date of donation or death; or

(b) The historical cost base of the owner last contracting with the department, if any.

(5) Estimated salvage value of acquired, donated, or inherited assets shall be deducted from historical cost where the straight-line or sum-of-the-years' digits method of depreciation is used.

(6)(a) For facilities, other than those described under subsection (2) of this section, operating prior to July 1, 1997, where land or depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the cost basis or depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(b) The provisions of (a) of this subsection shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's-length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new cost basis or depreciation base for such acquisitions shall not exceed the fair market value of the assets as determined by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious. For all partial or whole rate periods after July 17, 1984, this subsection is inoperative for any transfer of ownership of any asset, depreciable or nondepreciable, occurring on or after July 18, 1984, leaving (a) of this subsection to apply alone to such transfers: PROVIDED, HOWEVER, That this subsection shall apply to transfers of ownership of assets occurring prior to January 1, 1985, if the costs of such assets have never been reimbursed under medicaid cost reimbursement on an owner-operated basis or as a related-party lease: PROVIDED FURTHER, That for any contractor that can document in writing an enforceable agreement for the purchase of a nursing home dated prior to July 18, 1984, and submitted to the department prior to January 1, 1988, the cost basis of allowable land and the depreciation base of the nursing home, for rates established after July 18, 1984, shall not exceed the fair market value of the assets at the date of purchase as determined by the department of general administration through an appraisal procedure. For medicaid cost reimbursement purposes, an agreement to purchase a nursing home dated prior to July 18, 1984, is enforceable, even though such agreement contains no legal description of the real property involved, notwithstanding the statute of frauds or any other provision of law.

(c) In the case of land or depreciable assets leased by the same contractor since January 1, 1980, in an arm's-length lease, and purchased by the lessee/contractor, the lessee/contractor shall have the option:

(i) To have the provisions of subsection (b) of this section apply to the purchase; or

(ii) To have the reimbursement for property and ~~((return on investment continue to be))~~ financing allowance calculated pursuant to ~~((the provisions contained in RCW 74.46.530(1) (e) and (f)))~~ this chapter based upon the provisions of the lease in existence on the date of the purchase, but only if the purchase date meets one of the following criteria:

(A) The purchase date is after the lessor has declared bankruptcy or has defaulted in any loan or mortgage held against the leased property;

(B) The purchase date is within one year of the lease expiration or renewal date contained in the lease;

(C) The purchase date is after a rate setting for the facility in which the reimbursement rate set pursuant to this chapter no longer is equal to or greater than the actual cost of the lease; or

(D) The purchase date is within one year of any purchase option in existence on January 1, 1988.

(d) For all rate periods past or future where land or depreciable assets are acquired from a related organization, the contractor's cost basis and depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(e) Where the land or depreciable asset is a donation or distribution between related organizations, the cost basis or depreciation base shall be the lesser of (i) fair market value, less salvage value, or (ii) the cost basis or depreciation base the related organization had or would have had for the asset under a contract with the department.

**Sec. 3.** RCW 74.46.421 and 1998 c 322 s 18 are each amended to read as follows:

(1) The purpose of part E of this chapter is to determine nursing facility medicaid payment rates that, in the aggregate for all participating nursing facilities, are in accordance with the biennial appropriations act.

(2)(a) The department shall use the nursing facility medicaid payment rate methodologies described in this chapter to determine initial component rate allocations for each medicaid nursing facility.

(b) The initial component rate allocations shall be subject to adjustment as provided in this section in order to assure that the state-wide average payment rate to nursing facilities is less than or equal to the state-wide average payment rate specified in the biennial appropriations act.

(3) Nothing in this chapter shall be construed as creating a legal right or entitlement to any payment that (a) has not been adjusted under this section or (b) would cause the state-wide average payment rate to exceed the state-wide average payment rate specified in the biennial appropriations act.

(4)(a) The state-wide average payment rate for the capital portion of the rate for any state fiscal year under the nursing facility medicaid payment system, weighted by patient days, shall not exceed the annual state-wide weighted average nursing facility payment rate for the capital portion of the rate identified for that fiscal year in the biennial appropriations act.

(b) If the department determines that the weighted average nursing facility payment rate for the capital portion of the rate calculated in accordance with this chapter is likely to exceed the weighted average nursing facility payment rate for the capital portion of the rate identified in the biennial appropriations act, then the department shall adjust all nursing facility property and financing allowance payment rates proportional to the amount by which the weighted average rate allocations would otherwise

exceed the budgeted capital portion of the rate amount. Any such adjustments shall only be made prospectively, not retrospectively, and shall be applied proportionately to each component rate allocation for each facility.

(5)(a) The state-wide average payment rate for the noncapital portion of the rate for any state fiscal year under the nursing facility payment system, weighted by patient days, shall not exceed the annual state-wide weighted average nursing facility payment rate for the noncapital portion of the rate identified for that fiscal year in the biennial appropriations act.

(b) If the department determines that the weighted average nursing facility payment rate for the noncapital portion of the rate calculated in accordance with this chapter is likely to exceed the weighted average nursing facility payment rate for the noncapital portion of the rate identified in the biennial appropriations act, then the department shall adjust all nursing facility direct care, therapy care, support services, operations, and variable return payment rates proportional to the amount by which the weighted average rate allocations would otherwise exceed the budgeted noncapital portion of the rate amount. Any such adjustments shall only be made prospectively, not retrospectively, and shall be applied proportionately to each direct care, therapy care, support services, operations, and variable return rate allocation for each facility.

**Sec. 4.** RCW 74.46.431 and 1998 c 322 s 19 are each amended to read as follows:

(1) Effective (~~October 1, 1998~~) July 1, 1999, nursing facility medicaid payment rate allocations shall be facility-specific and shall have (~~six~~) seven components: Direct care, therapy care, support services, operations, property, financing allowance, and variable return (~~on investment~~). The department shall establish and adjust each of these components, as provided in this section and elsewhere in this chapter, for each medicaid nursing facility in this state.

(2) All component rate allocations shall be based upon a minimum facility occupancy of eighty-five percent of licensed beds, regardless of how many beds are set up or in use.

(3) Information and data sources used in determining medicaid payment rate allocations, including formulas, procedures, cost report periods, resident assessment instrument formats, resident assessment methodologies, and resident classification and case mix weighting methodologies, may be substituted or altered from time to time as determined by the department.

(4)(a) Direct care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, direct care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2004, direct care component rate allocations.

(b) Direct care component rate allocations based on 1996 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(k).

(c) Direct care component rate allocations based on 1999 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(k).

(5)(a) Therapy care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, therapy care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2004, therapy care component rate allocations.

(b) Therapy care component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(6)(a) Support services component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, support services component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2004, support services component rate allocations.

(b) Support services component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(7)(a) Operations component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, operations component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2004, operations component rate allocations.

(b) Operations component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(8) For July 1, 1998, through September 30, 1998, a facility's property and return on investment component rates shall be the facility's June 30, 1998, property and return on investment component rates, without increase. For October 1, 1998, through

June 30, 1999, a facility's property and return on investment component rates shall be rebased utilizing 1997 adjusted cost report data covering at least six months of data.

(9) Total payment rates under the nursing facility medicaid payment system shall not exceed facility rates charged to the general public for comparable services.

(10) Medicaid contractors shall pay to all facility staff a minimum wage of the greater of five dollars and fifteen cents per hour or the federal minimum wage.

(11) The department shall establish in rule procedures, principles, and conditions for determining component rate allocations for facilities in circumstances not directly addressed by this chapter, including but not limited to: The need to prorate inflation for partial-period cost report data, newly constructed facilities, existing facilities entering the medicaid program for the first time or after a period of absence from the program, existing facilities with expanded new bed capacity, existing medicaid facilities following a change of ownership of the nursing facility business, facilities banking beds or converting beds back into service, facilities having less than six months of either resident assessment, cost report data, or both, under the current contractor prior to rate setting, and other circumstances.

(12) The department shall establish in rule procedures, principles, and conditions, including necessary threshold costs, for adjusting rates to reflect capital improvements or new requirements imposed by the department or the federal government. Any such rate adjustments are subject to the provisions of RCW 74.46.421.

**Sec. 5.** RCW 74.46.506 and 1998 c 322 s 25 are each amended to read as follows:

(1) The direct care component rate allocation corresponds to the provision of nursing care for one resident of a nursing facility for one day, including direct care supplies. Therapy services and supplies, which correspond to the therapy care component rate, shall be excluded. The direct care component rate includes elements of case mix determined consistent with the principles of this section and other applicable provisions of this chapter.

(2) Beginning October 1, 1998, the department shall determine and update quarterly for each nursing facility serving medicaid residents a facility-specific per-resident day direct care component rate allocation, to be effective on the first day of each calendar quarter. In determining direct care component rates the department shall utilize, as specified in this section, minimum data set resident assessment data for each resident of the facility, as transmitted to, and if necessary corrected by, the department in the resident assessment instrument format approved by federal authorities for use in this state.

(3) The department may question the accuracy of assessment data for any resident and utilize corrected or substitute information, however derived, in determining direct care component rates. The department is authorized to impose civil fines and to take adverse rate actions against a contractor, as specified by the department in rule, in order to obtain compliance with resident assessment and data transmission requirements and to ensure accuracy.

(4) Cost report data used in setting direct care component rate allocations shall be 1996 and 1999, for rate periods as specified in RCW 74.46.431(4)(a).

(5) Beginning October 1, 1998, the department shall rebase each nursing facility's direct care component rate allocation as described in RCW 74.46.431, adjust its direct care component rate allocation for economic trends and conditions as described in RCW 74.46.431, and update its medicaid average case mix index, consistent with the following:

(a) Reduce total direct care costs reported by each nursing facility for the applicable cost report period specified in RCW 74.46.431(4)(a) to reflect any department adjustments, and to eliminate reported resident therapy costs and adjustments, in order to derive the facility's total allowable direct care cost;

(b) Divide each facility's total allowable direct care cost by its adjusted resident days for the same report period, increased if necessary to a minimum occupancy of eighty-five percent; that is, the greater of actual or imputed occupancy at eighty-five percent of licensed beds, to derive the facility's allowable direct care cost per resident day;

(c) Adjust the facility's per resident day direct care cost by the applicable factor specified in RCW 74.46.431(4) (b) and (c) to derive its adjusted allowable direct care cost per resident day;

(d) Divide each facility's adjusted allowable direct care cost per resident day by the facility average case mix index for the applicable quarters specified by RCW 74.46.501(7)(b) to derive the facility's allowable direct care cost per case mix unit;

(e) Divide nursing facilities into two peer groups: Those located in metropolitan statistical areas as determined and defined by the United States office of management and budget or other appropriate agency or office of the federal government, and those not located in a metropolitan statistical area;

(f) Array separately the allowable direct care cost per case mix unit for all metropolitan statistical area and for all nonmetropolitan statistical area facilities, and determine the median allowable direct care cost per case mix unit for each peer group;

(g) Except as provided in (k) of this subsection, from October 1, 1998, through June 30, 2000, determine each facility's quarterly direct care component rate as follows:

(i) Any facility whose allowable cost per case mix unit is less than eighty-five percent of the facility's peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to eighty-five percent of the facility's peer

group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(ii) Any facility whose allowable cost per case mix unit is greater than one hundred fifteen percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred fifteen percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(iii) Any facility whose allowable cost per case mix unit is between eighty-five and one hundred fifteen percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(h) Except as provided in (k) of this subsection, from July 1, 2000, through June 30, 2002, determine each facility's quarterly direct care component rate as follows:

(i) Any facility whose allowable cost per case mix unit is less than ninety percent of the facility's peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to ninety percent of the facility's peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(ii) Any facility whose allowable cost per case mix unit is greater than one hundred ten percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred ten percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(iii) Any facility whose allowable cost per case mix unit is between ninety and one hundred ten percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(i) From July 1, 2002, through June 30, 2004, determine each facility's quarterly direct care component rate as follows:

(i) Any facility whose allowable cost per case mix unit is less than ninety-five percent of the facility's peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to ninety-five percent of the facility's peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(ii) Any facility whose allowable cost per case mix unit is greater than one hundred five percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred five percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(iii) Any facility whose allowable cost per case mix unit is between ninety-five and one hundred five percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(j) Beginning July 1, 2004, determine each facility's quarterly direct care component rate by multiplying the facility's peer group median allowable direct care cost per case mix unit by that facility's medicaid average case mix index from the applicable quarter as specified in RCW 74.46.501(7)(c).

(k)(i) Between October 1, 1998, and June 30, 2000, the department shall compare each facility's direct care component rate allocation calculated under (g) of this subsection with the facility's nursing services component rate in effect on June 30, 1998, less therapy costs, plus any exceptional care offsets as reported on the cost report, adjusted for economic trends and conditions as provided in RCW 74.46.431. A facility shall receive the higher of the two rates;

(ii) Between July 1, 2000, and June 30, 2002, the department shall compare each facility's direct care component rate allocation calculated under (h) of this subsection with the facility's direct care component rate in effect on June 30, 2000. A facility shall receive the higher of the two rates.

(6) The direct care component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421. ~~((If the department determines that the weighted average rate allocations for all rate components for all facilities is likely to exceed the weighted average total rate specified in the state biennial appropriations act, the department shall adjust the rate allocations calculated in this section proportional to the amount by which the total weighted average rate allocations would otherwise exceed the budgeted level. Such adjustments shall only be made prospectively, not retrospectively.))~~

**Sec. 6.** RCW 74.46.511 and 1998 c 322 s 26 are each amended to read as follows:

(1) The therapy care component rate allocation corresponds to the provision of medicaid one-on-one therapy provided by a qualified therapist as defined in this chapter, including therapy supplies and therapy consultation, for one day for one medicaid resident of a nursing facility. The therapy care component rate allocation for October 1, 1998, through June 30, 2001, shall be based on adjusted therapy costs and days from calendar year 1996. The therapy component rate allocation for July 1, 2001, through June 30, 2004, shall be based on adjusted therapy costs and days from calendar year 1999. The therapy care component rate shall be adjusted for economic trends and conditions as specified in RCW 74.46.431(5)(b), and shall be determined in accordance with this section.

(2) In rebasing, as provided in RCW 74.46.431(5)(a), the department shall take from the cost reports of facilities the following reported information:

(a) Direct one-on-one therapy charges for all residents by payer including charges for supplies;

(b) The total units or modules of therapy care for all residents by type of therapy provided, for example, speech or physical. A unit or module of therapy care is considered to be fifteen minutes of one-on-one therapy provided by a qualified therapist or support personnel; and

(c) Therapy consulting expenses for all residents.

(3) The department shall determine for all residents the total cost per unit of therapy for each type of therapy by dividing the total adjusted one-on-one therapy expense for each type by the total units provided for that therapy type.

(4) The department shall divide medicaid nursing facilities in this state into two peer groups:

(a) Those facilities located within a metropolitan statistical area; and

(b) Those not located in a metropolitan statistical area.

Metropolitan statistical areas and nonmetropolitan statistical areas shall be as determined by the United States office of management and budget or other applicable federal office. The department shall array the facilities in each peer group from highest to lowest based on their total cost per unit of therapy for each therapy type. The department shall determine the median total cost per unit of therapy for each therapy type and add ten percent of median total cost per unit of therapy. The cost per unit of therapy for each therapy type at a nursing facility shall be the lesser of its cost per unit of therapy for each therapy type or the median total cost per unit plus ten percent for each therapy type for its peer group.

(5) The department shall calculate each nursing facility's therapy care component rate allocation as follows:

(a) To determine the allowable total therapy cost for each therapy type, the allowable cost per unit of therapy for each type of therapy shall be multiplied by the total therapy units for each type of therapy;

(b) The medicaid allowable one-on-one therapy expense shall be calculated taking the allowable total therapy cost for each therapy type times the medicaid percent of total therapy charges for each therapy type;

(c) The medicaid allowable one-on-one therapy expense for each therapy type shall be divided by total adjusted medicaid days to arrive at the medicaid one-on-one therapy cost per patient day for each therapy type;

(d) The medicaid one-on-one therapy cost per patient day for each therapy type shall be multiplied by total adjusted patient days for all residents to calculate the total allowable one-on-one therapy expense. The lesser of the total allowable therapy consultant expense for the therapy type or a reasonable percentage of allowable therapy consultant expense for each therapy type, as established in rule by the department, shall be added to the total allowable one-on-one therapy expense to determine the allowable therapy cost for each therapy type;

(e) The allowable therapy cost for each therapy type shall be added together, the sum of which shall be the total allowable therapy expense for the nursing facility;

(f) The total allowable therapy expense will be divided by the greater of adjusted total patient days from the cost report on which the therapy expenses were reported, or patient days at eighty-five percent occupancy of licensed beds. The outcome shall be the nursing facility's therapy care component rate allocation.

(6) The therapy care component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421. ~~((If the department determines that the weighted average rate allocations for all rate components for all facilities is likely to exceed the weighted average total rate specified in the state biennial appropriations act, the department shall adjust the rate allocations calculated in this section proportional to the amount by which the total weighted average rate allocations would otherwise exceed the budgeted level. Such adjustments shall only be made prospectively, not retrospectively.))~~

**Sec. 7.** RCW 74.46.515 and 1998 c 322 s 27 are each amended to read as follows:

(1) The support services component rate allocation corresponds to the provision of food, food preparation, dietary, housekeeping, and laundry services for one resident for one day.

(2) Beginning October 1, 1998, the department shall determine each medicaid nursing facility's support services component rate allocation using cost report data specified by RCW 74.46.431(6).

(3) To determine each facility's support services component rate allocation, the department shall:

(a) Array facilities' adjusted support services costs per adjusted resident day for each facility from facilities' cost reports from the applicable report year, for facilities located within a metropolitan statistical area, and for those not located in any metropolitan statistical area and determine the median adjusted cost for each peer group;

(b) Set each facility's support services component rate at the lower of the facility's per resident day adjusted support services costs from the applicable cost report period or the adjusted median per resident day support services cost for that facility's peer group, either metropolitan statistical area or nonmetropolitan statistical area, plus ten percent; and

(c) Adjust each facility's support services component rate for economic trends and conditions as provided in RCW 74.46.431(6).

(4) The support services component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421. ~~((If the department determines that the weighted average rate allocations for all rate components for all facilities is likely to exceed the weighted average total rate specified in the state biennial appropriations act, the department shall adjust the rate allocations calculated in this section proportional to the amount by which the total weighted average rate allocations would otherwise exceed the budgeted level. Such adjustments shall only be made prospectively, not retrospectively.))~~

**Sec. 8.** RCW 74.46.521 and 1998 c 322 s 28 are each amended to read as follows:

(1) The operations component rate allocation corresponds to the general operation of a nursing facility for one resident for one day, including but not limited to management, administration, utilities, office supplies, accounting and bookkeeping, minor building maintenance, minor equipment repairs and replacements, and other supplies and services, exclusive of direct care, therapy care, support services, property, financing allowance, and variable return ~~((on investment))~~.

(2) Beginning October 1, 1998, the department shall determine each medicaid nursing facility's operations component rate allocation using cost report data specified by RCW 74.46.431(7)(a).

(3) To determine each facility's operations component rate the department shall:

(a) Array facilities' adjusted general operations costs per adjusted resident day for each facility from facilities' cost reports from the applicable report year, for facilities located within a metropolitan statistical area and for those not located in a metropolitan statistical area and determine the median adjusted cost for each peer group;

(b) Set each facility's operations component rate at the lower of the facility's per resident day adjusted operations costs from the applicable cost report period or the adjusted median per resident day general operations cost for that facility's peer group, metropolitan statistical area or nonmetropolitan statistical area; and

(c) Adjust each facility's operations component rate for economic trends and conditions as provided in RCW 74.46.431(7)(b).

(4) The operations component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421. ~~((If the department determines that the weighted average rate allocations for all rate components for all facilities is likely to exceed the weighted average total rate specified in the state biennial appropriations act, the department shall adjust the rate allocations calculated in this section proportional to the amount by which the total weighted average rate allocations would otherwise exceed the budgeted level. Such adjustments shall only be made prospectively, not retrospectively.))~~

**NEW SECTION. Sec. 9.** (1) The department shall establish for each medicaid nursing facility a variable return component rate allocation. In determining the variable return allowance:

(a) The variable return array and percentage assigned at the October 1, 1998, rate setting shall remain in effect until June 30, 2001.

(b) The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than four percent, by the sum of the facility's direct care, therapy care, support services, and operations rate components. The percentage amounts will be based on groupings of facilities according to the rankings prescribed in (a) of this subsection, as applicable. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

(2) The variable return rate allocation calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

**Sec. 10.** 1998 c 322 s 29 (uncodified) is amended to read as follows:

(1) The property component rate allocation for each facility shall be determined by dividing the sum of the reported allowable prior period actual depreciation, subject to RCW 74.46.310 through 74.46.380, adjusted for any capitalized additions or replacements approved by the department, and the retained savings from such cost center, by the greater of a facility's total resident days for the facility in the prior period or resident days as calculated on eighty-five percent facility occupancy. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total resident days used in computing the property component rate shall be adjusted to anticipated resident day level.

(2) A nursing facility's property component rate allocation shall be rebased annually, effective July 1st or October 1st as applicable, in accordance with this section and this chapter.

(3) When a certificate of need for a new facility is requested, the department, in reaching its decision, shall take into consideration per-bed land and building construction costs for the facility which shall not exceed a maximum to be established by the secretary.

(4) For the purpose of calculating a nursing facility's property component rate, if a contractor elects to bank licensed beds or to convert banked beds to active service, under chapter 70.38 RCW, the department shall use the facility's anticipated resident occupancy level subsequent to the decrease or increase in licensed bed capacity. However, in no case shall the department use less than eighty-five percent occupancy of the facility's licensed bed capacity after banking or conversion.

(5) The property component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with ~~((section 18 of this act))~~ RCW 74.46.421. ~~((If the department determines that the weighted average rate allocations for all rate components for all facilities is likely to exceed the weighted average total rate specified in the state biennial appropriations act, the department shall adjust the rate allocations calculated in this section proportional to the amount by which the total weighted average rate allocations would otherwise exceed the budgeted level. Such adjustments shall only be made prospectively, not retrospectively.))~~

**NEW SECTION. Sec. 11.** (1) Beginning July 1, 1999, the department shall establish for each medicaid nursing facility a financing allowance component rate allocation. The financing allowance component rate shall be rebased annually, effective July 1st, in accordance with the provisions of this section and this chapter.

(2) The financing allowance shall be determined by multiplying the net invested funds of each facility by .10, and dividing by the greater of a nursing facility's total resident days from the most recent cost report period or resident days calculated on eighty-five percent facility occupancy. However, assets acquired on or after the effective date of this section shall be grouped in a separate financing allowance calculation that shall be multiplied by .085. The financing allowance factor of .085 shall not be applied to the net invested funds pertaining to new construction or major renovations receiving certificate of need approval or an exemption from certificate of need requirements under chapter 70.38 RCW, or to working drawings that have been submitted to the department of health for construction review approval, prior to the effective date of this section. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total resident days used in computing the financing allowance shall be adjusted to the greater of the anticipated resident day level or eighty-five percent of the new licensed bed capacity.

(3) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, 74.46.370, and 74.46.380, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing resident care shall also be included. Subject to provisions and limitations contained in this chapter, for land purchased by owners or lessors before July 18, 1984, capitalized cost of land shall be the buyer's capitalized cost. For all partial or whole rate periods after July 17, 1984, if the land is purchased after July 17, 1984, capitalized cost shall be that of the owner of record on July 17, 1984, or buyer's capitalized cost, whichever is lower. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to RCW 74.46.360(1).

(4) For the purpose of calculating a nursing facility's financing allowance component rate, if a contractor elects to bank licensed beds or to convert banked beds to active service, under chapter 70.38 RCW, the department shall use the facility's anticipated resident occupancy level subsequent to the decrease or increase in licensed bed capacity. However, in no case shall the department use less than eighty-five percent occupancy of the facility's licensed bed capacity after banking or conversion.

(5) The financing allowance rate allocation calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

**NEW SECTION. Sec. 12.** (1) In the case of a facility that was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total resident days, minus the property component rate allocation, is more than the sum of the financing allowance and the variable return rate determined according to this chapter, the following shall apply:

(a) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1982, as determined by the department of general administration through an appraisal procedure, less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such a determination is shown to be arbitrary and capricious.

(b) The sum of the financing allowance computed under (a) of this subsection and the variable return rate shall be compared to the annualized lease payment, plus any interest and depreciation associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total resident days, minus the property component rate. The lesser of the two amounts shall be called the alternate return on investment rate.

(c) The sum of the financing allowance and variable return rate determined according to this chapter or the alternate return on investment rate, whichever is greater, shall be added to the prospective rates of the contractor.

(2) In the case of a facility that was leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended under a provision of the lease, the treatment provided in subsection (1) of this section shall be applied, except that in the case of renewals or extensions made subsequent to April 1, 1985, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(3) The alternate return on investment component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

**Sec. 13.** RCW 74.46.350 and 1980 c 177 s 35 are each amended to read as follows:

(1) Buildings, land improvements, and fixed equipment shall be depreciated using the straight-line method of depreciation. For new or replacement building construction or for major renovations, either of which receives certificate of need approval or certificate of need exemption under chapter 70.38 RCW on or after the effective date of this section, the number of years used to depreciate fixed equipment shall be the same number of years as the life of the building to which it is affixed. Major-minor equipment shall be depreciated using either the straight-line method, the sum-of-the-years' digits method, or declining balance method not to exceed one hundred fifty percent of the straight line rate. Contractors who have elected to take either the sum-of-the-years' digits method or the declining balance method of depreciation on major-minor equipment may change to the straight-line method without permission of the department.

(2) The annual provision for depreciation shall be reduced by the portion allocable to use of the asset for purposes which are neither necessary nor related to patient care.

(3) No further depreciation shall be claimed after an asset has been fully depreciated unless a new depreciation base is established pursuant to RCW 74.46.360.

**Sec. 14.** RCW 74.46.370 and 1997 c 277 s 2 are each amended to read as follows:

(1) Except for new buildings, major remodels, and major repair projects, as defined in subsection (2) of this section, the contractor shall use lives which reflect the estimated actual useful life of the asset and which shall be no shorter than guideline lives as established by the department. Lives shall be measured from the date on which the assets were first used in the medical care program or from the date of the most recent arm's-length acquisition of the asset, whichever is more recent. In cases where RCW 74.46.360(6)(a) does apply, the shortest life that may be used for buildings is the remaining useful life under the prior contract. In all cases, lives shall be extended to reflect periods, if any, when assets were not used in or as a facility.

(2) Effective July 1, 1997, for asset acquisitions and new facilities, major remodels, and major repair projects that begin operations on or after July 1, 1997, the department shall use the most current edition of Estimated Useful Lives of Depreciable Hospital Assets, or as it may be renamed, published by the American Hospital Publishing, Inc., an American hospital association company, for determining the useful life of new buildings, major remodels, and major repair projects, however, the shortest life that may be used for new buildings receiving certificate of need approval or certificate of need exemptions under chapter 70.38 RCW on or after the effective date of this section, is ((thirty)) forty years. New buildings, major remodels, and major repair projects include those projects that meet or exceed the expenditure minimum established by the department of health pursuant to chapter 70.38 RCW.

(3) Building improvements, other than major remodels and major repairs, shall be depreciated over the remaining useful life of the building, as modified by the improvement.

(4) Improvements to leased property which are the responsibility of the contractor under the terms of the lease shall be depreciated over the useful life of the improvement.

(5) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.

(6) For new or replacement building construction or for major renovations, either of which receives certificate of need approval or certificate of need exemption under chapter 70.38 RCW on or after the effective date of this section, the number of years used to depreciate fixed equipment shall be the same number of years as the life of the building to which it is affixed.

**NEW SECTION. Sec. 15.** If a contractor experiences an increase in state or county property taxes as a result of new building construction, replacement building construction, or substantial building additions that require the acquisition of land, then the department shall adjust the contractor's prospective rates to cover the medicaid share of the tax increase. The rate adjustments shall only apply to construction and additions completed on or after July 1, 1997. The rate adjustments authorized by this section

are effective on the first day after July 1, 1999, on which the increased tax payment is due. Rate adjustments made under this section are subject to all applicable cost limitations contained in this chapter.

**NEW SECTION. Sec. 16.** Sections 9 through 12 and 15 of this act are each added to part E of chapter 74.46 RCW.

**NEW SECTION. Sec. 17.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2001:

- (1) RCW 74.46.--- and 1999 c . . . s 9 (section 9 of this act);
- (2) RCW 74.46.--- and 1999 c . . . s 10 (section 10 of this act) & 1998 c 322 s 29 (uncodified);
- (3) RCW 74.46.--- and 1999 c . . . s 11 (section 11 of this act);
- (4) RCW 74.46.--- and 1999 c . . . s 12 (section 12 of this act);
- (5) RCW 74.46.350 (Methods of depreciation) and 1999 c . . . s 13 (section 13 of this act) & 1980 c 177 s 35;
- (6) RCW 74.46.370 (Lives of assets) and 1999 c . . . s 14 (section 14 of this act), 1997 c 277 s 2, & 1980 c 177 s 37; and
- (7) RCW 74.46.--- and 1999 c . . . s 15 (section 15 of this act).

**NEW SECTION. Sec. 18.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions. Section 11 of this act takes effect immediately, and sections 1 through 10 and 12 through 17 take effect July 1, 1999."

#### MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 74.46.020, 74.46.360, 74.46.421, 74.46.431, 74.46.506, 74.46.511, 74.46.515, 74.46.521, 74.46.350, and 74.46.370; amending 1998 c 322 s 29 (uncodified); adding new sections to chapter 74.46 RCW; repealing RCW 74.46.350 and 74.46.370; repealing 1998 c 322 s 29 (uncodified); providing an effective date; and declaring an emergency."

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Second Substitute House Bill No. 1484, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1484, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1484, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Hochstatter, McAuliffe, McDonald and Swecker - 4.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1484, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Eide, Senator Brown was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1663 by House Committee on Judiciary (originally sponsored by Representatives Lambert, Constantine, McDonald, Kagi, Carrell, Edwards, Kastama, and Santos)

Creating a unified family court.

The bill was read the second time.

## MOTION

On motion of Senator Heavey, the following Committee on Judiciary striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes the increasing incidence of concurrent involvement of family members in multiple areas of the justice system. Analysis shows significant case overlap in the case types of juvenile offender, juvenile dependency, at-risk youth, child in need of services, truancy, domestic violence, and domestic relations. Also recognized is the increased complexity of the problems facing family members and the increased complexity of the laws affecting families. It is believed that in such situations, an efficient and effective response is through the creation of a unified court system centered around the family that: Provides a dedicated, trained, and informed judiciary; incorporates case management practices based on a family's judicial system needs; enables multiple case type resolution by one judicial officer or judicial team; provides coordinated legal and social services; and considers and evaluates the needs of the family as a whole.

**NEW SECTION. Sec. 2.** The administrator for the courts shall conduct a unified family court pilot program.

(1) Pilot program sites shall be selected through a request for proposal process, and shall be established in no more than three superior court judicial districts.

(2) To be eligible for consideration as a pilot project site, judicial districts must have a statutorily authorized judicial complement of at least five judges.

(3) The administrator for the courts shall develop criteria for the unified family court pilot program. The pilot program shall include: (a) All case types under Title 13 RCW, chapters 26.09, 26.10, 26.12, 26.18, 26.19, 26.20, 26.26, 26.50, 26.27, and 28A.225 RCW;

(b) Unified family court judicial officers, who volunteer for the program, and meet training requirements established by local court rule;

(c) Case management practices that provide a flexible response to the diverse court-related needs of families involved in multiple areas of the justice system. Case management practices should result in a reduction in process redundancies and an efficient use of time and resources, and create a system enabling multiple case type resolution by one judicial officer or judicial team;

(d) A court facilitator to provide assistance to parties with matters before the unified family court; and

(e) An emphasis on providing nonadversarial methods of dispute resolution such as a settlement conference, evaluative mediation by attorney mediators, and facilitative mediation by nonattorney mediators.

(4) The office of the administrator for the courts shall publish and disseminate a state-approved listing of definitions of nonadversarial methods of dispute resolution so that court officials, practitioners, and users can choose the most appropriate process for the matter at hand.

(5) The office of the administrator for the courts shall provide to the judicial districts selected for the pilot program the computer resources needed by each judicial district to implement the unified family court pilot program.

(6) The office of the administrator for the courts shall conduct a study of the pilot program measuring improvements in the judicial system's response to family involvement in the judicial system. The administrator for the courts shall report preliminary findings and final results of the study to the governor, the chief justice of the supreme court, and the legislature on a biennial basis. The initial report is due by July 1, 2000, and the final report is due by December 1, 2004.

**NEW SECTION. Sec. 3.** The judges of the superior court judicial districts with unified family court pilot programs shall adopt local court rules directing the program. The local court rules shall comply with the criteria established by the administrator for the courts and shall include:

(1) A requirement that all judicial officers hearing cases in unified family court:

(a) Complete an initial training program including the topic areas of childhood development, domestic violence, cultural awareness, child abuse and neglect, chemical dependency, and mental illness; and

(b) Subsequent to the training in (a) of this subsection, annually attend a minimum of eight hours of continuing education of pertinence to the unified family court;

(2) Case management that is based on the practice of one judge or judicial team handling all matters relating to a family;

(3) An emphasis on coordinating or consolidating, to the extent possible, all cases before the unified family court relating to a family; and

(4) Programs that provide for record confidentiality to protect the confidentiality of court records in accordance with the law. However law enforcement agencies shall have access to the records to the extent permissible under the law.

**Sec. 4.** RCW 10.14.200 and 1995 c 246 s 35 are each amended to read as follows:

Any order available under this chapter may be issued in actions under chapter 13.32A, 26.09, 26.10, or 26.26 RCW. An order available under this chapter that is issued under those chapters shall be fully enforceable and shall be enforced pursuant to the provisions of this chapter.

**Sec. 5.** RCW 13.04.021 and 1994 sp.s. c 7 s 538 are each amended to read as follows:

(1) The juvenile court shall be a division of the superior court. In judicial districts having more than one judge of the superior court, the judges of such court shall annually assign one or more of their number to the juvenile court division. In any judicial district having a court commissioner, the court commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear all cases under this chapter and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050. In any judicial district having a family law commissioner appointed pursuant to chapter 26.12 RCW, the family law commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear cases ~~((under chapter 13.34 RCW or any other case))~~ under Title 13 RCW and chapter 28A.225 RCW as provided in RCW 26.12.010, and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050.

(2) Cases in the juvenile court shall be tried without a jury.

**Sec. 6.** RCW 26.12.010 and 1994 sp.s. c 7 s 537 are each amended to read as follows:

~~((4))~~ Each superior court shall exercise the jurisdiction conferred by this chapter and while sitting in the exercise of such jurisdiction shall be known and referred to as the "family court." A family ~~((law))~~ court proceeding under this chapter is: (1) Any proceeding under this title or any proceeding in which the family court is requested to adjudicate or enforce the rights of the parties or their children regarding the determination or modification of parenting plans, child custody, visitation, or support, or the distribution of property or obligations, or (2) concurrent with the juvenile court, any proceeding under Title 13 or chapter 28A.225 RCW.

~~((2) Superior court judges of a county may by majority vote, grant to the family court the power, authority, and jurisdiction, concurrent with the juvenile court, to hear and decide cases under Title 13 RCW.)~~

**Sec. 7.** RCW 26.12.060 and 1993 c 289 s 3 are each amended to read as follows:

The court commissioners shall: (1) Make appropriate referrals to county family court services program if the county has a family court services program or appoint a guardian ad litem pursuant to RCW 26.12.175; (2) order investigation and reporting of the facts upon which to base warrants, subpoenas, orders or directions in actions or proceedings under this chapter; (3) exercise all the powers and perform all the duties of court commissioners; (4) make written reports of all proceedings had which shall become a part of the record of the family court; (5) provide supervision over the exercise of its jurisdiction as the judge of the family court may order; (6) cause the orders and findings of the family court to be entered in the same manner as orders and findings are entered in cases in the superior court; (7) cause other reports to be made and records kept as will indicate the value and extent of reconciliation, mediation, investigation, and treatment services; and (8) conduct hearings under ~~((chapter 13.34 RCW))~~ Title 13 and chapter 28A.225 RCW, as provided in RCW 13.04.021.

**Sec. 8.** RCW 36.18.016 and 1996 c 56 s 5 are each amended to read as follows:

(1) Revenue collected under this section is not subject to division under RCW 36.18.025 or 27.24.070.

(2) For the filing of a petition for modification of a decree of dissolution or paternity, within the same case as the original action, a fee of twenty dollars must be paid.

(3)(a) The party making a demand for a jury of six in a civil action shall pay, at the time, a fee of ~~((fifty))~~ one hundred twenty-five dollars; if the demand is for a jury of twelve, a fee of ~~((one))~~ two hundred fifty dollars. If, after the party demands a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional ~~((fifty-dollar))~~ one hundred twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(b) Upon conviction in criminal cases a jury demand charge of fifty dollars for a jury of six, or one hundred dollars for a jury of twelve may be imposed as costs under RCW 10.46.190.

(4) For preparing, transcribing, or certifying an instrument on file or of record in the clerk's office, with or without seal, for the first page or portion of the first page, a fee of two dollars, and for each additional page or portion of a page, a fee of one dollar must be charged. For authenticating or exemplifying an instrument, a fee of one dollar for each additional seal affixed must be charged.

(5) For executing a certificate, with or without a seal, a fee of two dollars must be charged.

(6) For a garnishee defendant named in an affidavit for garnishment and for a writ of attachment, a fee of twenty dollars must be charged.

(7) For approving a bond, including justification on the bond, in other than civil actions and probate proceedings, a fee of two dollars must be charged.

(8) For the issuance of a certificate of qualification and a certified copy of letters of administration, letters testamentary, or letters of guardianship, there must be a fee of two dollars.

(9) For the preparation of a passport application, the clerk may collect an execution fee as authorized by the federal government.

(10) For clerk's special services such as processing ex parte orders by mail, performing historical searches, compiling statistical reports, and conducting exceptional record searches, the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.

(11) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape.

(12) For the filing of oaths and affirmations under chapter 5.28 RCW, a fee of twenty dollars must be charged.

(13) For filing a disclaimer of interest under RCW 11.86.031(4), a fee of two dollars must be charged.

(14) For registration of land titles, Torrens Act, under RCW 65.12.780, a fee of five dollars must be charged.

(15) For the issuance of extension of judgment under RCW 6.17.020 and chapter 9.94A RCW, a fee of one hundred ten dollars must be charged.

(16) A facilitator surcharge of ten dollars must be charged as authorized under RCW 26.12.240.

(17) For filing a water rights statement under RCW 90.03.180, a fee of twenty-five dollars must be charged.

(18) For filing a warrant for overpayment of state retirement systems benefits under chapter 41.50 RCW, a fee of five dollars shall be charged pursuant to RCW 41.50.136.

(19) A service fee of three dollars for the first page and one dollar for each additional page must be charged for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

(20) For preparation of clerk's papers under RAP 9.7, a fee of fifty cents per page must be charged.

(21) For copies and reports produced at the local level as permitted by RCW 2.68.020 and supreme court policy, a variable fee must be charged.

(22) Investment service charge and earnings under RCW 36.48.090 must be charged.

(23) Costs for nonstatutory services rendered by clerk by authority of local ordinance or policy must be charged.

(24) For filing a request for trial de novo of an arbitration award, a fee not to exceed two hundred fifty dollars as established by authority of local ordinance must be charged."

## MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "court operations; amending RCW 10.14.200, 13.04.021, 26.12.010, 26.12.060, and 36.18.016; and creating new sections."

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 1663, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1663, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1663, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Brown, Hochstatter, McAuliffe, McDonald and Swecker - 5.

SUBSTITUTE HOUSE BILL NO. 1663, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Franklin, Senator Loveland was excused.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 7, 1999

MR. PRESIDENT:

Under suspension of the rules, SUBSTITUTE SENATE BILL NO. 5513 was returned to second reading and the House adopted the following amendment and passed the bill as amended by the House:

On page 2, line 4, after "representatives." strike "The chief law enforcement officer of the jurisdiction where the crime was committed shall designate the law enforcement representatives." and insert "The chief executive officer of the agency that investigated the crime shall designate the law enforcement representatives.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Costa, the Senate concurred in the House amendment to Substitute Senate Bill No. 5513.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5513, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5513, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senator Fairley - 1.

Excused: Senators Brown, Hochstatter, Loveland, McDonald and Swecker - 5.

SUBSTITUTE SENATE BILL NO. 5513, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 9, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5619 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 76.04.610 and 1993 c 36 s 1 are each amended to read as follows:

(1) If any owner of forest land within a forest protection zone neglects or fails to provide adequate fire protection as required by RCW 76.04.600, the department shall provide such protection and shall annually impose the following assessments on each parcel of such land: (a) A flat fee assessment of fourteen dollars and fifty cents; and (b) twenty-two cents on each acre exceeding fifty acres. Assessors may, at their option, collect the assessment on tax exempt lands. If the assessor elects not to collect the assessment, the department may bill the landowner directly.

(2) An owner who has paid assessments on two or more parcels, each containing fewer than fifty acres and each within the same county, may obtain the following refund:

(a) If all the parcels together contain less than fifty acres, then the refund is equal to the flat fee assessments paid, reduced by the total of (i) fourteen dollars and (ii) the total of the amounts retained by the county from such assessments under subsection ~~((5))~~ (6) of this section.

(b) If all the parcels together contain fifty or more acres, then the refund is equal to the flat fee assessments paid, reduced by the total of (i) fourteen dollars, (ii) twenty-two cents for each acre exceeding fifty acres, and (iii) the total of the amounts retained by the county from such assessments under subsection ~~((5))~~ (6) of this section.

Applications for refunds shall be submitted to the department on a form prescribed by the department and in the same year in which the assessments were paid. The department may not provide refunds to applicants who do not provide verification that all assessments and property taxes on the property have been paid. Applications may be made by mail.

(3) In addition to the procedures under subsection (2) of this section, property owners with parcels in a county subject to a forest fire protection assessment may apply to the department on an application listing the parcels owned. Property owners with the following number of parcels may apply to the department in the year indicated:

<u>Year</u>	<u>Number of Parcels</u>
<u>2000</u>	<u>10 or more parcels</u>
<u>2001</u>	<u>8 or more parcels</u>
<u>2002</u>	<u>6 or more parcels</u>
<u>2003</u>	<u>4 or more parcels</u>
<u>2004 and thereafter</u>	<u>2 or more parcels</u>

There shall be one application per county. The department shall compute the correct assessment and allocate one parcel to use to collect the assessment. The county shall then only bill the forest fire protection assessment on the one identified parcel. The landowner is responsible for notifying the department of any changes in parcel ownership.

(4) Beginning January 1, 1991, under the administration and at the discretion of the department up to two hundred thousand dollars per year of this assessment shall be used in support of those rural fire districts assisting the department in fire protection services on forest lands.

~~((4))~~ (5) For the purpose of this chapter, the department may divide the forest lands of the state, or any part thereof, into districts, for fire protection and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Amounts paid or contracted to be paid by the department for protection of forest lands from funds at its disposal shall be a lien upon the property protected, unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred. The department shall be prepared to make statement thereof, upon request, to a forest owner whose own protection has not been previously approved as to its adequacy, the department shall report the same to the assessor of the county in which the property is situated. The assessor shall extend the amounts upon the tax rolls covering the property, and upon authorization from the department shall levy the forest protection assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records. The assessor may then segregate on the records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in RCW 52.16.170.

~~((5))~~ (6) The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the department certifying them to the treasurer of the county in which the land involved is situated. Assessments shall be known and designated as assessments of the year in which the amounts became reimbursable. Upon the collection of assessments the county treasurer shall place fifty cents of the total assessments paid on a parcel for fire protection into the county current expense fund to defray the costs of listing, billing, and collecting these assessments. The treasurer shall then transmit the balance to the department. Collections shall be applied against expenses incurred in carrying out the provisions of this section, including necessary and reasonable administrative costs incurred by the department in the enforcement of these provisions. The department may also expend sums collected from owners of forest lands or received from any other source for necessary administrative costs in connection with the enforcement of RCW 76.04.660.

~~((6))~~ (7) When land against which forest protection assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment. The county treasurer, in case the proceeds of sale exceed the amount of the delinquent tax judgment, shall immediately remit to the department the amount of the outstanding forest protection assessments.

~~((7))~~ (8) All nonfederal public bodies owning or administering forest land included in a forest protection zone shall pay the forest protection assessments provided in this section and the special forest fire suppression account assessments under RCW 76.04.630. The forest protection assessments and special forest fire suppression account assessments shall be payable by nonfederal public bodies from available funds within thirty days following receipt of the written notice from the department which is given after October 1st of the year in which the protection was provided. Unpaid assessments shall not be a lien against the nonfederal publicly owned land but shall constitute a debt by the nonfederal public body to the department and shall be subject to interest charges at the legal rate.

~~((8))~~ (9) A public body, having failed to previously pay the forest protection assessments required of it by this section, which fails to suppress a fire on or originating from forest lands owned or administered by it, shall be liable for the costs of suppression incurred by the department or its agent and shall not be entitled to reimbursement of costs incurred by the public body in the suppression activities.

~~((9))~~ (10) The department may adopt rules to implement this section, including, but not limited to, rules on levying and collecting forest protection assessments.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

### MOTION

On motion of Senator Jacobsen, the Senate concurred in the House amendment to Substitute Senate Bill No. 5619.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5619, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5619, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Brown, Hochstatter, Loveland, McDonald and Swecker - 5.

SUBSTITUTE SENATE BILL NO. 5619, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### MESSAGE FROM THE HOUSE

April 7, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5628 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.04.025 and 1994 c 211 s 1401 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the board of accountancy created by RCW 18.04.035.

(2) "Certified public accountant" or "CPA" means a person holding a certified public accountant certificate.

(3) "State" includes the states of the United States, the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands.

(4) "Reports on financial statements" means any reports or opinions prepared by certified public accountants, based on services performed in accordance with generally accepted auditing standards, standards for attestation engagements, or standards for accounting and review services as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting.

(5) The "practice of public accounting" means performing or offering to perform by a person or firm holding itself out to the public as a licensee, for a client or potential client, one or more kinds of services involving the use of accounting or auditing skills, including the issuance of "audit reports," "review reports," or "compilation reports" on financial statements, or one or more kinds of management advisory, or consulting services, or the preparation of tax returns, or the furnishing of advice on tax matters. The "practice of public accounting" shall not include practices that are permitted under the provisions of RCW 18.04.350(6) by persons or firms not required to be licensed under this chapter.

(6) "Firm" means a sole proprietorship, a corporation, or a partnership. "Firm" also means a limited liability company formed under chapter 25.15 RCW.

(7) "CPE" means continuing professional education.

(8) "Certificate" means a certificate as a certified public accountant issued under this chapter, or a corresponding certificate issued by another state or foreign jurisdiction that is recognized in accordance with the reciprocity provisions of RCW 18.04.180 and 18.04.183.

(9) "Licensee" means the holder of a valid license issued under this chapter.

(10) "License" means a ((biennial)) license to practice public accountancy issued to an individual or firm under this chapter.

(11) "Quality assurance review" means a process established by and conducted at the direction of the board of study, appraisal, or review of one or more aspects of the professional work of a person or firm in the practice of public accountancy, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed.

(12) "Quality review" means a study, appraisal, or review of one or more aspects of the professional work of a person or firm in the practice of public accountancy, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed, including a peer review, or any internal review or inspection intended to comply with quality control policies and procedures, but not including the "quality assurance review" under subsection (11) of this section.

(13) "Review committee" means any person carrying out, administering or overseeing a quality review authorized by the reviewee.

(14) "Rule" means any rule adopted by the board under authority of this chapter.

(15) "Holding out" means any representation to the public by the use of restricted titles as set forth in RCW 18.04.345 by a person or firm that the person or firm is a certified public accountant and that the person or firm offers to perform any professional services to the public as a certified public accountant. "Holding out" shall not affect or limit a person not required to hold a certificate under this chapter or a person or firm not required to hold a license under this chapter from engaging in practices identified in RCW 18.04.350(6).

**Sec. 2.** RCW 18.04.105 and 1992 c 103 s 7 are each amended to read as follows:

(1) The certificate of "certified public accountant" shall be granted by the board to any person:

(a) Who is of good character. Good character, for purposes of this section, means lack of a history of dishonest or felonious acts. The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a certified public accountant and if the finding by the board of lack of good character is supported by a preponderance of evidence. When an applicant is found to be unqualified for a certificate because of a lack of good character, the board shall furnish the applicant a statement containing the findings of the board and a notice of the applicant's right of appeal;

(b) Who has met the educational standards established by rule as the board determines to be appropriate;

The board may, in its discretion, waive the educational requirements for any person if it is satisfied through review of documentation of successful completion of an equivalency examination that the person's educational qualifications are an acceptable substitute for the requirements of (b) of this subsection; and

(c) Who has passed a written examination.

(2) The examination described in subsection (1)(c) of this section shall be in writing, shall be held twice a year, and shall test the applicant's knowledge of the subjects of accounting and auditing, and other related fields the board may specify by rule. The time for holding the examination is fixed by the board and may be changed from time to time. The board shall prescribe by rule the methods of applying for and taking the examination, including methods for grading papers and determining a passing grade required of an applicant for a certificate. The board shall to the extent possible see to it that the grading of the examination, and the passing grades, are uniform with those applicable to all other states. The board may make use of all or a part of the uniform certified public accountant examination and advisory grading service of the American Institute of Certified Public Accountants and may contract with third parties to perform administrative services with respect to the examination as the board deems appropriate to assist it in performing its duties under this chapter.

(3) An applicant is required to pass all sections of the examination provided for in subsection (2) of this section in order to qualify for a certificate. If at a given sitting of the examination an applicant passes two or more but not all sections, then the applicant shall be given credit for those sections that he or she passed, and need not take those sections again: PROVIDED, That:

(a) The applicant took all sections of the examination at that sitting;

(b) The applicant attained a minimum grade of fifty on each section not passed at that sitting;

(c) The applicant passes the remaining sections of the examination within six consecutive examinations given after the one at which the first sections were passed;

(d) At each subsequent sitting at which the applicant seeks to pass additional sections, the applicant takes all sections not yet passed; and

(e) In order to receive credit for passing additional sections in a subsequent sitting, the applicant attains a minimum grade of fifty on sections written but not passed on the sitting.

(4) The board may waive or defer any of the requirements of subsection (3) of this section for candidates transferring conditional CPA exam credits from other states or for qualifying reciprocity certification applicants who met the conditioning requirements of the state or foreign jurisdiction issuing their original certificate.

(5) The board shall charge each applicant an examination fee for the initial examination under subsection (1) of this section, or for reexamination under subsection (3) of this section for each subject in which the applicant is reexamined. The applicable fee shall be paid by the

person at the time he or she applies for examination, reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the board under chapter 18.04 RCW. There is established in the state treasury an account to be known as the certified public accountants' account. All fees received from candidates to take any or all sections of the certified public accountant examination shall be used only for costs related to the examination.

(6) Persons who on June 30, 1986, held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this chapter, but shall otherwise be subject to this chapter. Certificates previously issued shall, for all purposes, be considered certificates issued under this chapter and subject to its provisions.

(7) A certificate of a "certified public accountant" under this chapter is issued ~~((on a biennial basis))~~ every three years with renewal subject to requirements of continuing professional education and payment of fees, prescribed by the board.

(8) The board shall adopt rules providing for continuing professional education for certified public accountants. The rules shall:

(a) Provide that a certified public accountant shall verify to the board that he or she has completed at least an accumulation of ~~((eighty))~~ one hundred twenty hours of continuing professional education during the last ~~((two-year))~~ three-year period to maintain the certificate;

(b) Establish continuing professional education requirements;

(c) Establish when newly certificated public accountants shall verify that they have completed the required continuing professional education; ~~((and))~~

(d) Provide that failure to furnish verification of the completion of the continuing professional education requirement shall make the certificate invalid and subject to reinstatement, unless the board determines that the failure was due to retirement, reasonable cause, or excusable neglect; and

(e) Provide for transition from existing to new continuing professional education requirements.

(9) The board may adopt by rule new CPE standards that differ from those in subsection (8) of this section or RCW 18.04.215 if the new standards are consistent with the continuing professional education standards of other states so as to provide to the greatest extent possible, consistent national standards.

**Sec. 3.** RCW 18.04.183 and 1992 c 103 s 18 are each amended to read as follows:

The board shall grant a certificate or license as a certified public accountant to a holder of a permit, license, or certificate issued by a foreign country's board, agency, or institute, provided that:

(1) The foreign country where the foreign permit, license, or certificate was issued is a party to an agreement on trade with the United States that encourages the mutual recognition of licensing and certification requirements for the provision of covered services by the parties under the trade agreement; and

(2) Such foreign country's board, agency, or institute makes similar provision to allow a person who holds a valid certificate issued by this state to obtain such foreign country's comparable permit, license, or certificate; and

(3) The foreign permit, license, or certificate:

(a) Was duly issued by such foreign country's board, agency, or institute that regulates the practice of public accountancy; and

(b) Is in good standing at the time of the application; and

(c) Was issued upon the basis of educational, examination, and ethical requirements substantially equivalent currently or at the time of issuance of the foreign permit, license, or certificate to those in this state; and

(4) The applicant has within the ~~((twenty-four))~~ thirty-six months prior to application completed an accumulation of ~~((eighty))~~ one hundred twenty hours of continuing professional education as required under RCW 18.04.105(8). The board shall provide for transition from existing to new continuing professional education requirements; and

(5) If the application is for a certificate:

(a) The applicant's foreign permit, license, or certificate was the type of permit, license, or certificate requiring the most stringent qualifications if, in the foreign country, more than one type of permit, license, or certificate is issued. This state's board shall decide which are the most stringent qualifications; and

(b) The applicant has passed a written examination or its equivalent, approved by the board, that tests knowledge in the areas of United States accounting principles, auditing standards, commercial law, income tax law, and Washington state rules of professional ethics; or

(6) If the application is for a certificate and license:

(a) The requirements of subsections (1) through (5) of this section are satisfied; and

(b) The applicant has within the five years prior to applying for the certificate and license under this section, demonstrated, in accordance with the rules issued by the board, one year of public accounting experience, within the foreign country where the foreign permit, license, or certificate was issued, equivalent to the experience required under RCW 18.04.215(1)(a) or such other experience or employment which the board in its discretion regards as substantially equivalent.

The board may adopt by rule new CPE standards that differ from those in subsection (4) of this section or RCW 18.04.215 if the new standards are consistent with the continuing professional education standards of other states so as to provide to the greatest extent possible, consistent national standards.

**Sec. 4.** RCW 18.04.185 and 1986 c 295 s 7 are each amended to read as follows:

(1) Application for certification as certified public accountants by persons who are not residents of this state constitutes appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicants arising from any transaction, activity, or operation connected with or incidental to the practice of public accounting in this state by nonresident holders of certified public accountant certificates.

(2) Application for a ((biennial)) license to practice public accounting in this state by a certified public accountant or CPA firm who holds a license or permit to practice issued by another state constitutes the appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicant arising from any transaction or operation connected with or incidental to the practice of public accounting in this state by the holder of the ((biennial)) license to practice.

**Sec. 5.** RCW 18.04.195 and 1994 c 211 s 1402 are each amended to read as follows:

(1) A sole proprietorship engaged in this state in the practice of public accounting shall license ((biennially)) every three years with the board as a firm.

(a) The principal purpose and business of the firm shall be to furnish services to the public which are consistent with this chapter and the rules of the board.

(b) The person shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(c) Each resident licensee in charge of an office of the sole proprietorship engaged in this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(2) A partnership engaged in this state in the practice of public accounting shall license ((biennially)) every three years with the board as a partnership of certified public accountants, and shall meet the following requirements:

(a) The principal purpose and business of the partnership shall be to furnish services to the public which are consistent with this chapter and the rules of the board;

(b) At least one general partner of the partnership shall be a certified public accountant holding a license to practice under RCW 18.04.215;

(c) Each resident licensee in charge of an office of the partnership in this state and each resident partner personally engaged within this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(3) A corporation organized for the practice of public accounting and engaged in this state in the practice of public accounting shall license ((biennially)) every three years with the board as a corporation of certified public accountants and shall meet the following requirements:

(a) The principal purpose and business of the corporation shall be to furnish services to the public which are consistent with this chapter and the rules of the board; and

(b) Each shareholder of the corporation shall be a certified public accountant of some state holding a license to practice and shall be principally employed by the corporation or actively engaged in its business. No other person may have any interest in the stock of the corporation. The principal officer of the corporation and any officer or director having authority over the practice of public accounting by the corporation shall be a certified public accountant of some state holding a license to practice;

(c) At least one shareholder of the corporation shall be a certified public accountant holding a license to practice under RCW 18.04.215;

(d) Each resident licensee in charge of an office of the corporation in this state and each shareholder or director personally engaged within this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215;

(e) A written agreement shall bind the corporation or its shareholders to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder, and bind any holder not a qualified shareholder to sell the shares to the corporation or its qualified shareholders. The agreement shall be noted on each certificate of corporate stock. The corporation may purchase any amount of its stock for this purpose, notwithstanding any impairment of capital, as long as one share remains outstanding; and

(f) The corporation shall comply with any other rules pertaining to corporations practicing public accounting in this state as the board may prescribe.

(4) A limited liability company engaged in this state in the practice of public accounting shall license ((biennially)) every three years with the board as a limited liability company of certified public accountants, and shall meet the following requirements:

(a) The principal purpose and business of the limited liability company shall be to furnish services to the public which are consistent with this chapter and the rules of the board;

(b) At least one manager of the limited liability company shall be a certified public accountant holding a license to practice under RCW 18.04.215;

(c) Each resident manager or member in charge of an office of the limited liability company in this state and each resident manager or member personally engaged within this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(5) Application for a license as a firm shall be made upon the affidavit of the proprietor or person designated as managing partner or shareholder for Washington. This person shall be a certified public accountant holding a license to practice under RCW 18.04.215. The board shall determine in each case whether the applicant is eligible for a license. A partnership or corporation which is licensed to practice under RCW

18.04.215 may use the designation "certified public accountants" or "CPAs" in connection with its partnership or corporate name. The board shall be given notification within ninety days after the admission or withdrawal of a partner or shareholder engaged in this state in the practice of public accounting from any partnership or corporation so licensed.

(6) Fees for the license as a firm and for notification of the board of the admission or withdrawal of a partner or shareholder shall be determined by the board. Fees shall be paid by the firm at the time the license application form or notice of admission or withdrawal of a partner or shareholder is filed with the board.

**Sec. 6.** RCW 18.04.205 and 1992 c 103 s 9 are each amended to read as follows:

(1) Each office established or maintained in this state for the practice of public accounting in this state by a certified public accountant, or a partnership or corporation of certified public accountants, shall register with the board under this chapter (~~((biennially))~~) every three years.

(2) Each office shall be under the direct supervision of a resident licensee holding a license under RCW 18.04.215 who may be a sole proprietor, partner, principal shareholder, or a staff employee.

(3) The board shall by rule prescribe the procedure to be followed to register and maintain offices established in this state for the practice of public accounting.

(4) Fees for the registration of offices shall be determined by the board. Fees shall be paid by the applicant at the time the registration form is filed with the board.

**Sec. 7.** RCW 18.04.215 and 1992 c 103 s 10 are each amended to read as follows:

(1) (~~Biennial~~) Three-year licenses shall be issued by the board:

(a) To holders of certificates as certified public accountants who have demonstrated, in accordance with rules issued by the board, one year of public accounting experience, or such other experience or employment which the board in its discretion regards as substantially equivalent and who, if their certificate was issued more than forty-eight months prior to application under this section, submit to the board satisfactory proof of having completed an accumulation of (~~((eighty))~~) one hundred twenty hours of continuing professional education during the (~~((twenty-four))~~) thirty-six months preceding the application;

(b) To firms under RCW 18.04.195, if all offices of the firm in this state are maintained and registered as required under RCW 18.04.205.

(2) The board shall, by rule, provide for a system of certificate and license renewal. Applicants for issuance or renewal of certificates or licenses shall, at the time of filing their applications, list with the board all states and foreign jurisdictions in which they hold or have applied for certificates, permits or licenses to practice.

(3) A certified public accountant who holds a permit or license issued by another state, and applies for a license in this state, may practice in this state from the date of filing a completed application with the board, until the board has acted upon the application provided the application is made prior to holding out as a certified public accountant in this state and no sanctions or investigations, deemed by the board to be pertinent to public accountancy, by other jurisdictions or agencies are in process.

(4) A certified public accountant shall submit to the board satisfactory proof of having completed an accumulation of (~~((eighty))~~) one hundred twenty hours of continuing education recognized and approved by the board during the preceding (~~((two))~~) three years. Failure to furnish this evidence as required shall make the certificate invalid and subject to reinstatement procedures, unless the board determines the failure to have been due to retirement, reasonable cause, or excusable neglect.

The board in its discretion may renew a certificate or license despite failure to furnish evidence of compliance with requirements of continuing professional education upon condition that the applicant follow a particular program of continuing professional education. In issuing rules and individual orders with respect to continuing professional education requirements, the board, among other considerations, may rely upon guidelines and pronouncements of recognized educational and professional associations, may prescribe course content, duration, and organization, and may take into account the accessibility of continuing education to applicants and instances of individual hardship.

(5) Fees for issuance or renewal of certificates and licenses in this state shall be determined by the board under chapter 18.04 RCW. Fees shall be paid by the applicant at the time the application form is filed with the board. The board, by rule, may provide for proration of fees for certificates and licenses issued between normal renewal dates.

**Sec. 8.** RCW 18.04.345 and 1992 c 103 s 14 are each amended to read as follows:

(1) No person may assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant or CPA unless the person holds a valid certificate as a certified public accountant.

(2) No person may hold himself or herself out to the public and assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or (~~((devise [device]))~~) device tending to indicate that the person is a certified public accountant or CPA unless the person holds a valid certificate as a certified public accountant and holds a valid license to practice under RCW 18.04.215.

(3) No firm may hold itself out to the public, or assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the firm is composed of certified public accountants or

CPAs, unless the firm is licensed under RCW 18.04.195, holds a valid license to practice under RCW 18.04.215, and all offices of the firm in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(4) No person, partnership, or corporation may hold himself, herself, or itself out to the public, or assume or use along, or in connection with his, hers, or its name, or any other name the title or designation "certified accountant," "chartered accountant," "licensed accountant," "licensed public accountant," "public accountant," or any other title or designation likely to be confused with "certified public accountant" or any of the abbreviations "CA," "LA," "LPA," or "PA," or similar abbreviations likely to be confused with "CPA." However, nothing in this chapter prohibits use of the title "accountant" by any person regardless of whether the person has been granted a certificate or holds a license under this chapter.

(5) No person may sign, affix, or associate his or her name or any trade or assumed name used by the person in his or her business to any report designated as an "audit," "review," or "compilation," unless the person holds a ((biennial)) license to practice under RCW 18.04.215 and all of the person's offices in this state for the practice of public accounting are maintained and licensed under RCW 18.04.205.

(6) No person may sign, affix, or associate a firm name to any report designated as an "audit," "review," or "compilation," unless the firm is licensed under RCW 18.04.195 and 18.04.215, and all of its offices in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(7) No person, partnership, or corporation not holding a license to practice under RCW 18.04.215 may hold himself, herself, or itself out to the public as an "auditor" with or without any other description or designation by use of such word on any sign, card, letterhead, or in any advertisement or directory.

(8) No person may assume or use the designation "certified public accountant" or "CPA" in conjunction with names indicating or implying that there is a partnership or corporation, if there is in fact no bona fide partnership or corporation registered under RCW 18.04.195.

(9) No person, partnership, or corporation holding a license under RCW 18.04.215 may hold himself, herself, or itself out to the public in conjunction with the designation "and Associates" or "and Assoc." unless he or she has in fact a partner or employee who holds a license under RCW 18.04.215., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Prentice, the Senate concurred in the House amendment to Senate Bill No. 5628.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5628, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5628, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Excused: Senators Brown, Hochstatter, Loveland, McDonald and Swecker - 5.

SENATE BILL NO. 5628, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 6, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5638 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.15.030 and 1998 c 190 s 4 are each amended to read as follows:

Where it is unlawful to hunt, take, fish, ((or)) possess, or traffic in big game or protected or endangered fish or wildlife, then each individual animal unlawfully taken or possessed is a separate offense.

**Sec. 2.** RCW 77.15.400 and 1998 c 190 s 9 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of ~~((game))~~ wild birds in the second degree if the person:

(a) Hunts for, takes, or possesses a ~~((game))~~ wild bird and the person does not have and possess all licenses, tags, stamps, and permits required under this title;

(b) Maliciously destroys, takes, or harms the eggs or nests of a game bird except when authorized by permit; ~~((or))~~

(c) Violates any rule of the commission or director regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas ~~((including game reserves))~~, closed times, or other rule addressing the manner or method of hunting or possession of ~~((game))~~ wild birds; or

(d) Possesses a wild bird taken during a closed season for that wild bird or taken from a closed area for that wild bird.

(2) A person is guilty of unlawful hunting of ~~((game))~~ wild birds in the first degree if the person ~~((hunts game birds and the person))~~ takes or possesses two times or more than the possession or bag limit for ~~((such))~~ game birds allowed by rule of the commission or director.

(3)(a) Unlawful hunting of ~~((game))~~ wild birds in the second degree is a misdemeanor.

(b) Unlawful hunting of ~~((game))~~ wild birds in the first degree is a gross misdemeanor.

**Sec. 3.** RCW 77.15.410 and 1998 c 190 s 10 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of big game in the second degree if the person:

(a) Hunts for, takes, or possesses big game and the person does not have and possess all licenses, tags, or permits required under this title; ~~((or))~~

(b) Violates any rule of the commission or director regarding seasons, bag or possession limits, closed areas including game reserves, closed times, or any other rule governing the hunting, taking, or possession of big game; or

(c) Possesses big game taken during a closed season for that big game or taken from a closed area for that big game.

(2) A person is guilty of unlawful hunting of big game in the first degree if the person was previously convicted of any crime under this title involving unlawful hunting, killing, possessing, or taking big game, and within five years of the date that the prior conviction was entered the person:

(a) Hunts for big game and ~~((:~~

~~((The person))~~ does not have and possess all licenses, tags, or permits required under this title; ~~((or))~~

(b) ~~((The act was))~~ Acts in violation of any rule of the commission or director regarding seasons, bag or possession limits, closed areas including game reserves, or closed times; or

(c) Possesses big game taken during a closed season for that big game or taken from a closed area for that big game.

(3)(a) Unlawful hunting of big game in the second degree is a gross misdemeanor.

(b) Unlawful hunting of big game in the first degree is a class C felony. Upon conviction, the department shall revoke all licenses or tags involved in the crime and the department shall order the person's hunting privileges suspended for two years.

**Sec. 4.** RCW 77.15.430 and 1998 c 190 s 11 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of ~~((game))~~ wild animals in the second degree if the person:

(a) Hunts for, takes, or possesses a ~~((game))~~ wild animal that is not classified as big game, and does not have and possess all licenses, tags, or permits required by this title; ~~((or))~~

(b) Violates any rule of the commission or director regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas including game reserves, closed times, or other rule addressing the manner or method of hunting or possession of ~~((game))~~ wild animals not classified as big game; or

(c) Possesses a wild animal that is not classified as big game taken during a closed season for that wild animal or from a closed area for that wild animal.

(2)~~((a))~~ A person is guilty of unlawful hunting of ~~((game))~~ wild animals in the first degree if the person ~~((hunts a game animal that is not classified as big game; and~~

~~((The person))~~ takes or possesses two times or more than the possession or bag limit for ~~((such game))~~ wild animals that are not classified as big game animals as allowed by rule of the commission or director.

(3)(a) Unlawful hunting of ~~((game))~~ wild animals in the second degree is a misdemeanor.

(b) Unlawful hunting of ~~((game))~~ wild animals in the first degree is a gross misdemeanor.

**Sec. 5.** RCW 77.15.170 and 1998 c 190 s 21 are each amended to read as follows:

(1) A person is guilty of waste of fish and wildlife in the second degree if:

(a) The person kills, takes, or possesses fish, shellfish, or wildlife and the value of the fish, shellfish, or wildlife is greater than twenty dollars but less than two hundred fifty dollars; and

(b) The person recklessly allows such fish, shellfish, or wildlife to be wasted.

(2) A person is guilty of waste of fish and wildlife in the first degree if:

(a) The person kills, takes, or possesses ~~((food))~~ fish, shellfish, ~~((game fish, game birds,))~~ or ~~((game animals))~~ wildlife having a value of two hundred fifty dollars or more or wildlife classified as big game; and

(b) The person recklessly allows such fish, shellfish, or wildlife to be wasted.

(3)(a) Waste of fish and wildlife in the second degree is a misdemeanor.

(b) Waste of fish and wildlife in the first degree is a gross misdemeanor. Upon conviction, the department shall revoke any license or tag used in the crime and shall order suspension of the person's privileges to engage in the activity in which the person committed waste of fish and wildlife in the first degree for a period of one year.

(4) It is prima facie evidence of waste if a processor purchases or engages a quantity of food fish, shellfish, or game fish that cannot be processed within sixty hours after the food fish, game fish, or shellfish are taken from the water, unless the food fish, game fish, or shellfish are preserved in good marketable condition.

**Sec. 6.** RCW 77.15.230 and 1998 c 190 s 26 are each amended to read as follows:

(1) A person is guilty of unlawful use of department lands or facilities if the person enters upon, uses, or remains upon department-owned or department-controlled lands or facilities in violation of any rule of the department.

(2) Unlawful use of department lands or facilities is a misdemeanor.

**Sec. 7.** RCW 77.15.460 and 1998 c 190 s 28 are each amended to read as follows:

(1) A person is guilty of unlawful possession of a loaded firearm in a motor vehicle if:

(a) The person carries, transports, conveys, possesses, or controls a rifle or shotgun in or on a motor vehicle; and

(b) The rifle or shotgun contains shells or cartridges in the magazine or chamber, or is a muzzle-loading firearm that is loaded and capped or primed.

(2) A person is guilty of unlawful use of a loaded firearm if the person negligently shoots a firearm from, across, or along the maintained portion of a public highway.

(3) Unlawful possession of a loaded firearm in a motor vehicle or unlawful use of a loaded firearm is a misdemeanor.

(4) This section does not apply if the person:

(a) Is a law enforcement officer who is authorized to carry a firearm and is on duty within the officer's respective jurisdiction;

(b) Possesses a disabled hunter's permit as provided by RCW 77.32.237 and complies with all rules of the department concerning hunting by persons with disabilities.

(5) For purposes of this section, a firearm shall not be considered loaded if the detachable clip or magazine is not inserted in or attached to the firearm.

**Sec. 8.** RCW 77.15.600 and 1998 c 190 s 32 are each amended to read as follows:

(1) A person is guilty of engaging in commercial wildlife activity without a license if the person:

(a) Deals in raw furs for commercial purposes and does not hold a fur dealer license required by chapter 77.32 RCW; or

(b) Practices taxidermy for ~~((profit))~~ commercial purposes and does not hold a taxidermy license required by chapter 77.32 RCW~~((; or~~

~~(c) Operates a game farm without a license required by chapter 77.32 RCW)).~~

(2) Engaging in commercial wildlife activities without a license is a gross misdemeanor.

**Sec. 9.** RCW 77.15.190 and 1998 c 190 s 34 are each amended to read as follows:

(1) A person is guilty of unlawful trapping if the person:

(a) Sets out traps that are capable of taking wild animals, game animals, or furbearing mammals and does not possess all licenses, tags, or permits required under this title; ~~((or))~~

(b) Violates any rule of the commission or director regarding seasons, bag or possession limits, closed areas including game reserves, closed times, or any other rule governing the trapping of wild animals; or

(c) Fails to identify the owner of the traps or devices by neither (i) attaching a metal tag with the owner's department-assigned identification number or the name and address of the trapper legibly written in numbers or letters not less than one-eighth inch in height nor (ii) inscribing into the metal of the trap such number or name and address.

(2) Unlawful trapping is a misdemeanor.

**Sec. 10.** RCW 77.15.550 and 1998 c 190 s 40 are each amended to read as follows:

(1) A person is guilty of violating commercial fishing area or time in the second degree if the person acts for commercial purposes and takes, fishes for, possesses, delivers, or receives food fish or shellfish:

(a) At a time not authorized by statute or rule; ~~((or))~~

(b) From an area that was closed to the taking of such food fish or shellfish for commercial purposes by statute or rule; or

(c) If such fish or shellfish do not conform to the special restrictions or physical descriptions established by rule of the department.

(2) A person is guilty of violating commercial fishing area or time in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The person acted with knowledge that the area or time was not open to the taking or fishing of food fish or shellfish for commercial purposes; and

(b) The violation involved two hundred fifty dollars or more worth of food fish or shellfish.

(3)(a) Violating commercial fishing area or time in the second degree is a gross misdemeanor.

(b) Violating commercial fishing area or time in the first degree is a class C felony.

**Sec. 11.** RCW 77.15.670 and 1998 c 190 s 60 are each amended to read as follows:

(1) A person is guilty of ~~((unlawful hunting or fishing when))~~ violating a suspension of department privileges ~~((are revoked or suspended))~~ in the second degree if the person ~~((hunts or fishes and the person's privilege to engage in such hunting or fishing))~~ engages in any activity that is licensed by the department and the person's privileges to engage in that activity were revoked or suspended by any court or the department.

\ (2) A person is guilty of ~~((unlawful hunting or fishing when))~~ violating a suspension of department privileges ~~((are revoked or suspended))~~ in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The suspension of privileges that was violated was a permanent suspension;

(b) The person takes or possesses more than two hundred fifty dollars' worth of unlawfully taken food fish, wildlife, game fish, seaweed, or shellfish; or

(c) The violation involves the hunting, taking, or possession of fish or wildlife classified as endangered or threatened or big game.

(3)(a) ~~((Unlawful hunting or fishing when))~~ Violating a suspension of department privileges ~~((are revoked or suspended))~~ in the second degree is a gross misdemeanor. Upon conviction, the department shall order permanent suspension of the person's privileges to engage in such hunting or fishing activities.

(b) ~~((Unlawful hunting or fishing when))~~ Violating a suspension of department privileges ~~((are revoked or suspended))~~ in the first degree is a class C felony. Upon conviction, the department shall order permanent suspension of all privileges to hunt, fish, trap, or take wildlife, food fish, or shellfish.

(4) As used in this section, hunting includes trapping with a trapping license.

**Sec. 12.** RCW 77.16.070 and 1980 c 78 s 75 are each amended to read as follows:

~~((It is unlawful to hunt))~~ (1) A person is guilty of hunting while under the influence of intoxicating liquor or drugs if the person hunts wild animals or wild birds while under the influence of intoxicating liquor or drugs.

(2) Hunting while under the influence of intoxicating liquor or drugs is a gross misdemeanor.

**NEW SECTION. Sec. 13.** The following acts or parts of acts are each repealed:

(1) RCW 77.15.200 (Furbearing animal traps--Failure to identify--Penalty) and 1998 c 190 s 23; and

(2) RCW 77.32.094 (Validity of licenses issued by department of fisheries and department of wildlife) and 1994 c 255 s 14."

Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Jacobsen, the Senate concurred in the House amendment to Substitute Senate Bill No. 5638.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5638, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5638, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Bauer - 1.

Excused: Senators Brown, Hochstatter, Loveland, McDonald and Swecker - 5.

SUBSTITUTE SENATE BILL NO. 5638, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator McAuliffe was excused.

MESSAGE FROM THE HOUSE

April 7, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5643 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The secretary of state shall, whenever at least one state-wide measure or office is scheduled to appear on the general election ballot, print and distribute a voters' pamphlet.

The secretary of state shall distribute the voters' pamphlet to each household in the state, to public libraries, and to any other locations he or she deems appropriate. The secretary of state shall also produce taped or Braille transcripts of the voters' pamphlet, publicize their availability, and mail without charge a copy to any person who requests one.

The secretary of state may make the material required to be distributed by this chapter available to the public in electronic form. The secretary of state may provide the material in electronic form to computer bulletin boards, print and broadcast news media, community computer networks, and similar services at the cost of reproduction or transmission of the data.

**NEW SECTION. Sec. 2.** The voters' pamphlet must contain:

(1) Information about each ballot measure initiated by or referred to the voters for their approval or rejection as required by section 5 of this act;

(2) In even-numbered years, statements, if submitted, advocating the candidacies of nominees for the office of president and vice-president of the United States, United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of public lands, superintendent of public instruction, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, or judge of the superior court. Candidates may also submit a campaign mailing address and telephone number and a photograph not more than five years old and of a size and quality that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;

(3) In odd-numbered years, if any office voted upon state-wide appears on the ballot due to a vacancy, then statements and photographs for candidates for any vacant office listed in subsection (2) of this section must appear;

(4) In even-numbered years, a section explaining how voters may participate in the election campaign process; the address and telephone number of the public disclosure commission established under RCW 42.17.350; and a summary of the disclosure requirements that apply when contributions are made to candidates and political committees;

(5) In even-numbered years the name, address, and telephone number of each political party with nominees listed in the pamphlet, if filed with the secretary of state by the state committee of a major political party or the presiding officer of the convention of a minor political party;

(6) In each odd-numbered year immediately before a year in which a president of the United States is to be nominated and elected, information explaining the precinct caucus and convention process used by each major political party to elect delegates to its national presidential candidate nominating convention. The pamphlet must also provide a description of the statutory procedures by which minor political parties are formed and the statutory methods used by the parties to nominate candidates for president;

(7) In even-numbered years, a description of the office of precinct committee officer and its duties;

(8) An application form for an absentee ballot;

(9) A brief statement explaining the deletion and addition of language for proposed measures under section 6 of this act;

(10) Any additional information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

**NEW SECTION. Sec. 3.** (1) Explanatory statements prepared by the attorney general under section 5 (3) and (4) of this act must be written in clear and concise language, avoiding legal and technical terms when possible, and filed with the secretary of state.

(2) When the explanatory statement for a measure initiated by petition is filed with the secretary of state, the secretary of state shall immediately provide the text of the explanatory statement to the person proposing the measure and any others who have made written request for notification of the exact language of the explanatory statement. When the explanatory statement for a measure referred to the ballot by the legislature is filed with the secretary of state, the secretary of state shall immediately provide the text of the explanatory statement to the presiding officer of the senate and the presiding officer of the house of representatives and any others who have made written request for notification of the exact language of the explanatory statement.

(3) A person dissatisfied with the explanatory statement may appeal to the superior court of Thurston County within five days of the filing date. A copy of the petition and a notice of the appeal must be served on the secretary of state and the attorney general. The court shall examine the measure, the explanatory statement, and objections, and may hear arguments. The court shall render its decision and certify to and file with the secretary of state an explanatory statement it determines will meet the requirements of this chapter.

The decision of the superior court is final, and its explanatory statement is the established explanatory statement. The appeal must be heard without costs to either party.

**NEW SECTION. Sec. 4.** Committees shall write and submit arguments advocating the approval or rejection of each state-wide ballot issue and rebuttals of those arguments. The secretary of state, the presiding officer of the senate, and the presiding officer of the house of representatives shall appoint the initial two members of each committee. In making these committee appointments the secretary of state and presiding officers of the senate and house of representatives shall consider legislators, sponsors of initiatives and referendums, and other interested groups known to advocate or oppose the ballot measure.

The initial two members may select up to four additional members, and the committee shall elect a chairperson. The remaining committee member or members may fill vacancies through appointment.

After the committee submits its initial argument statements to the secretary of state, the secretary of state shall transmit the statements to the opposite committee. The opposite committee may then prepare rebuttal arguments. Rebuttals may not interject new points.

The voters' pamphlet may contain only argument statements prepared according to this section. Arguments may contain graphs and charts supported by factual statistical data and pictures or other illustrations. Cartoons or caricatures are not permitted.

**NEW SECTION. Sec. 5.** The secretary of state shall determine the format and layout of the voters' pamphlet. The secretary of state shall print the pamphlet in clear, readable type on a size, quality, and weight of paper that in the judgment of the secretary of state best serves the voters. The pamphlet must contain a table of contents. Federal and state offices must appear in the pamphlet in the same sequence as they appear on the ballot. Measures and arguments must be printed in the order specified by RCW 29.79.300.

The voters' pamphlet must provide the following information for each state-wide issue on the ballot:

- (1) The legal identification of the measure by serial designation or number;
- (2) The official ballot title of the measure;
- (3) A statement prepared by the attorney general explaining the law as it presently exists;
- (4) A statement prepared by the attorney general explaining the effect of the proposed measure if it becomes law;
- (5) The total number of votes cast for and against the measure in the senate and house of representatives, if the measure has been passed by the legislature;
- (6) An argument advocating the voters' approval of the measure together with any statement in rebuttal of the opposing argument;
- (7) An argument advocating the voters' rejection of the measure together with any statement in rebuttal of the opposing argument;
- (8) Each argument or rebuttal statement must be followed by the names of the committee members who submitted them, and may be followed by a telephone number that citizens may call to obtain information on the ballot measure;
- (9) The full text of each measure.

**NEW SECTION. Sec. 6.** State-wide ballot measures that amend existing law must be printed in the voters' pamphlet so that language proposed for deletion is enclosed by double parentheses and has a line through it. Proposed new language must be underlined. A statement explaining the deletion and addition of language must appear as follows: "Any language in double parentheses with a line through it is existing state law and will be taken out of the law if this measure is approved by voters. Any underlined language does not appear in current state law but will be added to the law if this measure is approved by voters."

**NEW SECTION. Sec. 7.** The secretary of state shall adopt rules setting deadlines for submitting candidate statements, candidate photographs, arguments, rebuttals, and explanatory statements. The secretary of state shall also adopt rules setting deadlines for filing ballot titles for referendum bills or constitutional amendments if none have been provided by the legislature.

**NEW SECTION. Sec. 8.** (1) If in the opinion of the secretary of state any argument or statement offered for inclusion in the voters' pamphlet in support of or opposition to a measure or candidate contains obscene matter or matter that is otherwise prohibited by law from distribution through the mail, the secretary may petition the superior court of Thurston County for a judicial determination that the argument or statement may be rejected for publication or edited to delete the matter. The court shall not enter such an order unless it concludes that the matter is obscene or otherwise prohibited for distribution through the mail.

(2)(a) A person who believes that he or she may be defamed by an argument or statement offered for inclusion in the voters' pamphlet in support of or opposition to a measure or candidate may petition the superior court of Thurston County for a judicial determination that the argument or statement may be rejected for publication or edited to delete the defamatory statement.

(b) The court shall not enter such an order unless it concludes that the statement is untrue and that the petitioner has a very substantial likelihood of prevailing in a defamation action.

(c) An action under this subsection (2) must be filed and served no later than the tenth day after the deadline for the submission of the argument or statement to the secretary of state.

(d) If the secretary of state notifies a person named or identified in an argument or statement of the contents of the argument or statement within three days after the deadline for submission to the secretary, then neither the state nor the secretary is liable for damages resulting from publication of the argument or statement unless the secretary publishes the argument or statement in violation of an order entered under this section. Nothing in this section creates a duty on the part of the secretary of state to identify, locate, or notify the person.

(3) Parties to a dispute under this section may agree to resolve the dispute by rephrasing the argument or statement, even if the deadline for submission to the secretary has elapsed, unless the secretary determines that the process of publication is too far advanced to permit the change. The secretary shall promptly provide any such revision to any committee entitled to submit a rebuttal argument. If that committee has not yet submitted its rebuttal, its deadline to submit a rebuttal is extended by five days. If it has submitted a rebuttal, it may revise it to address the change within five days of the filing of the revised argument with the secretary.

(4) In an action under this section the committee or candidate must be named as a defendant, and may be served with process by certified mail directed to the address contained in the secretary's records for that party. The secretary of state shall be a nominal party to an action brought under subsection (2) of this section, solely for the purpose of determining the content of the voters' pamphlet. The superior court shall give such an action priority on its calendar.

**NEW SECTION. Sec. 9.** (1) An argument or statement submitted to the secretary of state for publication in the voters' pamphlet is not available for public inspection or copying until:

(a) In the case of candidate statements, (i) all statements by all candidates who have filed for a particular office have been received, except those who informed the secretary that they will not submit statements, or (ii) the deadline for submission of statements has elapsed;

(b) In the case of arguments supporting or opposing a measure, (i) the arguments on both sides have been received, unless a committee was not appointed for one side, or (ii) the deadline for submission of arguments has elapsed; and

(c) In the case of rebuttal arguments, (i) the rebuttals on both sides have been received, unless a committee was not appointed for one side, or (ii) the deadline for submission of arguments has elapsed.

(2) Nothing in this section prohibits the secretary from releasing information under section 8(2)(d) of this act.

**NEW SECTION. Sec. 10.** All photographs of candidates submitted for publication must conform to standards established by the secretary of state by rule. No photograph may reveal clothing or insignia suggesting the holding of a public office.

**NEW SECTION. Sec. 11.** (1) The maximum number of words for statements submitted by candidates is as follows: State representative, one hundred words; state senator, judge of the superior court, judge of the court of appeals, justice of the supreme court, and all state offices voted upon throughout the state, except that of governor, two hundred words; president and vice-president, United States senator, United States representative, and governor, three hundred words.

(2) Arguments written by committees under section 3 of this act may not exceed two hundred fifty words in length.

(3) Rebuttal arguments written by committees may not exceed seventy-five words in length.

(4) The secretary of state shall allocate space in the pamphlet based on the number of candidates or nominees for each office.

**NEW SECTION. Sec. 12.** The secretary of state, as chief election officer, shall adopt rules consistent with this chapter to facilitate and clarify procedures related to the voters' pamphlet.

**NEW SECTION. Sec. 13.** The following acts or parts of acts are each repealed:

(1) RCW 29.80.010 and 1987 c 295 s 17, 1984 c 54 s 1, 1977 ex.s. c 361 s 106, 1975-'76 2nd ex.s. c 4 s 2, 1973 c 4 s 8, & 1965 c 9 s 29.80.010;

(2) RCW 29.80.020 and 1984 c 54 s 2, 1971 ex.s. c 145 s 1, 1971 c 81 s 78, & 1965 c 9 s 29.80.020;

(3) RCW 29.80.030 and 1979 ex.s. c 57 s 4 & 1965 c 9 s 29.80.030;

(4) RCW 29.80.040 and 1984 c 54 s 3, 1971 ex.s. c 145 s 2, & 1965 c 9 s 29.80.040;

(5) RCW 29.80.050 and 1971 ex.s. c 145 s 3 & 1965 c 9 s 29.80.050;

(6) RCW 29.80.060 and 1965 c 9 s 29.80.060;

(7) RCW 29.80.070 and 1965 c 9 s 29.80.070;

(8) RCW 29.80.080 and 1981 c 243 s 1;

(9) RCW 29.80.090 and 1984 c 54 s 7;

(10) RCW 29.81.010 and 1984 c 54 s 4, 1973 1st ex.s. c 143 s 1, & 1965 c 9 s 29.81.010;

(11) RCW 29.81.011 and 1984 c 54 s 5;

(12) RCW 29.81.012 and 1984 c 54 s 6 & 1969 ex.s. c 72 s 1;

(13) RCW 29.81.014 and 1977 c 56 s 1;

(14) RCW 29.81.020 and 1973 1st ex.s. c 143 s 2 & 1965 c 9 s 29.81.020;

(15) RCW 29.81.030 and 1973 1st ex.s. c 143 s 3 & 1965 c 9 s 29.81.030;

(16) RCW 29.81.040 and 1973 1st ex.s. c 143 s 4, 1971 ex.s. c 145 s 4, & 1965 c 9 s 29.81.040;

(17) RCW 29.81.042 and 1973 1st ex.s. c 143 s 6;

(18) RCW 29.81.043 and 1973 1st ex.s. c 143 s 7;

(19) RCW 29.81.050 and 1973 1st ex.s. c 143 s 5 & 1965 c 9 s 29.81.050;

(20) RCW 29.81.052 and 1973 1st ex.s. c 143 s 8;

(21) RCW 29.81.053 and 1973 1st ex.s. c 143 s 9;

(22) RCW 29.81.060 and 1965 c 9 s 29.81.060;

(23) RCW 29.81.070 and 1965 c 9 s 29.81.070;

- (24) RCW 29.81.080 and 1965 c 9 s 29.81.080;
- (25) RCW 29.81.090 and 1979 ex.s. c 57 s 5 & 1965 c 9 s 29.81.090;
- (26) RCW 29.81.100 and 1973 c 4 s 9, 1971 ex.s. c 145 s 5, & 1965 c 9 s 29.81.100;
- (27) RCW 29.81.110 and 1965 c 9 s 29.81.110;
- (28) RCW 29.81.120 and 1971 ex.s. c 145 s 6 & 1965 c 9 s 29.81.120;
- (29) RCW 29.81.130 and 1965 c 9 s 29.81.130;
- (30) RCW 29.81.140 and 1971 ex.s. c 145 s 7 & 1965 c 9 s 29.81.140;
- (31) RCW 29.81.150 and 1965 c 9 s 29.81.150;
- (32) RCW 29.81.160 and 1965 c 9 s 29.81.160; and
- (33) RCW 29.81.180 and 1981 c 243 s 2.

NEW SECTION. Sec. 14. Sections 1 through 12 of this act are added to chapter 29.81 RCW."  
Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

Senator Patterson moved that the Senate concur in the House amendment to Senate Bill No. 5643.  
Debate ensued.

The President declared the question before the Senate to be the motion by Senator Patterson that the Senate concur in the House amendment to Senate Bill No. 5643.

The motion by Senator Patterson carried and the Senate concurred in the House amendment to Senate Bill No. 5643.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5643, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5643, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Absent: Senators Bauer and Snyder - 2.

Excused: Senators Brown, Hochstatter, Loveland, McAuliffe, McDonald and Swecker - 6. SENATE BILL NO. 5643, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Goings, Senator Bauer was excused.

#### MESSAGE FROM THE HOUSE

April 13, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5649 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.11.070 and 1989 c 307 s 43 are each amended to read as follows:

(1) It is unlawful for any person to act as an auctioneer or for an auction company to engage in any business in this state without a license.

- (2) This chapter does not apply to:
- (a) An auction of goods conducted by an individual who personally owns those goods and who did not acquire those goods for resale;
  - (b) An auction conducted by or under the direction of a public authority;
  - (c) An auction held under judicial order in the settlement of a decedent's estate;
  - (d) An auction which is required by law to be at auction;
  - (e) An auction conducted by or on behalf of a political organization or a charitable corporation or association if the person conducting the sale receives no compensation;
  - (f) An auction of livestock or agricultural products which is conducted under chapter 16.65 or 20.01 RCW. Auctions not regulated under chapter 16.65 or 20.01 RCW shall be fully subject to the provisions of this chapter;
  - (g) An auction held under chapter 19.150 RCW; ~~((e))~~
  - (h) An auction of an abandoned vehicle under chapter 46.55 RCW; or
  - (i) An auction of fur pelts conducted by any cooperative association organized under chapter 23.86 RCW or its wholly owned subsidiary. In order to qualify for this exemption, the fur pelts must be from members of the association. However, the association, without loss of the exemption, may auction pelts that it purchased from nonmembers for the purpose of completing lots or orders, so long as the purchased pelts do not exceed fifteen percent of the total pelts auctioned.

**Sec. 2.** RCW 46.55.010 and 1998 c 203 s 8 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

- (1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for one hundred twenty consecutive hours.
- (2) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.
- (3) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds--public and private.
  - (a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.
  - (b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.
- (4) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:
  - (a) Is three years old or older;
  - (b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission;
  - (c) Is apparently inoperable;
  - (d) Has an approximate fair market value equal only to the approximate value of the scrap in it.
- (5) "Master log" means the document or an electronic facsimile prescribed by the department and the Washington state patrol in which an operator records transactions involving impounded vehicles.
- (6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.
- (7) "Residential property" means property that has no more than four living units located on it.
- (8) "Suspended license impound" means an impound ordered under RCW 46.55.113 because the operator was arrested for a violation of RCW 46.20.342 or 46.20.420.
- ~~(9)~~ (9) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.
- ~~((9))~~ (10) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.
- ~~((10))~~ (11) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.
- ~~((11))~~ (12) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.
- ~~((12))~~ (13) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

- (a)Public locations:
  - (i)Constituting an accident or a traffic hazard as defined in RCW 46.55.113  
Immediately
  - (ii)On a highway and tagged as described in RCW 46.55.085  
24 hours
  - (iii)In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070  
Immediately
- (b)Private locations:
  - (i)On residential property  
Immediately
  - (ii)On private, nonresidential property, properly posted under RCW 46.55.070  
Immediately
  - (iii)On private, nonresidential property, not posted  
24 hours

**NEW SECTION. Sec. 3.** A new section is added to chapter 46.55 RCW to read as follows:

The Washington state patrol shall provide by rule for a uniform impound authorization and inventory form. All law enforcement agencies must use this form for all vehicle impounds after June 30, 2001.

**Sec. 4.** RCW 46.55.080 and 1989 c 111 s 8 are each amended to read as follows:

(1) If a vehicle is in violation of the time restrictions of RCW 46.55.010(~~((42))~~) (13), it may be impounded by a registered tow truck operator at the direction of a law enforcement officer or other public official with jurisdiction if the vehicle is on public property, or at the direction of the property owner or an agent if it is on private property. A law enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order.

(2) The person requesting a private impound or a law enforcement officer or public official requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound. A registered tow truck operator, employee, or his or her agent may not serve as an agent of a property owner for the purposes of signing an impound authorization or, independent of the property owner, identify a vehicle for impound.

(3) In the case of a private impound, the impound authorization shall include the following statement: "A person authorizing this impound, if the impound is found in violation of chapter 46.55 RCW, may be held liable for the costs incurred by the vehicle owner."

(4) A registered tow truck operator shall record and keep in the operator's files the date and time that a vehicle is put in the operator's custody and released. The operator shall make an entry into a master log regarding transactions relating to impounded vehicles. The operator shall make this master log available, upon request, to representatives of the department or the state patrol.

(5) A person who engages in or offers to engage in the activities of a registered tow truck operator may not be associated in any way with a person or business whose main activity is authorizing the impounding of vehicles.

**Sec. 5.** RCW 46.55.100 and 1998 c 203 s 9 are each amended to read as follows:

(1) At the time of impoundment the registered tow truck operator providing the towing service shall give immediate notification, by telephone or radio, to a law enforcement agency having jurisdiction who shall maintain a log of such reports. A law enforcement agency, or a private communication center acting on behalf of a law enforcement agency, shall within six to twelve hours of the impoundment, provide to a requesting operator the name and address of the legal and registered owners of the vehicle, and the registered owner of any personal property registered or titled with the department that is attached to or contained in or on the impounded vehicle, the vehicle identification number, and any other necessary, pertinent information. The initial notice of impoundment shall be followed by a written or electronic facsimile notice within twenty-four hours. In the case of a vehicle from another state, time requirements of this subsection do not apply until the requesting law enforcement agency in this state receives the information.

(2) The operator shall immediately send an abandoned vehicle report to the department for any vehicle, and for any items of personal property registered or titled with the department, that are in the operator's possession after the one hundred

twenty hour abandonment period. Such report need not be sent when the impoundment is pursuant to a writ, court order, or police hold that is not a suspended license impound. The owner notification and abandonment process shall be initiated by the registered tow truck operator immediately following notification by a court or law enforcement officer that the writ, court order, or police hold that is not a suspended license impound is no longer in effect.

(3) Following the submittal of an abandoned vehicle report, the department shall provide the registered tow truck operator with owner information within seventy-two hours.

(4) Within fourteen days of the sale of an abandoned vehicle at public auction, the towing operator shall send a copy of the abandoned vehicle report showing the disposition of the abandoned vehicle and any other items of personal property registered or titled with the department to the crime information center of the Washington state patrol.

(5) If the operator sends an abandoned vehicle report to the department and the department finds no owner information, an operator may proceed with an inspection of the vehicle and any other items of personal property registered or titled with the department to determine whether owner identification is within the vehicle.

(6) If the operator finds no owner identification, the operator shall immediately notify the appropriate law enforcement agency, which shall search the vehicle and any other items of personal property registered or titled with the department for the vehicle identification number or other appropriate identification numbers and check the necessary records to determine the vehicle's or other property's owners.

**Sec. 6.** RCW 46.55.110 and 1998 c 203 s 3 are each amended to read as follows:

(1) When an unauthorized vehicle is impounded, the impounding towing operator shall notify the legal and registered owners of the impoundment of the unauthorized vehicle and the owners of any other items of personal property registered or titled with the department. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, and the owners of any other items of personal property registered or titled with the department, as provided by the law enforcement agency, and shall inform the owners of the identity of the person or agency authorizing the impound. The notification shall include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by whose authority the vehicle was impounded. The notice shall also include the written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120.

(2) In addition, if a suspended license impound has been ordered, the notice must state the length of the impound, the requirement of the posting of a security deposit to ensure payment of the costs of removal, towing, and storage, notification that if the security deposit is not posted the vehicle will immediately be processed and sold at auction as an abandoned vehicle, and the requirements set out in RCW 46.55.120(1)(b) regarding the payment of the costs of removal, towing, and storage as well as providing proof of satisfaction of any penalties, fines, or forfeitures before redemption. The notice must also state that the registered owner is ineligible to purchase the vehicle at the abandoned vehicle auction, if held.

(3) In the case of an abandoned vehicle, or other item of personal property registered or titled with the department, within twenty-four hours after receiving information on the owners from the department through the abandoned vehicle report, the tow truck operator shall send by certified mail, with return receipt requested, a notice of custody and sale to the legal and registered owners.

~~((3))~~ (4) If the date on which a notice required by subsection ~~((2))~~ (3) of this section is to be mailed falls upon a Saturday, Sunday, or a postal holiday, the notice may be mailed on the next day that is neither a Saturday, Sunday, nor a postal holiday.

~~((4))~~ (5) No notices need be sent to the legal or registered owners of an impounded vehicle or other item of personal property registered or titled with the department, if the vehicle or personal property has been redeemed.

**Sec. 7.** RCW 46.55.120 and 1998 c 203 s 5 are each amended to read as follows:

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, or 46.55.113 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department, or one who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or items of personal property registered or titled with the department. In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342(1)(c) shall not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of ~~((b))~~ (e) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency. If the department's records show that the operator has been convicted of a violation of RCW 46.20.342 or a similar local

ordinance within the past five years, the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the agency that ordered the vehicle impounded or from the court having jurisdiction. An agency may issue a written order to release pursuant to a provision of an applicable state agency rule or local ordinance authorizing release on the basis of economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record.

If a vehicle is impounded because the operator is in violation of RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. However, if the department's records show that the operator has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a similar local ordinance within the past five years, the vehicle may be held at the written direction of the agency ordering the vehicle impounded for up to sixty days, and for up to ninety days if the operator has two or more such prior offenses. If a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342, the vehicle may not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of ~~((b))~~ (e) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

(b) If the vehicle is directed to be held for a suspended license impound, a person who desires to redeem the vehicle at the end of the period of impound shall within five days of the impound at the request of the tow truck operator pay a security deposit to the tow truck operator of not more than one-half of the applicable impound storage rate for each day of the proposed suspended license impound. The tow truck operator shall credit this amount against the final bill for removal, towing, and storage upon redemption. The tow truck operator may accept other sufficient security in lieu of the security deposit. If the person desiring to redeem the vehicle does not pay the security deposit or provide other security acceptable to the tow truck operator, the tow truck operator may process and sell at auction the vehicle as an abandoned vehicle within the normal time limits set out in RCW 46.55.130(1). The security deposit required by this section may be paid and must be accepted at any time up to twenty-four hours before the beginning of the auction to sell the vehicle as abandoned. The registered owner is not eligible to purchase the vehicle at the auction, and the tow truck operator shall sell the vehicle to the highest bidder who is not the registered owner.

(c) Notwithstanding (b) of this subsection, a rental car business may immediately redeem a rental vehicle it owns by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound.

(d) Notwithstanding (b) of this subsection, a motor vehicle dealer or lender with a perfected security interest in the vehicle may redeem or lawfully repossess a vehicle immediately by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound. A motor vehicle dealer or lender with a perfected security interest in the vehicle may not knowingly and intentionally engage in collusion with a registered owner to repossess and then return or resell a vehicle to the registered owner in an attempt to avoid a suspended license impound. However, this provision does not preclude a vehicle dealer or a lender with a perfected security interest in the vehicle from repossessing the vehicle and then selling, leasing, or otherwise disposing of it in accordance with chapter 62A.9 RCW, including providing redemption rights to the debtor under RCW 62A.9-506. If the debtor is the registered owner of the vehicle, the debtor's right to redeem the vehicle under chapter 62A.9 RCW is conditioned upon the debtor obtaining and providing proof from the impounding authority or court having jurisdiction that any fines, penalties, and forfeitures owed by the registered owner, as a result of the suspended license impound, have been paid, and proof of the payment must be tendered to the vehicle dealer or lender at the time the debtor tenders all other obligations required to redeem the vehicle. Vehicle dealers or lenders are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound.

(e) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle, with credit being given for the amount of any security deposit paid under (b) of this subsection. In addition, if a vehicle is impounded because the operator was arrested for a violation of RCW 46.20.342 or 46.20.420 and was being operated by the registered owner when it was impounded under local ordinance or agency rule, it must not be released to any person until the registered owner establishes with the agency that ordered the vehicle impounded or the court having jurisdiction that any penalties, fines, or forfeitures owed by him or her have been satisfied. Registered tow truck operators are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm can determine through the customer's bank or a check verification service that the presented check would not be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes

insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. The municipal court has jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section and more than five days before the date of the auction. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court. If the hearing request is not received by the court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for the amount of the filing fee required by law for the impound hearing petition as well as reasonable damages for loss of the use of the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. However, if an impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.420 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO: . . . . .

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the . . . . . Court located at . . . . . in the sum of \$. . . . ., in an action entitled . . . . ., Case No. . . . . YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW . . . if the judgment is not paid within 15 days of the date of this notice.

DATED this . . . . day of . . . . ., (year) . . .

Signature

Typed name and address  
of party mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110~~((2))~~ (3) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees.

**Sec. 8.** RCW 46.55.130 and 1998 c 203 s 6 are each amended to read as follows:

(1) If, after the expiration of fifteen days from the date of mailing of notice of custody and sale required in RCW 46.55.110~~((2))~~ (3) to the registered and legal owners, the vehicle remains unclaimed and has not been listed as a stolen vehicle, or for which a suspended license impound has been directed but no security paid under RCW 46.55.120, then the registered tow truck operator having custody of the vehicle shall conduct a sale of the vehicle at public auction after having first published a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days and no more than ten days before the date of the auction. The notice shall contain a description of the vehicle including the make, model, year, and license number and a notification that a three-hour public viewing period will be available before the auction. The auction shall be held during daylight hours of a normal business day or a Saturday.

(2) The following procedures are required in any public auction of such abandoned vehicles:

(a) The auction shall be held in such a manner that all persons present are given an equal time and opportunity to bid;

(b) All bidders must be present at the time of auction unless they have submitted to the registered tow truck operator, who may or may not choose to use the preauction bid method, a written bid on a specific vehicle. Written bids may be submitted up to five days before the auction and shall clearly state which vehicle is being bid upon, the amount of the bid, and who is submitting the bid;

(c) The open bid process, including all written bids, shall be used so that everyone knows the dollar value that must be exceeded;

(d) The highest two bids received shall be recorded in written form and shall include the name, address, and telephone number of each such bidder;

(e) In case the high bidder defaults, the next bidder has the right to purchase the vehicle for the amount of his or her bid;

(f) The successful bidder shall apply for title within fifteen days;

(g) The registered tow truck operator shall post a copy of the auction procedure at the bidding site. If the bidding site is different from the licensed office location, the operator shall post a clearly visible sign at the office location that describes in detail where the auction will be held. At the bidding site a copy of the newspaper advertisement that lists the vehicles for sale shall be posted;

(h) All surplus moneys derived from the auction after satisfaction of the registered tow truck operator's lien shall be remitted within thirty days to the ~~((department for deposit in the state motor vehicle fund. A report identifying the vehicles resulting in any surplus shall accompany the remitted funds. If the director subsequently receives a valid claim from the))~~ registered vehicle owner of record as determined by the department ~~((within one year from the date of the auction, the surplus moneys shall be remitted to such owner))~~;

(i) If an operator receives no bid, or if the operator is the successful bidder at auction, the operator shall, within forty-five days sell the vehicle to a licensed vehicle wrecker, hulk hauler, or scrap processor by use of the abandoned vehicle report-affidavit of sale, or the operator shall apply for title to the vehicle.

(3) In no case may an operator hold a vehicle for longer than ninety days without holding an auction on the vehicle, except for vehicles that are under a police or judicial hold.

(4)(a) In no case may the accumulation of storage charges exceed fifteen days from the date of receipt of the information by the operator from the department as provided by RCW 46.55.110~~((2))~~ (3).

(b) The failure of the registered tow truck operator to comply with the time limits provided in this chapter limits the accumulation of storage charges to five days except where delay is unavoidable. Providing incorrect or incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available. However, storage charges begin to accrue again on the date the correct and complete information is provided to the department by the registered tow truck operator.

**Sec. 9.** RCW 46.61.625 and 1995 c 360 s 10 are each amended to read as follows:

(1) No person or persons shall occupy any trailer while it is being moved upon a public highway, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position.

(2) No person or persons may occupy a vehicle while it is being towed by a tow truck as defined in RCW 46.55.010((8)).

**Sec. 10.** RCW 46.70.180 and 1997 c 153 s 1 are each amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his or her authorized representative's future acceptance, and the dealer fails or refuses within three calendar days, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer, either (i) to deliver to the buyer the dealer's signed acceptance, or (ii) to void the order, offer, or contract document and tender the return of any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer as part of the purchase price, for any reason except:

(i) Failure to disclose that the vehicle's certificate of ownership has been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.050 and 46.12.075; or

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(iii) Excessive additional miles or a discrepancy in the mileage. "Excessive additional miles" means the addition of five hundred miles or more, as reflected on the vehicle's odometer, between the time the vehicle was first valued by the dealer for purposes of determining its trade-in value and the time of actual delivery of the vehicle to the dealer. "A discrepancy in the mileage" means (A) a discrepancy between the mileage reflected on the vehicle's odometer and the stated mileage on the signed odometer statement; or (B) a discrepancy between the mileage stated on the signed odometer statement and the actual mileage on the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesperson to refuse to furnish, upon request of a prospective purchaser, for vehicles previously registered to a business or governmental entity, the name and address of the business or governmental entity.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle. However, a dealer may issue a second temporary permit on a vehicle if the following conditions are met:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period;

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday, after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied.

(9) For a dealer, salesman, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, salesman, or mobile home manufacturer instead of holding the "on deposit" funds as trustee in a separate trust account until the purchaser has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales agreement signed by the seller and buyer.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, purchase moneys or funds that have been deposited into or withdrawn out of any account controlled or used by any buyer's agent, gratuity, or reward in connection with the purchase or sale of a new motor vehicle.

(12) For a buyer's agent, acting directly or through a subsidiary, to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase or sale of a new motor vehicle. In addition, it is unlawful for any buyer's agent to engage in any of the following acts on behalf of or in the name of the consumer:

- (a) Receiving or paying any purchase moneys or funds into or out of any account controlled or used by any buyer's agent;
- (b) Signing any vehicle purchase orders, sales contract, odometer statements, or title documents, or having the name of the buyer's agent appear on the vehicle purchase order, sales contract, or title; or
- (c) Signing any other documentation relating to the purchase, sale, or transfer of any new motor vehicle.

It is unlawful for a buyer's agent to use a power of attorney obtained from the consumer to accomplish or effect the purchase, sale, or transfer of ownership documents of any new motor vehicle by any means which would otherwise be prohibited under (a) through (c) of this subsection. However, the buyer's agent may use a power of attorney for physical delivery of motor vehicle license plates to the consumer.

Further, it is unlawful for a buyer's agent to engage in any false, deceptive, or misleading advertising, disseminated in any manner whatsoever, including but not limited to making any claim or statement that the buyer's agent offers, obtains, or guarantees the lowest price on any motor vehicle or words to similar effect.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW. In addition, it is unlawful for any buyer's agent to fail to have a written agreement with the customer that: (a) Sets forth the terms of the parties' agreement; (b) discloses to the customer the total amount of any fees or other compensation being paid by the customer to the buyer's agent for the agent's services; and (c) further discloses whether the fee or any portion of the fee is refundable. The department of licensing shall by December 31, 1996, in rule, adopt standard disclosure language for buyer's agent agreements under RCW 46.70.011, 46.70.070, and this section.

- (14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, to:
- (a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;
- (b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The

capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith.

(c) Encourage, aid, abet, or teach a vehicle dealer to sell vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

(16) To knowingly and intentionally engage in collusion with a registered owner of a vehicle to repossess and return or resell the vehicle to the registered owner in an attempt to avoid a suspended license impound under chapter 46.55 RCW. However, compliance with chapter 62A.9 RCW in repossessing, selling, leasing, or otherwise disposing of the vehicle, including providing redemption rights to the debtor, is not a violation of this section.", and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Goings, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5649.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5649, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5649, as amended by the House, and the bill passed the Senate by the following vote: Passed Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Absent: Senator Snyder - 1.

Excused: Senators Bauer, Brown, Hochstatter, Loveland, McAuliffe, McDonald and Swecker - 7.

ENGROSSED SENATE BILL NO. 5649, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Snyder was excused.

MESSAGE FROM THE HOUSE

April 9, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5661 with the following amendment(s)  
Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 82.29A.010 and 1975-'76 2nd ex.s. c 61 s 1 are each amended to read as follows:

(1)(a) The legislature hereby recognizes that properties of the state of Washington, counties, school districts, and other municipal corporations are exempted by Article 7, section 1 of the state Constitution from property tax obligations, but that private lessees of such public properties receive substantial benefits from governmental services provided by units of government.

(b) The legislature further recognizes that a uniform method of taxation should apply to such leasehold interests in publicly owned property.

(c) The legislature finds that lessees of publicly owned property are entitled to those same governmental services and does hereby provide for a leasehold excise tax to fairly compensate governmental units for services rendered to such lessees of publicly owned property.

(2) The legislature further finds that experience gained by lessors, lessees, and the department of revenue since enactment of the leasehold excise tax under this chapter has shed light on areas in the leasehold excise statutes that need explanation and clarification. The purpose of chapter . . . Laws of 1999 (this act) is to make those changes.

**Sec. 2.** RCW 82.29A.020 and 1991 c 272 s 23 are each amended to read as follows:

As used in this chapter the following terms shall be defined as follows, unless the context otherwise requires:

(1) "Leasehold interest" shall mean an interest in publicly owned real or personal property which exists by virtue of any lease, permit, license, or any other agreement, written or verbal, between the public owner of the property and a person who would not be exempt from property taxes if that person owned the property in fee, granting possession and use, to a degree less than fee simple ownership: PROVIDED, That no interest in personal property (excluding land or buildings) which is owned by the United States, whether or not as trustee, or by any foreign government shall constitute a leasehold interest hereunder when the right to use such property is granted pursuant to a contract solely for the manufacture or production of articles for sale to the United States or any foreign government. The term "leasehold interest" shall include the rights of use or occupancy by others of property which is owned in fee or held in trust by a public corporation, commission, or authority created under RCW 35.21.730 or 35.21.660 if the property is listed on or is within a district listed on any federal or state register of historical sites. The term "leasehold interest" shall not include road or utility easements ~~((or))~~ rights of access, occupancy, or use granted solely for the purpose of removing materials or products purchased from a public owner or the lessee of a public owner, or rights of access, occupancy, or use granted solely for the purpose of natural energy resource exploration.

(2) "Taxable rent" shall mean contract rent as defined in subsection (a) of this subsection in all cases where the lease or agreement has been established or renegotiated through competitive bidding, or negotiated or renegotiated in accordance with statutory requirements regarding the rent payable, or negotiated or renegotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor: PROVIDED, That after January 1, 1986, with respect to any lease which has been in effect for ten years or more without renegotiation, taxable rent may be established by procedures set forth in subsection (b) of this subsection. All other leasehold interests shall be subject to the determination of taxable rent under the terms of subsection (b) of this subsection.

For purposes of determining leasehold excise tax on any lands on the Hanford reservation subleased to a private or public entity by the department of ecology, taxable rent shall include only the annual cash rental payment made by such entity to the department of ecology as specifically referred to as rent in the sublease agreement between the parties and shall not include any other fees, assessments, or charges imposed on or collected by such entity irrespective of whether the private or public entity pays or collects such other fees, assessments, or charges as specified in the sublease agreement.

(a) "Contract rent" shall mean the amount of consideration due as payment for a leasehold interest, including: The total of cash payments made to the lessor or to another party for the benefit of the lessor according to the requirements of the lease or agreement, including any rents paid by a sublessee; expenditures for the protection of the lessor's interest when required by the terms of the lease or agreement; and expenditures for improvements to the property to the extent that such improvements become the property of the lessor. Where the consideration conveyed for the leasehold interest is made in combination with payment for concession or other rights granted by the lessor, only that portion of such payment which represents consideration for the leasehold interest shall be part of contract rent.

"Contract rent" shall not include: (i) Expenditures made by the lessee, which under the terms of the lease or agreement, are to be reimbursed by the lessor to the lessee or expenditures for improvements and protection made pursuant to a lease or an agreement which requires that the use of the improved property be open to the general public and that no profit will inure to the lessee from the lease; (ii) expenditures made by the lessee for the replacement or repair of facilities due to fire or other casualty including payments for insurance to provide reimbursement for losses or payments to a public or private entity for protection of such property from damage or loss or for alterations or additions made necessary by an action of government taken after the date of the execution of the lease or agreement; (iii) improvements added to publicly owned property by a sublessee under an agreement executed prior to January 1, 1976, which have been taxed as personal property of the sublessee prior to January 1, 1976, or improvements made by a sublessee of the same lessee under a similar agreement executed prior to January 1, 1976, and such improvements shall be taxable to the sublessee as personal property; (iv) improvements added to publicly owned property if such improvements are being taxed as personal property to any person.

Any prepaid contract rent shall be considered to have been paid in the year due and not in the year actually paid with respect to prepayment for a period of more than one year. Expenditures for improvements with a useful life of more than one year which are included as part of contract rent shall be treated as prepaid contract rent and prorated over the useful life of the improvement or the remaining term of the lease or agreement if the useful life is in excess of the remaining term of the lease or agreement. Rent prepaid prior to January 1, 1976, shall be prorated from the date of prepayment.

With respect to a "product lease", the value ~~((of agricultural products received as rent shall be the value at the place of delivery as of the fifteenth day of the month of delivery; with respect to all other products received as contract rent, the value))~~ shall be that value determined at the time of sale under terms of the lease.

(b) If it shall be determined by the department of revenue, upon examination of a lessee's accounts or those of a lessor of publicly owned property, that a lessee is occupying or using publicly owned property in such a manner as to create a leasehold interest and that such leasehold interest has not been established through competitive bidding, or negotiated in accordance with statutory requirements regarding the rent payable, or negotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor, the department may establish a taxable rent computation for use in determining the tax payable under authority granted in this chapter based upon the following criteria: (i) Consideration shall be given to rental being paid to other lessors by lessees of similar property for similar purposes over similar periods of time; (ii) consideration shall be given to what would be considered a fair rate of return on the market value of the property leased less reasonable deductions for any restrictions on use, special operating requirements or provisions for concurrent use by the lessor, another person or the general public.

(3) "Product lease" as used in this chapter shall mean a lease of property for use in the production of agricultural or marine products to the extent that such lease provides for the contract rent to be paid by the delivery of a stated percentage of the production of such agricultural or marine products to the credit of the lessor or the payment to the lessor of a stated percentage of the proceeds from the sale of such products.

(4) "Renegotiated" means a change in the lease agreement which changes the agreed time of possession, restrictions on use, the rate of the cash rental or of any other consideration payable by the lessee to or for the benefit of the lessor, other than any such change required by the terms of the lease or agreement. In addition "renegotiated" shall mean a continuation of possession by the lessee beyond the date when, under the terms of the lease agreement, the lessee had the right to vacate the premises without any further liability to the lessor.

(5) "City" means any city or town.

(6) "Products" includes natural resource products such as cut or picked evergreen foliage, Cascara bark, wild edible mushrooms, native ornamental trees and shrubs, ore and minerals, natural gas, geothermal water and steam, and forage removed through the grazing of livestock., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Goings, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5661.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5661, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5661, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 2; Excused, 8.

Voting yea: Senators Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, Winsley, Wojahn and Zarelli - 39.

Absent: Senators Sheldon, B. and West - 2.

Excused: Senators Bauer, Brown, Hochstatter, Loveland, McAuliffe, McDonald, Snyder and Swecker - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5661, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 6, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5706 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that there are residents of this state who intentionally register motor vehicles in other states to evade payment of taxes and fees required by the laws of this state. This results in a substantial loss of revenue to the state. It is the intent of the legislature to decriminalize license fraud and impose stronger civil penalties upon residents who defraud the state, thereby enhancing compliance with state registration laws and increasing state revenues. To further enhance enforcement and collection efforts, the legislature intends to create a license fraud task force within the Washington state patrol.

**NEW SECTION. Sec. 2.** The task force consists of staff from the Washington state patrol, the department of revenue, and the attorney general's office. The task force personnel are:

- (1) One Washington state patrol sergeant, who has overall responsibility to coordinate the task force;
- (2) Three Washington state patrol detectives, to investigate license fraud;
- (3) One department of revenue tax discovery agent, to assess and recover delinquent tax, penalties, and interest;
- (4) One assistant attorney general, to provide legal services to the task force; and
- (5) One clerical support person, for administrative support for the task force as a whole.

**NEW SECTION. Sec. 3.** A penalty assessed pursuant to RCW 46.16.010 (1)(a) and (2), 47.68.255, or 82.48.020 is due and payable when the person incurring it receives a notice in writing from the state patrol stating the violation and advising the person that the penalty is due. The state patrol may, upon written application for review received within fifteen days from the date of the penalty assessment, remit or mitigate a penalty. Procedures for these actions are governed by chapter 34.05 RCW. The penalty notice has the effect of an agency order.

**Sec. 4.** RCW 46.16.010 and 1997 c 328 s 2 and 1997 c 241 s 13 are each reenacted and amended to read as follows:

(1) It is ~~((unlawful))~~ a violation for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided. ~~((Failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof shall be punished by a fine of no less than three hundred thirty dollars, no part of which may be suspended or deferred.))~~

(a) Failure to make initial registration of a vehicle before operating it on the highways of this state is a violation of this section. Anyone who violates this section is liable for a penalty of three hundred fifty dollars for each violation in addition to all other penalties provided by law. Persons violating this subsection shall make payment as prescribed in subsection (2)(b) of this section.

(b) Failure to renew an expired registration before operation on the highways of this state is a traffic infraction, which shall not be resolved through the civil process instituted under this act.

(2)(a) The licensing of a vehicle in another state by a resident of this state, as defined in RCW 46.16.028, ~~((evading))~~ to avoid the payment of any tax or license fee imposed in connection with registration, is a ~~((gross misdemeanor punishable as follows:))~~ violation of this section, and violators are liable for a monetary penalty not less than one thousand dollars but not more than ten thousand dollars for each violation.

~~((a) For a first offense, up to one year in the county jail and a fine equal to twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;))~~

~~(b) ((For a second or subsequent offense, up to one year in the county jail and a fine equal to four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred;)) The penalty provided in subsection (1)(a) of this section and this subsection is due and payable when the person incurring it receives a notice in writing from the state patrol describing the violation and advising the person that the penalty is due. The state patrol may, upon written application for review, received within fifteen days, remit or mitigate a penalty provided for in this section or discontinue an action to recover the penalty upon such terms it deems proper and may ascertain the facts in a manner and under rules it deems proper. If the amount of the penalty is not paid to the state patrol within fifteen days after receipt of the notice imposing the penalty, or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of the application, the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any other county in which the violator resides or does business, to recover the penalty, administrative fees, and attorneys' fees and costs incurred in recovering the penalties. All penalties recovered under this section shall be paid into the state treasury and credited to the state patrol highway account of the motor vehicle fund for the license fraud task force.~~

~~(c) ((For fines levied under (b) of this subsection, an amount equal to the avoided taxes and fees owed shall be deposited in the vehicle licensing fraud account created in the state treasury;~~

~~(d)) The avoided taxes and fees shall be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion.~~

(3) These provisions shall not apply to the following vehicles:

(a) Electric-assisted bicycles;

(b) Farm vehicles if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law;

(c) Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of spray and fertilizer applicator rigs and not used, designed, or modified primarily for the purpose of transportation;

(d) Fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: PROVIDED FURTHER, That these provisions shall not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks;

(e) "Special highway construction equipment" defined as follows: Any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (i) are in excess of the legal width, or (ii) which, because of their length, height, or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (iii) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(4) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter:

(a) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle.

(b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar.

**Sec. 5.** RCW 47.68.240 and 1993 c 238 s 3 are each amended to read as follows:

Any person violating any of the provisions of this chapter, or any of the rules, regulations, or orders issued pursuant thereto, shall be guilty of a misdemeanor and shall be punished as provided under chapter 9A.20 RCW, except that any person violating any of the provisions of RCW 47.68.220~~((,))~~ or 47.68.230~~((, or 47.68.255))~~ shall be guilty of a gross misdemeanor which shall be punished as provided under chapter 9A.20 RCW. In addition to, or in lieu of, the penalties provided in this section, or as a condition to the suspension of a sentence which may be imposed pursuant thereto, for violations of RCW 47.68.220 and 47.68.230, the court in its discretion may prohibit the violator from operating an aircraft within the state for such period as it may determine but not to exceed one year. Violation of the duly imposed prohibition of the court may be treated as a separate offense under this section or as a contempt of court.

**Sec. 6.** RCW 47.68.255 and 1996 c 184 s 3 are each amended to read as follows:

(1) A person who is required to register an aircraft under this chapter and who registers an aircraft in another state or foreign country ~~((evading))~~ avoiding the Washington aircraft ~~((excise tax is guilty of a gross misdemeanor))~~ taxes, commits a violation of this section and is liable for those unpaid taxes and for a monetary penalty not less than one thousand dollars but not more than ten thousand dollars for each violation. ~~((For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of avoided taxes and fees, no part of which may be suspended or deferred. Excise taxes owed and fines assessed shall be deposited in the manner provided under RCW 46.16.010(2).))~~

(2) The penalty provided in this section is due and payable when the person incurring it receives a notice in writing from the state patrol describing the violation and advising the person that the penalty is due. The state patrol may, upon written application for review, received within fifteen days, remit or mitigate a penalty provided for in this section or discontinue an action to recover the penalty upon such terms it deems proper and may ascertain the facts in a manner and under rules it deems proper. If the amount of the penalty is not paid to the state patrol within fifteen days after receipt of the notice imposing the penalty, or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of the application, the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any other county in which the violator does business, to recover the penalty, administrative fees, and attorneys' fees. All penalties recovered under this section shall be paid into the state treasury and credited to the state patrol highway account of the motor vehicle fund for the license fraud task force. The department of revenue may assess and collect the unpaid excise tax under chapter 82.32 RCW, including the penalties and interest provided in chapter 82.32 RCW.

**Sec. 7.** RCW 82.48.020 and 1993 c 238 s 5 are each amended to read as follows:

(1) An annual excise tax is hereby imposed for the privilege of using any aircraft in the state. A current certificate of air worthiness with a current inspection date from the appropriate federal agency and/or the purchase of aviation fuel shall constitute the necessary evidence of aircraft use or intended use. The tax shall be collected annually or under a staggered collection schedule as required by the secretary by rule. No additional tax shall be imposed under this chapter upon any aircraft upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such aircraft has already been paid for the year in which transfer of ownership occurs. A violation of this subsection is a misdemeanor punishable as provided under chapter 9A.20 RCW.

(2)(a) Persons who are required to register aircraft under chapter 47.68 RCW and who register aircraft in another state or foreign country and avoid the Washington aircraft ~~((excise tax are liable for such unpaid excise tax))~~ taxes, violate this section and are liable for a monetary penalty of not less than one thousand dollars but not more than ten thousand dollars for each violation. ~~((A violation of this subsection is a gross misdemeanor.))~~

(b) The penalty provided in this section is due and payable when the person incurring it receives a notice in writing from the state patrol describing the violation and advising the person that the penalty is due. The state patrol may, upon written application for review, received within fifteen days, remit or mitigate a penalty provided for in this section or discontinue an action to recover the penalty upon such terms it deems proper and may ascertain the facts in a manner and under rules it deems proper. If the amount of the penalty is not paid to the state patrol within fifteen days after receipt of the notice imposing the penalty, or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of the application, the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any other county in which the violator resides or does business, to recover the penalty, administrative fees, and attorneys' fees. In all such actions, the procedure and rules of evidence are the same as an ordinary civil

action except as otherwise provided in this chapter. All penalties recovered under this section shall be paid into the state treasury and credited to the state patrol highway account of the motor vehicle fund for the license fraud task force.

(3) The department of revenue may assess and collect the unpaid excise tax under chapter 82.32 RCW, including the penalties and interest provided in chapter 82.32 RCW.

~~((3))~~ (4) Except as provided under subsections (1) and (2) of this section, a violation of this chapter is a misdemeanor punishable as provided in chapter 9A.20 RCW.

**Sec. 8.** RCW 82.49.010 and 1993 c 238 s 6 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using a vessel upon the waters of this state, except vessels exempt under RCW 82.49.020. The annual amount of the excise tax is one-half of one percent of fair market value, as determined under this chapter, or five dollars, whichever is greater. Violation of this subsection is a misdemeanor.

(2)(a) ~~A person((s)) who ((are)) is~~ required under chapter 88.02 RCW to register a vessel in this state and who registers the vessel in another state or foreign country and ~~avoids~~ the Washington watercraft ~~((excise tax are guilty of a gross misdemeanor and are liable for such unpaid excise tax))~~ taxes, violates this section

and is liable for those taxes and a monetary penalty not less than one thousand dollars but not more than ten thousand dollars for each violation. ~~((The department of revenue may assess and collect the unpaid excise tax under chapter 82.32 RCW, including the penalties and interest provided in chapter 82.32 RCW.))~~

(b) The penalty provided in this section is due and payable when the person incurring it receives a notice in writing from the state patrol describing the violation and advising the person that the penalty is due. The state patrol may, upon written application for review, received within fifteen days, remit or mitigate a penalty provided for in this section or discontinue an action to recover the penalty upon such terms it deems proper and may ascertain the facts in a manner and under rules it deems proper. If the amount of the penalty is not paid to the state patrol within fifteen days after receipt of the notice imposing the penalty, or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of the application, the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any other county in which the violator resides or does business, to recover the penalty, administrative fees, and attorneys' fees. All penalties recovered under this section shall be paid into the state treasury and credited to the state patrol highway account of the motor vehicle fund for the license fraud task force.

(3) The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88.02.050. A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year. The excise tax on vessels required to be registered in this state on June 30, 1983, shall be paid by June 30, 1983.

**Sec. 9.** RCW 82.50.400 and 1993 c 238 s 7 are each amended to read as follows:

(1) An annual excise tax is imposed on the owner of any travel trailer or camper for the privilege of using such travel trailer or camper in this state. The excise tax hereby imposed shall be due and payable to the department of licensing or its agents at the time of registration of a travel trailer or camper. Whenever an application is made to the department of licensing or its agents for a license for a travel trailer or camper there shall be collected, in addition to the amount of the license fee or renewal license fee, the amount of the excise tax imposed by this chapter, and no dealer's license or license plates, and no license or license plates for a travel trailer or camper may be issued unless such tax is paid in full. No additional tax shall be imposed under this chapter upon any travel trailer or camper upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such travel trailer or camper has already been paid for the registration year or fractional part thereof in which such transfer occurs. Violation of this subsection is a ~~((misdemeanor))~~ violation of RCW 46.16.010 (1)(a) and (2), and penalties apply.

(2) Persons who are required to license travel trailers or campers under chapter 46.16 RCW and who license travel trailers or campers in another state or foreign country to avoid the Washington travel trailer or camper tax are ~~((guilty of a gross misdemeanor and are liable for such unpaid excise tax))~~ in violation of RCW 46.16.010 (1)(a) and (2), and penalties apply. The department of revenue may assess and collect the unpaid excise tax under chapter 82.32 RCW, including the penalties and interest provided in chapter 82.32 RCW.

**Sec. 10.** RCW 88.02.118 and 1996 c 184 s 4 are each amended to read as follows:

(1)(a) It is a ~~((gross misdemeanor punishable as provided under chapter 9A.20 RCW))~~ violation for any person owning a vessel subject to taxation under chapter 82.49 RCW to register a vessel in another state to avoid Washington state vessel ~~((excise tax))~~ taxes required under chapter 82.49 RCW or to obtain a vessel dealer's registration for the purpose of ~~((evading excise tax))~~ avoiding taxes on vessels under chapter 82.49 RCW. ~~((For a second or subsequent offense, the person convicted is~~

~~also subject to a fine equal to four times the amount of avoided taxes and fees, no part of which may be suspended or deferred. Excise taxes owed and fines assessed shall be deposited in the manner provided under RCW 46.16.010(2).)~~

(b) The monetary penalty is not less than one thousand dollars but not more than ten thousand dollars for each violation.

(2) The penalty provided in this section is due and payable when the person incurring it receives a notice in writing from the state patrol describing the violation and advising the person that the penalty is due. The state patrol may, upon written application for review, received within fifteen days, remit or mitigate a penalty provided for in this section or discontinue an action to recover the penalty upon such terms it deems proper and may ascertain the facts in a manner and under rules it deems proper. If the amount of the penalty is not paid to the state patrol within fifteen days after receipt of the notice imposing the penalty, or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of the application, the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any other county in which the violator resides or does business, to recover the penalty, administrative fees, and attorneys' fees. In all such actions, the procedure and rules of evidence are the same as an ordinary civil action except as otherwise provided in this chapter. All penalties recovered under this section shall be paid into the state treasury and credited to the state patrol highway account of the motor vehicle fund for the license fraud task force.

**Sec. 11.** RCW 82.32.090 and 1996 c 149 s 15 are each amended to read as follows:

(1) If payment of any tax due on a return to be filed by a taxpayer is not received by the department of revenue by the due date, there shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not received on or before the last day of the month following the due date, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received on or before the last day of the second month following the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than five dollars.

(2) If payment of any tax assessed by the department of revenue is not received by the department by the due date specified in the notice, or any extension thereof, the department shall add a penalty of ten percent of the amount of the additional tax found due. No penalty so added shall be less than five dollars.

(3) If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than ten dollars.

(4) If the department finds that all or any part of a deficiency resulted from the disregard of specific written instructions as to reporting or tax liabilities, the department shall add a penalty of ten percent of the amount of the additional tax found due because of the failure to follow the instructions. A taxpayer disregards specific written instructions when the department of revenue has informed the taxpayer in writing of the taxpayer's tax obligations and the taxpayer fails to act in accordance with those instructions unless the department has not issued final instructions because the matter is under appeal pursuant to this chapter or departmental regulations. The department shall not assess the penalty under this section upon any taxpayer who has made a good faith effort to comply with the specific written instructions provided by the department to that taxpayer. Specific written instructions may be given as a part of a tax assessment, audit, determination, or closing agreement, provided that such specific written instructions shall apply only to the taxpayer addressed or referenced on such documents. Any specific written instructions by the department of revenue shall be clearly identified as such and shall inform the taxpayer that failure to follow the instructions may subject the taxpayer to the penalties imposed by this subsection.

(5)(a) If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.

(b) There is a rebuttable presumption of a tax deficiency and intent to avoid and evade the tax under the motor vehicle excise tax under chapter 82.44 RCW, the aircraft excise tax under chapter 82.48 RCW, the watercraft excise tax under chapter 82.49 RCW, the trailers and campers excise tax under chapter 82.50 RCW, or use tax under chapter 82.12 RCW, if there is a finding resulting from a proceeding brought under RCW 46.16.010, 47.68.255, 82.48.020, 82.49.010, or 88.02.118, that the person failed to properly register or license a motor vehicle, an aircraft, a watercraft, a trailer, or a camper.

(6) The aggregate of penalties imposed under subsections (1), (2), and (3) of this section shall not exceed thirty-five percent of the tax due, or twenty dollars, whichever is greater. This subsection does not prohibit or restrict the application of other penalties authorized by law.

(7) The department of revenue may not impose both the evasion penalty and the penalty for disregarding specific written instructions on the same tax found to be due.

(8) For the purposes of this section, "return" means any document a person is required by the state of Washington to file to satisfy or establish a tax or fee obligation that is administered or collected by the department of revenue, and that has a statutorily defined due date."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Goings, the Senate concurred in the House amendment to Substitute Senate Bill No. 5706.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5706, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5706, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 40.

Absent: Senator Hargrove - 1.

Excused: Senators Bauer, Brown, Hochstatter, Loveland, McAuliffe, McDonald, Snyder and Swecker - 8.

SUBSTITUTE SENATE BILL NO. 5706, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 17, 1999

MR. PRESIDENT:

The Co-Speaker ruled the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1053 beyond the scope and object of the bill. The House refuses to concur in said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Haugen, the Senate receded from the Senate amendment(s) to Substitute House Bill No. 1053.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1053, without the Senate amendment(s).

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1053, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Excused: Senators Bauer, Brown, Hochstatter, Loveland, McAuliffe, McDonald, Snyder and Swecker - 8.

SUBSTITUTE HOUSE BILL NO. 1053, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 17, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1140 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Kohl-Welles, the Senate receded from the Committee on Higher Education striking amendment, which was adopted, as amended, April 8, 1999.

#### MOTIONS

On motion of Senator Kohl-Welles, the rules were suspended, Second Substitute House Bill No. 1140 was returned to second reading and read the second time.

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Sheahan be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) The legislature finds that the higher education coordinating board, in consultation with the higher education community, has completed a review of the state need grant program. It is the intent of the legislature to endorse the board's proposed changes to the state need grant program, including:

(a) Reaffirmation that the primary purpose of the state need grant program is to assist low-income, needy, and disadvantaged Washington residents attending institutions of higher education;

(b) A goal that the base state need grant amount over time be increased to be equivalent to the rate of tuition charged to resident undergraduate students attending Washington state public colleges and universities;

(c) State need grant recipients be required to contribute a portion of the total cost of their education through self-help;

(d) State need grant recipients be required to document their need for dependent care assistance after taking into account other public funds provided for like purposes; and

(e) Institutional aid administrators be allowed to determine whether a student eligible for a state need grant in a given academic year may remain eligible for the ensuing year if the student's family income increases by no more than a marginal amount.

(2) The legislature further finds that the higher education coordinating board, under its authority to implement the proposed changes in subsection (1) of this section, should do so in a timely manner.

(3) The legislature also finds that:

(a) In most circumstances, need grant eligibility should not extend beyond five years or one hundred twenty-five percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent; and

(b) State financial aid programs should continue to adhere to the principle that funding follows resident students to their choice of institution of higher education.

**Sec. 2.** RCW 28B.10.800 and 1993 sp.s. c 18 s 2 are each amended to read as follows:

The ~~((sole))~~ purposes of RCW 28B.10.800 through 28B.10.824 ~~((is))~~ are to establish ~~((a))~~ the principles upon which the state financial aid programs will be based and to establish the state of Washington ~~((student financial aid))~~ state need grant program, thus assisting financially needy or disadvantaged students domiciled in Washington to obtain the opportunity of attending an accredited institution of higher education, as defined in RCW 28B.10.802(1). ~~((Financial aid))~~ State need grants

under RCW 28B.10.800 through 28B.10.824 ~~((is))~~ are available only to students who are resident students as defined in RCW 28B.15.012(2) (a) through (d).

**Sec. 3.** RCW 28B.10.804 and 1995 c 269 s 801 are each amended to read as follows:

The ~~((commission))~~ board shall be cognizant of the following guidelines in the performance of its duties:

(1) The ~~((commission))~~ board shall be research oriented, not only at its inception but continually through its existence.

(2) The ~~((commission))~~ board shall coordinate all existing programs of financial aid except those specifically dedicated to a particular institution by the donor.

(3) The ~~((commission))~~ board shall take the initiative and responsibility for coordinating all federal student financial aid programs to ~~((insure))~~ ensure that the state recognizes the maximum potential effect of these programs, and shall design ~~((the))~~ state programs ~~((which))~~ that complement~~((s))~~ existing federal, state, and institutional programs. The board shall ensure that state programs continue to follow the principle that state financial aid funding follows the student to the student's choice of institution of higher education.

(4) Counseling is a paramount function of the state need grant and other state student financial aid programs, and in most cases could only be properly implemented at the institutional levels; therefore, state student financial aid programs shall be concerned with the attainment of those goals which, in the judgment of the ~~((commission))~~ board, are the reasons for the existence of a student financial aid program, and not solely with administration of the program on an individual basis.

(5) The "package" approach of combining loans, grants and employment for student financial aid shall be the ~~((conceptional))~~ conceptual element of the state's involvement.

**Sec. 4.** RCW 28B.10.806 and 1989 c 254 s 3 are each amended to read as follows:

The ~~((commission))~~ board shall have the following powers and duties:

- (1) Conduct a full analysis of student financial aid as a means of:
  - (a) Fulfilling educational aspirations of students of the state of Washington, and
  - (b) Improving the general, social, cultural, and economic character of the state.

Such an analysis will be a continuous one and will yield current information relevant to needed improvements in the state program of student financial aid. The ~~((commission))~~ board will disseminate the information yielded by their analyses to all appropriate individuals and agents.

~~((c)) This study should include information on the following:~~

- ~~((i)) all programs and sources of available student financial aid,~~
- ~~((ii)) distribution of Washington citizens by socio-economic class,~~
- ~~((iii)) data from federal and state studies useful in identifying:
  - (A) demands of students for specific educational goals in colleges, and
  - (B) the discrepancy between high school students' preferences and the colleges they actually selected.~~

(2) Design a state program of student financial aid based on the data of the study referred to in this section. The state programs will supplement available federal and local aid programs. The state programs of student financial aid will not exceed the difference between the budgetary costs of attending an institution of higher ~~((learning))~~ education and the student's total resources, including family support, personal savings, employment, and federal, state, and local aid programs.

(3) Determine and establish criteria for financial need of the individual applicant based upon the consideration of that particular applicant. In making this determination the ~~((commission))~~ board shall consider the following:

- (a) Assets and income of the student.
- (b) Assets and income of the parents, or the individuals legally responsible for the care and maintenance of the student.
- (c) The cost of attending the institution the student is attending or planning to attend.
- (d) Any other criteria deemed relevant to the ~~((commission))~~ board.

(4) Set the amount of financial aid to be awarded to any individual needy or disadvantaged student in any school year.

(5) Award financial aid to needy or disadvantaged students for a school year based upon only that amount necessary to fill the financial gap between the budgetary cost of attending an institution of higher education and the family and student contribution.

(6) Review the need and eligibility of all applications on an annual basis and adjust financial aid to reflect changes in the financial need of the recipients and the cost of attending the institution of higher education.

**Sec. 5.** RCW 28B.10.808 and 1991 c 164 s 4 are each amended to read as follows:

In awarding need grants, the ~~((commission))~~ board shall proceed substantially as follows: PROVIDED, That nothing contained herein shall be construed to prevent the ~~((commission))~~ board, in the exercise of its sound discretion, from following another procedure when the best interest of the program so dictates:

(1) The ~~((commission))~~ board shall annually select the financial aid award ~~((winners))~~ recipients from among Washington residents applying for student financial aid who have been ranked according to financial need as determined by the amount of the family contribution and other considerations brought to the ~~((commission's))~~ board's attention.

(2) The financial need of the highest ranked students shall be met by grants depending upon the evaluation of financial need until the total allocation has been disbursed. Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until dispersed.

(3) ~~((A grant may be renewed until the course of study is completed, but not for more than an additional four academic years beyond the first year of the award. These shall not be required to be consecutive years))~~ A student shall be eligible to receive a state need grant for up to five years, or the credit or clock hour equivalent of five years, or up to one hundred twenty-five percent of the published length of time of the student's program. A student may not start a new associate degree program as a state need grant recipient until at least five years have elapsed since earning an associate degree as a need grant recipient, except that a student may earn two associate degrees concurrently. Qualifications for renewal will include maintaining satisfactory academic ~~((standing))~~ progress toward completion of ~~((the course of study, and continued eligibility))~~ an eligible program as determined by the ~~((commission))~~ board. Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution according to the institution's own policy for issuing refunds, except as provided in RCW 28B.10.8081.

(4) In computing financial need, the ~~((commission))~~ board shall determine a maximum student expense budget allowance, not to exceed an amount equal to the total maximum student expense budget at the public institutions plus the current average state appropriation per student for operating expense in the public institutions.

**Sec. 6.** RCW 28B.10.810 and 1989 c 254 s 5 are each amended to read as follows:

For a student to be eligible for ~~((financial aid the))~~ a state need grant a student must:

(1) Be a "needy student" or "disadvantaged student" as determined by the ~~((commission))~~ board in accordance with RCW 28B.10.802 (3) and (4).

(2) Have been domiciled within the state of Washington for at least one year.

(3) Be enrolled or accepted for enrollment on at least a half-time basis at an institution of higher education in Washington as defined in RCW 28B.10.802(1).

(4) Have complied with all the rules and regulations adopted by the ~~((commission))~~ board for the administration of RCW 28B.10.800 through 28B.10.824.

**Sec. 7.** RCW 28B.10.822 and 1973 c 62 s 4 are each amended to read as follows:

The ~~((commission))~~ board shall adopt rules ~~((and regulations))~~ as may be necessary or appropriate for effecting the provisions of RCW 28B.10.800 through 28B.10.824 and section 1 of this act, and not in conflict with RCW 28B.10.800 through 28B.10.824, in accordance with the provisions of chapter 34.05 RCW, the ~~((state higher education))~~ administrative procedure act."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Sheahan, under suspension of the rules.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted under suspension of the rules.

## MOTIONS

On motion of Senator Kohl-Welles, the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.10.800, 28B.10.804, 28B.10.806, 28B.10.808, 28B.10.810, and 28B.10.822; and adding a new section to chapter 28B.10 RCW."

On motion of Senator Kohl-Welles, the rules were suspended, Second Substitute House Bill No. 1140, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1140, as amended by the Senate under suspension of the rules.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1140, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senator Jacobsen - 1.

Excused: Senators Brown, Hochstatter, Loveland, McDonald and Swecker - 5.

SECOND SUBSTITUTE HOUSE BILL NO. 1140, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 17, 1999

MR. PRESIDENT:

The Co-Speaker ruled the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1222 beyond the scope and object of the bill. The House refuses to concur in said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Bauer, the Senate receded from the Senate amendment(s) to Substitute House Bill No. 1222.

#### MOTIONS

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 1222 was returned to second reading and read the second time.

On motion of Senator Bauer, the following striking amendment by Senators Bauer and Rossi was adopted: Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.63A RCW to read as follows:

(1) A competitive grant program to assist nonprofit organizations in acquiring, constructing, or rehabilitating performing arts, art museums, and cultural facilities is created.

(2)(a) The department shall submit a list of recommended performing arts, art museum projects, and cultural organization projects eligible for funding to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. The list, in priority order, shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed four million dollars. The department may provide an additional alternate project list which shall not exceed five hundred thousand dollars.

(b) The department shall establish a competitive process to prioritize applications for state assistance as follows:

(i) The department shall conduct a state-wide solicitation of project applications from nonprofit organizations, local governments, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee, including a representative from the state arts commission, using objective criteria. The evaluation and ranking process shall also consider local community support for projects and an examination of existing assets that applicants may apply to projects.

(ii) The department may establish the amount of state grant assistance for individual project applications but the amount shall not exceed twenty percent of the estimated total capital cost or actual cost of a project, whichever is less. The remaining portions of the project capital cost shall be a match from nonstate sources. The nonstate match may include cash, the value of

real property when acquired solely for the purpose of the project, and in-kind contributions. The department is authorized to set matching requirements for individual projects. State assistance may be used to fund separate definable phases of a project if the project demonstrates adequate progress and has secured the necessary match funding.

(iii) The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the department shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

**Sec. 2.** RCW 27.34.330 and 1995 c 182 s 2 are each amended to read as follows:

The Washington state historical society shall establish a competitive process to solicit proposals for and prioritize heritage capital projects for potential funding in the state capital budget. The society shall adopt rules governing project eligibility and evaluation criteria. Application for funding of specific projects may be made to the society by local governments, public development authorities, nonprofit corporations, tribal governments, and other entities, as determined by the society. The society, with the advice of leaders in the heritage field, including but not limited to representatives from the office of the secretary of state, the eastern Washington state historical society, and the state office of archaeology and historic preservation, shall establish and submit a prioritized list of heritage capital projects to ~~((be recommended to the governor and the legislature by September 1st of each even-numbered year, beginning in 1996. The prioritized list shall be developed through open and public meetings. The governor and the legislature shall consider the prioritized list of heritage projects as a guide for appropriating funds to heritage capital projects beginning with the 1997-99 biennium and thereafter))~~ the governor and the legislature in the society's biennial capital budget request. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed four million dollars. The department may provide an additional alternate project list which shall not exceed five hundred thousand dollars. The prioritized list shall be developed through open and public meetings and the amount of state funding shall not exceed thirty-three percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the society shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

**Sec. 3.** RCW 43.63A.125 and 1997 c 374 s 2 are each amended to read as follows:

~~((If the legislature provides an appropriation to))~~ (1) The department shall establish a competitive process to solicit proposals for and prioritize projects that assist nonprofit organizations in acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential social services~~((, the legislature may direct the department of community, trade, and economic development to))~~.

(2) The department shall establish a competitive process to prioritize applications for the assistance as follows:

~~((4))~~ (a) The department shall conduct a state-wide solicitation of project applications from local governments, nonprofit organizations, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. At a minimum, applicants must demonstrate that the requested assistance will increase the efficiency or quality of the social services it provides to citizens. The evaluation and ranking process shall also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section shall not exceed twenty-five percent of the total cost of the project. The nonstate portion of the total project cost may include~~((, but is not limited to, land, facilities))~~ cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

~~((2))~~ (b) The department shall submit a prioritized list of recommended projects to the ~~((legislature by November 1st following the effective date of the appropriation))~~ governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. For the 1999-2001 biennium, the department shall conduct a solicitation and ranking process, as described in (a) of this subsection, for projects to be funded by appropriations provided for this program in the 1999-2001 capital budget. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a

biennial project list shall not exceed four million dollars. The department may provide an additional alternate project list which shall not exceed five hundred thousand dollars. Except for the 1999-2001 biennium, the department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

~~((3))~~ (c) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities shall be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

~~((4) The department shall develop model contract provisions for compliance with subsection (3) of this section and shall distribute its recommendations to the appropriate legislative committees, the office of financial management, and to all state agencies which provide capital grants to nonstate entities.)~~

NEW SECTION. Sec. 4. Section 1 of this act, RCW 27.34.330, and 43.63A.125 shall expire June 30, 2007."

#### MOTION

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "amending RCW 27.34.330 and 43.63A.125; adding a new section to chapter 43.63A RCW; and providing an expiration date."

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 1222, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1222, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1222, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 37.

Voting nay: Senators Hochstatter, Honeyford, Horn, Johnson, McCaslin, Morton, Oke, Roach, Stevens and Zarelli - 10.

Excused: Senators McDonald and Swecker - 2.

SUBSTITUTE HOUSE BILL NO. 1222, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 9, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5720 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.85 RCW to read as follows:

(1) A fee of ten dollars is created and shall be assessed on each real estate broker, associate broker, and salesperson originally licensed after October 1, 1999, and upon each renewal of a license with an expiration date after October 1, 1999, including renewals of inactive licenses.

(2) This section expires September 30, 2005.

NEW SECTION. Sec. 2. A new section is added to chapter 18.85 RCW to read as follows:

(1) The Washington real estate research account is created in the state treasury. All receipts from the fee under section 1 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of section 3 of this act.

(2) This section expires September 30, 2005.

**NEW SECTION. Sec. 3.** A new section is added to chapter 18.85 RCW to read as follows:

(1) The purpose of a real estate research center in Washington state is to provide credible research, value-added information, education services, and project-oriented research to real estate licensees, real estate consumers, real estate service providers, institutional customers, public agencies, and communities in Washington state and the Pacific Northwest region. The center may:

(a) Conduct studies and research on affordable housing and strategies to meet the affordable housing needs of the state;

(b) Conduct studies in all areas directly or indirectly related to real estate and urban or rural economics and economically isolated communities;

(c) Disseminate findings and results of real estate research conducted at or by the center or elsewhere, using a variety of dissemination media;

(d) Supply research results and educational expertise to the Washington state real estate commission to support its regulatory functions, as requested;

(e) Prepare information of interest to real estate consumers and make the information available to the general public, universities, or colleges, and appropriate state agencies;

(f) Encourage economic growth and development within the state of Washington;

(g) Support the professional development and continuing education of real estate licensees in Washington; and

(h) Study and recommend changes in state statutes relating to real estate.

(2) The director shall establish a memorandum of understanding with an institution of higher learning that establishes a real estate research center for the purposes under subsection (1) of this section.

(3) This section expires September 30, 2005."

Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

Senator Shin moved that the Senate concur in the House amendment to Engrossed Senate Bill No. 5720. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Shin that the Senate concur in the House amendment to Engrossed Senate Bill No. 5720.

The motion by Senator Shin carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 5720.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5720, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5720, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Wojahn - 43. Voting nay: Senators Benton, Deccio, McCaslin and Zarelli - 4. Excused: Senators McDonald and Swecker - 2. ENGROSSED SENATE BILL NO. 5720, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 21, 1999

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate.

SUBSTITUTE HOUSE BILL NO. 1024,  
SUBSTITUTE HOUSE BILL NO. 1163,  
HOUSE BILL NO. 1442,  
SUBSTITUTE HOUSE BILL NO. 1569.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MESSAGE FROM THE HOUSE

April 8, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5728 with the following amendment(s):  
On page 3, beginning on line 14, strike everything through "detainer." on line 20, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

DEAN R. FOSTER, Chief Clerk

#### MOTION

On motion of Senator Patterson, the Senate concurred in the House amendment to Substitute Senate Bill No. 5728.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5728, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5728, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47. Excused: Senators McDonald and Swecker - 2. SUBSTITUTE SENATE BILL NO. 5728, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 6, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5731 with the following amendment(s):  
On page 3, at the beginning of line 27, strike all of subsection (6)(e), and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

DEAN R. FOSTER, Chief Clerk

#### MOTION

On motion of Senator Patterson, the Senate concurred in the House amendment to Senate Bill No. 5731.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5731, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5731, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli - 40.

Voting nay: Senators Benton, Deccio, Heavey, Hochstatter, Johnson, Roach and Stevens - 7.

Excused: Senators McDonald and Swecker - 2. SENATE BILL NO. 5731, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 8, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5803 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a number of issues have arisen in regard to the dairy nutrient management program that have not been settled without direct legislative involvement. The legislature finds that continued cooperation is needed to resolve issues relating to the dairy nutrient management program.

The legislature intends to further the goal of establishing a reasonable and effective program that provides clear and consistent expectations. The legislature finds that retention of productive dairy farms and maintaining the quality of state waters are of utmost importance to the state.

NEW SECTION. Sec. 2. By January 30, 2000, the department of ecology shall publish and send an informational guide to all registered dairy farms in the state that explains the expectations of the department when conducting an inspection. The guide shall be titled "How to Survive a Dairy Nutrient Inspection."

NEW SECTION. Sec. 3. (1) A dairy nutrient management task force is created. The task force shall be comprised of eleven members, who are appointed as follows:

(a) Two members of the house of representatives, one from each major caucus, appointed by the co-speakers of the house of representatives;

(b) Two members of the senate, one from each major caucus, appointed by the president of the senate;

(c) A representative of the department of ecology, appointed by the director of ecology;

(d) A representative of the state conservation commission, appointed by its executive secretary;

(e) A representative of local conservation districts, appointed by the president of a state-wide association of conservation districts;

(f) Three active dairy farmers, appointed by a state-wide organization representing dairy farmers in the state, who shall be from different regions and different sizes of dairy operations; and

(g) A representative of an environmental interest organization with familiarity and expertise in water quality issues, appointed by agreement of the co-speakers of the house of representatives and the president of the senate.

(2) The task force shall conduct a review of the dairy nutrient management program administered by the department of ecology, the conservation commission, and local conservation districts. The task force shall include but not be limited to examination of the following topics:

(a) Compliance with the deadlines established in chapter 262, Laws of 1998, for the development, implementation, and approval of dairy nutrient management plans, or deadlines established under other state water quality laws;

(b) Better assurance of consistency in interpretations between staff that conduct inspections, and between inspectors and staff that design and approve dairy nutrient management plans;

(c) What constitutes waters of the state for purposes of the dairy nutrient management program;

(d) Clarification of what constitutes a violation, including a review of the federal environmental protection agency guidance manual, and whether there must be an actual discharge and/or exceedance of state water quality standards;

- (e) Clarification as to the circumstances under which dairy operations are responsible to control flood waters arising from outside of the dairy operation to prevent mixing with dairy nutrients including flood waters that arise during major flood events;
  - (f) Clarification of the criteria applicable to dairy operations as to what constitutes a potential to pollute under RCW 90.48.120;
  - (g) A review of materials provided by state agencies to dairy farmers regarding dairy nutrient management inspections;
  - (h) Review changes in any standards utilized in the development and approval of dairy nutrient management plans; and
  - (i) The adequacy of funding to implement the dairy nutrient management program.
- (3) By December 10, 1999, the task force shall:
- (a) Provide recommendations to the department of ecology, to the conservation commission, and to local conservation districts for improvements in the implementation of the dairy nutrient management program; and
  - (b) Provide recommendations to the legislature on statutory changes to clarify and improve the operation of various facets of the program.
- (4) The task force shall convene as soon as possible upon appointment of its members. The task force shall elect a chair and adopt rules for conducting the business of the task force. Staff support for the task force shall be provided by the department of ecology.
- (5) This section expires December 31, 1999."
- Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5803.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5803, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5803, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators McDonald and Swecker - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5803, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 5:22 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Thursday, April 22, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

ONE HUNDRED-FIRST DAY, APRIL 21, 1999

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**ONE HUNDRED-SECOND DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Thursday, April 22, 1999

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Finkbeiner, Haugen, Heavey, Long, Roach, Sellar, Tim Sheldon and Winsley. On motion of Senator Franklin, Senators Brown and Haugen were excused. On motion of Senator Honeyford, Senators Long, Roach and Winsley were excused. On motion of Senator Deccio, Senators Finkbeiner and Sellar were excused.

The Sergeant at Arms Color Guard consisting of Pages Andre Penalver and Adam Nalder, presented the Colors. Jim Erlandson of the Reorganized Church of Latter-Day Saints of Olympia offered the prayer.

**MOTION**

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

**SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT**

**MOTION**

On motion of Senator Prentice, Gubernatorial Appointment No. 9164, Guy Roberts, as a member of the Horse Racing Commission, was confirmed.

Senators Prentice and Deccio spoke to the confirmation of Guy Roberts as a member of the Horse Racing Commission.

**APPOINTMENT OF GUY ROBERTS**

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 2; Excused, 7.

Voting yea: Senators Bauer, Benton, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Wojahn and Zarelli - 40.

Absent: Senators Heavey, Sheldon, T. - 2.

Excused: Senators Brown, Finkbeiner, Haugen, Long, Roach, Sellar and Winsley - 7.

**MOTION**

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

**MESSAGE FROM THE HOUSE**

April 8, 1999

**MR. PRESIDENT:**

The House passed SUBSTITUTE SENATE BILL NO. 5626 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.09.5255 and 1994 c 180 s 6 are each amended to read as follows:

Of the projected federal medicaid and private insurance revenue collected under RCW 74.09.5249, twenty percent, after deduction for billing fees, shall be for incentive payments to first class school districts and fifty percent, after deduction for billing fees, shall be for incentive payments to second class school districts. Incentive payments shall only be used by districts for children with disabilities.

**Sec. 2.** RCW 74.09.5255 and 1999 c . . . s 1 (section 1 of this act) are each amended to read as follows:

Of the projected federal medicaid and private insurance revenue collected under RCW 74.09.5249, ~~((twenty))~~ one-half of the percent of potential medicaid eligible students billed by the school district as calculated by the superintendent multiplied by the federal portion of medicaid payments, after deduction for billing fees, shall be for incentive payments to ~~((first class school districts and fifty percent, after deduction for billing fees, shall be for incentive payments to second class school))~~ districts. Incentive payments shall only be used by districts for children with disabilities.

**Sec. 3.** RCW 74.09.5256 and 1994 c 180 s 7 are each amended to read as follows:

(1) Districts shall reassign medicaid payments to be received under RCW 74.09.5249 through 74.09.5253, 74.09.5254 and 74.09.5255, and this section to the superintendent of public instruction.

(2) The superintendent of public instruction shall receive medicaid payments from the department of social and health services for all state and federal moneys under Title XIX of the federal social security act due to districts for medical assistance provided in the district's special education program.

(3) The superintendent shall use reports from the department of social and health services, the state billing agent, districts acting as their own billing agent, and firms to calculate the appropriate amounts of incentive payments and state special education program moneys due each district.

(4) Moneys received by the superintendent of public instruction shall be disbursed for the following purposes:

(a) Reimbursement to the department of social and health services for the state-funded portion of medicaid payments;

(b) Reimbursement for billing agent's fees, including those of districts acting as their own agent and billing fees of firms;

(c) Incentive payments to first class school districts equal to twenty percent of the federal portion of medicaid payments after deduction for billing fees; ~~((and))~~

(d) Incentive payments to second class school districts equal to fifty percent of the federal portion of medicaid payments after deduction of billing fees; and

~~(e)~~ The remainder shall be distributed to districts as part of state allocations for the special education program provided under RCW 28A.150.390.

(5) With respect to private insurer funds received by districts, the superintendent of public instruction shall reduce state special education program allocations to ~~((the))~~ first class districts by eighty percent of the amount received, after deduction for billing fees and to second class districts by fifty percent of the amount received, after deduction for billing fees.

**Sec. 4.** RCW 74.09.5256 and 1999 c . . . s 3 (section 3 of this act) are each amended to read as follows:

(1) Districts shall reassign medicaid payments to be received under RCW 74.09.5249 through 74.09.5253, 74.09.5254 and 74.09.5255, and this section to the superintendent of public instruction.

(2) The superintendent of public instruction shall receive medicaid payments from the department of social and health services for all state and federal moneys under Title XIX of the federal social security act due to districts for medical assistance provided in the district's special education program.

(3) The superintendent shall use reports from the department of social and health services, the state billing agent, districts acting as their own billing agent, and firms to calculate the appropriate amounts of incentive payments and state special education program moneys due each district.

(4) Moneys received by the superintendent of public instruction shall be disbursed for the following purposes:

(a) Reimbursement to the department of social and health services for the state-funded portion of medicaid payments;

(b) Reimbursement for billing agent's fees, including those of districts acting as their own agent and billing fees of firms;

(c) Incentive payments to ~~((first class))~~ each school district~~((s))~~ equal to ~~((twenty))~~ one-half of the percent of potential medicaid eligible students billed by the school district as calculated by the superintendent multiplied by the federal portion of medicaid payments after deduction for billing fees; and

~~(d) ((Incentive payments to second class school districts equal to fifty percent of the federal portion of medicaid payments after deduction of billing fees; and~~

~~(e)))~~ The remainder shall be distributed to districts as part of state allocations for the special education program provided under RCW 28A.150.390.

(5) With respect to private insurer funds received by districts, the superintendent of public instruction shall reduce state special education program allocations to ~~((first class))~~ districts by ~~((eighty percent of the amount received))~~ one minus the percent

~~calculated by the superintendent in subsection (4)(c) of this section, after deduction for billing fees ((and to second class districts by fifty percent of the amount received, after deduction for billing fees)).~~

**NEW SECTION. Sec. 5.** (1) Sections 1 and 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

(2) Sections 2 and 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1999."

Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Eide, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5626 and asks the House to recede therefrom.

#### MOTION

On motion of Senator Franklin, Senator Heavey was excused.

#### STATEMENT FOR THE JOURNAL

While in the wings of the Senate discussing the Transportation Budget, I missed the roll call on Substitute Senate Bill No. 5304, as amended by the House. I intended to vote, 'yes.'

SENATOR DON BENTON, Seventeenth District

#### MESSAGE FROM THE HOUSE

April 12, 1999

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5304 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 66.28.230 and 1989 c 271 s 232 are each amended to read as follows:

~~((1) Except as provided in subsection (2) of this section, the violation of any provisions of RCW 66.28.200 through 66.28.220 is punishable by a fine of not more than five hundred dollars.~~

~~(2)) Except as provided in RCW 66.44.270, a person who intentionally furnishes a keg or other container containing four or more gallons of malt liquor to a ((minor is liable, on conviction, for a first offense for a penalty of not more than five hundred dollars, or for imprisonment for not more than two months, or both; for a second offense for a penalty of not more than five hundred dollars or imprisonment for not more than six months, or both; and for a third or subsequent offense for a penalty of not more than five hundred dollars or imprisonment for more than one year, or both)) person under the age of twenty-one years is guilty of a gross misdemeanor punishable under RCW 9.92.020.~~

**NEW SECTION. Sec. 2.** A new section is added to chapter 66.28 RCW to read as follows:

The violation of any provisions of RCW 66.28.200 through 66.28.230 is a gross misdemeanor punishable under RCW 9.92.020.

**Sec. 3.** RCW 66.44.100 and 1981 1st ex.s. c 5 s 21 are each amended to read as follows:

Except as permitted by this title, no person shall open the package containing liquor or consume liquor in a public place. Every person who violates any provision of this section shall be guilty of a ~~((misdemeanor, and on conviction therefor shall be fined not more than one hundred dollars))~~ class 3 civil infraction under chapter 7.80 RCW.

**NEW SECTION. Sec. 4.** RCW 66.44.320 (Sales of liquor to minors a violation) and 1973 1st ex.s. c 209 s 19, 1933 c 2 s 1, & 1929 c 200 s 1 are each repealed.

**NEW SECTION. Sec. 5.** This act applies to crimes committed on or after the effective date of this act."

Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Kline, the Senate concurred in the House amendment to Substitute Senate Bill No. 5304.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5304, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5304, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Benton - 1.

Excused: Senators Finkbeiner, Haugen, Heavey, Long and Sellar - 5.

SUBSTITUTE SENATE BILL NO. 5304, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 16, 1999

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5399 with the following amendment(s):

On page 5, after line 2, insert the following:

"**Sec. 2** RCW 46.20.308 and 1998 c 213 s 1, 1998 c 209 s 1, 1998 c 207 s 7, and 1998 c 41 s 4 are each reenacted and amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcohol concentration or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. However, in those instances where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility in which a breath testing instrument is not present or where the officer has reasonable grounds to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that:

(a) His or her license, permit, or privilege to drive will be revoked or denied if he or she refuses to submit to the test;

(b) His or her license, permit, or privilege to drive will be suspended, revoked, or denied if the test is administered and the test indicates the alcohol concentration of the person's breath or blood is 0.08 or more, in the case of a person age twenty-one or over, or in violation of RCW 46.61.502, 46.61.503, or 46.61.504 in the case of a person under age twenty-one; and

(c) His or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more if the person is age twenty-one or over, or is in violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection (7) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (8) of this section;

(c) Mark the person's Washington state driver's license or permit to drive, if any, in a manner authorized by the department;

(d) Serve notice in writing that the marked license or permit, if any, is a temporary license that is valid for sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(e) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol concentration in violation of RCW 46.61.503;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her blood or breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person is age twenty-one or over, or was in violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(7) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under subsection (6)(e) of this section, shall suspend, revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW 46.20.3101, such suspension, revocation, or denial to be effective beginning sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.

(8) A person receiving notification under subsection (6)(b) of this section may, within thirty days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of one hundred dollars as part of the request. If the request is mailed, it must be postmarked within thirty days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required one hundred dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required one hundred dollar fee if the person is an indigent as defined in RCW 10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic

means. The hearing shall be held within sixty days following the arrest or following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license marked under subsection (6)(c) of this section extended, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration in violation of RCW 46.61.503 and was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person was age twenty-one or over at the time of the arrest, or was in violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person was under the age of twenty-one at the time of the arrest. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration in violation of RCW 46.61.503 and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, or denial either be rescinded or sustained.

(9) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. The review must be limited to a determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial evidence in the record: (a) That were expressly made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial it may impose conditions on such stay.

(10) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied under subsection (7) of this section, other than as a result of a breath or blood test refusal, and who has not committed an offense within the last five years for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (7) of this section, the court may direct the department to stay any actual or proposed suspension, revocation, or denial for at least forty-five days but not more than ninety days. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license marked under subsection (6) of this section, for the period of the stay. If a deferred prosecution treatment plan

is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary marked license or extension of a temporary license issued under this subsection.

A suspension, revocation, or denial imposed under this section, other than as a result of a breath or blood test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(11) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license."

Renumber the sections consecutively and correct the title and any internal references accordingly., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Kline, the Senate concurred in the House amendment to Substitute Senate Bill No. 5399.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5399, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5399, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Finkbeiner, Haugen, Long, Sellar

SUBSTITUTE SENATE BILL NO. 5399, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator McDonald was excused.

#### MESSAGE FROM THE HOUSE

April 16, 1999

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5424 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the environmental, recreational, and aesthetic values of many of the state's lakes are threatened by the invasion of nuisance and noxious aquatic weeds. Once established, these nuisance and noxious aquatic weeds can colonize the shallow shorelines and other areas of lakes with dense surface vegetation mats that degrade water quality, pose a threat to swimmers, and restrict use of lakes. Algae can generate health and safety conditions dangerous to fish, wildlife, and humans. The current environmental impact statement is causing difficulty in responding to

environmentally damaging weed and algae problems. Many commercially available herbicides have been demonstrated to be effective in controlling nuisance and noxious aquatic weeds and algae and do not pose a risk to the environment or public health. The purpose of this act is to allow the use of commercially available herbicides that have been approved by the environmental protection agency and the department of agriculture and subject to rigorous evaluation by the department of ecology through an environmental impact statement for the aquatic plant management program.

**NEW SECTION. Sec. 2.** A new section is added to chapter 90.48 RCW to read as follows:

(1) The department of ecology shall update the final supplemental environmental impact statement completed in 1992 for the aquatic plant management program to reflect new information on herbicides evaluated in 1992 and new, commercially available herbicides. The department shall maintain the currency of the information on herbicides and evaluate new herbicides as they become commercially available.

(2) For the 1999 treatment season, the department shall permit by May 15, 1999, municipal experimental application of herbicides such as hydrothol 191 for algae control in lakes managed under chapter 90.24 RCW. If experimental use is determined to be ineffective, then the department shall within fourteen days consult with other state, federal, and local agencies and interested parties, and may permit the use of copper sulfate. The Washington institute for public policy shall contract for a study on the lake-wide effectiveness of any herbicide used under this subsection. Prior to issuing the contract for the study, the institute for public policy shall determine the parameters of the study in consultation with licensed applicators who have recent experience treating the lake and with the nonprofit corporation that participated in centennial clean water fund phase one lake management studies for the lake. The parameters must include measurement of the lake-wide effectiveness of the application of the herbicide in maintaining beneficial uses of the lake, including any uses designated under state or federal water quality standards. The effectiveness of the application shall be determined by objective criteria such as turbidity of the water, the effectiveness in killing algae, any harm to fish or wildlife, any risk to human health, or other criteria developed by the institute. The results of the study shall be reported to the appropriate legislative committees by December 1, 1999. A general fund appropriation in the amount of \$35,000 is provided to the Washington institute for public policy for fiscal year 1999 for the study required under this subsection.

**NEW SECTION. Sec. 3.** A new section is added to chapter 90.48 RCW to read as follows:

(1) Subject to restrictions in this section, a government entity seeking to control a limited infestation of Eurasian water milfoil may use the pesticide 2,4-D to treat the milfoil infestation, without obtaining a permit under RCW 90.48.445, if the milfoil infestation is either recently documented or remaining after the application of other control measures, and is limited to twenty percent or less of the littoral zone of the lake. Any pesticide application made under this section must be made according to all label requirements for the product and must meet the public notice requirements of subsection (2) of this section.

(2) Before applying 2,4-D, the government entity shall: (a) Provide at least twenty-one days' notice to the department of ecology, the department of fish and wildlife, the department of agriculture, the department of health, and all lake residents; (b) post notices of the intent to apply 2,4-D at all public access points; and (c) place informational buoys around the treatment area.

(3) The department of fish and wildlife may impose timing restrictions on the use of 2,4-D to protect salmon and other fish and wildlife.

(4) The department may prohibit the use of 2,4-D if the department finds the product contains dioxin in excess of the standard allowed by the United States environmental protection agency. Sampling protocols and analysis used by the department under this section must be consistent with those used by the United States environmental protection agency for testing this product.

(5) Government entities using this section to apply 2,4-D may apply for funds from the freshwater aquatic weeds account consistent with the freshwater aquatic weeds management program as provided in RCW 43.21A.660.

(6) Government entities using this section shall consider development of long-term control strategies for eradication and control of the Eurasian water milfoil.

(7) For the purpose of this section, "government entities" includes cities, counties, state agencies, tribes, special purpose districts, and county weed boards.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

## MOTION

Senator Winsley moved that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 5424.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Winsley that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 5424.

The motion by Senator Winsley carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5424.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5424, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5424, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Bauer - 1.

Excused: Senators Finkbeiner, Haugen, Long and McDonald - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5424, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 16, 1999

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5536 with the following amendment(s):

On page 2, line 6, after "project." insert "In the event of differences of opinion among the members of the advisory committee, the committee shall attempt to resolve these differences through various means, including the retention of facilitation or mediation services."

On page 2, line 11, after "(4)" insert the following:

"Upon completion of the study, the department shall provide a report to the natural resources committee of the house of representatives and to the natural resources, parks, and recreation committee of the senate summarizing the results of the study. (5)", and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

## MOTION

On motion of Senator Spanel, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5536.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5536, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5536, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Finkbeiner, Haugen, Long and McDonald - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5536, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 16, 1999

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5553 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 67.08 RCW to read as follows:

The department shall set license and renewal fees by rule, but the fees collected do not have to offset the cost of the program as required under RCW 43.24.086.

**Sec. 2.** RCW 67.08.002 and 1997 c 205 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Amateur" means a person who engages in athletic activities as a pastime and not as a professional.

(2) "Boxing" means a contest in which the contestants exchange blows with their fists, but does not include professional wrestling.

(3) "Department" means the department of licensing.

(4) "Director" means the director of the department of licensing or the director's designee.

(5) "Event" includes, but is not limited to, a boxing, wrestling, or martial arts contest, sparring, fisticuffs, match, show, or exhibition.

(6) "Event physician" means the physician licensed under RCW 67.08.100 and who is responsible for the activities described in RCW 67.08.090.

~~(7)~~ (7) "Face value" means the dollar value of a ticket or order, which value must reflect the dollar amount that the customer is required to pay or, for a complimentary ticket, would have been required to pay to purchase a ticket with equivalent seating priority, in order to view the event.

~~((7))~~ (8) "Gross receipts" means ~~(the amount received from (the sale of souvenirs, programs, and other concessions received by the promoter; and))~~ the amount received from ~~(the sale of souvenirs, programs, and other concessions received by the promoter; and))~~ the face value of all tickets sold and complimentary tickets redeemed.

~~((8))~~ (9) "Kickboxing" means a type of boxing in which blows are delivered with the hand and any part of the leg below the hip, including the foot.

~~((9))~~ (10) "Martial arts" means a type of boxing including sumo, judo, karate, kung fu, tae kwon do, pankration, muay thai, or other forms of full-contact martial arts or self-defense conducted on a full-contact basis.

~~((10))~~ (11) "Physician" means a person licensed under chapter 18.57, 18.36A, or 18.71 RCW as a physician or a person holding an osteopathic or allopathic physician license under the laws of any jurisdiction in which the person resides.

(12) "Professional" means a person who has received or competed for money or other articles of value for participating in an event.

~~((14))~~ (13) "Promoter" means a person, and includes any officer, director, employee, or stockholder of a corporate promoter, who produces, arranges, stages, holds, or gives an event in this state involving a professional boxing, martial arts, or wrestling event, or shows or causes to be shown in this state a closed circuit telecast of a match involving a professional participant whether or not the telecast originates in this state.

~~((12))~~ ~~"Tough man/rough man contest or competition" means an event that utilizes unlicensed, untrained, or otherwise licensed participants who engage in unsanctioned activities that do not comply with this chapter, including a full-contact, tournament-style martial arts contest, match, show, or exhibition in which contestants compete more than once per day.~~

~~(13))~~ (14) "Wrestling exhibition" or "wrestling show" means a form of sports entertainment in which the participants display their skills in a physical struggle against each other in the ring and either the outcome may be predetermined or the participants do not necessarily strive to win, or both.

**Sec. 3.** RCW 67.08.015 and 1997 c 205 s 3 are each amended to read as follows:

(1) In the interest of ensuring the safety and welfare of the participants, the department shall have power and it shall be its duty to direct, supervise, and control all boxing, martial arts, and wrestling events conducted within this state and an event may not be held in this state except in accordance with the provisions of this chapter. The department may, in its discretion, issue and for cause deny, revoke, or suspend a license to promote, conduct, or hold boxing, kickboxing, martial arts, or wrestling events where an admission fee is charged by any person, club, corporation, organization, association, or fraternal society.

(2) All boxing, kickboxing, martial arts, or wrestling events that:

(a) Are conducted by any common school, college, or university, whether public or private, or by the official student association thereof, whether on or off the school, college, or university grounds, where all the participating contestants are bona fide students enrolled in any common school, college, or university, within or without this state; or

(b) Are entirely amateur events promoted on a nonprofit basis or for charitable purposes; are not subject to the licensing provisions of this chapter. A boxing, martial arts, kickboxing, or wrestling event may not be conducted within the state except under a license issued in accordance with this chapter and the rules of the department except as provided in this section.

(3) The director shall prohibit events unless all of the contestants are either licensed under this chapter or trained by an amateur or professional sanctioning body recognized by the department.

**Sec. 4.** RCW 67.08.050 and 1997 c 205 s 6 are each amended to read as follows:

(1) Any promoter shall within seven days prior to the holding of any event file with the department a statement setting forth the name of each licensee who is a potential participant, his or her manager or managers, and such other information as the department may require. Participant changes regarding a wrestling event may be allowed after notice to the department, if the new participant holds a valid license under this chapter. The department may stop any wrestling event in which a participant is not licensed under this chapter.

(2) Upon the termination of any event the promoter shall file with the designated department representative a written report, duly verified as the department may require showing the number of tickets sold for the event, the price charged for the tickets and the gross proceeds thereof, and such other and further information as the department may require. The promoter shall pay to the department at the time of filing the report under this section a tax equal to five percent of such gross receipts. However, the tax may not be less than twenty-five dollars. The five percent of such gross receipts shall be immediately paid by the department into the state general fund.

(3) A complimentary ticket may not have a face value of less than the least expensive ticket available for sale to the general public. ~~((It must include charges and fees, such as dinner, gratuity, parking, surcharges, or other charges or fees that are charged to and must be paid by the customer in order to view the event.))~~ The number of untaxed complimentary tickets shall be limited to five percent of the total tickets sold per event location, not to exceed three hundred tickets. All complimentary tickets exceeding this exemption shall be subject to taxation.

**Sec. 5.** RCW 67.08.080 and 1997 c 205 s 8 are each amended to read as follows:

A boxing~~((, kickboxing, or martial arts))~~ event held in this state may not be for more than ten rounds and no one round of any bout shall be scheduled for longer than three minutes and there shall be not less than one minute intermission between each round. In the event of bouts involving state, regional, national, or world championships the department may grant an extension of no more than two additional rounds to allow total bouts of twelve rounds. A contestant in any boxing event under this chapter may not be permitted to wear gloves weighing less than eight ounces. The director shall adopt rules to assure clean and sportsmanlike conduct on the part of all contestants and officials, and the orderly and proper conduct of the event in all respects, and to otherwise make rules consistent with this chapter, but such rules shall apply only to events held under the provisions of this chapter. The director may adopt rules with respect to round and bout limitations and clean and sportsmanlike conduct for kickboxing, martial arts, or wrestling events.

**Sec. 6.** RCW 67.08.090 and 1997 c 205 s 9 are each amended to read as follows:

(1) Each contestant for boxing, kickboxing, or martial arts events shall be examined within twenty-four hours before the contest by ~~((a competent))~~ an event physician ~~((appointed))~~ licensed by the department. The event physician shall report in writing and over his or her signature before the event the physical condition of each and every contestant to the inspector present at such contest. No contestant whose physical condition is not approved by the ~~((examining))~~ event physician shall be permitted to participate in any event. Blank forms ~~((of))~~ for event physicians' reports shall be provided by the department and all questions upon such blanks shall be answered in full. The ~~((examining))~~ event physician shall be paid a fee and travel expenses by the promoter.

(2) The department may require that ~~((a))~~ an event physician be present at a wrestling event. The promoter shall pay ~~((any))~~ the event physician present at a wrestling event. A boxing, kickboxing, or martial arts event may not be held unless ~~((a~~

licensed)) an event physician ((ef)) licensed by the department ((or his or her duly appointed representative)) is present throughout the event.

(3) Any ((practicing)) physician ((and surgeon)) licensed under RCW 67.08.100 may be selected by the department as the ((examining)) event physician. ((Such)) The event physician present at ((such)) any contest shall have authority to stop any event when in the event physician's opinion it would be dangerous to a contestant to continue, and in such event it shall be the event physician's duty to stop the event.

(4) The department may have a participant in a wrestling event examined by ((a)) an event physician ((appointed)) licensed by the department prior to the event. A participant in a wrestling event whose condition is not approved by the ((examining)) event physician shall not be permitted to participate in the event.

(5) Each contestant for boxing, kickboxing, martial arts, or wrestling events may be subject to a random urinalysis or chemical test within twenty-four hours before or after a contest. An applicant or licensee who refuses or fails to submit to the urinalysis or chemical test is subject to disciplinary action under RCW 67.08.240. If the urinalysis or chemical test is positive for substances prohibited by rules adopted by the director, disciplinary action shall be taken under RCW 67.08.240.

**Sec. 7.** RCW 67.08.100 and 1997 c 205 s 10 and 1997 c 58 s 864 are each reenacted and amended to read as follows:

(1) The department upon receipt of a properly completed application and payment of a nonrefundable fee, may grant an annual license to an applicant for the following: (a) Promoter; (b) manager; (c) boxer; (d) second; (e) wrestling participant; (f) inspector((s)); (g) judge; (h) timekeeper; (i) announcer((s)); ((and)) (j) event physician((s)); (k) referee; (l) matchmaker; (m) kickboxer; and (n) martial arts participant.

(2) The application for the following types of licenses shall include a physical performed by a physician, as defined in RCW 67.08.002, which was performed by the physician with a time period preceding the application as specified by rule: (a) Boxer; (b) wrestling participant; (c) kickboxer; (d) martial arts participant; and (e) referee.

(3) Any license may be revoked, suspended, or denied by the director for a violation of this chapter or a rule adopted by the director.

((3)) (4) No person shall participate or serve in any of the above capacities unless licensed as provided in this chapter.

((4)) (5) The referees, judges, timekeepers, event physicians, and inspectors for any boxing event shall be designated by the department from among licensed officials.

((5)) (6) The referee for any wrestling event shall be provided by the promoter and shall be licensed as a wrestling participant.

((6)) (7) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order ((or a residential or visitation order)). If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

((7)) (8) A person may not be issued a license if the person has an unpaid fine outstanding to the department.

((8)) (9) A person may not be issued a license unless they are at least eighteen years of age.

((9)) (10) This section shall not apply to contestants or participants in events at which only amateurs are engaged in contests and/or fraternal organizations and/or veterans' organizations chartered by congress or the defense department or any recognized amateur sanctioning body recognized by the department, holding and promoting athletic events and where all funds are used primarily for the benefit of their members. Upon request of the department, a promoter, contestant, or participant shall provide sufficient information to reasonably determine whether this chapter applies.

**Sec. 8.** RCW 67.08.110 and 1997 c 205 s 11 are each amended to read as follows:

(1) Any person or any member of any group of persons or corporation promoting boxing events who shall participate directly or indirectly in the purse or fee of any manager of any boxers or any boxer and any licensee who shall conduct or participate in any sham or fake boxing event shall be subject to license suspension, revocation, or fine and such revoked, suspended, or fined licensee shall not be entitled to receive any license issued under this chapter.

(2) A manager of any boxer, kickboxer, or martial arts participant who allows any person or any group of persons or corporation promoting boxing, kickboxing, or martial arts events to participate directly or indirectly in the purse or fee, or any boxer, kickboxer, or martial arts participant or other licensee who conducts or participates in any sham or fake boxing, kickboxing, or martial arts event is subject to disciplinary action under RCW 67.08.240.

**Sec. 9.** RCW 67.08.120 and 1997 c 205 s 12 are each amended to read as follows:

Any ((unlicensed participant contestant)) applicant or licensee who violates any rule of the department shall be fined, suspended, revoked, or any combination thereof, by order of the director. Assessed fines shall not exceed five ((hundred)) thousand dollars for each violation of this chapter or any rule of the department.

**Sec. 10.** RCW 67.08.160 and 1989 c 127 s 2 are each amended to read as follows:

A promoter shall have an ambulance or paramedical unit present at the ~~((arena in case a serious injury occurs unless an ambulance or paramedical unit is located within five miles of the arena and that unit is on call for such an occurrence))~~ event location."

Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Shin, the Senate concurred in the House amendment to Substitute Senate Bill No. 5553.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5553, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5553, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senator Honeyford - 1.

Absent: Senator Hargrove - 1.

Excused: Senators Finkbeiner, Haugen, Long and McDonald - 4.

SUBSTITUTE SENATE BILL NO. 5553, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Deccio, Senators Hale and McCaslin were excused.

#### MESSAGE FROM THE HOUSE

April 16, 1999

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5599 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.114A RCW to read as follows:

The department and the department of labor and industries shall adopt joint rules for the licensing, operation, and inspection of temporary worker housing, and the enforcement thereof. These rules shall establish standards that are as effective as the standards developed under the Washington industrial safety and health act, chapter 49.17 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 49.17 RCW to read as follows:

The department and the department of health shall adopt joint rules for the licensing, operation, and inspection of temporary worker housing, and the enforcement thereof. For the purposes of this section "temporary worker housing" has the same meaning as given in RCW 70.114A.020.

NEW SECTION. Sec. 3. A new section is added to chapter 70.114A RCW to read as follows:

By December 1, 1999, the department and the department of labor and industries shall jointly establish a formal agreement that identifies the roles of each of the two agencies with respect to the enforcement of temporary worker housing operation standards.

The agreement shall, to the extent feasible, provide for inspection and enforcement actions by a single agency, and shall include measures to avoid multiple citations for the same violation.

**NEW SECTION. Sec. 4.** A new section is added to chapter 49.17 RCW to read as follows:

By December 1, 1999, the department and the department of health shall jointly establish a formal agreement that identifies the roles of each of the two agencies with respect to the enforcement of temporary worker housing operation standards.

The agreement shall, to the extent feasible, provide for inspection and enforcement actions by a single agency, and shall include measures to avoid multiple citations for the same violation.

For the purposes of this section, "temporary worker housing" has the same meaning as provided in RCW 70.114A.020.

**NEW SECTION. Sec. 5.** A new section is added to chapter 70.114A RCW to read as follows:

(1) The department and the department of labor and industries are directed to engage in joint rule making to establish standards for cherry harvest temporary labor camps. These standards may include some variation from standards that are necessary for longer occupancies, provided they are as effective as the standards adopted under the Washington industrial safety and health act, chapter 49.17 RCW. As used in this section "cherry harvest temporary labor camp" means a place where housing and related facilities are provided to agricultural employees by agricultural employers for no more than twenty-one days in any one calendar year. Temporary labor camps licensed under this section may be occupied for more than twenty-one days if the following conditions are met: (a) The secretary or an authorized representative and the local health jurisdiction determine that the health and safety interests of the worker occupants would be better served by extending the occupancy than closing the camp at the end of the initial twenty-one day period; and (b) the operator requests an extension at least three days prior to the expiration of the initial twenty-one day period. The extended occupancy shall not exceed seven days.

(2) Facilities licensed under rules adopted under this section may not be used to provide housing for agricultural employees who are nonimmigrant aliens admitted to the United States for agricultural labor or services of a temporary or seasonal nature under section 1101(a)(15)(H)(ii)(a) of the immigration and nationality act (8 U.S.C. Sec. 1101(a)(15)(H)(ii)(a)).

(3) This section has no application to temporary worker housing constructed in conformance with codes listed in RCW 19.27.031 or 70.114A.081.

**Sec. 6.** RCW 70.114A.020 and 1995 c 220 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Agricultural employee" means any person who renders personal services to, or under the direction of, an agricultural employer in connection with the employer's agricultural activity.

(2) "Agricultural employer" means any person engaged in agricultural activity, including the growing, producing, or harvesting of farm or nursery products, or engaged in the forestation or reforestation of lands, which includes but is not limited to the planting, transplanting, tubing, precommercial thinning, and thinning of trees and seedlings, the clearing, piling, and disposal of brush and slash, the harvest of Christmas trees, and other related activities.

(3) "Department" means the department of health.

~~((2))~~ (4) "Dwelling unit" means a shelter, building, or portion of a building, that may include cooking and eating facilities, that is:

(a) Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and

(b) Physically separated from other sleeping and common-use areas.

~~((3))~~ (5) "Enforcement" and "enforcement actions" include the authority to levy and collect fines.

(6) "Facility" means a sleeping place, drinking water, toilet, sewage disposal, food handling installation, or other installations required for compliance with this chapter.

~~((4))~~ (7) "Occupant" means a temporary worker or a person who resides with a temporary worker at the housing site.

~~((5))~~ (8) "Operator" means a person holding legal title to the land on which temporary worker housing is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the temporary worker housing under a lease or other arrangement.

~~((6))~~ (9) "Temporary worker" means ~~((a person))~~ an agricultural employee employed intermittently and not residing year-round at the same site.

~~((7))~~ (10) "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an agricultural employer for his or her agricultural employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy~~((, and includes "labor camps" under RCW 70.54.110)).~~

**Sec. 7.** RCW 70.114A.060 and 1995 c 220 s 6 are each amended to read as follows:

The secretary of the department or authorized representative may inspect housing covered by chapter 220, Laws of 1995, to enforce temporary worker housing rules adopted by the state board of health prior to the effective date of this act or the department, or when the secretary or representative has reasonable cause to believe that a violation of temporary worker housing

rules adopted by the state board of health prior to the effective date of this act or the department is occurring or is being maintained. If the buildings or premises are occupied as a residence, a reasonable effort shall be made to obtain permission from the resident. If the premises or building is unoccupied, a reasonable effort shall be made to locate the owner or other person having charge or control of the building or premises and request entry. If consent for entry is not obtained, for whatever reason, the secretary or representative shall have recourse to every remedy provided by law to secure entry.

**Sec. 8.** RCW 70.114A.081 and 1998 c 37 s 2 are each amended to read as follows:

(1) The department shall adopt by rule a temporary worker building code in conformance with the temporary worker housing standards developed under the Washington industrial safety and health act, chapter 49.17 RCW, (~~the rules adopted by the state board of health under RCW 70.54.110,~~) and the following guidelines:

(a) The temporary worker building code shall provide construction standards for shelter and associated facilities that are safe, secure, and capable of withstanding the stresses and loads associated with their designated use, and to which they are likely to be subjected by the elements;

(b) The temporary worker building code shall permit and facilitate designs and formats that allow for maximum affordability, consistent with the provision of decent, safe, and sanitary housing;

(c) In developing the temporary worker building code the department of health shall consider:

(i) The need for dormitory type housing for groups of unrelated individuals; and

(ii) The need for housing to accommodate families;

(d) The temporary worker building code shall incorporate the opportunity for the use of construction alternatives and the use of new technologies that meet the performance standards required by law;

(e) The temporary worker building code shall include standards for heating and insulation appropriate to the type of structure and length and season of occupancy;

(f) The temporary worker building code shall include standards for temporary worker housing that are to be used only during periods when no auxiliary heat is required; and

(g) The temporary worker building code shall provide that persons operating temporary worker housing consisting of four or fewer dwelling units or combinations of dwelling units, dormitories, or spaces that house nine or fewer occupants may elect to comply with the provisions of the temporary worker building code, and that unless the election is made, such housing is subject to the codes adopted under RCW 19.27.031.

(2) In adopting the temporary worker building code, the department shall make exceptions to the codes listed in RCW 19.27.031 and chapter 19.27A RCW, in keeping with the guidelines set forth in this section. The initial temporary worker building code adopted by the department shall be substantially equivalent with the temporary worker building code developed by the state building code council as directed by section 8, chapter 220, Laws of 1995.

(3) The temporary worker building code authorized and required by this section shall be enforced by the department.

The department shall have the authority to allow minor variations from the temporary worker building code that do not compromise the health or safety of workers. Procedures for requesting variations and guidelines for granting such requests shall be included in the rules adopted under this section.

**NEW SECTION. Sec. 9.** A new section is added to chapter 43.70 RCW to read as follows:

For the purposes of RCW 43.70.335, 43.70.337, and 43.70.340, "temporary worker housing" has the same meaning as provided in RCW 70.114A.020.

**Sec. 10.** RCW 43.70.335 and 1998 c 37 s 5 are each amended to read as follows:

(1) Any person providing temporary worker housing consisting of five or more dwelling units, or any combination of dwelling units, dormitories, or spaces that house ten or more occupants, or any person providing temporary worker housing who makes the election to comply with the temporary worker building code under RCW 70.114A.081(1)(g), shall secure an annual operating license prior to occupancy and shall pay a fee according to RCW 43.70.340. The license shall be conspicuously displayed on site.

(2) Licenses issued under this chapter may be suspended or revoked upon the failure or refusal of the person providing temporary worker housing to comply with (~~the provisions of RCW 70.54.110, or of any~~) rules adopted under this section or chapter 70.114A RCW by the department. All such proceedings shall be governed by the provisions of chapter 34.05 RCW.

(3) The department may assess a civil fine in accordance with RCW 43.70.095 for failure or refusal to obtain a license prior to occupancy of temporary worker housing. The department may refund all or part of the civil fine collected once the operator obtains a valid operating license.

(4) Civil fines under this section shall not exceed twice the cost of the license plus the cost of the initial on-site inspection for the first violation of this section, and shall not exceed ten times the cost of the license plus the cost of the initial on-site inspection for second and subsequent violations within any five-year period. The department may adopt rules as necessary to assure compliance with this section.

**NEW SECTION. Sec. 11.** A new section is added to chapter 70.114A RCW to read as follows:

The department shall prepare a report to the legislature on utilization of the temporary worker building code authorized by RCW 70.114A.081. The report shall include the number of housing units, number of families or individuals housed, number of growers obtaining permits, the geographic distribution of the permits, and recommendations of changes in the temporary worker building code necessary to avoid health and safety problems for the occupants. The report shall be transmitted to the senate committee on commerce, trade, housing and financial institutions and the house of representatives committee on economic development, housing and trade by December 15, 2000, and an update shall be transmitted every two years thereafter.

**NEW SECTION. Sec. 12.** The following acts or parts of acts are each repealed:

(1) RCW 43.70.330 (Labor camps and farmworker housing--Inspector--Interagency agreement for inspections) and 1998 c 245 s 74, 1995 c 399 s 75, & 1990 c 253 s 2; and

(2) RCW 70.54.110 (New housing for agricultural workers to comply with board of health regulations) and 1995 c 220 s 11, 1990 c 253 s 4, & 1969 ex.s. c 231 s 1.

**NEW SECTION. Sec. 13.** Rules adopted under RCW 70.54.110 prior to the effective date of this act shall remain in effect until modified."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Prentice, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5599.

#### POINT OF INQUIRY

Senator Deccio: "Senator Prentice, Section 5 of the bill authorizes the establishment of special standards for cherry harvest labor camps, due to the shortness of that harvest. There have been successful challenges to this approach in the past. What is different in this bill that will help it survive and succeed?"

Senator Prentice: "Thank you, Senator Deccio. This will be the first time that the authority for this program has been provided in statute. That was a problem in an earlier lawsuit. In addition, we have a commitment from the Governor's Office and the Departments of Health and Labor and Industries to defend this program in court, if necessary, and to vigorously defend this program in negotiations with federal agencies. I have been advised by the agencies we have every reason to believe those negotiations will be successful."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5599, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5599, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Finkbeiner, Hale, Haugen, Long, McCaslin and McDonald - 6.

SUBSTITUTE SENATE BILL NO. 5599, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 8, 1999

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5666 with the following amendment(s):

On page 1, line 15, after "(2)" strike everything through "remanufacture." on line 18, and insert "Core means a major component part received by a vehicle wrecker in exchange for a like part sold by the wrecker, is not resold as a major component part except for scrap metal value or for remanufacture, and the wrecker maintains records for three years from the date of acquisition to identify the name of the person from whom the core was received.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Goings, the Senate concurred in the House amendment to Substitute Senate Bill No. 5666.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5666, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5666, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Finkbeiner, Hale, Haugen, Long, McCaslin and McDonald - 6.

SUBSTITUTE SENATE BILL NO. 5666, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 13, 1999

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5821 with the following amendment(s):

On page 5, after line 13, insert the following:

"(4) The board shall immediately suspend the license or practice permit of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for a license under this chapter during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the child support order. The procedure in RCW 74.20A.320 is the exclusive administrative remedy for contesting the establishment of noncompliance with a child support order, and suspension of a license under this subsection, and satisfies the requirements of RCW 34.05.422."

On page 6, on line 1, after "of" strike "employment" and insert "appointment", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

Senator Eide moved that the Senate concur in the House amendments to Second Substitute Senate Bill No. 5821.

## MOTION

Senator Johnson moved that further consideration of Second Substitute Senate Bill No. 5821 be deferred.

## POINT OF INQUIRY

Senator Goings: "Senator Johnson, can you give us a time line on how long you would like to defer consideration of this legislation?"

Senator Johnson: "Well, I think a few minutes."

Senator Goings: "That would be fine. Thank you, Mr. President."

There being no objection, further consideration of Second Substitute Senate Bill No. 5821 was deferred.

## MESSAGE FROM THE HOUSE

April 16, 1999

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5828 with the following amendment(s):

On page 2, beginning on line 4, after "organization" strike "shall ((determine whether the))" and insert "((shall determine whether the)) may"

On page 2, line 8, before "submit" strike "shall" and insert "((shall)) may", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

## MOTION

On motion of Senator Patterson, the Senate concurred in the House amendments to Substitute Senate Bill No. 5828.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5828, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5828, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Finkbeiner, Hale, Haugen and McDonald - 4.

SUBSTITUTE SENATE BILL NO. 5828, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 7, 1999

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5897 with the following amendment(s):

On page 5, line 37, after "shall be" strike "sold only for export from the United States to the highest bidder who meets all applicable state and federal requirements to export such cigarettes or", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

MOTION

On motion of Senator Thibaudeau, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5897.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5897, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5897, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Finkbeiner, Hale and McDonald - 3.

ENGROSSED SENATE BILL NO. 5897, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 1999

MR. PRESIDENT:

The House passed SENATE BILL NO. 5911 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.315 RCW to read as follows:

Notwithstanding RCW 42.12.010(4), a school director elected from a director district may continue to serve as a director from the district even though the director no longer resides in the director district, but continues to reside in the school district, under the following conditions:

(1) If, as a result of redrawing the director district boundaries, the director no longer resides in the director district, the director shall retain his or her position for the remainder of his or her term of office; and

(2) If, as a result of the director changing his or her place of residence the director no longer resides in the director district, the director shall retain his or her position until a successor is elected and assumes office as follows: (a) If the change in residency occurs after the opening of the regular filing period provided under RCW 29.15.020, in the year two years after the director was elected to office, the director shall remain in office for the remainder of his or her term of office; or (b) if the change in residency occurs prior to the opening of the regular filing period provided under RCW 29.15.020, in the year two years after the director was elected to office, the director shall remain in office until a successor assumes office who has been elected to serve the remainder of the unexpired term of office at the school district general election held in that year."

Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Eide, the Senate concurred in the House amendment to Senate Bill No. 5911.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5911, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5911, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Finkbeiner and Hale - 2.

SENATE BILL NO. 5911, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Rossi, Senator West was excused.

#### MESSAGE FROM THE HOUSE

April 15, 1999

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5962 with the following amendment(s):

On page 24, line 34, after "public" strike "business; or" and insert "business. The department may issue certificates to such persons or entities only if after issuing a request for proposals from certification authorities licensed under chapter 19.34 RCW and review of the submitted proposals, makes a determination that such private services are not sufficient to meet the department's published requirements. The department must set forth in writing the basis of any such determination and provide procedures for challenge of the determination as provided by the state procurement requirements; or"

On page 25, line 1, after "(1)" strike "The" and insert "If the department of information services issues certificates to nongovernmental entities or individuals pursuant to section 19(4) of this act, the"

On page 21, line 17, strike all of section 16.

Renumber the sections accordingly and correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Brown, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5962.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5962, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5962, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Wojahn - 42.

Voting nay: Senators Benton, Johnson and Zarelli - 3.

Absent: Senator Fraser - 1.

Excused: Senators Finkbeiner, Hale and West - 3.

ENGROSSED SENATE BILL NO. 5962, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 1999

MR. PRESIDENT:

The House passed SENATE BILL NO. 6025 with the following amendment(s):

On page 3, after line 17, strike all material through line 21, and insert

"(7) Purchases for resale by institutions of higher education to other than public agencies when such purchases are for the express purpose of supporting instructional programs and may best be executed through direct negotiation with one or more suppliers in order to meet the special needs of the institution;", and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Kohl-Welles, the Senate concurred in the House amendment to Senate Bill No. 6025.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6025, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6025, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Finkbeiner, Hale and West - 3.

SENATE BILL NO. 6025, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senator Wojahn was excused.

MESSAGE FROM THE HOUSE

April 14, 1999

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5345 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that implementation of the credit enhancement program provided for in this chapter can provide substantial savings to the taxpayers of the state of Washington with minimal cost or risk to the state government. The guaranty provided by pledging the credit of the state to the payment of voter-approved school district general obligation bonds will encourage lower interest rates, and therefore lower taxes, for such bonds than school districts alone can command, despite the excellent credit history of such obligations. Any such guarantee does not remove the debt obligation of the school district and is not state debt.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bond" means any voted general obligation bond issued by a school district, holding a certificate issued pursuant to this chapter for such a bond.

(2) "Credit enhancement program" means the school district bond guaranty established by this chapter.

(3) "General obligation bond" means any bond, note, warrant, certificate of indebtedness, or other obligation of a district that constitutes an indebtedness within the meaning of any applicable constitutional or statutory debt limitations.

(4) "Paying agent" means the paying agent selected, from time to time, for a bond issue pursuant to state law.

(5) "Refunding bond" means any general obligation bond issued by a district for the purpose of refunding its outstanding general obligation bonds.

(6) "School district" or "district" means any school district existing now or later under the laws of the state.

**NEW SECTION. Sec. 3.** (1)(a) The full faith, credit, and taxing power of the state is pledged to guarantee full and timely payment of the principal of and interest on bonds as such payments become due. However, in the event of any acceleration of the due date of the principal by reason of mandatory redemption or acceleration resulting from default, the payments guaranteed shall be made in the amounts and at the times as payments of principal would have been due had there not been any acceleration.

(b) This guaranty does not extend to the payment of any redemption premium.

(c) Reference to this chapter by its title on the face of any bond conclusively establishes the guaranty provided to that bond under the provisions of this chapter.

(2)(a) The state pledges to and agrees with the owners of any bonds that the state will not alter, impair, or limit the rights vested by the credit enhancement program with respect to the bonds until the bonds, together with applicable interest, are fully paid and discharged. However, this chapter does not preclude an alteration, impairment, or limitation if full provision is made by law for the payment of the bonds.

(b) Each district may refer to this pledge and undertaking by the state in its bonds.

(3) Only validly issued bonds issued after the effective date of this section may be guaranteed under this chapter.

**NEW SECTION. Sec. 4.** (1)(a) Any district, by resolution of its board of directors, may request that the state treasurer issue a certificate evidencing the state's guaranty, under this chapter, of its bonds.

(b) After reviewing the request, if the state treasurer determines that the district is eligible under rules adopted by the state finance committee, the state treasurer shall promptly issue the certificate as to specific bonds of the district and provide it to the requesting district.

(c)(i) The district receiving the certificate and all other persons may rely on the certificate as evidencing the guaranty for bonds issued within one year from and after the date of the certificate, without making further inquiry during that year.

(ii) The certificate of eligibility is valid for one year even if the state treasurer later determines that the school district is ineligible.

(2) Any district that chooses to forego the benefits of the guaranty provided by this chapter for a particular issue of bonds may do so by not referring to this chapter on the face of its bonds.

(3) Any district that has bonds, the principal of or interest on which has been paid, in whole or in part, by the state under this chapter, may not issue any additional bonds guaranteed by this chapter until:

(a) All payment obligations of the district to the state under the credit enhancement program are satisfied; and

(b) The state treasurer and the state superintendent of public instruction each certify in writing, to be kept on file by the state treasurer and the state superintendent of public instruction, that the district is fiscally solvent.

(4) The state finance committee may establish by rule fees sufficient to cover the costs of administering this chapter.

**NEW SECTION. Sec. 5.** (1)(a) The county treasurer for each district with outstanding, unpaid bonds shall transfer money sufficient for each scheduled debt service payment to its paying agent on or before any principal or interest payment date for the bonds.

(b) A county treasurer who is unable to transfer a scheduled debt service payment to the paying agent on the transfer date shall immediately notify the paying agent and the state treasurer by:

(i) Telephone;

(ii) A writing sent by facsimile or electronic transmission; and

(iii) A writing sent by first class United States mail.

(2) If sufficient funds are not transferred to the paying agent as required by subsection (1) of this section, the paying agent shall immediately notify the state treasurer of that failure by:

(a) Telephone;

(b) A writing sent by facsimile or electronic transmission; and

(c) A writing sent by first class United States mail.

(3)(a) If sufficient money to pay the scheduled debt service payment have not been so transferred to the paying agent, the state treasurer shall, forthwith, transfer sufficient money to the paying agent to make the scheduled debt service payment.

(b) The payment by the state treasurer:

- (i) Discharges the obligation of the issuing district to its bond owners for the payment, but does not retire any bond that has matured. The terms of that bond remain in effect until the state is repaid; and
- (ii) Transfers the rights represented by the general obligation of the district from the bond owners to the state.
- (c) The district shall repay to the state the money so transferred as provided in this chapter.

**NEW SECTION. Sec. 6.** (1) Any district that has issued bonds for which the state has made all or part of a debt service payment shall:

- (a) Reimburse all money drawn by the state treasurer on its behalf;
- (b) Pay interest to the state on all money paid by the state from the date that money was drawn to the date the state is repaid at a rate to be prescribed by rule by the state finance committee; and
- (c) Pay all penalties required by this chapter.

(2)(a) The state treasurer shall establish the reimbursement interest rate after considering the circumstances of any prior draws by the district on the state, market interest and penalty rates, and the cost of funds or opportunity cost of investments, if any, that were required to be borrowed or liquidated by the state to make payment on the bonds.

(b) The state treasurer may, after considering the circumstances giving rise to the failure of the district to make payment on its bonds in a timely manner, impose on the district a penalty of not more than five percent of the amount paid by the state pursuant to its guaranty for each instance in which a payment by the state is made.

(3)(a)(i) If the state treasurer determines that amounts obtained under this chapter will not reimburse the state in full within one year from the state's payment of a district's scheduled debt service payment, the state treasurer may pursue any legal action, including mandamus, against the district to compel it to meet its repayment obligations to the state.

(ii) In pursuing its rights under (a)(i) of this subsection, the state shall have the same substantive and procedural rights as would a holder of the bonds of a district. If and to the extent that the state has made payments to the holders of bonds of a district under section 5 of this act and has not been reimbursed by the district, the state shall be subrogated to the rights of those bond holders.

(iii) The state treasurer may also direct the district and the appropriate county officials to restructure and revise the collection of taxes for the payment of bonds on which the state treasurer has made payments under this chapter and, to the extent permitted by law, may require that the proceeds of such taxes be applied to the district's obligations to the state if all outstanding obligations of the school district payable from such taxes are fully paid or their payment is fully provided for.

(b) The district shall pay the fees, expenses, and costs incurred by the state in recovering amounts paid under the guaranty authorized by this chapter.

**NEW SECTION. Sec. 7.** In order to effect the provisions of Article VIII, section 1(e) of the state Constitution, Senate Joint Resolution No. 8206, the legislature shall make provision for such amounts as may be required to make timely payments under the state school district credit enhancement program under this chapter in each and every biennial appropriations act.

**NEW SECTION. Sec. 8.** The state finance committee may adopt, under chapter 34.05 RCW, all rules necessary and appropriate for the implementation and administration of this chapter.

**Sec. 9.** RCW 39.42.060 and 1997 c 220 s 220 (Referendum Bill No. 48) are each amended to read as follows:

No bonds, notes, or other evidences of indebtedness for borrowed money shall be issued by the state which will cause the aggregate debt contracted by the state to exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than seven percent of the arithmetic mean of its general state revenues, as defined in section 1(c) of Article VIII of the Washington state Constitution for the three immediately preceding fiscal years as certified by the treasurer in accordance with RCW 39.42.070. It shall be the duty of the state finance committee to compute annually the amount required to pay principal of and interest on outstanding debt. In making such computation, the state finance committee shall include all borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be paid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, and shall include debt incurred pursuant to section 3 of Article VIII of the Washington state Constitution, but shall exclude the following:

- (1) Obligations for the payment of current expenses of state government;
- (2) Indebtedness incurred pursuant to RCW 39.42.080 or 39.42.090;
- (3) Principal of and interest on bond anticipation notes;
- (4) Any indebtedness which has been refunded;
- (5) Financing contracts entered into under chapter 39.94 RCW;
- (6) Indebtedness authorized or incurred before July 1, 1993, pursuant to statute which requires that the state treasury be reimbursed, in the amount of the principal of and the interest on such indebtedness, from money other than general state revenues or from the special excise tax imposed pursuant to chapter 67.40 RCW;

(7) Indebtedness authorized and incurred after July 1, 1993, pursuant to statute that requires that the state treasury be reimbursed, in the amount of the principal of and the interest on such indebtedness, from (a) moneys outside the state treasury, except higher education operating fees, (b) higher education building fees, (c) indirect costs recovered from federal grants and contracts, and (d) fees and charges associated with hospitals operated or managed by institutions of higher education;

(8) Any agreement, promissory note, or other instrument entered into by the state finance committee under RCW 39.42.030 in connection with its acquisition of bond insurance, letters of credit, or other credit support instruments for the purpose of guaranteeing the payment or enhancing the marketability, or both, of any state bonds, notes, or other evidence of indebtedness; ((and))

(9) Indebtedness incurred for the purposes identified in RCW 43.99N.020; and

(10) Indebtedness incurred for the purposes of the school district bond guaranty established by chapter 39.-- RCW (sections 1 through 8 of this act).

To the extent necessary because of the constitutional or statutory debt limitation, priorities with respect to the issuance or guaranteeing of bonds, notes, or other evidences of indebtedness by the state shall be determined by the state finance committee.

**NEW SECTION. Sec. 10.** This act takes effect January 1, 2000, if the proposed amendment to Article VIII, section 1 of the state Constitution, guaranteeing the general obligation debt of school districts, is validly submitted to and is approved and ratified by the voters at the next general election. If the proposed amendment is not approved and ratified, this act is void in its entirety.

**NEW SECTION. Sec. 11.** Sections 1 through 8 of this act constitute a new chapter in Title 39 RCW." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

Senator Bauer moved that the Senate concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5345.

#### POINT OF INQUIRY

Senator Hochstatter: "Senator Bauer, on the House amendment, it says that the debt guaranteed would not be state debt. My understanding is that the state is acting as a cosigner to school districts. How can we, then, by saying such a thing actually make it happen? Can you help me there?"

Senator Bauer: "The state's full faith and credit is pledged against it, acting as, you might say, a cosigner. It is still the debt of the school district. The only reason that we are cosigning, so to speak, or pledging the full faith and credit of the state is to get the lower bond ratings and thereby not having to buy--the district buying insurance--and save a lot of money for the school districts. It is just that the debt is still the school district debt, but for the purpose of getting the low bond rates, we are pledging the full faith credit of the state."

Senator Hochstatter: "Thank you, Senator Bauer."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Bauer that the Senate concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5345.

The motion by Senator Bauer carried and the Senate concurred in the House amendment to Engrossed Second Substitute Senate Bill No. 5345.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5345, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5345, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Winsley - 36.

Voting nay: Senators Benton, Hochstatter, Johnson, McDonald, Morton, Rossi, Sheldon, T., Stevens, Swecker and Zarelli - 10.

Excused: Senators Finkbeiner, West and Wojahn - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5345, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 14, 1999

MR. PRESIDENT:

The House passed SENATE JOINT RESOLUTION NO. 8206 with the following amendment(s):

On page 1, after line 2, strike all material through page 4, line 17, and insert the following:

"THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VIII, section 1 of the Constitution of the state of Washington to read as follows:

Article VIII, section 1. (a) The state may contract debt, the principal of which shall be paid and discharged within thirty years from the time of contracting thereof, in the manner set forth herein.

(b) The aggregate debt contracted by the state shall not exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than nine percent of the arithmetic mean of its general state revenues for the three immediately preceding fiscal years as certified by the treasurer. The term "fiscal year" means that period of time commencing July 1 of any year and ending on June 30 of the following year.

(c) The term "general state revenues" when used in this section, shall include all state money received in the treasury from each and every source whatsoever except: (1) Fees and revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) Moneys to be paid into and received from trust funds including but not limited to moneys received from taxes levied for specific purposes and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Proceeds received from the sale of bonds or other evidences of indebtedness.

(d) In computing the amount required for payment of principal and interest on outstanding debt under this section, debt shall be construed to mean borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be repaid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall not include obligations for the payment of current expenses of state government, nor shall it include debt hereafter incurred pursuant to section 3 of this article, obligations guaranteed as provided for in subsection ~~((f))~~ (g) of this section, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority.

(e) The state may pledge the full faith, credit, and taxing power of the state to guarantee the voter approved general obligation debt of school districts in the manner authorized by the legislature. Any such guarantee does not remove the debt obligation of the school district and is not state debt.

(f) The state may, without limitation, fund or refund, at or prior to maturity, the whole or any part of any existing debt or of any debt hereafter contracted pursuant to section 1, section 2, or section 3 of this article, including any premium payable with respect thereto and interest thereon, or fund or refund, at or prior to maturity, the whole or any part of any indebtedness incurred or authorized prior to the effective date of this amendment by any entity of the type described in subsection ~~((g))~~ (h) of this

section, including any premium payable with respect thereto and any interest thereon. Such funding or refunding shall not be deemed to be contracting debt by the state.

~~((f))~~ (g) Notwithstanding the limitation contained in subsection (b) of this section, the state may pledge its full faith, credit, and taxing power to guarantee the payment of any obligation payable from revenues received from any of the following sources: (1) Fees collected by the state as license fees for motor vehicles; (2) Excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel; and (3) Interest on the permanent common school fund: *Provided*, That the legislature shall, at all times, provide sufficient revenues from such sources to pay the principal and interest due on all obligations for which said source of revenue is pledged.

~~((g))~~ (h) No money shall be paid from funds in custody of the treasurer with respect to any debt contracted after the effective date of this amendment by the Washington state building authority, the capitol committee, or any similar entity existing or operating for similar purposes pursuant to which such entity undertakes to finance or provide a facility for use or occupancy by the state or any agency, department, or instrumentality thereof.

~~((h))~~ (i) The legislature shall prescribe all matters relating to the contracting, funding or refunding of debt pursuant to this section, including: The purposes for which debt may be contracted; by a favorable vote of three-fifths of the members elected to each house, the amount of debt which may be contracted for any class of such purposes; the kinds of notes, bonds, or other evidences of debt which may be issued by the state; and the manner by which the treasurer shall determine and advise the legislature, any appropriate agency, officer, or instrumentality of the state as to the available debt capacity within the limitation set forth in this section. The legislature may delegate to any state officer, agency, or instrumentality any of its powers relating to the contracting, funding or refunding of debt pursuant to this section except its power to determine the amount and purposes for which debt may be contracted.

~~((i))~~ (j) The full faith, credit, and taxing power of the state of Washington are pledged to the payment of the debt created on behalf of the state pursuant to this section and the legislature shall provide by appropriation for the payment of the interest upon and installments of principal of all such debt as the same falls due, but in any event, any court of record may compel such payment.

~~((j))~~ (k) Notwithstanding the limitations contained in subsection (b) of this section, the state may issue certificates of indebtedness in such sum or sums as may be necessary to meet temporary deficiencies of the treasury, to preserve the best interests of the state in the conduct of the various state institutions, departments, bureaus, and agencies during each fiscal year; such certificates may be issued only to provide for appropriations already made by the legislature and such certificates must be retired and the debt discharged other than by refunding within twelve months after the date of incurrence.

~~((k))~~ (l) Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this article shall not be invalid for any irregularity or defect in the proceedings of the issuance or sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder thereof.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

Senator Bauer moved that the Senate concur in the House amendment to Senate Joint Resolution No. 8206.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bauer that the Senate concur in the House amendment to Senate Joint Resolution No. 8206.

The motion by Senator Bauer carried and the Senate concurred in the House amendment to Senate Joint Resolution No. 8206.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Resolution No. 8206, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8206, as amended by the House, and the joint resolution passed the Senate by the following vote: Yeas, 37; Nays, 6; Absent, 3; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Winsley - 37.

Voting nay: Senators Benton, Hochstatter, Horn, Stevens, Swecker and Zarelli - 6.

Absent: Senators Deccio, McDonald and Sellar - 3.

Excused: Senators Finkbeiner, West and Wojahn - 3.

SENATE JOINT RESOLUTION NO. 8206, as amended by the House, having received the constitutional two-thirds majority, was declared passed.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5821 and the pending motion by Senator Eide that the Senate do concur in the House amendments on page 5, after line 13, and page 6, line 1.

#### POINT OF ORDER

Senator Johnson: "A point of order, Mr. President. With respect to the House amendments, I ask that the President rule that the amendments are out of order and change the scope and object of the underlying bill. The underlying bill deals with septic systems and the amendments deal with child support."

Further debate ensued.

#### MOTION

On motion of Senator Goings, and there being no objection, further consideration of Second Substitute Senate Bill No. 5821 was deferred.

#### MOTION

At 10:24 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:09 p.m. by Vice President Pro Tempore Bauer.

#### MOTION

On motion of Senator Goings, the Senate advanced to the sixth order of business.

#### MOTIONS

On motion of Senator Franklin, Senators Loveland, Fairley, Haugen and McAuliffe were excused.

On motion of Senator Eide, Senators Heavey and Patterson were excused.

#### MOTION

On motion of Senator Honeyford, Senators Benton and Sellar were excused.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9191, Clark Crouch, as a member of the Housing Finance Commission, was confirmed.

Senators Prentice and Hale spoke to the confirmation of Clark Crouch as a member of the Housing Finance Commission.

#### APPOINTMENT OF CLARK CROUCH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 34; Nays, 0; Absent, 5; Excused, 10.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Sheahan, Sheldon, T., Shin, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 34.

Absent: Senators Kline, Rossi, Sheldon, B., Snyder and Spanel - 5.

Excused: Senators Benton, Fairley, Haugen, Heavey, Loveland, McAuliffe, Patterson, Sellar, West and Wojahn - 10.

#### MOTIONS

On motion of Senator Honeyford, Senator Hale was excused.

On motion of Senator Goings, Senator Betti Sheldon was excused

#### MOTION

On motion of Senator Deccio, Senator McCaslin was excused.

#### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9207, Don Miller, as a member of the Small Business Export Finance Assistance Center Board of Directors, was confirmed.

#### APPOINTMENT OF DON MILLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 33; Nays, 0; Absent, 5; Excused, 11.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Goings, Hargrove, Hochstatter, Honeyford, Horn, Johnson, Long, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 33.

Absent: Senators Finkbeiner, Jacobsen, Kline, Kohl-Welles and Snyder - 5.

Excused: Senators Fairley, Hale, Haugen, Heavey, Loveland, McAuliffe, McCaslin, Patterson, Sellar, Sheldon, B. and Wojahn - 11.

President Owen assumed the Chair.

#### MOTION

On motion of Senator Goings, the Senate advanced to the eighth order of business.

#### MOTION

On motion of Senator Fraser, the following resolution was adopted:

#### SENATE RESOLUTION 1999-8675

By Senators Fraser, Franklin, Jacobsen, Kline, Brown, Eide, Sellar, Fairley, B. Sheldon, Rasmussen, Gardner, Spanel, Bauer, Haugen, Patterson, Shin, Long, Snyder, Goings, Thibaudeau, Costa, Prentice, Winsley, Swecker, Hale, Oke, Morton, McCaslin, McAuliffe, Finkbeiner and Kohl-Welles

WHEREAS, April 22 marks the Twenty-ninth annual Earth Day;

WHEREAS, The idea of a so-called national environmental "teach-in" was first planted in a University of Washington speech by Earth Day founder, former U.S. Sen. Gaylord Nelson, and carried out by the first Earth Day director, Washington native Denis Hayes; and

WHEREAS, Today, this international event is an annual opportunity for citizens and policymakers to recommit themselves to a healthy environment, a vibrant planet, and sustainable communities; and

WHEREAS, The number of people participating in Earth Day has grown from twenty million to more than two hundred million people in one hundred forty-one countries; and

WHEREAS, Since the first Earth Day in 1970, the Washington State Legislature and Congress have enacted a number of important environmental laws, protecting our air, water, lands, and wildlife; and

WHEREAS, While we celebrate our victories, we must look ahead for ways to address urgent environmental challenges such as salmon recovery, global warming, ozone depletion, and increased flooding; and

WHEREAS, Washingtonians and our children have a growing appreciation that clean air and water, soil, forests, mountains, rivers, lakes, oceans, wildlife habitats, and biodiversity are fundamental to the health and wealth of our state and nation; and

WHEREAS, The protection and enhancement of these resources help stimulate our economy, and enhance our quality of life; and

WHEREAS, Earth Day has helped us appreciate the positive economic and environmental impacts of conscientious recycling and energy conservation in our homes, businesses, and government agencies and daily lives; and

WHEREAS, As our daily actions pollute and degrade the fragile environment that all life depends on to survive, we must continue to make each day Earth Day if we want to ensure a viable future for our children and grandchildren;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize our continued obligation to protect the health of our planet and the state of Washington for future generations; and

BE IT FURTHER RESOLVED, That the Senate supports citizen efforts and activities in communities throughout Washington and around the world to commemorate Earth Day, and to enhance and sustain our natural resources throughout the year.

Senators Fraser, Hargrove, Rasmussen and Tim Sheldon spoke to Senate Resolution 1999-8675.

#### MOTION

On motion of Senator Goings, the Senate returned to the sixth order of business.

#### MOTION

On motion of Senator Eide, Senators Gardner and Kline were excused.

On motion of Senator Honeyford, Senators Finkbeiner, Johnson, McDonald and Rossi were excused.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9088, Ann Anderson, as a member of the Board of Tax Appeals, was confirmed.

Senators Prentice, McCaslin, Hale and Benton spoke to the appointment of Ann Anderson as a member of the Board of Tax Appeals.

#### APPOINTMENT OF ANN ANDERSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 35; Nays, 0; Absent, 2; Excused, 12.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Franklin, Fraser, Goings, Hale, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 35.

Absent: Senators Bauer and Spanel - 2.

Excused: Senators Fairley, Finkbeiner, Gardner, Haugen, Heavey, Johnson, Kline, McDonald, Rossi, Sellar, Sheldon, B. and Wojahn - 12.

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. I enjoyed the President's remarks about the two bulls. One of the things I enjoy in life and one of the goals I try to achieve each day is to learn something new. You know, Senator Benton is a big man and today I learned, on the floor, that the only one that could block the President's view was Senator Hargrove."

#### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9098, Nancy Campbell, as a member of the Sentencing Guidelines Commission, was confirmed.

#### APPOINTMENT OF NANCY CAMPBELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 2; Excused, 10. Voting yea: Senators Benton, Brown, Costa, Eide, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 37.

Absent: Senators Bauer and Deccio - 2.

Excused: Senators Fairley, Finkbeiner, Haugen, Heavey, Johnson, Kline, McDonald, Rossi, Sellar and Wojahn - 10.

#### MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 17, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 1007 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTIONS

On motion of Senator Heavey, the Senate receded from its amendment(s) to Engrossed House Bill No. 1007.

On motion of Senator Heavey, the rules were suspended, Engrossed House Bill No. 1007, was returned to second reading and read the second time.

#### MOTION

On motion of Senator Zarelli, the following amendment by Senators Zarelli, Hargrove and Long was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.16 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Counterfeit mark" means:

(a) Any unauthorized reproduction or copy of intellectual property; or  
(b) Intellectual property affixed to any item knowingly sold, offered for sale, manufactured, or distributed, or identifying services offered or rendered, without the authority of the owner of the intellectual property.

(2) "Intellectual property" means any trademark, service mark, trade name, label, term, device, design, or work adopted or used by a person to identify such person's goods or services. Intellectual property does not have exclusive use rights to trade names registered under chapter 19.80 RCW.

(3) "Retail value" means the counterfeiter's regular selling price for the item or service bearing or identified by the counterfeit mark. In the case of items bearing a counterfeit mark which are components of a finished product, the retail value shall be the counterfeiter's regular selling price of the finished product on or in which the component would be utilized.

**Sec. 2.** RCW 9.16.030 and 1909 c 249 s 344 are each amended to read as follows:

~~((Every person who shall use or display or have in his possession with intent to use or display, the genuine label, trademark, term, design, device, or form of advertisement of any person, corporation, association or union, lawfully filed for record in the office of the secretary of state, or the exclusive right to use which is guaranteed to any person, corporation, association or union, by the laws of the United States, without the written authority of such person, corporation, association or union, or who shall wilfully forge or counterfeit or use or display or have in his possession with intent to use or display any representation, likeness, similitude, copy or imitation of any genuine label, trademark, term, design, device, or form of advertisement, so filed or protected, or any die, plate, stamp or other device for manufacturing the same, shall be guilty of a gross misdemeanor.)) Any person who willfully and knowingly, and for financial gain, manufactures, uses, displays, advertises, distributes, offers for sale, sells or possesses with intent to sell or distribute any item, or offers any services, bearing or identified by a counterfeit mark, is guilty of the crime of counterfeiting.~~

Any state or federal certificate of registration of any intellectual property is prima facie evidence of the facts stated in the certificate.

**NEW SECTION. Sec. 3.** A new section is added to chapter 9.16 RCW to read as follows:

(1) Counterfeiting is a misdemeanor, except as provided in subsections (2), (3) and (4) of this section.

(2) Counterfeiting is a gross misdemeanor if:

(a) The defendant has previously been convicted under RCW 9.16.030; or  
(b) The violation involves more than one hundred but fewer than one thousand items bearing a counterfeit mark or the total retail value of all items bearing a counterfeit mark or the total retail value of all items bearing, or services identified by, a counterfeit mark is more than one thousand dollars but less than ten thousand dollars.

(3) Counterfeiting is a class C felony if:

(a) The defendant has been previously convicted of two or more offenses under RCW 9.16.030;  
(b) The violation involves the manufacture or production of items bearing counterfeit marks; or  
(c) The violation involves one thousand or more items bearing a counterfeit mark or the total retail value of all items bearing, or services identified by, a counterfeit mark is ten thousand dollars or more.

(4) Counterfeiting is a class C felony if:

(a) The violation involves the manufacture, production, or distribution of items bearing counterfeit marks; and  
(b) The defendant knew or should have known that the counterfeit items, by their intended use, endangered the health or safety of others.

(5) For purposes of this section, the quantity or retail value of items or services shall include the aggregate quantity or retail value of all items bearing, or services identified by, every counterfeit mark the defendant manufactures, uses, displays, advertises, distributes, possesses, or possesses with intent to sell.

(6) A person guilty of counterfeiting shall be fined an amount up to three times the retail value of the items bearing, or services identified by, a counterfeit mark, unless extenuating circumstances are shown by the defendant.

(7) The penalties provided for in this section are cumulative and do not affect any other civil and criminal penalties provided by law.

**NEW SECTION. Sec. 4.** A new section is added to chapter 9.16 RCW to read as follows:

(1) Any items bearing a counterfeit mark, and all personal property employed or used in connection with counterfeiting, including but not limited to, any items, objects, tools, machines, equipment, instruments, or vehicles of any kind, shall be seized by any law enforcement officer.

All seized personal property referenced in this subsection shall be forfeited in accordance with RCW 10.105.010.

(2) Upon request of the intellectual property owner, all seized items bearing a counterfeit mark shall be released to the intellectual property owner for destruction or disposition.

(3) If the intellectual property owner does not request release of seized items bearing a counterfeit mark, such items shall be destroyed unless the intellectual property owner consents to another disposition.

**Sec. 5.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XV Aggravated Murder 1 (RCW 10.95.020)
- XIV Murder 1 (RCW 9A.32.030)
  - Homicide by abuse (RCW 9A.32.055)
  - Malicious explosion 1 (RCW 70.74.280(1))
- XIII Murder 2 (RCW 9A.32.050)
  - Malicious explosion 2 (RCW 70.74.280(2))
  - Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
  - Assault of a Child 1 (RCW 9A.36.120)
  - Rape 1 (RCW 9A.44.040)
  - Rape of a Child 1 (RCW 9A.44.073)
  - Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
- XI Rape 2 (RCW 9A.44.050)
  - Rape of a Child 2 (RCW 9A.44.076)
  - Manslaughter 1 (RCW 9A.32.060)
- X Kidnapping 1 (RCW 9A.40.020)
  - Child Molestation 1 (RCW 9A.44.083)
  - Malicious explosion 3 (RCW 70.74.280(3))
  - Over 18 and deliver heroin, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
  - Leading Organized Crime (RCW 9A.82.060(1)(a))
  - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
  - Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
- IX Assault of a Child 2 (RCW 9A.36.130)
  - Robbery 1 (RCW 9A.56.200)
  - Explosive devices prohibited (RCW 70.74.180)
  - Malicious placement of an explosive 2 (RCW 70.74.270(2))
  - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
  - Controlled Substance Homicide (RCW 69.50.415)
  - Sexual Exploitation (RCW 9.68A.040)
  - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
  - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
  - Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 88.12.029)
- VIII Arson 1 (RCW 9A.48.020)
  - Promoting Prostitution 1 (RCW 9A.88.070)
  - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
  - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
  - Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
  - Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 88.12.029)

Manslaughter 2 (RCW 9A.32.070)

VII Burglary 1 (RCW 9A.52.020)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Homicide by Watercraft, by disregard for the safety of others (RCW 88.12.029)

Introducing Contraband 1 (RCW 9A.76.140)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Child Molestation 2 (RCW 9A.44.086)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Involving a minor in drug dealing (RCW 69.50.401(f))

Drive-by Shooting (RCW 9A.36.045)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

VI Bribery (RCW 9A.68.010)

Rape of a Child 3 (RCW 9A.44.079)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Incest 1 (RCW 9A.64.020(1))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))

Intimidating a Judge (RCW 9A.72.160)

Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))

Theft of a Firearm (RCW 9A.56.300)

V Persistent prison misbehavior (RCW 9.94.070)

Criminal Mistreatment 1 (RCW 9A.42.020)

Abandonment of dependent person 1 (RCW 9A.42.060)

Rape 3 (RCW 9A.44.060)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Child Molestation 3 (RCW 9A.44.089)

Kidnapping 2 (RCW 9A.40.030)

Extortion 1 (RCW 9A.56.120)

Incest 2 (RCW 9A.64.020(2))

Perjury 1 (RCW 9A.72.020)

Extortionate Extension of Credit (RCW 9A.82.020)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))

Sexually Violating Human Remains (RCW 9A.44.105)

Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))

Possession of a Stolen Firearm (RCW 9A.56.310)

IV Residential Burglary (RCW 9A.52.025)

Theft of Livestock 1 (RCW 9A.56.080)

Robbery 2 (RCW 9A.56.210)

Assault 2 (RCW 9A.36.021)

Escape 1 (RCW 9A.76.110)  
 Arson 2 (RCW 9A.48.030)  
 Commercial Bribery (RCW 9A.68.060)  
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)  
 Malicious Harassment (RCW 9A.36.080)  
 Threats to Bomb (RCW 9.61.160)  
 Willful Failure to Return from Furlough (RCW 72.66.060)  
 Hit and Run--Injury Accident (RCW 46.52.020(4))  
 Hit and Run with Vessel--Injury Accident (RCW 88.12.155(3))  
 Vehicular Assault (RCW 46.61.522)  
 Assault by Watercraft (RCW 88.12.032)  
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V  
 or nonnarcotics from Schedule I-V (except marijuana, amphetamine,  
 methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))  
 Influencing Outcome of Sporting Event (RCW 9A.82.070)  
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))  
 Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))  
Counterfeiting (section 3(4) of this act)  
 III Criminal Gang Intimidation (RCW 9A.46.120)  
 Criminal Mistreatment 2 (RCW 9A.42.030)  
 Abandonment of dependent person 2 (RCW 9A.42.070)  
 Extortion 2 (RCW 9A.56.130)  
 Unlawful Imprisonment (RCW 9A.40.040)  
 Assault 3 (RCW 9A.36.031)  
 Assault of a Child 3 (RCW 9A.36.140)  
 Custodial Assault (RCW 9A.36.100)  
 Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))  
 Harassment (RCW 9A.46.020)  
 Promoting Prostitution 2 (RCW 9A.88.080)  
 Willful Failure to Return from Work Release (RCW 72.65.070)  
 Burglary 2 (RCW 9A.52.030)  
 Introducing Contraband 2 (RCW 9A.76.150)  
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)  
 Patronizing a Juvenile Prostitute (RCW 9.68A.100)  
 Escape 2 (RCW 9A.76.120)  
 Perjury 2 (RCW 9A.72.030)  
 Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))  
 Intimidating a Public Servant (RCW 9A.76.180)  
 Tampering with a Witness (RCW 9A.72.120)  
 Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))  
 Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))  
 Manufacture, distribute, or possess with intent to distribute an imitation controlled  
 substance (RCW 69.52.030(1))  
 Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))  
 Theft of livestock 2 (RCW 9A.56.080)  
 Securities Act violation (RCW 21.20.400)  
 II Unlawful Practice of Law (RCW 2.48.180)  
 Malicious Mischief 1 (RCW 9A.48.070)  
 Possession of Stolen Property 1 (RCW 9A.56.150)  
 Theft 1 (RCW 9A.56.030)  
 Class B Felony Theft of Rental, Leased, or Lease-purchased Property (RCW  
 9A.56.096(4))  
 Trafficking in Insurance Claims (RCW 48.30A.015)  
 Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Health Care False Claims (RCW 48.80.030)  
Possession of controlled substance that is either heroin or narcotics from Schedule I or II  
or flunitrazepam from Schedule IV (RCW 69.50.401(d))  
Possession of phencyclidine (PCP) (RCW 69.50.401(d))  
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))  
Computer Trespass 1 (RCW 9A.52.110)  
Escape from Community Custody (RCW 72.09.310)

Counterfeiting (section 3(3) of this act)

I Theft 2 (RCW 9A.56.040)  
Class C Felony Theft of Rental, Leased, or Lease-purchased Property (RCW  
9A.56.096(4))  
Possession of Stolen Property 2 (RCW 9A.56.160)  
Forgery (RCW 9A.60.020)  
Taking Motor Vehicle Without Permission (RCW 9A.56.070)  
Vehicle Prowl 1 (RCW 9A.52.095)  
Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)  
Malicious Mischief 2 (RCW 9A.48.080)  
Reckless Burning 1 (RCW 9A.48.040)  
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)  
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))  
False Verification for Welfare (RCW 74.08.055)  
Forged Prescription (RCW 69.41.020)  
Forged Prescription for a Controlled Substance (RCW 69.50.403)  
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-  
narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW  
69.50.401(d))

**Sec. 6.** RCW 9.94A.440 and 1996 c 93 s 2 are each amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years; and
- (ii) Most members of society act as if it were no longer in existence; and
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimis Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

- (i) Conviction of the new offense would not merit any additional direct or collateral punishment;
- (ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and
- (iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

- (i) Conviction of the new offense would not merit any additional direct or collateral punishment;
- (ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120(8).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

## CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

### CRIMES AGAINST PERSONS

Aggravated Murder

1st Degree Murder

2nd Degree Murder

1st Degree Kidnaping

1st Degree Assault

1st Degree Assault of a Child

1st Degree Rape

1st Degree Robbery

1st Degree Rape of a Child

1st Degree Arson

2nd Degree Kidnaping

2nd Degree Assault

2nd Degree Assault of a Child

2nd Degree Rape

2nd Degree Robbery

1st Degree Burglary

1st Degree Manslaughter  
2nd Degree Manslaughter  
1st Degree Extortion  
Indecent Liberties  
Incest  
2nd Degree Rape of a Child  
Vehicular Homicide  
Vehicular Assault  
3rd Degree Rape  
3rd Degree Rape of a Child  
1st Degree Child Molestation  
2nd Degree Child Molestation  
3rd Degree Child Molestation  
2nd Degree Extortion  
1st Degree Promoting Prostitution  
Intimidating a Juror  
Communication with a Minor  
Intimidating a Witness  
Intimidating a Public Servant  
Bomb Threat (if against person)  
3rd Degree Assault  
3rd Degree Assault of a Child  
Unlawful Imprisonment  
Promoting a Suicide Attempt  
Riot (if against person)  
Counterfeiting (if a violation of section 3(4) of this act)

#### CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson  
1st Degree Escape  
2nd Degree Burglary  
1st Degree Theft  
1st Degree Perjury  
1st Degree Introducing Contraband  
1st Degree Possession of Stolen Property  
Bribery  
Bribing a Witness  
Bribe received by a Witness  
Bomb Threat (if against property)  
1st Degree Malicious Mischief  
2nd Degree Theft  
2nd Degree Escape  
2nd Degree Introducing Contraband  
2nd Degree Possession of Stolen Property  
2nd Degree Malicious Mischief  
1st Degree Reckless Burning  
Taking a Motor Vehicle without Authorization  
Forgery  
2nd Degree Perjury  
2nd Degree Promoting Prostitution  
Tampering with a Witness  
Trading in Public Office  
Trading in Special Influence  
Receiving/Granting Unlawful Compensation

Bigamy  
Eluding a Pursuing Police Vehicle  
Willful Failure to Return from Furlough  
Escape from Community Custody  
Riot (if against property)  
Thefts of Livestock

#### ALL OTHER UNCLASSIFIED FELONIES

##### Selection of Charges/Degree of Charge

(1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (a) Will significantly enhance the strength of the state's case at trial; or
- (b) Will result in restitution to all victims.

(2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

- (a) Charging a higher degree;
- (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

#### GUIDELINES/COMMENTARY:

##### Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (2) The completion of necessary laboratory tests; and
- (3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

##### Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (1) Probable cause exists to believe the suspect is guilty; and
- (2) The suspect presents a danger to the community or is likely to flee if not apprehended; or
- (3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

##### Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (1) Polygraph testing;
- (2) Hypnosis;
- (3) Electronic surveillance;
- (4) Use of informants.

##### Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

##### Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.

**NEW SECTION. Sec. 7.** RCW 9.16.040 (Displaying goods with false trademark) and 1909 c 249 s 345 are each repealed."

## MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 1 of the title, after "counterfeiting;" strike the remainder of the title and insert "amending RCW 9.16.030 and 9.94A.440; reenacting and amending RCW 9.94A.320; adding new sections to chapter 9.16 RCW; repealing RCW 9.16.040; and prescribing penalties."

On motion of Senator Heavey, the rules were suspended, Engrossed House Bill No. 1007, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1007, as amended by the Senate under suspension of the rules.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1007, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senator Bauer - 1.

Excused: Senators Fairley, Johnson and Wojahn - 3.

ENGROSSED HOUSE BILL NO. 1007, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Eide, Senator Bauer was excused.

## MESSAGE FROM THE HOUSE

April 21, 1999

MR. PRESIDENT:

The Co-Speakers ruled the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1525 beyond the scope and object of the bill. The House refuses to concur in said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

## MOTIONS

On motion of Senator Heavey, the Senate receded from its amendment(s) to Substitute House Bill No. 1525.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1525, without the Senate amendment(s).

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1525, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Bauer, Fairley, Johnson and Wojahn - 4.

SUBSTITUTE HOUSE BILL NO. 1525, without the Senate amendments(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 17, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1681 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTIONS

On motion of Senator Jacobsen, the Senate receded from its amendment(s) to Second Substitute House Bill No. 1681.

On motion of Senator Jacobsen, the rules were suspended, Second Substitute House Bill No. 1681, was returned to second reading and read the second time.

#### MOTION

On motion of Senator Jacobsen, the following striking amendment by Senator Swecker was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that it is beneficial to improve opportunities for trout fishing in order to satisfy the public's demand for recreational fishing during a time of declining opportunities to catch anadromous salmon and steelhead trout.

Fish farmers can produce trout in a triploid genetic configuration for the purpose of certifying that the fish are sterile and that they cannot interbreed with wild trout. These fish are ideally suited to planting into public lakes and ponds to provide immediate recreational fishing at a reasonable cost. The fish continue to grow throughout their life cycle and have the potential to grow to trophy size.

Planting of these catchable trout can provide increased angler participation, increased fishing license sales, increased tourism activities, and a boost to local economies.

The department of fish and wildlife is authorized to purchase these privately produced fish to supplement existing department trout hatchery production. The planting of these catchable trout in water bodies with water quality sufficient to support fish life must not have an adverse impact on the wild trout population.

**NEW SECTION. Sec. 2.** The fish and wildlife commission in consultation with the department is authorized to determine which waters of the state are appropriate for this use during the 1999 and 2000 calendar years. In making this determination, the commission shall seek geographic distribution to assure opportunity to fishers state-wide.

The commission in consultation with the department will determine the maximum number of fish that may be planted into state waters so as not to compete with the wild populations of fish species in the water body.

**NEW SECTION. Sec. 3.** The fish and wildlife commission may authorize purchase of privately produced fish for the purposes of sections 1 and 2 of this act only if the cost of the program will be recovered by the estimated increase in revenue from license sales and federal funds directly attributable to the planting of these privately purchased fish.

**NEW SECTION. Sec. 4.** The department of fish and wildlife shall report to the appropriate legislative committees by February 1, 2001, regarding the implementation of this act. The report shall include information regarding the location and number

of fish planted, the size of the fish planted, and information relating to the cost-effectiveness of the catchable trout program, including an estimate of new license revenues generated by the programs.

**NEW SECTION. Sec. 5.** Sections 1 through 3 of this act are each added to Title 77 RCW.

**NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

#### MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 2 of the title, after "waters;" strike the remainder of the title and insert "adding new sections to Title 77 RCW; creating a new section; and declaring an emergency."

On motion of Senator Jacobsen, the rules were suspended, Second Substitute House Bill No. 1681, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1681, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1681, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 3; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Eide, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 42. Absent: Senators Deccio, Franklin and Loveland - 3. Excused: Senators Bauer, Fairley, Johnson and Wojahn - 4. SECOND SUBSTITUTE HOUSE BILL NO. 1681, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 17, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1701 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Jacobsen, the Senate receded from its amendment(s) to Substitute House Bill No. 1701.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1701, without the Senate amendment(s).

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1701, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 5; Excused, 4.

Voting yea: Senators Benton, Brown, Costa, Eide, Finkbeiner, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 40.

Absent: Senators Deccio, Franklin, Hale, Loveland and McDonald - 5.

Excused: Senators Bauer, Fairley, Johnson and Wojahn - 4.

SUBSTITUTE HOUSE BILL NO. 1701, without the Senate amendments(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senators Deccio, Hale and McDonald were excused.

#### MESSAGE FROM THE HOUSE

April 17, 1999

MR. PRESIDENT:

The Co-Speakers ruled the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1871 beyond the scope and object of the bill. The House refuses to concur in said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Jacobsen, the Senate receded from its amendment(s) to Second Substitute House Bill No. 1871.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1871, without the Senate amendment(s).

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1871, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Benton, Brown, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Absent: Senator Hargrove - 1.

Excused: Senators Bauer, Deccio, Fairley, Hale, Johnson, McDonald and Wojahn - 7.

SECOND SUBSTITUTE HOUSE BILL NO. 1871, without the Senate amendments(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 19, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1935 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

MOTION

On motion of Senator Eide, the Senate receded from its amendment(s) to Substitute House Bill No. 1935.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1935, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1935, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Deccio, Johnson and Wojahn - 3.

SUBSTITUTE HOUSE BILL NO. 1935, without the Senate amendments(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE JOINT RESOLUTION NO. 8208 with the following amendment(s):

Strike everything after line 2 and insert the following:

"THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XXIX, section 1 of the Constitution of the state of Washington to read as follows:

Article XXIX, section 1. Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund ((~~er~~)), industrial insurance trust fund, the health care trust fund, or the emergency reserve fund may be invested as authorized by law.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.", and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Loveland, the Senate refuses to concur in the House amendment to Substitute Senate Joint Resolution No. 8208 and asks the House to recede therefrom.

MOTION

On motion of Senator Goings, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Prentice, the following resolution was adopted:

SENATE RESOLUTION 1999-8676

By Senators Prentice, Honeyford, Heavey, Kohl-Welles, Fairley and Snyder

WHEREAS, Mr. Graeme Sackrison will be retiring from the Employment Security Department where he has worked since July 15, 1971; and

WHEREAS, Mr. Sackrison was born in Columbus, Ohio, on November 25, 1942; and

WHEREAS, Mr. Sackrison's family eventually settled in Lacey, Washington, when he was in grade school; and

WHEREAS, Mr. Sackrison attended North Thurston High School, Centralia College, and Western Washington State College where he graduated with a degree in economics; and

WHEREAS, Mr. Sackrison served in the Air Force for almost four years; and

WHEREAS, The Employment Security Department is the only state agency Mr. Sackrison has worked for since beginning in 1971; and

WHEREAS, A majority of that time has been with the Unemployment Insurance Division where Mr. Sackrison's knowledge of the unemployment insurance laws and programs is equaled by none; and

WHEREAS, Mr. Sackrison demonstrated a superlative ability to explain complex issues, such as unemployment insurance conformity law changes, in a language easily understood by all; and

WHEREAS, Mr. Sackrison currently serves as Vice-Chair of the Employment Security Credit Union which is a position he has held since 1986, when he was first elected; and

WHEREAS, Mr. Sackrison also serves on the Lacey City Council, a position he was appointed to on May 8, 1997; and

WHEREAS, Mr. Sackrison is involved in the Mutual Aid Foundation, formed by Employment Security Department Staff, which helps fellow workers in need and Mr. Sackrison also leads the Employment Security Department's Wellness Committee which addresses all aspects of keeping staff healthy on and off the job; and

WHEREAS, Mr. Sackrison takes with him, as he leaves the Employment Security Department, an invaluable ability to bring compromise to complex issues while maintaining the highest integrity, and his personal commitment to high standards;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor Mr. Graeme Sackrison for the numerous contributions he has made throughout the years and his excellent record of service to this state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mr. Sackrison.

Senators Prentice, Heavey, Fraser, Franklin, Thibaudeau and Honeyford spoke to Senate Resolution 1999-8676.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Graeme Sackrison, who was seated on the rostrum.

There being no objection, business was suspended to permit Graeme Sackrison to address the Senate.

#### MOTION

On motion of Senator Goings, the Senate returned to the fourth order of business.

#### MOTION

On motion of Senator Franklin, Senators Prentice and McAuliffe were excused.

#### MESSAGE FROM THE HOUSE

April 7, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5109 with the following amendment(s):

On page 2, line 2, after "this act." insert "Nothing in section 3 of this act, including a school district's failure to require a private nonprofit group to have liability insurance, broadens the scope of a school district's liability.", and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Eide, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5109.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5109, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5109, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 4; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McCaslin, Morton, Oke, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 41.

Absent: Senators McDonald, Patterson, Snyder and West - 4.

Excused: Senators Johnson, McAuliffe, Prentice and Wojahn - 4.

ENGROSSED SENATE BILL NO. 5109, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

On motion of Senator Honeyford, Senators Deccio, McDonald and West were excused.

On motion of Senator Eide, Senator Snyder was excused.

#### MESSAGE FROM THE HOUSE

April 15, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5208 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 15.54.340 and 1998 c 36 s 6 are each amended to read as follows:

(1) Any commercial fertilizer distributed in this state shall have placed on or affixed to the package a label setting forth in clearly legible and conspicuous form the following information:

(a) The net weight;

(b) The product name, brand, and grade. The grade is not required if no primary nutrients are claimed;

(c) The guaranteed analysis;

(d) The name and address of the registrant or licensee. The name and address of the manufacturer, if different from the registrant or licensee, may also be stated;

(e) Any information required under WAC 296-62-054;

(f) At a minimum, one of the following labeling statements: (~~"This product has been registered with the Washington State Department of Agriculture. When applied as directed, this fertilizer meets the Washington standards for arsenic, cadmium, cobalt, mercury, molybdenum, lead, nickel, selenium, and zinc. You have the right to receive specific information about Washington standards from the distributor of this product."~~);

(g) ~~After July 1, 1999, the label must also state:)~~

(i) "Information received by the Washington State Department of Agriculture regarding the components in this product is available on the internet at [or](http://www.wa.gov/agr/((-))

(ii) "Information regarding the contents and levels of metals in this product is available on the internet at <http://www.wa.gov/agr/>"; or

(iii) "Information regarding the contents and levels of metals in this product is available on the internet at <http://www.regulatory-info-xx.com>". Each registrant must substitute a unique alpha numeric identifier for "xx". This statement may be used only if the registrant establishes and maintains the internet site and the internet site meets the following criteria:

(A) There is no advertising or company-specific information on the site;

(B) There is a clearly visible, direct hyperlink to the department's internet site specified in (f)(i) and (ii) of this subsection (1); and

(C) Any other criteria adopted by the director by rule; and

((h)) (g) Other information as required by the department by rule.

(2) If a commercial fertilizer is distributed in bulk, a written or printed statement of the information required by subsection (1) of this section shall accompany delivery and be supplied to the purchaser at the time of delivery.

(3) Each delivery of a customer-formula fertilizer shall be subject to containing those ingredients specified by the purchaser, which ingredients shall be shown on the statement or invoice with the amount contained therein, and a record of all invoices of customer-formula grade mixes shall be kept by the registrant or licensee for a period of twelve months and shall be available to the department upon request: PROVIDED, That each such delivery shall be accompanied by either a statement, invoice, a delivery slip, or a label if bagged, containing the following information: The net weight; the brand; the guaranteed analysis which may be stated to the nearest tenth of a percent or to the next lower whole number; the name and address of the registrant or licensee, or manufacturer, or both; and the name and address of the purchaser.

~~((4) Any person who distributes a commercial fertilizer in this state shall make available to the purchaser on request, a copy of standards for metals established in RCW 15.54.800.)~~

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

On page 1, line 1 of the title, after "language;" strike the remainder of the title and insert "amending RCW 15.54.340; providing an effective date; and declaring an emergency.", and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5208.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5208, as amended by the House.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5208, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 9; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Eide, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Long, Loveland, McCaslin, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 35.

Voting nay: Senators Costa, Fairley, Finkbeiner, Gardner, Kline, Kohl-Welles, McAuliffe, Patterson and Thibaudeau - 9.

Excused: Senators Deccio, McDonald, Snyder, West and Wojahn - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5208, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5821 and the pending motion by Senator Eide to concur in the House amendments on page 5, after line 13, and page 6, line 1, deferred earlier today after Senator Johnson's point of order on the House amendments.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Johnson to the scope and object of the House amendments to Second Substitute Senate Bill No. 5821, the President finds that Second Substitute Senate Bill No. 5821 is a measure which creates a *new* license program for individuals involved in the practice of designing on-site wastewater treatment systems, including (1) requiring licenses for designers; (2) authorizing the board of registration for professional engineers to discipline licensees; and (3) setting forth conduct that will result in discipline.

"The House amendments also set forth conduct that will result in discipline of licensees under this program.

"The President, therefore, finds that the House amendments do not change the scope and object of the bill, and the point of order is not well taken."

The House amendments on page 5, after line 13, and page 6, line 1, to Second Substitute Senate Bill No. 5821 were ruled in order.

#### MOTION

On motion of Senator Goings, further consideration of Second Substitute Senate Bill No. 5821 was deferred.

#### MESSAGE FROM THE HOUSE

April 16, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5421 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9.94A.010 and 1981 c 137 s 1 are each amended to read as follows:

The purpose of this chapter is to make the criminal justice system accountable to the public by developing a system for the sentencing of felony offenders which structures, but does not eliminate, discretionary decisions affecting sentences, and to ~~((add a new chapter to Title 9 RCW designed to))~~:

(1) Ensure that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history;

(2) Promote respect for the law by providing punishment which is just;

(3) Be commensurate with the punishment imposed on others committing similar offenses;

(4) Protect the public;

(5) Offer the offender an opportunity to improve him or herself; ~~((and))~~

(6) Make frugal use of the state's and local governments' resources; and

(7) Reduce the risk of reoffending by offenders in the community.

**Sec. 2.** RCW 9.94A.030 and 1998 c 290 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.145, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an ~~((inmate's))~~ offender's sentence of confinement in lieu of earned ~~((early))~~ release time or imposed pursuant to RCW 9.94A.120 ~~((5)), (6), (7), (8), ((or)) (10), or (11), or RCW 9.94A.383,~~ served in the community subject to controls placed on the ~~((inmate's))~~ offender's movement and activities by the department of corrections. For

offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(5) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.120(11), as established by the sentencing guidelines commission or the legislature under RCW 9.94A.040, for crimes committed on or after July 1, 2000.

(6) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned (~~early~~) release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

~~((6))~~ (7) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

~~((7))~~ (8) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

~~((8))~~ (9) "Confinement" means total or partial confinement as defined in this section.

~~((9))~~ (10) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

~~((10))~~ (11) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

~~((11))~~ (12) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

~~((12))~~ (13) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

~~((13))~~ (14) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

~~((14))~~ (15) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.

~~((15))~~ (16) "Department" means the department of corrections.

~~((16))~~ (17) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned (~~early~~) release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

~~((17))~~ (18) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

~~((18))~~ (19) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((19))~~ (20) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((20))~~ (21) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((24))~~ (22) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

~~((22))~~ (23) "First-time offender" means any person who is convicted of a felony (a) not classified as a violent offense or a sex offense under this chapter, or (b) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or flunitrazepam classified in Schedule IV, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

~~((23))~~ (24) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(25) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

~~((24))~~ (26) "Nonviolent offense" means an offense which is not a violent offense.

~~((25))~~ (27) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((26))~~ (28) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

~~((27))~~ (29) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection ~~((27))~~ (29)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under subsection ~~((27))~~ (29)(b)(i) only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under subsection ~~((27))~~ (29)(b)(i) only when the offender was eighteen years of age or older when the offender committed the offense.

~~((28))~~ (30) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

~~((29))~~ (31) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

~~((30))~~ (32) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(33) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((34))~~ (34) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, manslaughter in the first degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((32))~~ (35) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((33))~~ (36) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((34))~~ (37) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((35))~~ (38) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((36))~~ (39) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((37))~~ (40) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((38))~~ (41) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, drive-by shooting, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((39))~~ (42) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state, or sanctioned under RCW 9.94A.205, are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection ~~((33))~~ (36) of this section are not eligible for the work crew program.

~~((40))~~ (43) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((41))~~ (44) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

~~((42)) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.))~~

**Sec. 3.** RCW 9.94A.040 and 1997 c 365 s 2 and 1997 c 338 s 3 are each reenacted and amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness category XIII under RCW 9.94A.310, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5)(a) Not later than December 31, 1999, the commission shall propose to the legislature the initial community custody ranges to be included in sentences under RCW 9.94A.120(11) for crimes committed on or after July 1, 2000. Not later than December 31 of each year, the commission may propose modifications to the ranges. The ranges shall be based on the principles in RCW 9.94A.010, and shall take into account the funds available to the department for community custody. The minimum term in each range shall not be less than one-half of the maximum term.

(b) The legislature may, by enactment of a legislative bill, adopt or modify the community custody ranges proposed by the commission. If the legislature fails to adopt or modify the initial ranges in its next regular session after they are proposed, the proposed ranges shall take effect without legislative approval for crimes committed on or after July 1, 2000.

(c) When the commission proposes modifications to ranges pursuant to this subsection, the legislature may, by enactment of a bill, adopt or modify the ranges proposed by the commission for crimes committed on or after July 1 of the year after they were proposed. Unless the legislature adopts or modifies the commission's proposal in its next regular session, the proposed ranges shall not take effect.

(6) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

**Sec. 4.** RCW 9.94A.110 and 1998 c 260 s 2 are each amended to read as follows:

Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing.

Except in cases where the defendant shall be sentenced to a term of total confinement for life without the possibility of release or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, the court may order the department to complete a risk assessment report. If available before sentencing, the report shall be provided to the court.

The court shall, at the time of plea or conviction, order the department to complete a presentence report before imposing a sentence upon a defendant who has been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. If the court determines that the defendant may be a mentally ill person as defined in RCW 71.24.025, although the defendant has not established that at the time of the crime he or she lacked the capacity to commit the crime, was incompetent to commit the crime, or was insane at the time of the crime, the court shall order the department to complete a presentence report before imposing a sentence.

The court shall consider the risk assessment report and presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed.

If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all risk assessment reports and presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

**Sec. 5.** RCW 9.94A.120 and 1998 c 260 s 3 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned ~~(early)~~ release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree.

(5)(a) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include ~~((up to two years of community supervision))~~ a term of community supervision or community custody as specified in (b) of this subsection, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- ~~((a))~~ (i) Devote time to a specific employment or occupation;
- ~~((b))~~ (ii) Undergo available outpatient treatment for up to ~~((two years))~~ the period specified in (b) of this subsection, or inpatient treatment not to exceed the standard range of confinement for that offense;
- ~~((c))~~ (iii) Pursue a prescribed, secular course of study or vocational training;
- ~~((d))~~ (iv) Remain within prescribed geographical boundaries and notify ~~((the court or))~~ the community corrections officer prior to any change in the offender's address or employment;
- ~~((e))~~ (v) Report as directed to ~~((the court and))~~ a community corrections officer; or
- ~~((f))~~ (vi) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(b) The terms and statuses applicable to sentences under (a) of this subsection are:

(i) For sentences imposed on or after the effective date of this section, for crimes committed before July 1, 2000, up to one year of community supervision. If treatment is ordered, the period of community supervision may include up to the period of treatment, but shall not exceed two years; and

(ii) For crimes committed on or after July 1, 2000, up to one year of community custody unless treatment is ordered, in which case the period of community custody may include up to the period of treatment, but shall not exceed two years. Any term of community custody imposed under this subsection (5) is subject to conditions and sanctions as authorized in this subsection (5) and in subsection (11)(b) and (c) of this section.

(c) The department shall discharge from community supervision any offender sentenced under this subsection (5) before the effective date of this section who has served at least one year of community supervision and has completed any treatment ordered by the court.

(6)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes, and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4);

(ii) The offender has no prior convictions for a felony in this state, another state, or the United States; and

(iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

(b) If the midpoint of the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections. If the midpoint of the standard range is twenty-four months or less, no more than three months of the sentence may be served in a work release status. The court shall also impose one year of concurrent community custody and community supervision that must include appropriate outpatient substance abuse treatment, crime-related prohibitions including a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. The court may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

- (i) Devote time to a specific employment or training;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;
- (iii) Report as directed to a community corrections officer;
- (iv) Pay all court-ordered legal financial obligations;
- (v) Perform community service work;
- (vi) Stay out of areas designated by the sentencing judge.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by the court.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement~~((7))~~; community service work; until July 1, 2000, a term of community supervision not to exceed one year~~((7))~~ and on and after July 1, 2000, a term of community custody not to exceed one year, subject to conditions and sanctions as authorized in subsection (11)(b) and (c) of this section; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sex offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection ~~((14))~~ (15) of this section;

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (I) Devote time to a specific employment or occupation;

(II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(III) Report as directed to the court and a community corrections officer;

(IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

(V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime; and

(C) Sex offenders sentenced under this special sex offender sentencing alternative are not eligible to accrue any earned ((early)) release time while serving a suspended sentence.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody.

(v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection.

(vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(vii) Except as provided in (a)(viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

(ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment.

(b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(iii) Report as directed to the court and a community corrections officer;

(iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(d) Within the funds available for this purpose, the department shall develop and monitor transition and relapse prevention strategies, including risk assessment and release plans, to reduce risk to the community after sex offenders' terms of confinement in the custody of the department.

(9)(a)(i) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, but before the effective date of this section, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned (~~early~~) release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(ii) Except for persons sentenced under (b) of this subsection or subsection (10)(a) of this section, when a court sentences a person to a term of total confinement to the custody of the department of corrections for a violent offense, any crime against a person under RCW 9.94A.440(2), or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after the effective date of this section but before July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences the offender under this subsection (9)(a)(ii) to the statutory maximum period of confinement, then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, or a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, but before July 1, 2000, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned (~~early~~) release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned (~~early~~) release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
- (ii) The offender shall work at department of corrections-approved education, employment, and/or community service;
- (iii) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
- (iv) The offender shall pay supervision fees as determined by the department of corrections;
- (v) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement; and
- (vi) The offender shall submit to affirmative acts necessary to monitor compliance with the orders of the court as required by the department.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

- (i) The offender shall remain within, or outside of, a specified geographical boundary;
- (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;
- (iii) The offender shall participate in crime-related treatment or counseling services;
- (iv) The offender shall not consume alcohol;
- (v) The offender shall comply with any crime-related prohibitions; or
- (vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, but before July 1, 2000, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned ~~((early))~~ release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned ~~((early))~~ release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection ~~((14))~~ (15) of this section.

(c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(11)(a) When a court sentences a person to the custody of the department of corrections for a sex offense, a violent offense, any crime against a person under RCW 9.94A.440(2), or a felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to community custody for the community custody range or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in subsection (9)(b)(i) through (vi) of this section. The conditions may also include those provided for in subsection (9)(c)(i) through (vi) of this section. The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department shall enforce such conditions pursuant to (f) of this subsection. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (15) of this section. The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of the offender's community custody based upon the risk to community safety. The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions. The department shall notify the offender in writing of any such conditions or modifications. In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(c) If an offender violates conditions imposed by the court or the department pursuant to this subsection during community custody, the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.94A.205 and 9.94A.207.

(d) Except for terms of community custody under subsection (8) of this section, the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

(e) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040. If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

(f) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection (11)(f).

(g) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to any of the following: (i) The crime of conviction; (ii) the offender's risk of reoffending; or (iii) the safety of the community.

(12) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

((13)) (13) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered unless the superior court extends the criminal judgment an additional ten years. If the legal financial obligations including crime victims' assessments are not paid during the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years as provided in RCW 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

((13)) (14) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision ~~((or))~~, community placement, or community custody which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

((14)) (15) All offenders sentenced to terms involving community supervision, community service, community placement, community custody, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions of the department of corrections. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed.

(a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(b) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. For offenders sentenced to terms of community custody for crimes committed on or after July 1, 2000, the department may additionally require the offender to participate in rehabilitative programs or otherwise perform affirmative conduct, and to obey all laws.

The conditions authorized under this subsection ~~((14))~~ (15)(b) may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW

9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of ~~((a-sex))~~ an offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) or ~~((11))~~ of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) or ~~((11))~~ (e) of this section.

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

~~((15))~~ (16) All offenders sentenced to terms involving community supervision, community service, community custody, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

~~((16))~~ (17) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

~~((17))~~ (18) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

~~((18))~~ (19) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

~~((19))~~ (20) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

~~((20))~~ (21) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

~~((21))~~ (22) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

~~((22))~~ (23) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

(24)(a) Sex offender examinations and treatment ordered as a special condition of community placement or community custody under this section shall be conducted only by sex offender treatment providers certified by the department of health under chapter 18.155 RCW unless the court finds that: (i) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (ii) no certified providers are available for treatment within a reasonable geographic distance of the offender's home, as determined in rules adopted by the secretary; (iii) the evaluation and treatment plan comply with the rules adopted by the department of health; or (iv) the treatment provider is employed by the department. A treatment provider selected by an offender who is not certified by the department of health shall consult with a certified provider during the offender's period of treatment to ensure compliance with the rules adopted by the department of health. The frequency and content of the consultation shall be based on the recommendation of the certified provider.

(b) A sex offender's failure to participate in treatment required as a condition of community placement or community custody is a violation that will not be excused on the basis that no treatment provider was located within a reasonable geographic distance of the offender's home.

**Sec. 6.** RCW 9.94A.145 and 1997 c 121 s 5 and 1997 c 52 s 3 are each reenacted and amended to read as follows:

(1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly

basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount. Upon receipt of an offender's monthly payment, after restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court.

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department of corrections.

(3) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be immediately issued. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(4) All legal financial obligations that are ordered as a result of a conviction for a felony, may also be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.140(3) or 9.94A.142(3) to a victim of rape of a child and the victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.140(3) and 9.94A.142(3). All other legal financial obligations may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation.

(5) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to truthfully and honestly respond to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring any and all documents as requested by the department.

(6) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(7) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. Also, during the period of supervision, the offender may be required at the request of the department to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to truthfully and honestly respond to all questions concerning earning capabilities and the location and nature of all property or financial assets. Also, the offender is required to bring any and all documents as requested by the department in order to prepare the collection schedule.

(8) After the judgment and sentence or payment order is entered, the department shall for any period of supervision be authorized to collect the legal financial obligation from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purposes of disbursements. The department is authorized to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(9) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.2001.

(10) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties as provided in RCW 9.94A.200 for noncompliance.

(11) The county clerk shall provide the department with individualized monthly billings for each offender with an unsatisfied legal financial obligation and shall provide the department with notice of payments by such offenders no less frequently than weekly.

(12) The department may arrange for the collection of unpaid legal financial obligations through the county clerk, or through another entity if the clerk does not assume responsibility for collection. The costs for collection services shall be paid by the offender.

**Sec. 7.** RCW 9.94A.170 and 1993 c 31 s 2 are each amended to read as follows:

(1) A term of confinement (~~(, including community custody,)~~) ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented ~~((him))~~ himself or herself from confinement without the prior approval of the entity in whose custody the offender has been placed. A term of partial confinement shall be tolled during any period of time spent in total confinement pursuant to a new conviction or pursuant to sanctions for violation of sentence conditions on a separate felony conviction.

(2) A term of ~~((supervision, including postrelease supervision))~~ community custody ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented himself or herself from supervision without prior approval of the entity under whose ~~((supervision))~~ community custody the offender has been placed.

(3) Any period of ~~((supervision))~~ community custody shall be tolled during any period of time the offender is in confinement for any reason. However, if an offender is detained pursuant to RCW 9.94A.207 or 9.94A.195 and is later found not to have violated a condition or requirement of ~~((supervision))~~ community custody, time spent in confinement due to such detention shall not toll ~~((to the))~~ the period of ~~((supervision))~~ community custody.

(4) For confinement or ~~((supervision))~~ community custody sentences, the date for the tolling of the sentence shall be established by the entity responsible for the confinement or ~~((supervision))~~ community custody.

**Sec. 8.** RCW 9.94A.205 and 1996 c 275 s 3 are each amended to read as follows:

(1) If an ~~((inmate))~~ offender violates any condition or requirement of community custody, the department may transfer the ~~((inmate))~~ offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (2) of this section.

(2)(a) For a sex offender sentenced to a term of community custody under RCW 9.94A.120(8) who violates any condition of community custody, the department may impose a sanction of up to sixty days' confinement in a local correctional facility for each violation. If the department imposes a sanction, the department shall submit within seventy-two hours a report to the court and the prosecuting attorney outlining the violation or violations and the sanctions imposed.

(b) For a sex offender sentenced to a term of community custody under RCW 9.94A.120(10) who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned ~~((early))~~ release, the department may impose a sanction of up to sixty days in a local correctional facility for each violation.

(c) For an offender sentenced to a term of community custody under RCW 9.94A.120 (5), (7), or (11), or under RCW 9.94A.383, for a crime committed on or after July 1, 2000, who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community service, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(d) For an offender sentenced to a term of community placement under RCW 9.94A.120(9)(a)(ii) who violates any condition of community placement after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community service, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(3) If an ~~((inmate))~~ offender is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the department prior to the imposition of sanctions. The hearing shall be considered as ~~((inmate))~~

offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The department shall develop hearing procedures and a structure of graduated sanctions.

(4) The hearing procedures required under subsection (3) of this section shall be developed by rule and include the following:

(a) Hearing officers shall report through a chain of command separate from that of community corrections officers;

(b) The department shall provide the offender with written notice of the violation, the evidence relied upon, and the reasons the particular sanction was imposed. The notice shall include a statement of the rights specified in this subsection, and the offender's right to file a personal restraint petition under court rules after the final decision of the department;

(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within fifteen working days, but not less than twenty-four hours, after notice of the violation. For offenders in total confinement, the hearing shall be held within five working days, but not less than twenty-four hours, after notice of the violation;

(d) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the hearing officer if the offender has a language or communications barrier; (iii) testify or remain silent; (iv) call witnesses and present documentary evidence; and (v) question witnesses who appear and testify; and

(e) The sanction shall take effect if affirmed by the hearing officer. Within seven days after the hearing officer's decision, the offender may appeal the decision to a panel of three reviewing officers designated by the secretary or by the secretary's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: (i) The crime of conviction; (ii) the violation committed; (iii) the offender's risk of reoffending; or (iv) the safety of the community.

(5) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.

**Sec. 9.** RCW 9.94A.207 and 1996 c 275 s 4 are each amended to read as follows:

(1) The secretary may issue warrants for the arrest of any offender who violates a condition of community placement or community custody. The arrest warrants shall authorize any law enforcement or peace officer or community corrections officer of this state or any other state where such offender may be located, to arrest the offender and place him or her in total confinement pending disposition of the alleged violation. The department shall compensate the local jurisdiction at the office of financial management's adjudicated rate, in accordance with RCW 70.48.440. A community corrections officer, if he or she has reasonable cause to believe an offender in community placement or community custody has violated a condition of community placement or community custody, may suspend the person's community placement or community custody status and arrest or cause the arrest and detention in total confinement of the offender, pending the determination of the secretary as to whether the violation has occurred. The community corrections officer shall report to the secretary all facts and circumstances and the reasons for the action of suspending community placement or community custody status. A violation of a condition of community placement or community custody shall be deemed a violation of the sentence for purposes of RCW 9.94A.195. The authority granted to community corrections officers under this section shall be in addition to that set forth in RCW 9.94A.195.

(2) Inmates, as defined in RCW 72.09.015, who have been transferred to community custody and who are detained in a local correctional facility are the financial responsibility of the department of corrections, except as provided in subsection (3) of this section. The community custody inmate shall be removed from the local correctional facility, except as provided in subsection (3) of this section, not later than eight days, excluding weekends and holidays, following admittance to the local correctional facility and notification that the inmate is available for movement to a state correctional institution.

(3) The department may negotiate with local correctional authorities for an additional period of detention; however, sex offenders sanctioned for community custody violations under RCW 9.94A.205(2) to a term of confinement shall remain in the local correctional facility for the complete term of the sanction. For confinement sanctions imposed under RCW 9.94A.205(2)(a), the local correctional facility shall be financially responsible. For confinement sanctions imposed under RCW 9.94A.205(2)(b), the department of corrections shall be financially responsible for that portion of the sanction served during the time in which the sex offender is on community custody in lieu of earned ((early)) release, and the local correctional facility shall be financially responsible for that portion of the sanction served by the sex offender after the time in which the sex offender is on community custody in lieu of earned ((early)) release. The department, in consultation with the Washington association of sheriffs and police chiefs and those counties in which the sheriff does not operate a correctional facility, shall establish a methodology for determining the department's local correctional facilities bed utilization rate, for each county in calendar year 1998, for offenders being held for violations of conditions of community custody, community placement, or community supervision. For confinement sanctions imposed under RCW 9.94A.205(2) (c) or (d), the local correctional facility shall continue to be financially responsible to the extent of the calendar year 1998 bed utilization rate. If the department's use of bed space in local correctional facilities of any county for confinement

sanctions imposed on offenders sentenced to a term of community custody under RCW 9.94A.205(2) (c) or (d) exceeds the 1998 bed utilization rate for the county, the department shall compensate the county for the excess use at the per diem rate equal to the lowest rate charged by the county under its contract with a municipal government during the year in which the use occurs.

**Sec. 10.** RCW 9.94A.383 and 1988 c 143 s 23 are each amended to read as follows:

On all sentences of confinement for one year or less, the court may impose up to one year of community ~~((supervision))~~ custody, subject to conditions and sanctions as authorized in RCW 9.94A.120(11) (b) and (c). An offender shall be on community ~~((supervision))~~ custody as of the date of sentencing. However, during the time for which the offender is in total or partial confinement pursuant to the sentence or a violation of the sentence, the period of community ~~((supervision))~~ custody shall toll.

**Sec. 11.** RCW 9.94A.440 and 1996 c 93 s 2 are each amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years; and
- (ii) Most members of society act as if it were no longer in existence; and
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimis Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

- (i) Conviction of the new offense would not merit any additional direct or collateral punishment;
- (ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and
- (iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

- (i) Conviction of the new offense would not merit any additional direct or collateral punishment;
- (ii) Conviction in the pending prosecution is imminent;
- (iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and
- (iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

- (i) Assault cases where the victim has suffered little or no injury;
- (ii) Crimes against property, not involving violence, where no major loss was suffered;
- (iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

(a) STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120(8).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder  
1st Degree Murder  
2nd Degree Murder  
1st Degree Kidnaping  
1st Degree Assault  
1st Degree Assault of a Child  
1st Degree Rape  
1st Degree Robbery  
1st Degree Rape of a Child  
1st Degree Arson  
2nd Degree Kidnaping  
2nd Degree Assault  
2nd Degree Assault of a Child  
2nd Degree Rape  
2nd Degree Robbery  
1st Degree Burglary  
1st Degree Manslaughter  
2nd Degree Manslaughter  
1st Degree Extortion  
Indecent Liberties  
Incest  
2nd Degree Rape of a Child  
Vehicular Homicide  
Vehicular Assault  
3rd Degree Rape  
3rd Degree Rape of a Child  
1st Degree Child Molestation  
2nd Degree Child Molestation  
3rd Degree Child Molestation  
2nd Degree Extortion  
1st Degree Promoting Prostitution  
Intimidating a Juror  
Communication with a Minor  
Intimidating a Witness

Intimidating a Public Servant  
Bomb Threat (if against person)  
3rd Degree Assault  
3rd Degree Assault of a Child  
Unlawful Imprisonment  
Promoting a Suicide Attempt  
Riot (if against person)  
Stalking  
Custodial Assault  
No-Contact Order-Domestic Violence Pretrial (RCW 10.99.040(4) (b) and (c))  
No-Contact Order-Domestic Violence Sentence (RCW 10.99.050(2))  
Protection Order-Domestic Violence Civil (RCW 26.50.110 (4) and (5))

#### CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson  
1st Degree Escape  
2nd Degree Burglary  
1st Degree Theft  
1st Degree Perjury  
1st Degree Introducing Contraband  
1st Degree Possession of Stolen Property  
Bribery  
Bribing a Witness  
Bribe received by a Witness  
Bomb Threat (if against property)  
1st Degree Malicious Mischief  
2nd Degree Theft  
2nd Degree Escape  
2nd Degree Introducing Contraband  
2nd Degree Possession of Stolen Property  
2nd Degree Malicious Mischief  
1st Degree Reckless Burning  
Taking a Motor Vehicle without Authorization  
Forgery  
2nd Degree Perjury  
2nd Degree Promoting Prostitution  
Tampering with a Witness  
Trading in Public Office  
Trading in Special Influence  
Receiving/Granting Unlawful Compensation  
Bigamy  
Eluding a Pursuing Police Vehicle  
Willful Failure to Return from Furlough  
Escape from Community Custody  
Riot (if against property)  
Thefts of Livestock

#### ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge

~~((1))~~ (i) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

~~((a))~~ (A) Will significantly enhance the strength of the state's case at trial; or

~~((b))~~ (B) Will result in restitution to all victims.

~~((2))~~ (ii) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

- ~~((a))~~ (A) Charging a higher degree;
- ~~((b))~~ (B) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

**(b) GUIDELINES/COMMENTARY:**

**(i) Police Investigation**

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- ~~((1))~~ (A) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- ~~((2))~~ (B) The completion of necessary laboratory tests; and
- ~~((3))~~ (C) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

**(ii) Exceptions**

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- ~~((1))~~ (A) Probable cause exists to believe the suspect is guilty; and
- ~~((2))~~ (B) The suspect presents a danger to the community or is likely to flee if not apprehended; or
- ~~((3))~~ (C) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

**(iii) Investigation Techniques**

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- ~~((1))~~ (A) Polygraph testing;
- ~~((2))~~ (B) Hypnosis;
- ~~((3))~~ (C) Electronic surveillance;
- ~~((4))~~ (D) Use of informants.

**(iv) Pre-Filing Discussions with Defendant**

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

**(v) Pre-Filing Discussions with Victim(s)**

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.

**NEW SECTION. Sec. 12.** A new section is added to chapter 72.09 RCW to read as follows:

Except as specifically prohibited by other law, and for purposes of determining, modifying, or monitoring compliance with conditions of community custody, community placement, or community supervision as authorized under RCW 9.94A.120 and 9.94A.383, the department:

(1) Shall have access to all relevant records and information in the possession of public agencies relating to offenders, including police reports, prosecutors' statements of probable cause, complete criminal history information, psychological evaluations and psychiatric hospital reports, sex offender treatment program reports, and juvenile records; and

(2) May require periodic reports from providers of treatment or other services required by the court or the department, including progress reports, evaluations and assessments, and reports of violations of conditions imposed by the court or the department.

**NEW SECTION. Sec. 13.** A new section is added to chapter 72.09 RCW to read as follows:

To the extent practicable, the department shall deploy community corrections staff on the basis of geographic areas in which offenders under the department's jurisdiction are located, and shall establish a systematic means of assessing risk to the safety of those communities.

**NEW SECTION. Sec. 14.** The secretary of corrections may adopt rules to implement sections 1 through 13 of this act.

**Sec. 15.** RCW 9A.44.135 and 1998 c 220 s 2 are each amended to read as follows:

(1) When an offender registers with the county sheriff pursuant to RCW 9A.44.130, the county sheriff shall notify the police chief or town marshal of the jurisdiction in which the offender has registered to live. If the offender registers to live in an unincorporated area of the county, the sheriff shall make reasonable attempts to verify that the offender is residing at the registered address. If the offender registers to live in an incorporated city or town, the police chief or town marshal shall make reasonable attempts to verify that the offender is residing at the registered address. Reasonable attempts at verifying an address shall include at a minimum:

(a) Each year the ~~((county sheriff))~~ chief law enforcement officer of the jurisdiction where the offender is registered to live shall send by certified mail, with return receipt requested, a nonforwardable verification form to the offender at the offender's last registered address.

(b) The offender must sign the verification form, state on the form whether he or she still resides at the last registered address, and return the form to the ~~((county sheriff))~~ chief law enforcement officer of the jurisdiction where the offender is registered to live within ten days after receipt of the form.

(2) The ~~((sheriff))~~ chief law enforcement officer of the jurisdiction where the offender has registered to live shall make reasonable attempts to locate any sex offender who fails to return the verification form or who cannot be located at the registered address. If the offender fails to return the verification form or the offender is not at the last registered address, the ~~((county sheriff))~~ chief law enforcement officer of the jurisdiction where the offender has registered to live shall promptly forward this information to the county sheriff and to the Washington state patrol for inclusion in the central registry of sex offenders.

(3) When an offender notifies the county sheriff of a change to his or her residence address pursuant to RCW 9A.44.130, and the new address is in a different law enforcement jurisdiction, the county sheriff shall notify the police chief or town marshal of the jurisdiction from which the offender has moved.

**NEW SECTION. Sec. 16.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The Washington state institute for public policy shall conduct a study of the effect of the use of community custody under this act. The study shall include the effect of this act on recidivism and other outcomes. In its study the institute shall consider:

- (a) Recidivism, according to the definition adopted by the institute pursuant to section 59, chapter 338, Laws of 1997;
- (b) The number and seriousness level of violations of conditions;
- (c) The application of the graduated sanctions by the department;
- (d) Unauthorized absences from supervision;
- (e) Payment of legal financial obligations;
- (f) Unlawful use of controlled substances;
- (g) Use of alcohol when abstention or treatment for alcoholism is a condition of supervision;
- (h) Effects on the number of offenders who are employed or participate in vocational rehabilitation;
- (i) Participation in vocational and education programs; and
- (j) Impact on the receipt of public assistance.

(2) By January 1, 2000, the institute shall report to the legislature on the design for the study. By January 1st of each year thereafter, the institute shall report to the legislature on the progress and findings of the study and make recommendations based on its findings. By January 1, 2010, the institute shall provide to the legislature a final report on the findings of the study.

(3) Subsections (1) and (2) of this section expire December 31, 2010.

**NEW SECTION. Sec. 17.** Nothing in this act shall be construed to create an immunity or defense from liability for personal injury or wrongful death based solely on availability of funds.

**NEW SECTION. Sec. 18.** This act may be known and cited as the offender accountability act.

**NEW SECTION. Sec. 19.** Section 10 of this act takes effect July 1, 2000, and applies only to offenses committed on or after July 1, 2000.

**NEW SECTION. Sec. 20.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Costa, the Senate concurred in the House amendment to Engrossed Second Substitute Senate Bill No. 5421.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5421, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5421, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Absent: Senator Hale - 1.

Excused: Senators Deccio, McDonald, Snyder and Wojahn - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5421, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 13, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5744 with the following amendment(s):

On page 1, beginning on line 6, after "representation for" strike "indigent criminal defendants and"

On page 1, line 13, after "defense costs in" strike "criminal trial proceedings and in", and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Costa, the Senate concurred in the House amendments to Substitute Senate Bill No. 5744.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5744, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5744, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 5744, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 12, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5837 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the intent of the legislature that retirement benefits represent a valuable element of the total compensation and benefits employees receive for their service. The value of these benefits is contained in the retirement income and cost-of-living adjustments provided to employees who remain in public service until retirement. For the majority of public employees, this requires membership in the public employees' retirement system.

The legislature recognizes, however, that certain occupations display a pattern of interstate mobility which requires retirement benefits which are highly portable. Incumbents in these occupations gain little value from membership in the public employees' retirement system. In order to remove any barrier to employing qualified personnel in positions with high mobility, membership in the retirement system should be optional in those occupations.

**Sec. 2.** RCW 41.40.023 and 1997 c 254 s 11 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers, as defined in this chapter, with the following exceptions:

- (1) Persons in ineligible positions;
- (2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;
- (3)(a) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership during such periods of employment: AND PROVIDED FURTHER, That any persons holding or who have held elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership to be effective during such term or terms of office, and shall be allowed to establish the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee with interest as determined by the director and employer contributions therefor by the employer or employee with interest as determined by the director: AND PROVIDED FURTHER, That all contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employee's savings fund and be treated as any other contribution made by the employee, with the exception that any contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall not be considered part of the member's annuity for any purpose except withdrawal of contributions;
- (b) A member holding elective office who has elected to apply for membership pursuant to (a) of this subsection and who later wishes to be eligible for a retirement allowance shall have the option of ending his or her membership in the retirement system. A member wishing to end his or her membership under this subsection must file, on a form supplied by the department, a statement indicating that the member agrees to irrevocably abandon any claim for service for future periods served as an elected official. A member who receives more than fifteen thousand dollars per year in compensation for his or her elective service, adjusted annually for inflation by the director, is not eligible for the option provided by this subsection (3)(b);
- (4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits: AND PROVIDED FURTHER, That an employee shall not either before or after June 7, 1984, be excluded from membership or denied service credit pursuant to this subsection solely on account of: (a) Membership in the plan created under chapter 2.14 RCW; or (b) enrollment under the relief and compensation provisions or the pension provisions of the volunteer fire fighters' relief and pension fund under chapter 41.24 RCW;
- (5) Patient and inmate help in state charitable, penal, and correctional institutions;
- (6) "Members" of a state veterans' home or state soldiers' home;
- (7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;
- (8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;
- (9) Persons rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession;

(10) Persons appointed after April 1, 1963, by the liquor control board as agency vendors;

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership;

(12) Retirement system retirees: PROVIDED, That following reemployment in an eligible position, a retiree may elect to prospectively become a member of the retirement system if otherwise eligible;

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971, shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from: (a) Transferring all of its current employees to the retirement system established under this chapter, or (b) allowing newly hired employees the option of continuing coverage under the retirement system established by this chapter.

Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system;

(14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;

(15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d) are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;

(16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States: PROVIDED, That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only if payment is made for the noncredited membership service under RCW 41.50.165(2), otherwise service shall be from the date of application;

(17) The city manager or chief administrative officer of a city or town, other than a retiree, who serves at the pleasure of an appointing authority: PROVIDED, That such persons shall have the option of applying for membership within thirty days from date of their appointment to such positions. Persons serving in such positions as of April 4, 1986, shall continue to be members in the retirement system unless they notify the director in writing prior to December 31, 1986, of their desire to withdraw from membership in the retirement system. A member who withdraws from membership in the system under this section shall receive a refund of the member's accumulated contributions.

Persons serving in such positions who have not opted for membership within the specified thirty days, may do so by paying the amount required under RCW 41.50.165(2) for the period from the date of their appointment to the date of acceptance into membership;

(18) Persons serving as: (a) The chief administrative officer of a public utility district as defined in RCW 54.16.100; (b) the chief administrative officer of a port district formed under chapter 53.04 RCW; or (c) the chief administrative officer of a county who serves at the pleasure of an appointing authority: PROVIDED, That such persons shall have the option of applying for membership within thirty days from the date of their appointment to such positions. Persons serving in such positions as of the effective date of this act shall continue to be members in the retirement system unless they notify the director in writing prior to December 31, 1999, of their desire to withdraw from membership in the retirement system. A member who withdraws from membership in the system under this section shall receive a refund of the member's accumulated contributions upon termination of employment or as otherwise consistent with the plan's tax qualification status as defined in internal revenue code section 401.

Persons serving in such positions who have not opted for membership within the specified thirty days, may do so at a later date by paying the amount required under RCW 41.50.165(2) for the period from the date of their appointment to the date of acceptance into membership;

(19) Persons enrolled in state-approved apprenticeship programs, authorized under chapter 49.04 RCW, and who are employed by local governments to earn hours to complete such apprenticeship programs, if the employee is a member of a union-sponsored retirement plan and is making contributions to such a retirement plan or if the employee is a member of a Taft-Hartley retirement plan."

Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Bauer, the Senate concurred in the House amendment to Senate Bill No. 5837.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5837, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5837, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senator McAuliffe - 1.

Excused: Senators Deccio and Wojahn - 2.

SENATE BILL NO. 5837, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5134,  
SECOND SUBSTITUTE SENATE BILL NO. 5452,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5508,  
SUBSTITUTE SENATE BILL NO. 5513,  
SUBSTITUTE SENATE BILL NO. 5619,  
SENATE BILL NO. 5628,  
SUBSTITUTE SENATE BILL NO. 5638,  
SENATE BILL NO. 5643,  
ENGROSSED SENATE BILL NO. 5649,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5661,  
SUBSTITUTE SENATE BILL NO. 5706,  
ENGROSSED SENATE BILL NO. 5720,  
SUBSTITUTE SENATE BILL NO. 5728,  
SENATE BILL NO. 5731,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5803.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5304,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5345,  
SUBSTITUTE SENATE BILL NO. 5399,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5424,  
SECOND SUBSTITUTE SENATE BILL NO. 5536,

SUBSTITUTE SENATE BILL NO. 5553,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5599,  
SUBSTITUTE SENATE BILL NO. 5666,  
SUBSTITUTE SENATE BILL NO. 5828,  
ENGROSSED SENATE BILL NO. 5897,  
SENATE BILL NO. 5911,  
ENGROSSED SENATE BILL NO. 5962,  
SENATE BILL NO. 6025,  
SENATE JOINT RESOLUTION NO. 8206.

MESSAGE FROM THE HOUSE

April 14, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5866 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 15.54.325 and 1998 c 36 s 4 are each amended to read as follows:

(1) No person may distribute in this state a commercial fertilizer until it has been registered with the department by the producer, importer, or packager of that product. A bulk fertilizer does not require registration if all commercial fertilizer products contained in the final product are registered.

(2) An application for registration shall be made on a form furnished by the department and shall be accompanied by a fee of twenty-five dollars for each product. Labels for each product shall accompany the application. All companies planning to mix customer-formula fertilizers shall include the statement "customer-formula grade mixes" under the column headed "product name" on the product registration application form. All customer-formula fertilizers sold under one brand name shall be considered one product.

(3) An application for registration shall include the following:

(a) The product name;

(b) The brand and grade;

(c) The guaranteed analysis;

(d) Name, address, and phone number of the registrant;

(e) Labels for each product being registered;

(f) Identification of those products that are (i) waste-derived fertilizers, (ii) micronutrient fertilizers, or (iii) fertilizer materials containing phosphate;

(g) ~~(Identification of the fertilizer components in the commercial fertilizer product and verification that all the components are registered. If any of the components are not registered, then the application must include)~~ The concentration of each metal, for which standards are established under RCW 15.54.800, in each ((fertilizer component, for which standards are established under RCW 15.54.800)) product being registered, unless the product is (i) anhydrous ammonia or a solution derived solely from dissolving anhydrous ammonia in water, (ii) a customer-formula fertilizer containing only registered commercial fertilizers, or (iii) a packaged commercial fertilizer whose plant nutrient content is present in the form of a single chemical compound which is registered in compliance with this chapter and the product is not blended with any other material. The provisions of (g)(i) of this subsection do not apply if the anhydrous ammonia is derived in whole or in part from waste such that the fertilizer is a "waste-derived fertilizer" as defined in RCW 15.54.270. Verification of a registration relied on by an applicant under (g)(iii) of this subsection must be submitted with the application;

(h) Waste-derived fertilizers and micronutrient fertilizers shall include at a minimum, information to ensure the product complies with chapter 70.105 RCW and the resource conservation and recovery act, 42 U.S.C. Sec. 6901 et seq.; and

(i) Any other information required by the department by rule.

(4) If an application for renewal of the product registration provided for in this section is not filed prior to July 1st of any one year, a penalty of ten dollars per product shall be assessed and added to the original fee and shall be paid by the applicant before the renewal registration shall be issued. The assessment of this late collection fee shall not prevent the department from taking any other action as provided for in this chapter. The penalty shall not apply if the applicant furnishes an affidavit that he or she has not distributed this commercial fertilizer subsequent to the expiration of his or her prior registration.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.", and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Fraser, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5866.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5866, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5866, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senator McAuliffe - 1.

Excused: Senators Deccio and Wojahn - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5866, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused.

#### MESSAGE FROM THE HOUSE

April 14, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5915 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.24.5502 and 1997 c 364 s 7 are each amended to read as follows:

~~((1))~~ The department of corrections, the department of social and health services, and the indeterminate sentence review board shall jointly develop, by September 1, 1997, a consistent approach to risk assessment for the purposes of implementing chapter 364, Laws of 1997, including consistent standards for classifying sex offenders into risk levels I, II, and III.

~~((2) The department of social and health services, the department of corrections, and the indeterminate sentence review board shall each prepare and deliver to the legislature, by December 1, 1998, a report indicating the number of sex offenders released after July 27, 1997, and classified in each level of risk category. The reports shall also include information on the number, jurisdictions, and circumstances where the risk level classification made by a local law enforcement agency or official for specific sex offenders differed from the risk level classification made by the department or the indeterminate sentence review board for the same offender.))~~

**Sec. 2.** RCW 13.40.460 and 1997 c 386 s 54 are each amended to read as follows:

The secretary, assistant secretary, or the secretary's designee shall manage and administer the department's juvenile rehabilitation responsibilities, including but not limited to the operation of all state institutions or facilities used for juvenile rehabilitation.

The secretary or assistant secretary shall:

- (1) Prepare a biennial budget request sufficient to meet the confinement and rehabilitative needs of the juvenile rehabilitation program, as forecast by the office of financial management;
- (2) Create by rule a formal system for inmate classification. This classification system shall consider:
  - (a) Public safety;
  - (b) Internal security and staff safety;
  - (c) Rehabilitative resources both within and outside the department;
  - (d) An assessment of each offender's risk of sexually aggressive behavior as provided in RCW 13.40.470; and
  - (e) An assessment of each offender's vulnerability to sexually aggressive behavior as provided in RCW 13.40.470;
- (3) Develop agreements with local jurisdictions to develop regional facilities with a variety of custody levels;
- (4) Adopt rules establishing effective disciplinary policies to maintain order within institutions;
- (5) Develop a comprehensive diagnostic evaluation process to be used at intake, including but not limited to evaluation for substance addiction or abuse, literacy, learning disabilities, fetal alcohol syndrome or effect, attention deficit disorder, and mental health;
- (6) Develop placement criteria: and
  - (a) To avoid assigning youth who present a moderate or high risk of sexually aggressive behavior to the same sleeping quarters as youth assessed as vulnerable to sexual victimization under RCW 13.40.470(1)(c); and
  - (b) To avoid placing a juvenile offender on parole status who has been assessed as a moderate to high risk for sexually aggressive behavior in a department community residential program with another child who is: (i) Dependent under chapter 13.34 RCW, or an at-risk youth or child in need of services under chapter 13.32A RCW; and (ii) not also a juvenile offender on parole status; and
- (7) Develop a plan to implement, by July 1, 1995:
  - (a) Substance abuse treatment programs for all state juvenile rehabilitation facilities and institutions;
  - (b) Vocational education and instruction programs at all state juvenile rehabilitation facilities and institutions; and
  - (c) An educational program to establish self-worth and responsibility in juvenile offenders. This educational program shall emphasize instruction in character-building principles such as: Respect for self, others, and authority; victim awareness; accountability; work ethics; good citizenship; and life skills(, and
- ~~(8) Study, in conjunction with the superintendent of public instruction, educators, and superintendents of state facilities for juvenile offenders, the feasibility and value of consolidating within a single entity the provision of educational services to juvenile offenders committed to state facilities. The assistant secretary shall report his or her findings to the legislature by December 1, 1995).~~

**Sec. 3.** RCW 18.20.230 and 1998 c 272 s 2 are each amended to read as follows:

(1) The department of social and health services shall review, in coordination with the department of health, the nursing care quality assurance commission, adult family home providers, boarding home providers, in-home personal care providers, and long-term care consumers and advocates, training standards for administrators and resident caregiving staff. ~~((The departments and the commission shall submit to the appropriate committees of the house of representatives and the senate by December 1, 1998, specific recommendations on training standards and the delivery system, including necessary statutory changes and funding requirements.))~~ Any proposed enhancements shall be consistent with this section, shall take into account and not duplicate other training requirements applicable to boarding homes and staff, and shall be developed with the input of boarding home and resident representatives, health care professionals, and other vested interest groups. Training standards and the delivery system shall be relevant to the needs of residents served by the boarding home and recipients of long-term in-home personal care services and shall be sufficient to ensure that administrators and caregiving staff have the skills and knowledge necessary to provide high quality, appropriate care.

(2) The recommendations on training standards and the delivery system developed under subsection (1) of this section shall be based on a review and consideration of the following: Quality of care; availability of training; affordability, including the training costs incurred by the department of social and health services and private providers; portability of existing training requirements; competency testing; practical and clinical course work; methods of delivery of training; standards for management and caregiving staff training; and necessary enhancements for special needs populations and resident rights training. Residents with special needs include, but are not limited to, residents with a diagnosis of mental illness, dementia, or developmental disability.

~~((3) The department of social and health services shall report to the appropriate committees of the house of representatives and the senate by December 1, 1998, on the cost of implementing the proposed training standards for state-funded residents, and on the extent to which that cost is covered by existing state payment rates.))~~

**Sec. 4.** RCW 41.05.021 and 1997 c 274 s 1 are each amended to read as follows:

(1) The Washington state health care authority is created within the executive branch. The authority shall have an administrator appointed by the governor, with the consent of the senate. The administrator shall serve at the pleasure of the governor. The administrator may employ up to seven staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The administrator may delegate any power or duty vested in him or her by this chapter, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW. The primary duties of the authority shall be to: Administer state employees' insurance benefits and retired or disabled school employees' insurance benefits; administer the basic health plan pursuant to chapter 70.47 RCW; study state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care; and implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services. The authority's duties include, but are not limited to, the following:

(a) To administer health care benefit programs for employees and retired or disabled school employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

(b) To analyze state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

(i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

(ii) Utilization of provider arrangements that encourage cost containment, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods, and that ensure access to quality care, including assuring reasonable access to local providers, especially for employees residing in rural areas;

(iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

(iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis; and

(v) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031;

(c) To analyze areas of public and private health care interaction;

(d) To provide information and technical and administrative assistance to the board;

(e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

(f) To appoint a health care policy technical advisory committee as required by RCW 41.05.150;

(g) To establish billing procedures and collect funds from school districts and educational service districts under RCW 28A.400.400 in a way that minimizes the administrative burden on districts; and

(h) To promulgate and adopt rules consistent with this chapter as described in RCW 41.05.160.

(2) On and after January 1, 1996, the public employees' benefits board may implement strategies to promote managed competition among employee health benefit plans. Strategies may include but are not limited to:

(a) Standardizing the benefit package;

(b) Soliciting competitive bids for the benefit package;

(c) Limiting the state's contribution to a percent of the lowest priced qualified plan within a geographical area;

(d) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of managed care plans state-wide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans. ~~((The health care authority shall report its findings and recommendations to the legislature by January 1, 1997.~~

~~(3) The health care authority shall, no later than July 1, 1996, submit to the appropriate committees of the legislature, proposed methods whereby, through the use of a voucher-type process, state employees may enroll with any health carrier to receive employee benefits. Such methods shall include the employee option of participating in a health care savings account, as set forth in Title 48 RCW.)~~

**Sec. 5.** RCW 43.06.400 and 1987 c 472 s 16 are each amended to read as follows:

Beginning in January(,) 1984, and in January of every ((even-numbered)) fourth year thereafter, the department of revenue shall submit to the legislature prior to the regular session a listing of the amount of reduction for the current and next biennium in the revenues of the state or the revenues of local government collected by the state as a result of tax exemptions. The

listing shall include an estimate of the revenue lost from the tax exemption, the purpose of the tax exemption, the persons, organizations, or parts of the population which benefit from the tax exemption, and whether or not the tax exemption conflicts with another state program. The listing shall include but not be limited to the following revenue sources:

- (1) Real and personal property tax exemptions under Title 84 RCW;
- (2) Business and occupation tax exemptions, deductions, and credits under chapter 82.04 RCW;
- (3) Retail sales and use tax exemptions under chapters 82.08, 82.12, and 82.14 RCW;
- (4) Public utility tax exemptions and deductions under chapter 82.16 RCW;
- (5) Food fish and shellfish tax exemptions under chapter 82.27 RCW;
- (6) Leasehold excise tax exemptions under chapter 82.29A RCW;
- (7) Motor vehicle and special fuel tax exemptions and refunds under chapters 82.36 and 82.38 RCW;
- (8) Aircraft fuel tax exemptions under chapter 82.42 RCW;
- (9) Motor vehicle excise tax exclusions under chapter 82.44 RCW; and
- (10) Insurance premiums tax exemptions under chapter 48.14 RCW.

The department of revenue shall prepare the listing required by this section with the assistance of any other agencies or departments as may be required.

The department of revenue shall present the listing to the ways and means committees of each house in public hearings.

Beginning in January~~(,)~~ 1984, and every four years thereafter the governor is requested to review the report from the department of revenue and may submit recommendations to the legislature with respect to the repeal or modification of any tax exemption. The ways and means committees of each house and the appropriate standing committee of each house shall hold public hearings and take appropriate action on the recommendations submitted by the governor.

As used in this section, "tax exemption" means an exemption, exclusion, or deduction from the base of a tax; a credit against a tax; a deferral of a tax; or a preferential tax rate.

**Sec. 6.** RCW 43.20A.375 and 1988 c 49 s 2 are each amended to read as follows:

The state advisory committee shall have the following powers and duties:

- (1) To serve in an advisory capacity to the secretary on all matters pertaining to the department of social and health services.
- (2) To acquaint themselves fully with the operations of the department and periodically recommend such changes to the secretary as they deem advisable.
- (3) To review and make recommendations as to the continued operation, possible consolidation, or elimination of department advisory committees including those required by federal law or specifically created by statute. The review shall include review of the statement of purpose for each advisory committee and the time frames during which the committee is accountable to achieve its stated purposes. ~~((The state advisory committee shall conduct the review and report to the appropriate legislative committees no later than January 1, 1989.))~~
- (4) To encourage public awareness and understanding of the department of social and health services and the department's programs and services.
- (5) To develop agendas to foster periodic meetings with and communication between representatives of program-specific advisory committees.
- (6) To encourage each regional advisory committee established under RCW 43.20A.360 to send a representative to regular state advisory committee meetings to foster communication between the regional advisory committees and: (a) The state advisory committee, and (b) headquarters of the department.

**Sec. 7.** RCW 43.20A.870 and 1997 c 386 s 47 are each amended to read as follows:

The department shall prepare an annual quality assurance report that shall include but is not limited to: (1) Performance outcomes regarding health and safety of children in the children's services system; (2) children's length of stay in out-of-home placement from each date of referral; (3) adherence to permanency planning timelines; and (4) the response time on child protective services investigations differentiated by risk level determined at intake. ~~((The report shall be provided to the governor and legislature not later than July 1.))~~

**Sec. 8.** RCW 43.41.195 and 1994 sp.s. c 7 s 319 are each amended to read as follows:

- (1) The office of financial management, in consultation with affected parties, shall establish a fund distribution formula for determining allocations to the community networks authorized under RCW 70.190.130. The formula shall reflect the local needs assessment for at-risk children and consider:
  - (a) The number of arrests and convictions for juvenile violent offenses;
  - (b) The number of arrests and convictions for crimes relating to juvenile drug offenses and alcohol-related offenses;
  - (c) The number of teen pregnancies and parents;
  - (d) The number of child and teenage suicides and attempted suicides; and

(e) The high school graduation rate.

(2) In developing the formula, the office of financial management shall reserve five percent of the funds for the purpose of rewarding community networks.

(3) The reserve fund shall be used by the council to reward community networks that show exceptional reductions in: State-funded out-of-home placements, violent criminal acts by juveniles, substance abuse, teen pregnancy and male parentage, teen suicide attempts, or school dropout rates.

~~((4) The office of financial management shall submit the distribution formula to the family policy council and to the appropriate committees of the legislature by December 20, 1994.))~~

**Sec. 9.** RCW 43.59.150 and 1998 c 165 s 3 are each amended to read as follows:

(1) The Washington state traffic safety commission shall establish a program for improving bicycle and pedestrian safety, and shall cooperate with the stakeholders and independent representatives to form an advisory committee to develop programs and create public private partnerships which promote bicycle and pedestrian safety. ~~((The traffic safety commission shall report and make recommendations to the legislative transportation committee and the fiscal committees of the house of representatives and the senate by December 1, 1998, regarding the conclusions of the advisory committee.))~~

(2) The bicycle and pedestrian safety account is created in the state treasury. To the extent that private contributions are received by the traffic safety commission for the purposes of bicycle and pedestrian safety programs established under this section, the appropriations from the highway safety account for this purpose shall lapse.

**Sec. 10.** RCW 43.88.067 and 1995 c 403 s 905 are each amended to read as follows:

The office of financial management shall create a report annually ~~((to the legislature))~~ on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to RCW 4.84.340 through 4.84.360. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and other relevant information that may aid the legislature in evaluating the scope and impact of the awards.

**Sec. 11.** RCW 43.180.070 and 1983 c 161 s 7 are each amended to read as follows:

The commission shall adopt a general plan of housing finance objectives to be implemented by the commission during the period of the plan. The commission shall adopt a plan no later than December 15, 1983. The commission may exercise the powers authorized under this chapter prior to the adoption of the initial plan. In developing the plan, the commission shall consider and set objectives for:

- (1) The use of funds for single-family and multifamily housing;
- (2) The use of funds for new construction, rehabilitation, including refinancing of existing debt, and home purchases;
- (3) The housing needs of low-income and moderate-income persons and families, and of elderly or mentally or physically handicapped persons;
- (4) The use of funds in coordination with federal, state, and local housing programs for low-income persons;
- (5) The use of funds in urban, rural, suburban, and special areas of the state;
- (6) The use of financing assistance to stabilize and upgrade declining urban neighborhoods;
- (7) The use of financing assistance for economically depressed areas, areas of minority concentration, reservations, and in mortgage-deficient areas;
- (8) The geographical distribution of bond proceeds so that the benefits of the housing programs provided under this chapter will be available to address demand on a fair basis throughout the state;
- (9) The use of financing assistance for implementation of cost-effective energy efficiency measures in dwellings.

The plan shall include an estimate of the amount of bonds the commission will issue during the term of the plan and how bond proceeds will be expended.

The plan shall be adopted by resolution of the commission following at least one public hearing thereon, notice of which shall be made by mailing to the clerk of the governing body of each county and by publication in the Washington State Register no more than forty and no less than twenty days prior to the hearing. A draft of the plan shall be made available not less than thirty days prior to any such public hearing. At least every two years, the commission shall report to the legislature regarding implementation of the plan.

~~((Prior to December 31, 1983, the commission shall submit the plan to the chief clerk of the house and secretary of the senate for transmittal to and review by the appropriate standing committees.))~~ The commission may periodically update the plan. ~~((Proposed changes of the plan shall be submitted to the chief clerk of the house and secretary of the senate for transmittal to and review by the appropriate standing committees. This submittal of proposed changes shall occur at least fourteen days before final adoption of the changes by the commission.))~~

The commission shall adopt rules designed to result in the use of bond proceeds in a manner consistent with the plan. These rules shall be adopted and in full force and effect by February 1, 1984. The commission may periodically update its rules.

The commission is not required to adopt a plan or rules for the use of the proceeds of bonds issued prior to February, 1984. This section is designed to deal only with the use of bond proceeds and nothing in this section shall be construed as a limitation on the commission's authority to issue bonds.

**Sec. 12.** RCW 43.200.080 and 1991 sp.s. c 13 s 60 are each amended to read as follows:

The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in agreement with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965 and the sublease between the state of Washington and the site operator of the Hanford low-level radioactive waste disposal facility. In order to finance perpetual surveillance and maintenance under the agreement and ensure site closure under the sublease, the department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter 34.05 RCW and shall be an amount determined by the department of ecology to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. A site closure account and a perpetual surveillance and maintenance account is hereby created in the state treasury. The site closure account shall be exclusively available to reimburse, to the extent that moneys are available in the account, the site operator for its costs plus a reasonable profit as agreed by the operator and the state, or to reimburse the state licensing agency and any agencies under contract to the state licensing agency for their costs in final closure and decommissioning of the Hanford low-level radioactive waste disposal facility. If a balance remains in the account after satisfactory performance of closure and decommissioning, this balance shall be transferred to the perpetual surveillance and maintenance account. The perpetual surveillance and maintenance account shall be used exclusively by the state to meet post-closure surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations. Appropriations are required to permit expenditures and payment of obligations from the site closure account and the perpetual surveillance and maintenance account. All moneys, including earnings from the investment of balances in the site closure and the perpetual surveillance and maintenance account, less the allocation to the state treasurer's service ((~~account fund~~)) fund, pursuant to RCW 43.08.190 accruing under the authority of this section shall be directed to the site closure account until December 31, 1992. Thereafter receipts including earnings from the investment of balances in the site closure and the perpetual surveillance and maintenance account, less the allocation to the state treasurer's service ((~~account fund~~)) fund, pursuant to RCW 43.08.190 shall be directed to the site closure account and the perpetual surveillance and maintenance account as specified by the department. Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the site closure account and the perpetual surveillance and maintenance account;

(3) To assure maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities;

(4) To institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility. The costs of administering the user permit system shall be borne by the applicants for site use permits. The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management;

(5) To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities; and

(6) To develop contingency plans for duties and options for the department and other state agencies related to the Hanford low-level radioactive waste disposal facility based on various projections of annual levels of waste disposal. These plans shall include an analysis of expected revenue to the state in various taxes and funds related to low-level radioactive waste disposal and the resulting implications that any increase or decrease in revenue may have on state agency duties or responsibilities. The plans shall be updated annually. ((The department shall report annually on the plans and on the balances in the site closure and perpetual surveillance accounts to the energy and utilities committees of the senate and the house of representatives.))

**Sec. 13.** RCW 47.06B.030 and 1998 c 173 s 3 are each amended to read as follows:

The council shall:

(1) Develop standards and strategies for coordinating special needs transportation;

- (2) Identify and develop, fund as resources are made available, and monitor coordinated transportation pilot projects;
- (3) Disseminate and encourage the widespread implementation of successful demonstration projects;
- (4) Identify and address barriers to transportation coordination;
- (5) Recommend to the legislature changes in law to assist coordination of transportation services;
- (6) Act as an information clearinghouse and advocate for coordinated transportation;
- (7) Petition the office of financial management to make whatever changes are deemed necessary to identify transportation costs in all executive agency budgets(;
- (8) Report to the legislature by December 1, 1998, on council activities including, but not limited to, what demonstration projects have been undertaken, how coordination affected service levels, and whether these efforts produced savings that allowed expansion of services. Reports must be made once every two years thereafter, and other times as the council deems necessary)).

**Sec. 14.** RCW 70.24.107 and 1997 c 345 s 6 are each amended to read as follows:

The department of health and the department of corrections shall each adopt rules to implement chapter 345, Laws of 1997. ((The department of health and the department of corrections shall also report to the legislature by January 1, 1998, on the following: (1) Changes made in rules and department of corrections and local jail policies and procedures to implement chapter 345, Laws of 1997; and (2) a summary of the number of times and the circumstances under which individual corrections staff and jail staff members were informed that a particular offender or detainee had a sexually transmitted disease or other communicable disease.)) The department of health and the department of corrections shall cooperate with local jail administrators to obtain the information from local jail administrators that is necessary to comply with this section.

**Sec. 15.** RCW 75.08.510 and 1998 c 250 s 2 are each amended to read as follows:

The department shall mark appropriate coho salmon that are released from department operated hatcheries and rearing ponds in such a manner that the fish are externally recognizable as hatchery origin salmon by fishers for the purpose of maximized catch while sustaining wild and hatchery reproduction.

The department shall mark all appropriate chinook salmon targeted for contribution to the Washington catch that are released from department operated hatcheries and rearing ponds in such a manner that the fish are externally recognizable as hatchery origin salmon by fishers.

The goal of the marking program is: (1) The annual marking by June 30, 1997, of all appropriate hatchery origin coho salmon produced by the department with marking to begin with the 1994 Puget Sound coho brood; and (2) the annual marking by June 30, 1999, of all appropriate hatchery origin chinook salmon produced by the department with marking to begin with the 1998 chinook brood. The department may experiment with different methods for marking hatchery salmon with the primary objective of maximum survival of hatchery marked fish, maximum contribution to fisheries, and minimum cost consistent with the other goals.

The department shall coordinate with other entities that are producing hatchery chinook and coho salmon for release into public waters to enable the broadest application of the marking program to all hatchery produced chinook and coho salmon. The department shall work with the treaty Indian tribes in order to reach mutual agreement on the implementation of the mass marking program. ((The department shall report to the appropriate legislative committees by January 1, 1999, on the progress made in reaching mutual agreement with the treaty Indian tribes and any Pacific coast state or province to achieve the goal of coast-wide marking of chinook and coho salmon.)) The ultimate goal of the program is the coast-wide marking of appropriate hatchery origin chinook and coho salmon, and the protection of all wild chinook and coho salmon, where appropriate.

**Sec. 16.** RCW 80.36.600 and 1998 c 337 s 1 are each amended to read as follows:

(1) The commission shall plan and prepare to implement a program for the preservation and advancement of universal telecommunications service which shall not take effect until the legislature approves the program. The purpose of the universal service program is to benefit telecommunications ratepayers in the state by minimizing implicit sources of support and maximizing explicit sources of support that are specific, sufficient, competitively neutral, and technologically neutral to support basic telecommunications services for customers of telecommunications companies in high-cost locations.

(2) In preparing a universal service program for approval by the legislature, the commission shall:

(a) Estimate the cost of supporting all lines located in high-cost locations and the cost of supporting one primary telecommunications line for each residential or business customer located in high-cost locations;

(b) Determine the assessments that must be made on all telecommunications carriers, and the manner of collection, to provide support for:

(i) All residential and business lines located in high-cost locations;

(ii) Only one primary line for each residential or business customer located in high-cost locations;

(c) Designate those telecommunications carriers serving high-cost locations that are eligible to receive support for the benefit of their customers in those locations;

(d) Adopt or prepare to adopt all necessary rules for administration of the program; and

(e) Provide a schedule of all fees and payments proposed or expected to be proposed by the commission under subsection ~~((4))~~ (3)(d) of this section.

~~(3) ((The commission shall report by November 1, 1998, to the legislature on these steps taken to prepare for implementation and shall inform the legislature of the estimated cost to support all lines located in high-cost locations and the estimated cost to support only one primary line for each residential or business customer located in high-cost locations under a universal service program.~~

~~(4))~~ Once a program is approved by the legislature and subsequently established, the following provisions apply unless otherwise directed by the legislature:

(a) All transfers of money necessary to provide the support shall be outside the state treasury and not be subject to appropriation;

(b) The commission may delegate to the commission secretary or other staff the authority to resolve disputes or make other decisions necessary to the administration of the program;

(c) The commission may contract with an independent program administrator subject to the direction and control of the commission and may authorize the establishment of an account or accounts in independent financial institutions should that be necessary for administration of the program;

(d) The expenses of an independent program administrator shall be authorized by the commission and shall be paid out of contributions by the telecommunications carriers participating in the program;

(e) The commission may require the carriers participating in the program, as part of their contribution, to pay into the public service revolving fund the costs of the commission attributable to supervision and administration of the program that are not otherwise recovered through fees paid to the commission.

~~((5))~~ (4) The commission shall establish standards for review or testing of all telecommunications carriers' compliance with the program for the purpose of ensuring the support received by a telecommunications carrier is used only for the purposes of the program and that each telecommunications carrier is making its proper contribution to the program. The commission may conduct the review or test, or contract with an independent administrator or other person to conduct the review or test.

~~((6))~~ (5) The commission shall coordinate administration of the program with any federal universal service program and may administer the federal fund in conjunction with the state program if so authorized by federal law.

~~((7))~~ (6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Telecommunications carrier" has the same meaning as defined in 47 U.S.C. Sec. 153(44).

(b) "Basic telecommunications services" means the following services:

(i) Single-party service;

(ii) Voice grade access to the public switched network;

(iii) Support for local usage;

(iv) Dual tone multifrequency signaling (touch-tone);

(v) Access to emergency services (911);

(vi) Access to operator services;

(vii) Access to interexchange services;

(viii) Access to directory assistance; and

(ix) Toll limitation services.

(c) "High-cost location" means a location where the cost of providing telecommunications services is greater than a benchmark established by the commission by rule.

~~((8))~~ (7) Each telecommunications carrier that provides intrastate telecommunications services shall provide whatever information the commission may reasonably require in order to fulfill the commission's responsibilities under subsection (2) of this section.

**NEW SECTION. Sec. 17.** The following acts or parts of acts are each repealed:

(1) RCW 48.85.050 and 1995 1st sp.s. c 18 s 80 & 1993 c 492 s 462; and

(2) RCW 75.46.020 and 1998 c 246 s 3."

Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Patterson, the Senate concurred in the House amendment to Senate Bill No. 5915.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5915, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5915, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45.

Absent: Senator Roach - 1.

Excused: Senators Deccio, Thibaudeau and Wojahn - 3.

SENATE BILL NO. 5915, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 13, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6065 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 35.21.755 and 1995 c 399 s 38 are each amended to read as follows:

(1) A public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660 shall receive the same immunity or exemption from taxation as that of the city, town, or county creating the same: PROVIDED, That, except for (a) any property within a special review district established by ordinance prior to January 1, 1976, or listed on or which is within a district listed on any federal or state register of historical sites or (b) any property owned, operated, or controlled by a public corporation that is used primarily for low-income housing, or that is used as a convention center, performing arts center, public assembly hall, ((or)) public meeting place, public esplanade, street, public way, public open space, park, public utility corridor, or view corridor for the general public or (c) any blighted property owned, operated, or controlled by a public corporation that was acquired for the purpose of remediation and redevelopment of the property in accordance with an agreement or plan approved by the city, town, or county in which the property is located, any such public corporation, commission, or authority shall pay to the county treasurer an annual excise tax equal to the amounts which would be paid upon real property and personal property devoted to the purposes of such public corporation, commission, or authority were it in private ownership, and such real property and personal property is acquired and/or operated under RCW 35.21.730 through 35.21.755, and the proceeds of such excise tax shall be allocated by the county treasurer to the various taxing authorities in which such property is situated, in the same manner as though the property were in private ownership: PROVIDED FURTHER, That the provisions of chapter 82.29A RCW shall not apply to property within a special review district established by ordinance prior to January 1, 1976, or listed on or which is within a district listed on any federal or state register of historical sites and which is controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660, which was in existence prior to January 1, 1987: AND PROVIDED FURTHER, That property within a special review district established by ordinance prior to January 1, 1976, or property which is listed on any federal or state register of historical sites and controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660, which was in existence prior to January 1, 1976, shall receive the same immunity or exemption from taxation as if such property had been within a district listed on any such federal or state register of historical sites as of January 1, 1976, and controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660 which was in existence prior to January 1, 1976.

(2) As used in this section:

(a) "Low-income" means a total annual income, adjusted for family size, not exceeding fifty percent of the area median income.

(b) "Area median income" means:

(i) For an area within a standard metropolitan statistical area, the area median income reported by the United States department of housing and urban development for that standard metropolitan statistical area; or

(ii) For an area not within a standard metropolitan statistical area, the county median income reported by the department of community, trade, and economic development.

(c) "Blighted property" means property that is contaminated with hazardous substances as defined under RCW 70.105D.020(7).", and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Bauer, the Senate concurred in the House amendment to Senate Bill No. 6065.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6065, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6065, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Excused: Senators Deccio, Thibaudeau and Wojahn - 3.

SENATE BILL NO. 6065, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 20, 1999

MR. PRESIDENT:

Under suspension of the rules, ENGROSSED SUBSTITUTE SENATE BILL NO. 5175 was returned to second reading and the House adopted the following amendment(s) and passed the bill as amended by the House :

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.19 RCW, to be codified between RCW 43.19.190 and 43.19.1937, to read as follows:

(1) In addition to disposing of property under RCW 28A.335.180, 39.33.010, 43.19.1919, and 43.19.1920, state-owned, surplus computers and computer-related equipment may be donated to any school district or educational service district under the guidelines and distribution standards established pursuant to subsection (2) of this section.

(2) By September 1, 1999, the department and office of the superintendent of public instruction shall jointly develop guidelines and distribution standards for the donation of state-owned, surplus computers and computer-related equipment to school districts and educational service districts. The guidelines and distribution standards shall include considerations for quality, school-district needs, and accountability, and shall give priority to meeting the computer-related needs of children with disabilities, including those disabilities necessitating the portability of laptop computers.

**NEW SECTION. Sec. 2.** A new section is added to chapter 44.04 RCW to read as follows:

The chief clerk of the house of representatives may authorize surplus computers and computer-related equipment owned by the house, the secretary of the senate may authorize surplus computers and computer-related equipment owned by the senate, and the directors of legislative agencies may authorize surplus computers and computer-related equipment owned by his or her respective agency, to be donated to school districts and educational service districts. This section shall not be construed to limit the discretion of the legislature regarding disposal of its surplus property."

Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

MOTION

On motion of Senator Patterson, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5175.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5175, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5175, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46. Excused: Senators Deccio, McCaslin and Wojahn - 3. ENGROSSED SUBSTITUTE SENATE BILL NO. 5175, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5821, deferred earlier today after the House amendments on page 5, after line 13, and page 6, line 1, were ruled in order.

The President declared the question before the Senate to be the motion by Senator Eide that the Senate concur in the House amendments on page 5, after line 13, and page 6, after line 1, to Second Substitute Senate Bill No. 5821.

The motion by Senator Eide carried and the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5821.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5821, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5821, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 19; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Winsley - 26.

Voting nay: Senators Benton, Finkbeiner, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Johnson, Long, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 19.

Absent: Senator Sellar - 1.

Excused: Senators Deccio, McCaslin and Wojahn - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5821, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Long was excused.

MESSAGE FROM THE HOUSE

April 15, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5312 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that:

- (1) Violence is an escalating problem in many health care settings in this state and across the nation;
- (2) Based on an analysis of workers' compensation claims, the department of labor and industries reports that health care employees face the highest rate of workplace violence in Washington state;
- (3) The actual incidence of workplace violence in health care settings is likely to be greater than documented because of failure to report or failure to maintain records of incidents that are reported;
- (4) Patients, visitors, and health care employees should be assured a reasonably safe and secure environment in health care settings; and
- (5) Many health care settings have undertaken efforts to assure that patients, visitors, and employees are safe from violence, but additional personnel training and appropriate safeguards may be needed to prevent workplace violence and minimize the risk and dangers affecting people in health care settings.

**NEW SECTION. Sec. 2.** For purposes of this chapter:

- (1) "Health care setting" means:
  - (a) Hospitals as defined in RCW 70.41.020;
  - (b) Home health, hospice, and home care agencies under chapter 70.127 RCW, subject to section 8 of this act;
  - (c) Evaluation and treatment facilities as defined in RCW 71.05.020(8); and
  - (d) Community mental health programs as defined in RCW 71.24.025(8).
- (2) "Department" means the department of labor and industries.
- (3) "Employee" means an employee as defined in RCW 49.17.020.
- (4) "Violence" or "violent act" means any physical assault or verbal threat of physical assault against an employee of a health care setting.

**NEW SECTION. Sec. 3.** (1) By July 1, 2000, each health care setting shall develop and implement a plan to reasonably prevent and protect employees from violence at the setting. The plan shall address security considerations related to the following items, as appropriate to the particular setting, based upon the hazards identified in the assessment required under subsection (2) of this section:

- (a) The physical attributes of the health care setting;
  - (b) Staffing, including security staffing;
  - (c) Personnel policies;
  - (d) First aid and emergency procedures;
  - (e) The reporting of violent acts; and
  - (f) Employee education and training.
- (2) Before the development of the plan required under subsection (1) of this section, each health care setting shall conduct a security and safety assessment to identify existing or potential hazards for violence and determine the appropriate preventive action to be taken. The assessment shall include, but is not limited to, a measure of the frequency of, and an identification of the causes for and consequences of, violent acts at the setting during at least the preceding five years or for the years records are available for assessments involving home health, hospice, and home care agencies.
- (3) In developing the plan required by subsection (1) of this section, the health care setting may consider any guidelines on violence in the workplace or in health care settings issued by the department of health, the department of social and health services, the department of labor and industries, the federal occupational safety and health administration, medicare, and health care setting accrediting organizations.

**NEW SECTION. Sec. 4.** By July 1, 2001, and on a regular basis thereafter, as set forth in the plan developed under section 3 of this act, each health care setting shall provide violence prevention training to all its affected employees as determined by the plan. The training shall occur within ninety days of the employee's initial hiring date unless he or she is a temporary employee. For temporary employees, training would take into account unique circumstances. The training may vary by the plan and may include, but is not limited to, classes, videotapes, brochures, verbal training, or other verbal or written training that is determined to be appropriate under the plan. The training shall address the following topics, as appropriate to the particular setting and to the duties and responsibilities of the particular employee being trained, based upon the hazards identified in the assessment required under section 3 of this act:

- (1) General safety procedures;
- (2) Personal safety procedures;

- (3) The violence escalation cycle;
- (4) Violence-predicting factors;
- (5) Obtaining patient history from a patient with violent behavior;
- (6) Verbal and physical techniques to de-escalate and minimize violent behavior;
- (7) Strategies to avoid physical harm;
- (8) Restraining techniques;
- (9) Appropriate use of medications as chemical restraints;
- (10) Documenting and reporting incidents;
- (11) The process whereby employees affected by a violent act may debrief;
- (12) Any resources available to employees for coping with violence; and
- (13) The health care setting's workplace violence prevention plan.

**NEW SECTION. Sec. 5.** Beginning no later than July 1, 2000, each health care setting shall keep a record of any violent act against an employee, a patient, or a visitor occurring at the setting. At a minimum, the record shall include:

- (1) The health care setting's name and address;
- (2) The date, time, and specific location at the health care setting where the act occurred;
- (3) The name, job title, department or ward assignment, and staff identification or social security number of the victim if an employee;
- (4) A description of the person against whom the act was committed as:
  - (a) A patient;
  - (b) A visitor;
  - (c) An employee; or
  - (d) Other;
- (5) A description of the person committing the act as:
  - (a) A patient;
  - (b) A visitor;
  - (c) An employee; or
  - (d) Other;
- (6) A description of the type of violent act as a:
  - (a) Threat of assault with no physical contact;
  - (b) Physical assault with contact but no physical injury;
  - (c) Physical assault with mild soreness, surface abrasions, scratches, or small bruises;
  - (d) Physical assault with major soreness, cuts, or large bruises;
  - (e) Physical assault with severe lacerations, a bone fracture, or a head injury; or
  - (f) Physical assault with loss of limb or death;
- (7) An identification of any body part injured;
- (8) A description of any weapon used;
- (9) The number of employees in the vicinity of the act when it occurred; and
- (10) A description of actions taken by employees and the health care setting in response to the act. Each record shall be kept for at least five years following the act reported, during which time it shall be available for inspection by the department upon request.

**NEW SECTION. Sec. 6.** Failure of a health care setting to comply with this chapter shall subject the setting to citation under chapter 49.17 RCW.

**NEW SECTION. Sec. 7.** A health care setting needing assistance to comply with this chapter may contact the federal department of labor or the state department of labor and industries for assistance. The state departments of labor and industries, social and health services, and health shall collaborate with representatives of health care settings to develop technical assistance and training seminars on plan development and implementation, and shall coordinate their assistance to health care settings.

**NEW SECTION. Sec. 8.** It is the intent of the legislature that any violence protection and prevention plan developed under this chapter be appropriate to the setting in which it is to be implemented. To that end, the legislature recognizes that not all professional health care is provided in a facility or other formal setting, such as a hospital. Many services are provided by home health, hospice, and home care agencies. The legislature finds that it is inappropriate and impractical for these agencies to address workplace violence in the same manner as other, facility-based, health care settings. When enforcing this chapter as to home health, hospice, and home care agencies, the department shall allow agencies sufficient flexibility in recognition of the unique circumstances in which these agencies deliver services.

**NEW SECTION. Sec. 9.** (1) State hospitals, as defined in RCW 72.23.010, shall comply with all the requirements of sections 1 through 3 and 5 through 8 of this act.

(2) By July 1, 2001, and on a regular basis thereafter, as set forth in the plan developed under section 3 of this act, each state hospital shall provide violence prevention training to all its affected employees as determined by the plan. Each employee shall receive violence prevention training prior to providing patient care, in addition to his or her ongoing training as determined by the plan. The training may vary by the plan and may include, but is not limited to, classes, videotapes, brochures, verbal training, or other verbal or written training that is determined to be appropriate under the plan. The training shall address the topics provided in section 4 of this act, as appropriate to the particular setting and to the duties and responsibilities of the particular employee being trained, based upon the hazards identified in the assessment required under section 3 of this act.

**NEW SECTION. Sec. 10.** If specific funding for purposes of section 9 of this act, referencing this act by bill and section number or chapter and section number, is not provided by June 30, 1999, in the omnibus appropriations act, section 9 of this act is null and void.

**NEW SECTION. Sec. 11.** Sections 2 through 8 of this act constitute a new chapter in Title 49 RCW." Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Thibaudeau, the Senate concurred in the House amendment to Substitute Senate Bill No. 5312.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5312, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5312, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Deccio, Long, McCaslin and Wojahn - 4.

SUBSTITUTE SENATE BILL NO. 5312, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

On motion of Senator Honeyford, Senator Horn was excused.

On motion of Senator Goings, Senator Kohl-Welles was excused.

#### MESSAGE FROM THE HOUSE

April 13, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5382 with the following amendment(s):

On page 1, beginning on line 5, strike all of sections 1 through 4, renumber the remaining sections, and correct the title., and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

## MOTION

On motion of Senator Goings, the Senate concurred in the House amendment to Senate Bill No. 5382.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5382, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5382, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 3; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Jacobsen, Kline, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 40. Voting nay: Senators Hochstatter, Johnson and Zarelli - 3. Excused: Senators Deccio, Horn, Kohl-Welles, Long, McCaslin and Wojahn - 6. SENATE BILL NO. 5382, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 13, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5864 with the following amendment(s):

On page 1, line 18, after "legal" strike "guardian" and insert "representative as authorized in RCW 7.70.065", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

## MOTION

On motion of Senator Thibaudeau, the Senate concurred in the House amendment to Substitute Senate Bill No. 5864.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5864, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5864, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Excused: Senators Horn, Kohl-Welles, Long, McCaslin and Wojahn - 5. SUBSTITUTE SENATE BILL NO. 5864, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTIONS

On motion of Senator Franklin, Senator Thibaudeau was excused.

On motion of Senator Eide, Senators Costa and Gardner were excused.

## MESSAGE FROM THE HOUSE

April 16, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8406 with the following amendment(s):

Beginning on page 1, line 1, strike all material through "resolution." on page 2, line 6, and insert the following:

"WHEREAS, On January 8, 1993, Grant Anderson was sworn in as a judge for the Superior Court of the State of Washington, Pierce County; and

WHEREAS, In 1989, then attorney Anderson became personal representative for the estate of Charles Hoffman, the assets of which estate included Pacific Lanes, Inc., owner of a Tacoma bowling alley; and

WHEREAS, In 1889, the people of the Territory of Washington ratified the Constitution of the State of Washington that established the judiciary as a separate branch of government under Article IV, vested the judicial power of the state in the Supreme Court and lower courts under Article IV, Section 1, and established an independent and autonomous power of the legislature to remove a superior court judge from office under Article IV, Section 9, or to impeach and remove a superior court judge from office under Article V; and

WHEREAS, In 1989, the voters of Washington adopted Article IV, Section 31 of the State Constitution, establishing a Commission on Judicial Conduct to investigate alleged violations of rules of judicial conduct and to recommend disciplinary action to the State Supreme Court; and

WHEREAS, The Commission on Judicial Conduct concluded under a clear, cogent, and convincing evidence standard that Judge Anderson violated several Canons of the Code of Judicial Conduct concerning his actions as personal representative by: (1) Failing to remove himself as president of two corporations owned by the Hoffman estate while he served as a judge; (2) accepting compensation from the purchaser of an estate asset; and (3) failing to report such compensation to the Public Disclosure Commission; and

WHEREAS, On April 3, 1998, the Commission on Judicial Conduct ordered that Judge Anderson be censured; and recommended that the Supreme Court suspend Judge Anderson for four months without pay; and

WHEREAS, This matter is on appeal to the Supreme Court; and

WHEREAS, The Supreme Court heard oral arguments in the Anderson case on February 9, 1999, but has yet to render a decision; and

WHEREAS, The Supreme Court has authority under Article IV, Section 1 and Article IV, Section 31 of the State Constitution to adopt the Commission's recommendations, to adopt other sanctions, or to remove Judge Anderson from office; and

WHEREAS, Out of respect for the constitutional process for judicial discipline enacted by the voters in 1989, and as a matter of comity, the legislature should withhold its judgment to exercise its constitutional powers of removal until the process established by the people has had a reasonable opportunity to run its course;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the House and Senate Committees on Judiciary, either individually or jointly at their discretion, shall within two weeks of the release of the decision of the Supreme Court on the Judge Anderson matter, or no later than December 10, 1999, schedule a meeting of the committees to review the matter of Judge Anderson.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Heavey, the Senate concurred in the House amendment to Substitute Senate Concurrent Resolution No. 8406.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Concurrent Resolution No. 8406, as amended by the House.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8406, as amended by the House, and the concurrent resolution passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Benton, Brown, Eide, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 41.

Absent: Senators Bauer and Deccio - 2.

Excused: Senators Costa, Gardner, Horn, McCaslin, Thibaudeau and Wojahn - 6.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8406, as amended by the House, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

#### MESSAGE FROM THE HOUSE

April 14, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6001 with the following amendment(s):

On page 2, after line 11, insert the following:

"(6)(a)(i) Receive information from a legislator who is assisting a constituent at the constituent's request; (ii) provide information to a legislator regarding a constituent if the constituent has given his or her written consent that the information be released to the legislator; however, a legislator may be provided only that information the constituent would otherwise be able to obtain under the law; and (iii) notify the legislator that the constituent's case is ready to be closed.

(b) Any information a constituent would not otherwise be able to obtain under law, including any confidential information regarding a person other than the constituent, that is contained in the information provided the legislator shall be redacted.

(c) A legislator shall maintain the confidentiality of any confidential information regarding a constituent that the legislator may receive.

(d) Nothing in this subsection is intended to or may be interpreted as affecting the authority or ability of the legislative children's oversight committee to obtain information otherwise granted the committee under law."

Renumber the remaining subsections consecutively.

On page 5, line 26, after "grants." insert "After notification to the legislative oversight committee, the office of the family and children's ombudsman shall have the power to subpoena records and documents in the possession or control of the department of social and health services that the ombudsman considers necessary in an investigation.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Hargrove, the Senate concurred in the House amendments to Substitute Senate Bill No. 6001.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6001, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6001, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 44.

Absent: Senator Loveland - 1.

Excused: Senators Deccio, Horn, Thibaudeau and Wojahn - 4.

SUBSTITUTE SENATE BILL NO. 6001, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SCR 8410 by Senator B. Sheldon

Making exceptions to cutoff dates.

#### MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8410 was advanced to second reading and placed on the second reading calendar.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8410 by Senator B. Sheldon

Making exceptions to cutoff dates.

The concurrent resolution was read the second time.

#### SENATE CONCURRENT RESOLUTION NO. 8410

WHEREAS, House Concurrent Resolution No. 4404 established cutoff dates for consideration of legislation during the 1999 Regular Session of the Fifty-Sixth Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the cutoff dates established in House Concurrent Resolution No. 4404 do not apply to Senate Bill No. 6067.

#### MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8410 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

SENATE CONCURRENT RESOLUTION NO. 8410 was adopted by voice vote.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the first order of business.

#### REPORT OF STANDING COMMITTEE

April 21, 1999

SB 6067 Prime Sponsor, Senator B. Sheldon: Establishing principles for affordable health insurance coverage.  
Reported by Committee on Health and Long-Term Care.

MAJORITY Recommendation: That Substitute Senate Bill No. 6067 be substituted therefor, and the substitute bill do pass. Signed by  
Senators Thibaudeau, Chair; Wojahn, Vice Chair; Deccio and Winsley.

MINORITY Recommendation: That the bill not be substituted. Signed by Senators Costa and Franklin.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Bill No. 6067 was advanced to second reading and placed on the second reading calendar.

MOTION

At 3:47 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, April 23, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

ONE HUNDRED-SECOND DAY, APRIL 22, 1999

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**ONE HUNDRED-THIRD DAY**

-----  
MORNING SESSION  
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Senate Chamber, Olympia, Friday, April 23, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Finkbeiner, Haugen, Rossi, Sellar, West and Wojahn. On motion of Senator Deccio, Senators Finkbeiner, Rossi and Sellar were excused. On motion of Senator Franklin, Senators Bauer and Wojahn were excused. On motion of Senator Eide, Senator Haugen was excused.

The Sergeant at Arms Color Guard consisting of Pages Charles Dwyer and Dan Gibbon, presented the Colors. Jim Erlandson of the Reorganized Church of Latter-Day Saints of Olympia, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE GOVERNOR

April 22, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I have the honor to advise you that on April 22, 1999, Governor Locke approved the following Senate Bills entitled:

Substitute Senate Bill No. 5010

Relating to sexual misconduct by employees of custodial agencies.

Senate Bill No. 5012

Relating to the pollution liability insurance program trust account.

Substitute Senate Bill No. 5030

Relating to the Washington state patrol surviving spouse retirement allowance.

Senate Bill No. 5037

Relating to the court of appeals.

Engrossed Senate Bill No. 5141

Relating to newborn screening fees.

Senate Bill No. 5156

Relating to voluntary expansion of local housing authority boards of commissioners to comply with federal law.

Senate Bill No. 5178

Relating to correcting references to the third grade standardized achievement test.

Substitute Senate Bill No. 5191

Relating to motor carriers operating without a permit.

Senate Bill No. 5194

Relating to information technology management in state government.

Engrossed Substitute Senate Bill No. 5195

Relating to protecting employee benefits.

Substitute Senate Bill No. 5215

Relating to veterans' exemptions from higher education tuition and fees.

Senate Bill No. 5262

Relating to an exemption to allow unregulated persons to perform sleep monitoring tasks.

Senate Bill No. 5278

Relating to foreign degree-granting institutions.

Senate Bill No. 5301

Relating to the processing of traffic offenses by district and municipal courts.

Substitute Senate Bill No. 5313

Relating to the scope of mental health record audits.

Senate Bill No. 5365

Relating to the preparation and sale of dietary supplements containing alcohol.

Senate Bill No. 5401

Relating to hydraulic projects.

Senate Bill No. 5402

Relating to the forest practices appeals board.

Senate Bill No. 5432

Relating to authorizing deductions from retirement allowance for charitable purposes.

Substitute Senate Bill No. 5457

Relating to conditions involving diversion agreements for juveniles under diversion programs authorized by state law prior to January 1, 1999.

Substitute Senate Bill No. 5495

Relating to regular property tax levies.

Engrossed Senate Bill No. 5564

Relating to taxation of park trailers and travel trailers.

Senate Bill No. 5614

Relating to restricting Washington industrial safety and health act citations as a result of employee misconduct.

Substitute Senate Bill No. 5615

Relating to obsolete transportation accounts and funds.

Senate Bill No. 5648

Relating to providing consistency in definitions regarding businesses furnishing lodging.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGES FROM THE HOUSE

April 22, 1999

MR. PRESIDENT:

The Co-Speakers have signed:

SENATE BILL NO. 5005,

SENATE BILL NO. 5020,

ENGROSSED SENATE BILL NO. 5036,

SENATE BILL NO. 5040,

SUBSTITUTE SENATE BILL NO. 5064,

SENATE BILL NO. 5095,

SECOND SUBSTITUTE SENATE BILL NO. 5108,

SENATE BILL NO. 5125,

SENATE BILL NO. 5127,

SUBSTITUTE SENATE BILL NO. 5147,

SUBSTITUTE SENATE BILL NO. 5153,

SUBSTITUTE SENATE BILL NO. 5154,

SUBSTITUTE SENATE BILL NO. 5179,

SUBSTITUTE SENATE BILL NO. 5213,

SUBSTITUTE SENATE BILL NO. 5214,

SUBSTITUTE SENATE BILL NO. 5219,

SUBSTITUTE SENATE BILL NO. 5273,

SUBSTITUTE SENATE BILL NO. 5279,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5290,

SENATE BILL NO. 5307,

SENATE BILL NO. 5358,

SENATE BILL NO. 5384,

SENATE BILL NO. 5385,

SENATE BILL NO. 5499,

SENATE BILL NO. 5502,

SUBSTITUTE SENATE BILL NO. 5671, and the same are herewith transmitted.

DEAN R.

FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 22, 1999

MR. PRESIDENT:

The Co-Speakers have signed:

HOUSE BILL NO. 1023,

SUBSTITUTE HOUSE BILL NO. 1068,  
HOUSE BILL NO. 1080,  
SECOND SUBSTITUTE HOUSE BILL NO. 1116,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131,  
HOUSE BILL NO. 1154,  
HOUSE BILL NO. 1299,  
SUBSTITUTE HOUSE BILL NO. 1371,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514,  
HOUSE BILL NO. 1556,  
SUBSTITUTE HOUSE BILL NO. 1558,  
HOUSE BILL NO. 1599,  
SUBSTITUTE HOUSE BILL NO. 1647,  
SUBSTITUTE HOUSE BILL NO. 1677,  
HOUSE BILL NO. 1699,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1798,  
SUBSTITUTE HOUSE BILL NO. 1838,  
SUBSTITUTE HOUSE BILL NO. 1848,  
HOUSE BILL NO. 1849,  
SUBSTITUTE HOUSE BILL NO. 1880,  
SUBSTITUTE HOUSE BILL NO. 1951,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1991,  
SUBSTITUTE HOUSE BILL NO. 2053,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2090,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2107,  
HOUSE BILL NO. 2207,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2239,  
HOUSE JOINT MEMORIAL NO. 4012, and the same are herewith transmitted.

DEAN R. FOSTER,  
Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 5109,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5175,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5208,  
SUBSTITUTE SENATE BILL NO. 5312,  
SENATE BILL NO. 5382,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5421,  
SUBSTITUTE SENATE BILL NO. 5744,  
SECOND SUBSTITUTE SENATE BILL NO. 5821,  
SENATE BILL NO. 5837,  
SUBSTITUTE SENATE BILL NO. 5864,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5866,  
SENATE BILL NO. 5915,  
SUBSTITUTE SENATE BILL NO. 6001,  
SENATE BILL NO. 6065,  
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8406.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1023,  
SUBSTITUTE HOUSE BILL NO. 1068,  
HOUSE BILL NO. 1080,  
SECOND SUBSTITUTE HOUSE BILL NO. 1116,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131,  
HOUSE BILL NO. 1154,  
HOUSE BILL NO. 1299,  
SUBSTITUTE HOUSE BILL NO. 1371,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514,  
HOUSE BILL NO. 1556,  
SUBSTITUTE HOUSE BILL NO. 1558,  
HOUSE BILL NO. 1599,  
SUBSTITUTE HOUSE BILL NO. 1647,  
SUBSTITUTE HOUSE BILL NO. 1677,  
HOUSE BILL NO. 1699,  
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SUBSTITUTE HOUSE BILL NO. 1951,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1991,  
SUBSTITUTE HOUSE BILL NO. 2053,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2090,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2107,  
HOUSE BILL NO. 2207,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2239,  
HOUSE JOINT MEMORIAL NO. 4012.

#### INTRODUCTION AND FIRST READING

SB 6105 by Senators Brown and Hochstatter

AN ACT Relating to the provision of telecommunication facilities and services by public utility districts; adding a new section to chapter 54.16 RCW; and creating a new section.  
Referred to Committee on Energy, Technology and Telecommunications.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9202, Lisa M. Pelly, as a member of the Fish and Wildlife Commission, was confirmed.

Senators Jacobsen and Oke spoke to the confirmation of Lisa M. Pelly, as a member of the Fish and Wildlife Commission.

#### APPOINTMENT OF LISA M. PELLY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 42.

Absent: Senator West - 1.

Excused: Senators Bauer, Finkbeiner, Haugen, Rossi, Sellar and Wojahn - 6.

#### MOTION

On motion of Senator Honeyford, Senators Deccio, Swecker and West were excused.

#### MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9210, Fred A. Shiosaki, as a member of the Fish and Wildlife Commission, was confirmed.

Senators Jacobsen and Oke spoke to the confirmation of Fred A. Shiosaki as a member of the Fish and Wildlife Commission.

#### APPOINTMENT OF FRED A. SHIOSAKI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 40.

Excused: Senators Bauer, Deccio, Finkbeiner, Haugen, Rossi, Sellar, Swecker, West and Wojahn - 9.

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9026, Lonna K. Malone, as a member of the Board of Trustees for Columbia Basin Community College District No. 19, was confirmed.

#### APPOINTMENT OF LONNA K. MALONE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 40.

Absent: Senator Hargrove - 1.

Excused: Senators Bauer, Deccio, Finkbeiner, Rossi, Sellar, Swecker, West and Wojahn - 8.

#### MOTION

On motion of Senator Brown, Gubernatorial Appointment No. 9031, Mark Mays, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

#### APPOINTMENT OF MARK MAYS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Absent: Senators Hargrove, Patterson and Snyder - 3.

Excused: Senators Bauer, Deccio, Finkbeiner, Rossi and Wojahn - 5.

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9033, Larry Nickell, as a member of the Board of Trustees for Big Bend Community College District No. 18, was confirmed.

#### APPOINTMENT OF LARRY NICKELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.

Absent: Senator Snyder - 1.

Excused: Senators Bauer, Deccio, Finkbeiner, Hargrove, Rossi and Wojahn - 6.

#### MOTION

On motion of Senator Goings, Senator Snyder was excused.

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9046, Elmer J. Ward, as a member of the Board of Trustees for Yakima Valley Community College District No. 16, was confirmed.

#### APPOINTMENT OF ELMER J. WARD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Excused: Senators Bauer, Deccio, Finkbeiner, Rossi, Snyder and Wojahn - 6.

#### MOTION

On motion of Senator Jacobsen, the following resolution was adopted:

#### SENATE RESOLUTION 1999-8679

By Senator Jacobsen

WHEREAS, It is the policy of the Washington State Legislature to recognize and honor the contributions of individuals who reflect the standards of excellence that advance the well-being and quality of lives of all citizens of the state of Washington; and

WHEREAS, The paintings by Alfredo Arreguin graphically reflect the graceful beauty of our state's untamed natural resources, the vivid color and diverse textures of our bountiful landscapes, and the endless rainbow of hope, pride, and achievement of all our citizens; and

WHEREAS, Alfredo Arreguin was selected by our state's centennial commission to paint the Washington State centennial poster; and

WHEREAS, Alfredo Arreguin is recognized as a pioneer in his field of art for his stylistic introduction of intricately detailed repetitive patterning of abstract motifs combined with vivid portraiture and lush landscapes; and

WHEREAS, The signature patterned paintings of master artist Alfredo Arreguin have brought national and international recognition to the artistic tradition of our state; and

WHEREAS, Works by Alfredo Arreguin have been exhibited in shows across North America, Mexico, Europe, Poland, Russia, South America, and Asia, and have been used in over one hundred books; and

WHEREAS, The Smithsonian Institution's National Museum of American Art, our nation's most prestigious art museum, has selected a recent painting by Alfredo Arreguin for its permanent collection; and

WHEREAS, Alfredo Arreguin has donated countless hours of his time and talent to assist the Hispanic Community, and has served as the artistic ambassador for many young and aspiring artists nation-wide;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor Alfredo Arreguin for his artistic genius, creativity, and contributions to the arts and culture in Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Arts Commission, Seattle Arts Museum, Tacoma Art Museum, and the Consul General of Mexico.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Alfredo Arreguin and his wife Susan Lytle, as well as Jorge Gilbert, Consul of Chile, who were seated in the gallery.

#### MOTION

On motion of Senator Goings, the Senate returned to the sixth order of business.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9047, Heyward Watson, as a member of the Higher Education Facilities Authority, was confirmed.

#### APPOINTMENT OF HEYWARD WATSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.

Absent: Senator McAuliffe - 1.

Excused: Senators Bauer, Deccio, Finkbeiner, Rossi, Snyder and Wojahn - 6.

MOTION

On motion of Senator Franklin, Senator McAuliffe was excused.

MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9062, Michael E. Donohue, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF MICHAEL E. DONOHUE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Absent: Senator Rasmussen - 1.

Excused: Senators Bauer, Deccio, Finkbeiner, McAuliffe, Rossi, Snyder and Wojahn - 7.

MOTION

On motion of Senator Franklin, Senators Loveland and Thibaudeau were excused.

MOTION

On motion of Senator Goings, Senator Rasmussen was excused.

MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9063, Dr. Darrell Hamilton, as a member of the Western State Hospital Advisory Board, was confirmed.

APPOINTMENT OF DR. DARRELL HAMILTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 40.

Excused: Senators Bauer, Deccio, Finkbeiner, Loveland, McAuliffe, Rossi, Snyder, Thibaudeau and Wojahn - 9.

MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9065, Chris Jensen, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF CHRIS JENSEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton,

Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 40.

Absent: Senator Sheldon and B. - 1.

Excused: Senators Bauer, Deccio, Finkbeiner, Loveland, Rossi, Snyder, Thibaudeau and Wojahn - 8.

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9071, Patrick McElligott, as a member of the State Investment Board, was confirmed.

Senators Goings, Franklin and Winsley spoke to the confirmation of Patrick McElligott as a member of the State Investment Board.

#### APPOINTMENT OF PATRICK McELLIGOTT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 41. Excused: Senators Bauer, Deccio, Finkbeiner, Loveland, Rossi, Snyder, Thibaudeau and Wojahn - 8.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

#### MOTION

On motion of Senator Snyder, the following resolution was adopted:

#### SENATE RESOLUTION 1999-8682

By Senators Snyder, Benton, Roach, Long, Oke, Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, B. Sheldon, T. Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli

WHEREAS, Nearly 6,000 Washington residents died during World War II, the seminal event of the Twentieth Century; and

WHEREAS, Thousands of other state residents served in our nation's armed forces during that time; and

WHEREAS, Many others served on the "home front" to provide the necessary equipment and support for our men and women in uniform; and

WHEREAS, World War II was a total effort by the citizens of the United States and united our country like no other time in our nation's history; and

WHEREAS, Creation of a World War II Memorial on the State Capitol Campus is a fitting and long overdue tribute to acknowledge the sacrifices of these veterans, home front civilians and family members; and

WHEREAS, The memorial will focus on educating our young people about what took place during the war, where it took place, and why it took place, so future generations may avoid such conflicts, and may understand the pivotal role of that war in the history of our state and country;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the tremendous sacrifices of the World War II generation for preserving our cherished freedoms and way of life; and

BE IT FURTHER RESOLVED, By the Senate that the citizens of the state of Washington are encouraged to attend the dedication and unveiling ceremony for the Washington State World War II Memorial on Friday, May 28, 1999, at 1:00 p.m. on the State Capitol Campus; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Governor Locke.

Senators Snyder, Benton, Heavey, Long, Hargrove, Franklin, Roach, Shin, Oke and Swecker spoke to Senate Resolution 1999-8682.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the veterans, as well as the members of the organizing committee for the World War II Memorial, who were seated in the gallery.

The President also introduced the parents of Senator Heavey, Thelma and Jack Coleman, who were seated on the rostrum. Mr. Coleman is the recipient of three purple hearts.

#### MOTION

On motion of Senator Goings, the Senate returned to the sixth order of business.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9072, Helen C. Malone, as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges District No. 17, was confirmed.

#### APPOINTMENT OF HELEN C. MALONE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 41.

Absent: Senators Kohl-Welles, McAuliffe and Morton - 3.

Excused: Senators Bauer, Deccio, Finkbeiner, Thibaudeau and Wojahn - 5.

#### MOTION

On motion of Senator Goings, Senator Kohl-Welles was excused.

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9073, Gerald Morgan, as a member of the State Investment Board, was confirmed.

#### APPOINTMENT OF GERALD MORGAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 44.

Excused: Senators Deccio, Finkbeiner, Kohl-Welles, Thibaudeau and Wojahn - 5.

#### MOTIONS

On motion of Senator Hale, Senators Rossi and West were excused.

On motion of Senator Franklin, Senators Bauer, Loveland and Snyder were excused.

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9090, Dorothy Blake, as a member of the Western State Hospital Advisory Board, was confirmed.

#### APPOINTMENT OF DOROTHY BLAKE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 1; Excused, 10.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 38.

Absent: Senator Sellar - 1.

Excused: Senators Bauer, Deccio, Finkbeiner, Kohl-Welles, Loveland, Rossi, Snyder, Thibaudeau, West and Wojahn - 10.

#### MOTION

On motion of Senator Honeyford, Senators Benton, Long, and Zarelli were excused.

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9092, Dr. Dean K. Brooks, as Chair of the Western State Hospital Advisory Board, was confirmed.

#### APPOINTMENT OF DR. DEAN K. BROOKS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker and Winsley - 37.

Excused: Senators Bauer, Benton, Deccio, Finkbeiner, Kohl-Welles, Long, Loveland, Rossi, Thibaudeau, West, Wojahn and Zarelli - 12.

#### PERSONAL PRIVILEGE

Senator Jacobsen: "A point of personal privilege, Mr. President. I would just like to say that at noon, in the Secretary of State's Office, there will be a reception for Alfredo Arreguin. Also, the painting that is in here will be down there and you can inspect it in detail and better light."

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9097, Dianne Campbell, as a member of the Board of Trustees for Cascadia Community College District No. 30, was confirmed.

#### APPOINTMENT OF DIANNE CAMPBELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9. Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, Winsley and Zarelli - 39.

Absent: Senator Spanel - 1.

Excused: Senators Bauer, Deccio, Finkbeiner, Long, Loveland, Rossi, Thibaudeau, West and Wojahn - 9.

#### MOTION

On motion of Senator Goings, Senator Spanel was excused.

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9099, Dr. Ronald D. Cantu, as a member of the Sentencing Guidelines Commission, was confirmed.

#### APPOINTMENT OF DR. RONALD D. CANTU

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 1; Excused, 10.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, Winsley and Zarelli - 38.

Absent: Senator McCaslin - 1.

Excused: Senators Bauer, Deccio, Finkbeiner, Long, Loveland, Rossi, Spanel, Thibaudeau, West and Wojahn - 10.

#### MOTION

At 11:57 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Owen.

#### MOTIONS

On motion of Senator Honeyford, Senators McDonald and Roach was excused.

On motion of Senator Franklin, Senator Snyder was excused.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9107, James W. Cunningham, as a member of the Board of Trustees for Bellingham Technical College District No. 25, was confirmed.

#### APPOINTMENT OF JAMES W. CUNNINGHAM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 34; Nays, 0; Absent, 6; Excused, 9.

Voting yea: Senators Benton, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Winsley and Zarelli - 34.

Absent: Senators Brown, Haugen, Heavey, McCaslin, Sellar and Swecker - 6.

Excused: Senators Bauer, Finkbeiner, McDonald, Roach, Rossi, Snyder, Thibaudeau, West and Wojahn - 9.

#### MOTION

On motion of Senator Goings, the Senate advanced to the eighth order of business.

#### MOTION

On motion of Senator Hargrove, the following resolution was adopted:

#### SENATE RESOLUTION 1999-8678

By Senators Hargrove, T. Sheldon, Snyder, Long and Bauer

WHEREAS, Law enforcement is an honorable career that requires dedication and selflessness, and law enforcement personnel lead a life of service to the community, inherently subject to danger; and

WHEREAS, Community corrections officers are vital to the well being of any community, filling an indispensable role monitoring offenders who have been released; and

WHEREAS, Tom Perrine has served the Grays Harbor Area as a community corrections officer since 1993, dedicating himself to helping others and improving the region in which he lives; and

WHEREAS, Mr. Perrine has demonstrated his commitment to the safety of his community by working to bring programs such as the "Smart Partnership" to Grays Harbor; and

WHEREAS, Tom Perrine has been recognized by his peers as an exemplary corrections officer by being named Community Corrections Officer of the Year for the Department of Corrections Southwest Region in 1998; and

WHEREAS, Tom Perrine knowingly and willfully placed himself in a dangerous position for the benefit of people; and

WHEREAS, He was the victim of a targeted, vicious act of violence at his home on January 26, 1999; and

WHEREAS, Tom Perrine is recovering from severe eye, leg, and hand injuries, and making splendid progress;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, on this day, recognize and thank Tom Perrine for his selfless dedication to the state of Washington and his community through his work and his life; and

BE IT FURTHER RESOLVED, That the Washington State Senate wish Tom Perrine a complete and speedy recovery; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to Tom Perrine.

Senators Hargrove, Tim Sheldon and Snyder spoke to Senate Resolution 1999-8678.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Tom Perrine and his family, who were seated in the gallery.

#### MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

#### MOTION

On motion of Senator Franklin, the following resolution was adopted:

SENATE RESOLUTION 1999-8680

By Senators Franklin, Kohl-Welles, Prentice, Kline, Jacobsen, Thibaudeau and Fraser

WHEREAS, 1999 marks the Fiftieth Anniversary of the founding of the Mary Mahoney Professional Nurses Organization, which helps support young African American women and men who seek careers in nursing; and

WHEREAS, Mary Eliza Mahoney was the first black woman to earn a nursing degree in the United States, graduating from the nursing school of the New England Hospital for Women and Children; and

WHEREAS, The Mary Mahoney Professional Nurses Organization was begun by the first thirteen African American nurses to work in Seattle; and

WHEREAS, Over the past fifty years, the organization has helped close to seventy women and men who wanted to become nurses to reach their goal; and

WHEREAS, The Mary Mahoney Professional Nurses Organization was founded by a group of nurses who endured racism in their efforts to get into nursing programs, while they were students, and even during their time as professionals working at Seattle hospitals; and

WHEREAS, Those women remained committed to their chosen profession in spite of the rejection they too often encountered from both co-workers and patients alike; and

WHEREAS, By founding their organization, the nurses exemplified the ideal of helping others seeking a nursing education to climb the ladder of success instead of pulling that ladder up after themselves; and

WHEREAS, The Mary Mahoney Professional Nurses Organization continues to exemplify that ideal today, raising funds through its annual dinner;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor the goals and achievements of the Mary Mahoney Professional Nurses Organization, as well as its founders and current members, in this, its Fiftieth Anniversary Year; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to the Mary Mahoney Professional Nurses Organization.

MOTION

On motion of Senator Costa, the following resolution was adopted:

SENATE RESOLUTION 1999-8671

By Senators Costa, Winsley, McCaslin, Thibaudeau, West, Heavey, Benton, Long, Fairley, Rasmussen, McAuliffe, Kohl-Welles, Brown, Gardner, Haugen, Eide, Kline, Shin, Bauer, B. Sheldon, Snyder, Spanel, Rossi, Roach, Sellar, Deccio, Oke, Hale, Fraser, Horn, Swecker, McDonald, Johnson, Prentice, Stevens, Honeyford, Hochstatter, Morton, Jacobsen, Wojahn, Finkbeiner, Goings and Sheahan

WHEREAS, April 25-May 1 is National Crime Victims' Rights Week; and

WHEREAS, This event began twenty-three years ago in Philadelphia to remember crime victims; and

WHEREAS, It has since spread throughout the country in an effort to increase the public's awareness and support of crime victims' rights and services; and

WHEREAS, This need is apparent as a violent crime is committed in America every nineteen seconds and seventy percent of homicides involve firearms; and

WHEREAS, In 1997, more than 18,000 people were murdered in the United States, including two hundred forty-four murders in Washington committed with weapons; and

WHEREAS, The highest percentage of murder victims in Washington are young adults, ages eighteen through twenty-four; and

WHEREAS, It is estimated that one woman is battered every nine seconds in the United States and 1.3 adult women are raped every minute; and

WHEREAS, While the number of reported rapes in Washington has decreased since 1992, nearly 3,000 rapes occurred in 1997; and

WHEREAS, Law-abiding citizens are no less deserving of justice, rights, resources, restoration, and rehabilitation than the violent offenders who harm them; and

WHEREAS, The week's theme, "Victims' Voices -- Silent No More, reflects the power generated when crime victims and their advocates speak out against crime victimization; and

WHEREAS, Crime does not concentrate in one specific area; it encompasses rape, murder, robbery, burglary, theft, violence, stalking, domestic violence, child abuse, and vehicular assault; and

WHEREAS, As a nation devoted to liberty and justice for all, America must increase its efforts to protect and expand crime victims' rights and services;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the pain and suffering caused by crime and express its unequivocal support for crime victims nationwide, their family, and their friends.

Senators Costa and Heavey spoke to Senate Resolution 1999-8671.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the members of the Advocates of Crime Victims, who were seated in the gallery.

#### MOTION

On motion of Senator Goings, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 21, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2005 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R.  
FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Gardner, the Senate receded from it amendment(s) to Substitute House Bill No. 2005.

#### MOTIONS

On motion of Senator Gardner, the rules were suspended, Substitute House Bill No. 2005 was returned to second reading and read the second time.

On motion of Senator Gardner, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 42.40.020 and 1995 c 403 s 509 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Auditor" means the office of the state auditor.

(2) "Employee" means any individual employed or holding office in any department or agency of state government.

(3) "Good faith" means a reasonable basis in fact for the communication. "Good faith" is lacking when the employee knows or reasonably ought to know that the report is malicious, false, or frivolous.

(4) "Gross waste of funds" means to spend or use funds or to allow funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

(5)(a) "Improper governmental action" means any action by an employee(:

(i) Which is)) undertaken in the performance of the employee's official duties((, whether or not the action is within the scope of the employee's employment; and));

((#)) (i) Which is ((in violation of any state law or rule, is an abuse of authority,)) gross waste of public funds or resources as defined in this section;

(ii) Which is in violation of federal or state law or rule, if the violation is not merely technical or of a minimum nature; or

(iii) Which is of substantial and specific danger to the public health or safety((, or is a gross waste of public funds)).

(b) "Improper governmental action" does not include personnel actions, for which other remedies exist, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, claims of discriminatory treatment, or any action which may be taken under chapter 41.06 RCW, or other disciplinary action except as provided in RCW 42.40.030.

((4)) (6) "Substantial and specific danger" means a risk of serious injury, illness, peril, or loss, to which the exposure of the public is a gross deviation from the standard of care or competence which a reasonable person would observe in the same situation.

(7) "Use of official authority or influence" includes taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation, or any adverse action under chapter 41.06 RCW, or other disciplinary action.

((5)) (8) "Whistleblower" means an employee who in good faith reports alleged improper governmental action to the auditor, initiating an investigation under RCW 42.40.040. For purposes of the provisions of this chapter and chapter 49.60 RCW relating to reprisals and retaliatory action, the term "whistleblower" also means: (a) An employee who in good faith provides information to the auditor in connection with an investigation under RCW 42.40.040 and an employee who is believed to have reported ((alleged)) asserted improper governmental action to the auditor or to have provided information to the auditor in connection with an investigation under RCW 42.40.040 but who, in fact, has not reported such action or provided such information; or (b) an employee who in good faith identifies rules warranting review or provides information to the rules review committee, and an employee who is believed to have identified rules warranting review or provided information to the rules review committee but who, in fact, has not done so.

**NEW SECTION. Sec. 2.** An employee must make a reasonable attempt to ascertain the correctness of the information furnished and may be subject to disciplinary actions, including, but not limited to, suspension or termination, for knowingly furnishing false information as determined by the employee's appointing authority.

**Sec. 3.** RCW 42.40.040 and 1992 c 118 s 2 are each amended to read as follows:

(1)(a) In order to be investigated, an assertion of improper governmental action must be provided to the auditor within one year after the occurrence of the asserted improper governmental action.

(b) The auditor has the authority to determine whether to investigate any assertions received. In determining whether to conduct either a preliminary or further investigation, the auditor shall consider factors including, but not limited to: The nature and quality of evidence and the existence of relevant laws and rules; whether the action was isolated or systematic; the history of previous assertions regarding the same subject or subjects or subject matter; whether other avenues are available for addressing the matter; whether the matter has already been investigated or is in litigation; the seriousness or significance of the asserted improper governmental action; and the cost and benefit of the investigation. The auditor has the sole discretion to determine the priority and weight given to these and other relevant factors and to decide whether a matter is to be investigated. The auditor shall document the factors considered and the analysis applied.

(c) The auditor also has the authority to investigate assertions of improper governmental actions as part of an audit conducted under chapter 43.09 RCW. The auditor shall document the reasons for handling the matter as part of such an audit.

(2) Subject to subsection (5)(c) of this section, the identity of a whistleblower is confidential at all times unless the whistleblower consents to disclosure by written waiver or by acknowledging his or her identity in a claim against the state for retaliation.

(3) Upon receiving specific information that an employee has engaged in improper governmental action, the auditor shall, within five working days of receipt of the information, mail written acknowledgement to the whistleblower at the address provided stating whether a preliminary investigation will be conducted. For a period not to exceed thirty working days from receipt of the assertion, the auditor shall conduct such preliminary investigation of the matter as the auditor deems appropriate. ((In conducting the investigation, the identity of the whistleblower shall be kept confidential.

~~(2))~~ (4) In addition to the authority under subsection ~~((4))~~ (3) of this section, the auditor may, on its own initiative, investigate incidents of improper state governmental action.

~~((3))~~ (5)(a) If it appears to the auditor, upon completion of the preliminary investigation, that the matter is so unsubstantiated that no further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the whistleblower.

(b) The written notification shall ~~((be by memorandum containing))~~ contain a summary of the information received~~((a summary))~~ and of the results of the preliminary investigation with regard to each ~~((allegation))~~ assertion of improper governmental action~~((and any determination made by the auditor under (c) of this subsection))~~.

(c) In any case to which this section applies, the identity of the whistleblower shall be kept confidential unless the auditor determines that the information has been provided other than in good faith.

~~(d) ((If it appears to the auditor that the matter does not meet the definition of an "improper governmental action" under RCW 42.40.020(3), or is other than a gross waste of public funds, the auditor may forward a summary of the allegations to the appropriate agency for investigation and require a response by memorandum no later than thirty days after the allegations are received from the auditor. The response shall contain a summary of the investigation with regard to each allegation and any determination of corrective action taken. The auditor will keep the identity of the whistleblower confidential. Upon receipt of the results of the investigation from the appropriate agency, the auditor will notify the whistleblower as prescribed under (a), (b), and (c) of this subsection))~~ With the agency's consent, the auditor may forward the assertions to an appropriate agency to investigate and report back to the auditor no later than sixty working days after the assertions are received from the auditor. The auditor is entitled to all investigative records resulting from such a referral. All procedural and confidentiality provisions of this chapter apply to investigations conducted under this subsection. The auditor shall document the reasons the assertions were referred.

~~((4))~~ (6) During the preliminary investigation, the auditor shall provide written notification of the nature of the assertions to the subject or subjects of the investigation and the agency head. The notification shall include the relevant facts and laws known at the time and the procedure for the subject or subjects of the investigation and the agency head to respond to the assertions and information obtained during the investigation. This notification does not limit the auditor from considering additional facts or laws which become known during further investigation.

(7)(a) If it appears to the auditor after completion of the preliminary investigation that further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the whistleblower, the subject or subjects of the investigation, and the agency head and either conduct a further investigation~~((s))~~ or issue a report under subsection ~~((6))~~ (10) of this section.

(b) If the preliminary investigation resulted from an anonymous assertion, a decision to conduct further investigation shall be subject to review by a three-person panel convened as necessary by the auditor prior to the commencement of any additional investigation. The panel shall include a state auditor representative knowledgeable of the subject agency operations, a citizen volunteer, and a representative of the attorney general's office. This group shall be briefed on the preliminary investigation and shall recommend whether the auditor should proceed with further investigation.

(c) If further investigation is to occur, the auditor shall provide written notification of the nature of the assertions to the subject or subjects of the investigation and the agency head. The notification shall include the relevant facts known at the time and the procedure to be used by the subject or subjects of the investigation and the agency head to respond to the assertions and information obtained during the investigation.

(8) Within sixty working days after the ~~((thirty-day))~~ preliminary investigation period in subsection ~~((4))~~ (3) of this section, the auditor shall complete the investigation and report its findings to the whistleblower unless written justification for the delay is furnished to the whistleblower, agency head, and subject or subjects of the investigation. In all such cases, the report of the auditor's investigation and findings shall be sent to the whistleblower within one year after the information was filed under subsection ~~((4))~~ (3) of this section.

~~((5))~~ (9)(a) At any stage of an investigation under this section the auditor may require by subpoena the attendance and testimony of witnesses and the production of documentary or other evidence relating to the investigation at any designated place in the state. The auditor may issue subpoenas, administer oaths, examine witnesses, and receive evidence. In the case of contumacy or failure to obey a subpoena, the superior court for the county in which the person to whom the subpoena is addressed resides or is served may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(b) The auditor may order the taking of depositions at any stage of a proceeding or investigation under this chapter. Depositions shall be taken before an individual designated by the auditor and having the power to administer oaths. Testimony shall be reduced to writing by or under the direction of the individual taking the deposition and shall be subscribed by the deponent.

~~((6))~~ (c) Agencies shall cooperate fully in the investigation and shall take appropriate action to preclude the destruction of any evidence during the course of the investigation.

(d) During the investigation the auditor shall interview each subject of the investigation. If it is determined there is reasonable cause to believe improper governmental action has occurred, the subject or subjects and the agency head shall be given fifteen working days to respond to the assertions prior to the issuance of the final report.

(10)(a) If the auditor determines ((that)) there is reasonable cause to believe ((that)) an employee has engaged in ((any)) improper ((activity)) governmental action, the auditor shall report the nature and details of the activity to:

(i) The ((employee)) subject or subjects of the investigation and the head of the employing agency; and

(ii) If appropriate, the attorney general or such other authority as the auditor determines appropriate.

(b) The auditor has no enforcement power except that in any case in which the auditor submits ((a)) an investigative report ((of alleged improper activity)) containing reasonable cause determinations to the ((head of an)) agency, the ((attorney general, or any other individual to which a report has been made under this section, the individual shall report to the auditor with respect to any action taken by the individual regarding the activity, the first report being transmitted no later than thirty days after the date of the auditor's report and monthly thereafter until final action is taken)) agency shall send its plan for resolution to the auditor within fifteen working days of having received the report. The agency is encouraged to consult with the subject or subjects of the investigation in establishing the resolution plan. The auditor may require periodic reports of agency action until all resolution has occurred. If the auditor determines that appropriate action ((is)) has not ((being)) been taken ((within a reasonable time)), the auditor shall report the determination to the governor and to the legislature and may include this determination in the agency audit under chapter 43.09 RCW.

((7)) (11) Once the auditor concludes that appropriate action has been taken to resolve the matter, the auditor shall so notify the whistleblower, the agency head, and the subject or subjects of the investigation. If the resolution takes more than one year, the auditor shall provide annual notification of its status to the whistleblower, agency head, and subject or subjects of the investigation.

(12) This section does not limit any authority conferred upon the attorney general or any other agency of government to investigate any matter.

NEW SECTION. Sec. 4. The auditor has the authority to contract for any assistance necessary to carry out the provisions of this chapter.

NEW SECTION. Sec. 5. The cost of administering this chapter is funded through the auditing services revolving account created in RCW 43.09.410.

NEW SECTION. Sec. 6. A whistleblower wishing to provide information under this chapter regarding asserted improper governmental action against the state auditor or an employee of that office shall provide the information to the attorney general who shall act in place of the auditor in investigating and reporting the matter.

NEW SECTION. Sec. 7. Chapter . . . , Laws of 1999 (this act) does not affect the jurisdiction of the legislative ethics board, the executive ethics board, or the commission on judicial conduct, as set forth in chapter 42.52 RCW. The senate, the house of representatives, and the supreme court shall adopt policies regarding the applicability of chapter 42.40 RCW to the senate, house of representatives, and judicial branch.

NEW SECTION. Sec. 8. The office of financial management shall contract for a performance audit of the state employee whistleblower program on a cycle to be determined by the office of financial management. The audit shall be done in accordance with generally accepted government auditing standards beginning with the fiscal year ending June 30, 2001. The audit shall determine at a minimum: Whether the program is acquiring, protecting, and using its resources such as personnel, property, and space economically and efficiently; the causes of inefficiencies or uneconomical practices; and whether the program has complied with laws and rules on matters of economy and efficiency. The audit shall also at a minimum determine the extent to which the desired results or benefits established by the legislature are being achieved, the effectiveness of the program, and whether the auditor has complied with significant laws and rules applicable to the program.

The cost of the audit is a cost of operating the program and shall be funded by the auditing services revolving account created by RCW 43.09.410.

**Sec. 9.** RCW 43.09.410 and 1995 c 301 s 25 are each amended to read as follows:

An auditing services revolving account is hereby created in the state treasury for the purpose of a centralized funding, accounting, and distribution of the actual costs of the audits provided to state agencies by the state auditor and audits of the state employee whistleblower program under section 8 of this act.

NEW SECTION. Sec. 10. Sections 2 and 4 through 8 of this act are each added to chapter 42.40 RCW."

## MOTIONS

On motion of Senator Gardner, the following title amendment was adopted:

On page 1, line 1 of the title, after "whistleblowers;" strike the remainder of the title and insert "amending RCW 42.40.020, 42.40.040, and 43.09.410; and adding new sections to chapter 42.40 RCW."

On motion of Senator Gardner, the rules were suspended, Substitute House Bill No. 2005, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2005, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2005, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Wojahn and Zarelli - 45.

Absent: Senator Winsley - 1.

Excused: Senators McCaslin, Thibaudeau and West - 3.

SUBSTITUTE HOUSE BILL NO. 2005, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Sellar, Senator Morton was excused.

#### MESSAGE FROM THE HOUSE

April 17, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1833 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R.  
FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Bauer, the Senate receded from its amendment(s) to House Bill No. 1833.

#### MOTIONS

On motion of Senator Bauer, the rules were suspended, House Bill No. 1833 was returned to second reading and read the second time.

Senator Bauer moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 28A.335.170 and 1990 c 33 s 360 are each amended to read as follows:

The board of directors of any school district may enter into contracts for their respective districts (~~for periods not exceeding five years in duration~~) with public and private persons, organizations, and entities for the following purposes:

(1) To rent or lease building space~~(;)~~ and portable buildings~~(, security systems, computers and other equipment)~~ for periods not exceeding ten years in duration;

(2) To rent security systems, computers, and other equipment or to have maintained and repaired security systems, computers, and other equipment for periods not exceeding five years in duration; and

(3) To provide pupil transportation services for periods not exceeding five years in duration.

No school district may enter into a contract for pupil transportation unless it has notified the superintendent of public instruction that, in the best judgment of the district, the cost of contracting will not exceed the projected cost of operating its own pupil transportation.

The budget of each school district shall identify that portion of each contractual liability incurred pursuant to this section extending beyond the fiscal year by amount, duration, and nature of the contracted service and/or item in accordance with rules and regulations of the superintendent of public instruction adopted pursuant to RCW 28A.505.140 and 28A.310.330.

The provisions of this section shall not have any effect on the length of contracts for school district employees specified by RCW 28A.400.300 and 28A.405.210.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.525 RCW to read as follows:

The board of directors of any school district may use the proceeds of voter-approved bonds, voter-approved levies, state allocations for financial assistance, or other funds available to the district for: (1) Payment of an installment purchase contract for school plant facilities; or (2) payments under any financing lease the term of which is ten years or longer and that contains an option by the school district to purchase the leased property for nominal consideration. The authority granted by this section for the use of moneys from such sources is in addition to, and not in limitation of, any other authority provided by law, and the proceeds of voter-approved bonds or tax levies may be used for such payments to the full extent allowed by Article VII, section 2 of the state Constitution.

**Sec. 3.** RCW 28A.530.010 and 1991 c 114 s 3 are each amended to read as follows:

The board of directors of any school district may borrow money and issue negotiable bonds therefor for the purpose of:

- (1) Funding outstanding indebtedness or bonds theretofore issued; or
- (2) For the purchase of sites for all buildings, playgrounds, physical education and athletic facilities and structures authorized by law or necessary or proper to carry out the functions of a school district; or
- (3) For erecting all buildings authorized by law, including but not limited to those mentioned in subsection (2) of this section immediately above or necessary or proper to carry out the functions of a school district, and providing the necessary furniture, apparatus, or equipment therefor; or
- (4) For improving the energy efficiency of school district buildings and/or installing systems and components to utilize renewable and/or inexhaustible energy resources; or
- (5) For major and minor structural changes and structural additions to buildings, structures, facilities and sites necessary or proper to carrying out the functions of the school district; or
- (6) For payment of (a) an installment purchase contract for school plant facilities or (b) a financing lease the term of which is ten years or longer and that contains an option by the school district to purchase the leased property for nominal consideration, but only to the extent such payment constitutes a capital expenditure; or

(7) For any or all of these and other capital purposes.

Neither the amount of money borrowed nor bonds issued therefor shall exceed the limitation of indebtedness prescribed by chapter 39.36 RCW, as now or hereafter amended.

Except for bonds issued under RCW 28A.530.080, bonds may be issued only when authorized by the vote of the qualified electors of the district as provided by law.

The bonds shall be issued and sold in accordance with chapter 39.46 RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Bauer to House Bill No. 1833, under suspension of the rules.

The motion by Senator Bauer carried and the striking amendment was adopted under suspension of the rules.

## MOTIONS

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 28A.335.170 and 28A.530.010; and adding a new section to chapter 28A.525 RCW."

On motion of Senator Bauer, the rules were suspended, House Bill No. 1833, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1833, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1833, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators McCaslin and Morton - 2.

HOUSE BILL NO. 1833, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGES FROM THE HOUSE

April 23, 1999

MR. PRESIDENT:

The Co-Speakers have signed:

SUBSTITUTE HOUSE BILL NO. 1015,  
SUBSTITUTE HOUSE BILL NO. 1016,  
SUBSTITUTE HOUSE BILL NO. 1024,  
SUBSTITUTE HOUSE BILL NO. 1053,  
SECOND SUBSTITUTE HOUSE BILL NO. 1132,  
SUBSTITUTE HOUSE BILL NO. 1163,  
HOUSE BILL NO. 1388,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1407,  
HOUSE BILL NO. 1442,  
HOUSE BILL NO. 1549,  
SUBSTITUTE HOUSE BILL NO. 1569,  
SUBSTITUTE HOUSE BILL NO. 1619,  
HOUSE BILL NO. 1642,  
SECOND SUBSTITUTE HOUSE BILL NO. 1716,  
HOUSE BILL NO. 1761,  
SUBSTITUTE HOUSE BILL NO. 1770,  
SUBSTITUTE HOUSE BILL NO. 1811,  
SUBSTITUTE HOUSE BILL NO. 1826,  
SUBSTITUTE HOUSE BILL NO. 1969,  
SUBSTITUTE HOUSE BILL NO. 1971,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2085, and the same are herewith transmitted.

DEAN R.  
FOSTER, Chief Clerk

TIMOTHY A. MARTIN, Chief Clerk

April 23, 1999

MR. PRESIDENT:

The Co-Speakers have signed:

SUBSTITUTE SENATE BILL NO. 5134,

SECOND SUBSTITUTE SENATE BILL NO. 5452,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5508,  
SUBSTITUTE SENATE BILL NO. 5513,  
SUBSTITUTE SENATE BILL NO. 5619,  
SENATE BILL NO. 5628,  
SUBSTITUTE SENATE BILL NO. 5638,  
SENATE BILL NO. 5643,  
ENGROSSED SENATE BILL NO. 5649,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5661,  
SUBSTITUTE SENATE BILL NO. 5706,  
ENGROSSED SENATE BILL NO. 5720,  
SUBSTITUTE SENATE BILL NO. 5728,  
SENATE BILL NO. 5731,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5803, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

DEAN R. FOSTER,  
Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1015,  
SUBSTITUTE HOUSE BILL NO. 1016,  
SUBSTITUTE HOUSE BILL NO. 1024,  
SUBSTITUTE HOUSE BILL NO. 1053,  
SECOND SUBSTITUTE HOUSE BILL NO. 1132,  
SUBSTITUTE HOUSE BILL NO. 1163,  
HOUSE BILL NO. 1388,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1407,  
HOUSE BILL NO. 1442,  
HOUSE BILL NO. 1549,  
SUBSTITUTE HOUSE BILL NO. 1569,  
SUBSTITUTE HOUSE BILL NO. 1619,  
HOUSE BILL NO. 1642,  
SECOND SUBSTITUTE HOUSE BILL NO. 1716,  
HOUSE BILL NO. 1761,  
SUBSTITUTE HOUSE BILL NO. 1770,  
SUBSTITUTE HOUSE BILL NO. 1811,  
SUBSTITUTE HOUSE BILL NO. 1826,  
SUBSTITUTE HOUSE BILL NO. 1969,  
SUBSTITUTE HOUSE BILL NO. 1971,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2085.

MESSAGE FROM THE HOUSE

April 17, 1999

MR. PRESIDENT:

The House insists on its position and asks the Senate to recede from its amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1893, and the same are herewith transmitted.

DEAN R.  
FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

## MOTION

On motion of Senator Fraser, the Senate receded from it amendment(s) to Engrossed Second Substitute House Bill No. 1893.

## MOTIONS

On motion of Senator Fraser, the rules were suspended, Engrossed Second Substitute House Bill No. 1893 was returned to second reading and read the second time.

Senator Fraser moved that the following striking amendment by Senators Fraser, Swecker, Betti Sheldon and Spanel be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that facilitating the environmental permit process will increase citizen satisfaction and compliance with state and local permit requirements. Lack of coordination in the processing of permit applications causes costly delays and frustration to the applicant. The public deserves a clear, predictable system for land-use decisions. The legislature also finds that permit issuance can be expedited by requiring state agencies and local jurisdictions to coordinate their permit processes.

**Sec. 2.** RCW 58.17.095 and 1986 c 233 s 1 are each amended to read as follows:

**(1)** A county, city, or town may adopt an ordinance providing for the administrative review of a preliminary plat without a public hearing ~~((by adopting an ordinance providing for such administrative review))~~. The ordinance may specify a threshold number of lots in a subdivision above which a public hearing must be held, and may specify other factors which necessitate the holding of a public hearing. ~~((The administrative review process shall include the))~~

**(2)** If the county, city, or town has not adopted consolidated permitting procedures and time frames as provided in chapter 36.70B RCW, it shall conduct administrative review of preliminary plats consistent with the following minimum conditions:

~~((4))~~ **(a)** The notice requirements of RCW 58.17.090 shall be followed, except that the publication shall be made within ten days of the filing of the application. Additionally, at least ten days after the filing of the application notice both shall be: ~~((a))~~ **(i)** Posted on or around the land proposed to be subdivided in at least five conspicuous places designed to attract public awareness of the proposal; and ~~((b))~~ **(ii)** mailed to the owner of each lot or parcel of property located within at least three hundred feet of the site. The applicant shall provide the county, city, or town with a list of such property owners and their addresses. The notice shall include notification that no public hearing will be held on the application, except as provided by this section. The notice shall set out the procedures and time limitations for persons to require a public hearing and make comments.

~~((2))~~ **(b)** Any person shall have a period of twenty days from the date of the notice to comment upon the proposed preliminary plat. All comments received shall be provided to the applicant. The applicant has seven days from receipt of the comments to respond thereto.

~~((3))~~ **(c)** A public hearing on the proposed subdivision shall be held if any person files a request for a hearing with the county, city, or town within twenty-one days of the publishing of such notice. If such a hearing is requested, notice requirements for the public hearing shall be in conformance with RCW 58.17.090, and the ninety-day period for approval or disapproval of the proposed subdivision provided for in RCW 58.17.140 shall commence with the date of the filing of the request for a public hearing. Any hearing ordered under this subsection shall be conducted by the planning commission or hearings officer as required by county or city ordinance.

~~((4))~~ **(d)** On its own initiative within twenty-one days of the filing of the request for approval of the subdivision, the governing body, or a designated employee or official, of the county, city, or town, shall be authorized to cause a public hearing to be held on the proposed subdivision within ninety days of the filing of the request for the subdivision.

~~((5))~~ **(e)** If the public hearing is waived as provided in this section, the planning commission or planning agency shall complete the review of the proposed preliminary plat and transmit its recommendation to the legislative body as provided in RCW 58.17.100.

**(3)** If the county, city, or town has adopted consolidated permitting procedures and time frames as provided in chapter 36.70B RCW, it may conduct administrative review of preliminary plats consistent with its procedures and time frames. At a minimum, local permitting procedures and time frames related to administrative review of preliminary plats shall provide for:

(a) Notice of application by publication, posting, and mailing. All forms of notice shall include a prominent statement that no public hearing will be held on the application, except as provided by this section. All forms of notice shall clearly state procedures and time frames for persons to make comments on the proposal and request a public hearing.

(b) Written comments on the application by any person. Comments received shall be provided to the applicant, and the applicant shall be provided seven days from receipt of the comments to respond thereto.

(c) A public hearing on the application if any person files a request for a hearing within the time frame specified. If a hearing is requested, notice requirements for the public hearing and the time frame for approval or disapproval of the application shall be consistent with other local permitting procedures. Any hearing conducted under this subsection shall be conducted by the planning commission or hearing officer as required by local ordinance.

(d) A public hearing on the application if the legislative or executive branch of the county, city, or town so requests within the time frame specified.

(e) Expedited agency review and transmittal of its recommendation on the application to the legislative body of the county, city, or town, if there is no request for public hearing.

**Sec. 3.** RCW 90.60.010 and 1995 c 347 s 601 are each amended to read as follows:

The legislature hereby finds and declares:

(1) Washington's environmental protection programs have established strict standards to reduce pollution and protect the public health and safety and the environment. The single-purpose programs instituted to achieve these standards have been successful in many respects, and have produced significant gains in protecting Washington's environment in the face of substantial population growth.

(2) Continued progress to achieve the environmental standards in the face of continued population growth will require greater coordination between the single-purpose environmental programs and more efficient operation of these programs overall. Pollution must be prevented and controlled and not simply transferred to another media or another place. This goal can only be achieved by maintaining the current environmental protection standards and by greater integration of the existing programs.

(3) As the number of environmental laws and regulations have grown in Washington, so have the number of permits required of business and government. This regulatory burden has significantly added to the cost and time needed to obtain essential permits in Washington. The increasing number of individual permits and permit authorities has generated the continuing potential for conflict, overlap, and duplication between the various state, local, and federal permits.

(4) The purpose of this chapter is to institute new, efficient procedures that will assist businesses and public agencies in complying with the environmental quality laws in an expedited fashion, without reducing protection of public health and safety and the environment.

(5) Those procedures need to provide a permit process that promotes effective dialogue and ensures ease in the transfer and clarification of technical information, while preventing duplication. It is necessary that the procedures establish a process for preliminary and ongoing meetings between the applicant, the coordinating permit agency, and the participating permit agencies, but do not preclude the applicant or participating permit agencies from individually coordinating with each other.

(6) It is necessary, to the maximum extent practicable, that the procedures established in this chapter ensure that the coordinated permit agency process and applicable permit requirements and criteria are integrated and run concurrently, rather than consecutively.

(7) It is necessary to provide a reliable and consolidated source of information concerning federal, state, and local environmental and land use laws and procedures that apply to any given proposal.

(8) It is the intent of this chapter to provide an optional process by which a project proponent may obtain active coordination of all applicable regulatory and land-use permitting procedures. This process is not to replace individual laws, or diminish the substantive decision-making role of individual jurisdictions. Rather it is to provide predictability, administrative consolidation, and, where possible, consolidation of appeal processes.

(9) It is also the intent of this chapter ~~(to provide)~~ that by providing an optional coordinated permit process, measures are taken by the parties that promote the public's trust and confidence in the underlying permit process, including providing consolidated, effective, and easier opportunities for members of the public to receive information and present their views about proposed projects.

**Sec. 4.** RCW 90.60.020 and 1995 c 347 s 602 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Center" means the permit assistance center established in the ~~((commission [department]))~~ department by RCW 90.60.030.

(2) "Coordinating permit agency" means the permit agency that has the greatest overall jurisdiction over a project.

(3) "Department" means the department of ecology.

(4) "Local government" means counties, cities, and towns.

~~(5)~~ "Participating permit agency" means a permit agency, or a state agency or local government other than the coordinating permit agency, that is responsible for the issuance of a permit or use authorization for a project.

~~((5))~~ ~~(6)~~ "Parties" collectively means the coordinating permit agency, permit agency, and participating permit agency.

~~(7)~~ "Permit" means any license, certificate, registration, permit, or other form of use authorization required by a permit agency to engage in a particular activity.

~~((6))~~ ~~(8)~~ "Permit agency" means:

(a) The department of ecology, an air pollution control authority, the department of natural resources, the department of fish and wildlife, and the department of health; and

(b) Any other state or federal agency or county, city, or town that participates at the request of the permit applicant and upon the agency's agreement to be subject to this chapter.

~~((7))~~ ~~(9)~~ "Project" means an activity, the conduct of which requires permits from one or more permit agencies.

~~(10)~~ "Use authorization" means a lease, material purchase, easement, permit, or other document authorizing use of state-owned aquatic lands and/or materials.

**NEW SECTION. Sec. 5.** A new section is added to chapter 90.60 RCW to read as follows:

The center shall establish regional center offices at four department regional or field offices to provide better access to the center's services in all areas of the state.

**Sec. 6.** RCW 90.60.030 and 1997 c 429 s 35 are each amended to read as follows:

~~(1)~~ The permit assistance center is established within the department. The center shall:

~~((4))~~ ~~(a)~~ Publish and keep current one or more handbooks containing lists and explanations of all permit laws. To the extent possible, the handbook shall include relevant local, state, federal, and tribal laws. A state agency or local government shall provide a reasonable number of copies of application forms, statutes, ordinances, rules, handbooks, and other informational material requested by the center and shall otherwise fully cooperate with the center. The center shall seek the cooperation of relevant federal agencies and tribal governments;

~~((2))~~ ~~(b)~~ Establish, and make known, a point of contact for distribution of the handbook and advice to the public as to its interpretation in any given case;

~~((3))~~ ~~(c)~~ Work closely and cooperatively with the business license center in providing efficient and nonduplicative service to the public;

~~((4))~~ ~~(d)~~ Seek the assignment of employees from the permit agencies ~~((listed under RCW 90.60.020(6)(a)))~~ as defined in this chapter to serve on a rotating basis in staffing the center;

~~((5))~~ ~~(e)~~ Collect and disseminate information to public and private entities on federal, state, local, and tribal government programs that rely on private professional expertise to assist governmental agencies in project permit review; and

~~((6))~~ ~~(f)~~ In consultation with permit applicants, state agencies, local governments, and interested publics, provide ((an annual)) a biennial report to the legislature ((on potential conflicts and perceived inconsistencies among existing statutes. The first report shall be submitted to the appropriate standing committees of the house of representatives and senate by December 1, 1996.)) that:

(i) Includes statutory and other recommendations for streamlining and coordinating environmental permitting in Washington;

(ii) Summarizes the results of the center's efforts to measure performance and outcomes over time;

(iii) Summarizes, evaluates, and makes statutory and other recommendations for improving the center's and permitting agencies' efforts to provide public notice efficiently and for promoting effective public participation in permitting processes;

(iv) Details efforts on the part of the center, the department, and the parties to promote the public's trust and confidence in the permitting process. Examples of such efforts include, but are not limited to, the development of statutory and other policies and procedures, guidance, roles, and responsibilities; and

(v) Shows revenues generated by the center's services, and the center's budget and expenditures.

(2) The department shall prioritize the expenditure of general fund moneys allotted to the center to provide a set of services to the applicants of small projects.

**Sec. 7.** RCW 90.60.100 and 1995 c 347 s 610 are each amended to read as follows:

(1) The ~~((coordinating permit agency))~~ parties may enter into a written cost-reimbursement agreement with the applicant to recover from the applicant the reasonable costs incurred by the ~~((coordinating permit agency))~~ parties in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing.

(2) The ~~((coordinating permit agency may recover only the costs of performing those coordinated permit services and))~~ written cost-reimbursement agreement shall be negotiated with the permit applicant ~~((in))~~ following the meeting required pursuant to RCW 90.60.070. Permit agencies may assign work to current staff, temporary staff, or technical consultants in order to carry out the

work covered by the written cost-reimbursement agreement or the work remaining for the permit agency as a result of the coordinated permit process. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments.

**NEW SECTION. Sec. 8.** A new section is added to chapter 90.60 RCW to read as follows:

(1) It is the intent of this chapter to provide an interagency forum for the discussion of significant issues related to the permitting processes and use authorizations for projects that are proposed on state-owned aquatic lands where there are multiple permits, programs, and legal authorities involved.

(2) It is a goal of this chapter to encourage all agencies and local governments involved in issuing permits or granting use authorizations for a single project on state-owned aquatic lands to communicate with each other on a timely basis and early in the project review process in order to maximize coordination, facilitate problem resolution, promote the effectiveness of permit decisions, and enhance citizen understanding and involvement in the permit process. It is also a goal of this chapter that all permitting or authorizing federal and state agencies, local governments, and tribal governments be involved in coordinating their respective roles related to permits or use authorizations from the outset of any review process.

(3) For the purposes of this section, "aquatic lands" means as it is defined in RCW 79.90.010.

**NEW SECTION. Sec. 9.** A new section is added to chapter 90.60 RCW to read as follows:

(1) The applicant may submit a joint aquatic resource permit application to the permit assistance center if a project proposed for the use of state-owned aquatic lands requires:

- (a) A hydraulic project approval under chapter 75.20 RCW;
- (b) A wastewater discharge permit under chapter 90.48 RCW, or a federal clean water act section 401 certification; and
- (c) A substantial development permit under chapter 90.58 RCW.

(2) If requested by the applicant, the permit assistance center shall facilitate a project scoping meeting including the project applicant, the department of natural resources, the department of ecology, the department of fish and wildlife, and the local governments in whose jurisdiction the project is proposed. Federal agencies and tribal governments that either issue or may require a permit, or that may require a use authorization for the project or have fishery resources that might be affected by the project, shall each be invited to name a representative to participate in the coordinated permit review process for proposed projects on state-owned aquatic lands. All participating agencies are encouraged to remain in communication for purposes of coordination throughout the permit review processes until final permit decisions are made.

(3) The purpose of the scoping meeting is to share perspectives and identify the issues and information needs of concern to each participant with regard to the proposed project, and jointly develop a strategy for coordinating permitting and issuance of use authorization issues. This project scoping process shall be concluded within sixty days of the date of receipt of the joint aquatic resource permit application by the permit assistance center.

(a) During this review, the participating agencies shall identify:

(i) The specific information needs and issues of concern and their significance to each participant with regard to the permitting processes involved;

(ii) Any statutory or regulatory conflicts that might arise relating to differing legal authorities and roles of the agencies issuing the permit or use authorization of the project;

(iii) Any state or local jurisdiction or private sector liability that might result from permitting or issuing a use authorization for the project; and

(iv) Any natural resources, including federal or state listed species, that might be adversely affected by the permitting or authorizing decision.

(b) Following this project scoping review, the outcome shall be documented in written form and furnished to the applicant, and be available to the public.

(c) Upon completion of this review, the permitting and authorizing agencies and governments shall proceed according to their respective statutes. Nothing in this section may prevent the parties from reconvening later in the course of the permitting or use authorization process.

**NEW SECTION. Sec. 10.** A new section is added to chapter 47.01 RCW to read as follows:

The legislature recognizes that the department is working with state and federal agencies to address transportation construction and maintenance program impacts so that these programs meet the requirements of the federal clean water act and the consultation requirements of the federal endangered species act. The legislature supports the department's efforts in this regard and encourages the department to work collaboratively with local governments and other interested parties during these

consultations, and to provide local governments and other interested parties with opportunity to participate in this process to the extent practicable.

The department shall report by December 1st of each year to the legislature the status of any programmatic consultation developed under this section.

**NEW SECTION. Sec. 11.** The following acts or parts of acts are each repealed:

(1) RCW 43.131.387 (Permit assistance center--Termination) and 1995 c 347 s 617; and

(2) RCW 43.131.388 (Permit assistance center--Repeal) and 1995 c 347 s 618.

**NEW SECTION. Sec. 12.** A new section is added to chapter 43.21A RCW to read as follows:

The legislature recognizes that the department is working with state and federal agencies to coordinate the permitting requirements of the federal clean water act and the consultation requirements of the federal endangered species act. The legislature supports the department's efforts in this regard and encourages the department to work collaboratively with local governments and other interested parties during these consultations, and to provide local governments and other interested parties with opportunity to participate in this process to the extent practicable.

The department shall report by December 1st of each year to the legislature the status of any programmatic consultation developed under this section.

**NEW SECTION. Sec. 13.** The permit assistance center shall terminate June 30, 2003.

**NEW SECTION. Sec. 14.** (1) Sections 3 through 6 and 11 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect June 29, 1999.

(2) Section 7 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

## MOTION

Senator Tim Sheldon moved that the following amendments by Senators Tim Sheldon, Rasmussen, Benton and Morton to the striking amendment by Senators Fraser, Swecker, Betti Sheldon and Spanel be considered simultaneously and be adopted:

On page 9, after line 28 of the amendment, insert the following:

**"Sec. 10.** RCW 75.20.100 and 1998 c 190 s 87 are each amended to read as follows:

(1) In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the approval of the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld.

(2)(a) Except as provided in RCW 75.20.1001, the department shall grant or deny approval of a standard permit within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section.

(b) The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life.

(c) The forty-five day requirement shall be suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection; or

(iii) The applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(d) For purposes of this section, "standard permit" means a written permit issued by the department when the conditions under subsections (3) and (5)(b) of this section are not met.

(3)(a) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources. Expedited permit requests require a complete written application as provided in subsection (2)(b) of this section and shall be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance.

(b) For the purposes of this subsection, "imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(d) The department or the county legislative authority may determine if an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists.

(4) Approval of a standard permit is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life based on sound science and applicable documentation. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent.

(5)(a) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately, upon request, oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval to protect fish life shall be established by the department and reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately, upon request, for a stream crossing during an emergency situation.

(b) For purposes of this section and RCW 75.20.103, "emergency" means an immediate threat to life, the public, property, or of environmental degradation.

(c) The department or the county legislative authority may declare and continue an emergency when one or more of the criteria under (b) of this subsection are met. The county legislative authority shall immediately notify the department if it declares an emergency under this subsection.

(6) The department shall, at the request of a county, develop five-year maintenance approval agreements, consistent with comprehensive flood control management plans adopted under the authority of RCW 86.12.200, or other watershed plan approved by a county legislative authority, to allow for work on public and private property for bank stabilization, bridge repair, removal of sand bars and debris, channel maintenance, and other flood damage repair and reduction activity under agreed-upon conditions and times without obtaining permits for specific projects.

(7) This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103.

A landscape management plan approved by the department and the department of natural resources under RCW 76.09.350(2), shall serve as a hydraulic project approval for the life of the plan if fish are selected as one of the public resources for coverage under such a plan.

(8) For the purposes of this section and RCW 75.20.103, "bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

(9) The phrase "to construct any form of hydraulic project or perform other work" does not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

This section does not apply to small scale prospecting and mining activities, which are governed by section 11 of this act.

**NEW SECTION. Sec. 11.** A new section is added to chapter 75.20 RCW to read as follows:

(1) Small scale prospecting and mining is exempt from the provisions of this chapter, provided that fish eggs or fry are not affected at any time.

(2) For the purposes of this chapter, "small scale prospecting and mining" means the use of methods such as pans, nonmotorized sluice boxes no larger than five feet long in the greatest dimension, nonmotorized concentrators no longer than five feet long in the greatest dimension, and nonmotorized minirocker boxes no longer than five feet long in the greatest dimension for the discovery and recovery of minerals at or below the ordinary high water mark."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 10, beginning on line 32 of the amendment, after "(2)" strike all material through "immediately" on line 35 and insert "Sections 7, 10, and 11 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions and take effect immediately"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Tim Sheldon, Rasmussen, Benton and Morton on page 9, after line 28, and page 10, beginning on line 32, to the striking amendment by Senators Fraser, Swecker, Betti Sheldon and Spanel to Engrossed Second Substitute House Bill No. 1893.

The motion by Senator Tim Sheldon carried and the amendments to the striking amendment were adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fraser, Swecker, Betti Sheldon and Spanel, as amended, to Engrossed Second Substitute House Bill No. 1893.

The motion by Senator Fraser carried and the striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Fraser, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "issuance;" strike the remainder of the title and insert "amending RCW 58.17.095, 90.60.010, 90.60.020, 90.60.030, and 90.60.100; adding new sections to chapter 90.60 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 43.21A RCW; creating new sections; repealing RCW 43.131.387 and 43.131.388; providing effective dates; and declaring an emergency."

On page 11, line 6 of the title amendment, after "90.60.030," strike "and" and after "90.60.100" insert ", and 75.20.100" and on line 7 of the title amendment, after "90.60 RCW;" insert "adding a new section to chapter 75.20 RCW;"

On motion of Senator Fraser, the rules were suspended, Engrossed Second Substitute House Bill No. 1893, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1893, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1893, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 46. Voting nay: Senator Thibaudeau - 1. Absent: Senator McDonald - 1. Excused: Senator McCaslin - 1. ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1893, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 8, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5364 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.08.180 and 1997 c 451 s 3 and 1997 c 321 s 57 are each reenacted and amended to read as follows:

Except as provided in RCW 66.24.290(1), moneys in the liquor revolving fund shall be distributed by the board at least once every three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210: PROVIDED, That the board shall reserve from distribution such amount not exceeding five hundred thousand dollars as may be necessary for the proper administration of this title.

(1) All license fees, penalties and forfeitures derived under this act from ~~((class H)) spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility~~ licenses or ~~((class H)) spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility~~ licensees shall every three months be disbursed by the board as follows:

(a) Three hundred thousand dollars per biennium, to the University of Washington for the forensic investigations council to conduct the state toxicological laboratory pursuant to RCW 68.50.107; and

(b) Of the remaining funds:

(i) 6.06 percent to the University of Washington and 4.04 percent to Washington State University for alcoholism and drug abuse research and for the dissemination of such research; and

(ii) 89.9 percent to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96A.050;

(2) The first fifty-five dollars per license fee provided in RCW 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand dollars annually shall be disbursed every three months by the board to the general fund to be used for juvenile alcohol and drug prevention programs for kindergarten through third grade to be administered by the superintendent of public instruction;

(3) Twenty percent of the remaining total amount derived from license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.350, and 66.24.360, shall be transferred to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96A.050; and

(4) One-fourth cent per liter of the tax imposed by RCW 66.24.210 shall every three months be disbursed by the board to Washington State University solely for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry in accordance with RCW 28B.30.068. The director of financial management shall prescribe suitable accounting procedures to ensure that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for.

**Sec. 2.** RCW 66.08.220 and 1949 c 5 s 11 are each amended to read as follows:

The board shall set aside in a separate account in the liquor revolving fund an amount equal to ten percent of its gross sales of liquor to ~~((class H)) spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility~~ licensees, less the fifteen percent discount provided for in RCW 66.24.440; and the moneys in said separate account shall be distributed in accordance with the provisions of RCW 66.08.190, 66.08.200 and 66.08.210: PROVIDED, HOWEVER, That no election unit in which the sale of liquor under ~~((class H)) spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility~~ licenses is unlawful shall be entitled to share in the distribution of moneys from such separate account.

**Sec. 3.** RCW 66.12.110 and 1975-'76 2nd ex.s. c 20 s 1 are each amended to read as follows:

A person twenty-one years of age or over may bring into the state from without the United States, free of tax and markup, for his personal or household use such alcoholic beverages as have been declared and permitted to enter the United States duty free under federal law.

Such entry of alcoholic beverages in excess of that herein provided may be authorized by the board upon payment of an equivalent markup and tax as would be applicable to the purchase of the same or similar liquor at retail from a Washington state liquor store. The board shall adopt appropriate regulations pursuant to chapter 34.05 RCW for the purpose of carrying out the provisions of this section. The board may issue a ~~((class H)) spirits, beer, and wine private club~~ license to a charitable or nonprofit corporation of the state of Washington, the majority of the officers and directors of which are United States citizens and the minority of the officers and directors of which are citizens of the Dominion of Canada, and where the location of the premises for such ~~((class H)) spirits, beer, and wine private club~~ license is not more than ten miles south of the border between the United States and the province of British Columbia.

**Sec. 4.** RCW 66.24.185 and 1997 c 321 s 4 are each amended to read as follows:

(1) There shall be a license for bonded wine warehouses which shall authorize the storage of bottled wine only. Under this license a licensee may maintain a warehouse for the storage of wine off the premises of a winery.

(2) The board shall adopt similar qualifications for a bonded wine warehouse license as required for obtaining a domestic winery license as specified in RCW 66.24.010 and 66.24.170. A licensee must be a sole proprietor, a partnership, a limited liability company, or a corporation. One or more domestic wineries may operate as a partnership, corporation, business co-op, or agricultural co-op for the purposes of obtaining a bonded wine warehouse license.

(3) All bottled wine shipped to a bonded wine warehouse from a winery or another bonded wine warehouse shall remain under bond and no tax imposed under RCW 66.24.210 shall be due, unless the wine is removed from bond and shipped to a licensed Washington wine distributor. Wine may be removed from a bonded wine warehouse only for the purpose of being (a) exported from the state, (b) shipped to a licensed Washington wine distributor, or (c) returned to a winery or bonded wine warehouse.

(4) Warehousing of wine by any person other than (a) a licensed domestic winery or a bonded wine warehouse licensed under the provisions of this section, (b) a licensed Washington wine distributor, (c) a licensed Washington wine importer, (d) a wine certificate of approval holder (W7), or (e) the liquor control board, is prohibited.

(5) A license applicant shall hold a federal permit for a bonded wine cellar and may be required to post a continuing wine tax bond ~~((in the amount of five thousand dollars in a form prescribed))~~ of such an amount and in such a form as may be required by the board prior to the issuance of a bonded wine warehouse license. The fee for this license shall be one hundred dollars per annum.

(6) The board shall adopt rules requiring a bonded wine warehouse to be physically secure, zoned for the intended use and physically separated from any other use.

(7) Every licensee shall submit to the board a monthly report of movement of bottled wines to and from a bonded wine warehouse in a form prescribed by the board. The board may adopt other necessary procedures by which bonded wine warehouses are licensed and regulated.

**Sec. 5.** RCW 66.24.450 and 1998 c 126 s 9 and 1998 c 114 s 1 are each reenacted and amended to read as follows:

(1) No club shall be entitled to a spirits, beer, and wine private club license:

(a) Unless such private club has been in continuous operation for at least one year immediately prior to the date of its application for such license;

(b) Unless the private club premises be constructed and equipped, conducted, managed, and operated to the satisfaction of the board and in accordance with this title and the regulations made thereunder;

(c) Unless the board shall have determined pursuant to any regulations made by it with respect to private clubs, that such private club is a bona fide private club; it being the intent of this section that license shall not be granted to a club which is, or has been, primarily formed or activated to obtain a license to sell liquor, but solely to a bona fide private club, where the sale of liquor is incidental to the main purposes of the spirits, beer, and wine private club, as defined in RCW 66.04.010(7).

(2) The annual fee for a spirits, beer, and wine private club license, whether inside or outside of an incorporated city or town, is seven hundred twenty dollars per year.

(3) The board may issue an endorsement to the ~~((full-service))~~ spirits, beer, and wine private club license that allows up to forty nonclub, member-sponsored events using club liquor. Visitors and guests may attend these events only by invitation of the sponsoring member or members. These events may not be open to the general public. The fee for the endorsement shall be an annual fee of nine hundred dollars. Upon the board's request, the holder of the endorsement must provide the board or the board's designee with the following information at least seventy-two hours prior to the event: The date, time, and location of the event; the name of the sponsor of the event; and a brief description of the purpose of the event.

**Sec. 6.** RCW 66.24.580 and 1996 c 224 s 2 are each amended to read as follows:

(1) A public house license allows the licensee:

(a) To annually manufacture no less than two hundred fifty gallons and no more than two thousand four hundred barrels of beer on the licensed premises;

(b) To sell product, that is produced on the licensed premises, at retail on the licensed premises for consumption on the licensed premises;

(c) To sell beer or wine not of its own manufacture for consumption on the licensed premises if the beer or wine has been purchased from a licensed beer or wine wholesaler;

(d) To hold other classes of retail licenses at other locations without being considered in violation of RCW 66.28.010;

(e) To apply for and, if qualified and upon the payment of the appropriate fee, be licensed as a ~~((class-H))~~ spirits, beer, and wine restaurant to do business at the same location. This fee is in addition to the fee charged for the basic public house license.

(2) While the holder of a public house license is not to be considered in violation of the prohibitions of ownership or interest in a retail license in RCW 66.28.010, the remainder of RCW 66.28.010 applies to such licensees.

(3) A public house licensee must pay all applicable taxes on production as are required by law, and all appropriate taxes must be paid for any product sold at retail on the licensed premises.

(4) The employees of the licensee must comply with the provisions of mandatory server training in RCW 66.20.300 through 66.20.350.

(5) The holder of a public house license may not hold a wholesaler's or importer's license, act as the agent of another manufacturer, wholesaler, or importer, or hold a brewery or winery license.

(6) The annual license fee for a public house is one thousand dollars.

(7) The holder of a public house license may hold other licenses at other locations if the locations are approved by the board.

(8) Existing holders of annual retail liquor licenses may apply for and, if qualified, be granted a public house license at one or more of their existing liquor licensed locations without discontinuing business during the application or construction stages.

**Sec. 7.** RCW 66.28.220 and 1993 c 21 s 3 are each amended to read as follows:

The board shall adopt rules requiring retail licensees to affix appropriate identification on all containers of four gallons or more of malt liquor for the purpose of tracing the purchasers of such containers. The rules may provide for identification to be done on a state-wide basis or on the basis of smaller geographical areas.

The board shall develop and make available forms for the declaration and receipt required by RCW 66.28.200. The board may charge ~~((class-E))~~ grocery store licensees for the costs of providing the forms and that money collected for the forms shall be deposited into the liquor revolving fund for use by the board, without further appropriation, to continue to administer the cost of the keg registration program.

It is unlawful for any person to sell or offer for sale kegs or other containers containing four gallons or more of malt liquor to consumers who are not licensed under chapter 66.24 RCW if the kegs or containers are not identified in compliance with rules adopted by the board.

**Sec. 8.** RCW 66.40.030 and 1994 c 55 s 1 are each amended to read as follows:

Within any unit referred to in RCW 66.40.010, there may be held a separate election upon the question of whether the sale of liquor under ~~((class-H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses, shall be permitted within such unit. The conditions and procedure for holding such election shall be those prescribed by RCW 66.40.020, 66.40.040, 66.40.100, 66.40.110 and 66.40.120. Whenever a majority of qualified voters voting upon said question in any such unit shall have voted "against the sale of liquor under ~~((class-H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses", the county auditor shall file with the liquor control board a certificate showing the result of the canvass at such election; and after ninety days from and after the date of the canvass, it shall not be lawful for licensees to maintain and operate premises within the election unit licensed under ~~((class-H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses. The addition after an election under this section of new territory to a city, town, or county, by annexation, disincorporation, or otherwise, shall not extend the prohibition against the sale of liquor under ~~((class-H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses to the new territory. Elections held under RCW 66.40.010, 66.40.020, 66.40.040, 66.40.100, 66.40.110, 66.40.120 and 66.40.140, shall be limited to the question of whether the sale of liquor by means other than under ~~((class-H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses shall be permitted within such election unit.

**Sec. 9.** RCW 66.40.130 and 1949 c 5 s 13 are each amended to read as follows:

Ninety days after December 2, 1948, ~~((class-H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses may be issued in any election unit in which the sale of liquor is then lawful. No ~~((class-H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility license shall be issued in any election unit in which the sale of liquor is forbidden as the result of an election held under RCW 66.40.010, 66.40.020, 66.40.040, 66.40.100, 66.40.110, 66.40.120 and 66.40.140, unless a majority of the qualified electors in such election unit voting upon this initiative at the general election in November, 1948, vote in favor of this initiative, or unless at a subsequent general election in which the question of whether the sale of liquor under ~~((class-H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses shall be permitted within such unit is submitted to the electorate, as provided in RCW 66.40.030, a majority of the qualified electors voting upon such question vote "for the sale of liquor under ~~((class-H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses."

**Sec. 10.** RCW 66.44.190 and 1997 c 321 s 62 are each amended to read as follows:

Except at the faculty center as so designated by the university board of regents to the Washington state liquor control board who may issue a ~~((class-H))~~ spirits, beer, and wine private club license therefor, it shall be unlawful to sell any intoxicating liquors, with or without a license on the grounds of the University of Washington, otherwise known and described as follows: Fractional section 16, township 25 north, range 4 east of Willamette Meridian except to the extent allowed under banquet permits issued pursuant to RCW 66.24.481.

**Sec. 11.** RCW 66.44.340 and 1986 c 5 s 1 are each amended to read as follows:

Employers holding ~~((class-E and/or-F))~~ grocery store or beer and/or wine specialty shop licenses exclusively are permitted to allow their employees, between the ages of eighteen and twenty-one years, to sell, stock, and handle beer or wine in, on or about

any establishment holding a (~~class E and/or class F~~) grocery store or beer and/or wine specialty shop license exclusively: PROVIDED, That there is an adult twenty-one years of age or older on duty supervising the sale of liquor at the licensed premises: PROVIDED, That minor employees may make deliveries of beer and/or wine purchased from licensees holding (~~class E and/or class F~~) grocery store or beer and/or wine specialty shop licenses exclusively, when delivery is made to cars of customers adjacent to such licensed premises but only, however, when the minor employee is accompanied by the purchaser.

**Sec. 12.** RCW 66.44.350 and 1988 c 160 s 1 are each amended to read as follows:

Notwithstanding provisions of RCW 66.44.310, employees, eighteen years of age or over, of (~~class A, C, D and/or H~~) beer and/or wine restaurant; beer and/or wine private club; snack bar; spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licensees (~~eighteen years of age and over~~) may take orders for, serve and sell liquor in any part of the licensed premises except cocktail lounges, bars, or other areas classified by the Washington state liquor control board as off-limits to persons under twenty-one years of age: PROVIDED, That such employees may enter such restricted areas to perform work assignments including picking up liquor for service in other parts of the licensed premises, performing clean up work, setting up and arranging tables, delivering supplies, delivering messages, serving food, and seating patrons: PROVIDED FURTHER, That such employees shall remain in the areas off-limits to minors no longer than is necessary to carry out their aforementioned duties: PROVIDED FURTHER, That such employees shall not be permitted to perform activities or functions of a bartender.

**Sec. 13.** RCW 68.50.107 and 1995 c 398 s 10 are each amended to read as follows:

There shall be established in conjunction with the University of Washington Medical School and under the authority of the state forensic investigations council a state toxicological laboratory under the direction of the state toxicologist whose duty it will be to perform all necessary toxicologic procedures requested by all coroners, medical examiners, and prosecuting attorneys. The state forensic investigations council shall appoint a toxicologist as state toxicologist. The laboratory shall be funded by disbursement from the (~~class H~~) spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility license fees as provided in RCW 66.08.180 and by appropriation from the death investigations account as provided in RCW 43.79.445.

**Sec. 14.** RCW 66.24.290 and 1997 c 451 s 1 and 1997 c 321 s 16 are each reenacted and amended to read as follows:

(1) Any microbrewer or domestic brewery or beer distributor licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewery or beer distributor shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of one dollar and thirty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of one dollar and thirty cents per barrel of thirty-one gallons. Any brewery or beer distributor whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Beer shall be sold by breweries and distributors in sealed barrels or packages. The moneys collected under this subsection shall be distributed as follows: (a) Three-tenths of a percent shall be distributed to border areas under RCW 66.08.195; and (b) of the remaining moneys: (i) Twenty percent shall be distributed to counties in the same manner as under RCW 66.08.200; and (ii) eighty percent shall be distributed to incorporated cities and towns in the same manner as under RCW 66.08.210.

(2) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3)(a) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to ninety-six cents per barrel of thirty-one gallons through June 30, 1995, two dollars and thirty-nine cents per barrel of thirty-one gallons for the period July 1, 1995, through June 30, 1997, and four dollars and seventy-eight cents per barrel of thirty-one gallons thereafter.

(b) The additional tax imposed under this subsection does not apply to the sale of the first sixty thousand barrels of beer each year by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of this exemption.

(c) All revenues collected from the additional tax imposed under this subsection (3) shall be deposited in the health services account under RCW 43.72.900.

(4) An additional tax is imposed on all beer that is subject to tax under subsection (1) of this section that is in the first sixty thousand barrels of beer by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of the exemption under subsection (3)(b) of this section. The additional tax is equal to one dollar and forty-eight and two-tenths cents per barrel of thirty-one gallons. By the twenty-fifth day of the following month, three percent of the revenues collected from this additional tax shall be distributed to border areas under RCW 66.08.195 and the remaining moneys shall be transferred to the state general fund.

(5) The board may make refunds for all taxes paid on beer exported from the state for use outside the state.

(6) The board may require filing with the board of a bond to be approved by it, in such amount as the board may fix, securing the payment of the tax. If any licensee fails to pay the tax when due, the board may forthwith suspend or cancel his or her license until all taxes are paid.

(7) The tax imposed under this section shall not apply to "strong beer" as defined in this title.

**Sec. 15.** RCW 66.24.425 and 1998 c 126 s 7 are each amended to read as follows:

(1) The board may, in its discretion, issue a spirits, beer, and wine restaurant license to a business which qualifies as a "restaurant" as that term is defined in RCW 66.24.410 in all respects except that the business does not serve the general public but, through membership qualification, selectively restricts admission to the business. For purposes of RCW 66.24.400 and 66.24.420, all licenses issued under this section shall be considered spirits, beer, and wine restaurant licenses and shall be subject to all requirements, fees, and qualifications in this title, or in rules adopted by the board, as are applicable to spirits, beer, and wine restaurant licenses generally except that no service to the general public may be required.

(2) No license shall be issued under this section to a business:

(a) Which shall not have been in continuous operation for at least one year immediately prior to the date of its application;

or

(b) Which denies membership or admission to any person because of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical handicap.

(3) The board may issue an endorsement to the spirits, beer, and wine restaurant license issued under this section that allows up to forty nonclub, member-sponsored events using club liquor. Visitors and guests may attend these events only by invitation of the sponsoring member or members. These events may not be open to the general public. The fee for the endorsement shall be an annual fee of nine hundred dollars. Upon the board's request, the holder of the endorsement must provide the board or the board's designee with the following information at least seventy-two hours prior to the event: The date, time, and location of the event; the name of the sponsor of the event; and a brief description of the purpose of the event.

**NEW SECTION. Sec. 16.** RCW 66.24.300 (Refunds for taxes paid on exported beer--Bond securing tax payment) and 1995 c 232 s 5, 1951 c 93 s 1, & 1937 c 217 s 2 are each repealed."

Correct the title., and the same are herewith transmitted.

DEAN R.  
FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Prentice, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5364 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 9, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5418 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

#### "PART 1

#### OVERSIGHT OF THE ACCOUNTABILITY SYSTEM

**NEW SECTION. Sec. 101.** COMMISSION FORMED AND MEMBERS APPOINTED. (1) The Washington commission on educational accountability is established.

(2) The commission shall consist of seven members selected as follows:

(a) One member shall be appointed by but shall not be the superintendent of public instruction;

(b) Two members shall be appointed by the governor;

(c) Two members shall be appointed by but shall not be members of the house of representatives. The two members, one nominated by each major caucus, shall be appointed by the speaker of the house of representatives; and

(d) Two members shall be appointed by but shall not be members of the senate. The two members, one nominated by each major caucus, shall be appointed by the president of the senate.

(3) The commission shall appoint a chair from among the commission members.

(4) Appointees shall be individuals who are supportive of educational improvement, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

(5) Each appointing authority shall appoint its initial commission members by July 1, 1999. The first meeting of the commission shall be convened by the superintendent of public instruction no later than July 30, 1999.

(6) Members shall serve for terms of four years, with the terms expiring on June 30th of the fourth year of the term. However, in the case of the initial members, one of the members appointed by the governor shall serve for a three-year term and both members appointed by the house of representatives shall serve for two-year terms, with each of the terms expiring on June 30th of the applicable year.

(7) Each appointing authority shall fill any vacancies in appointments that may occur.

**NEW SECTION. Sec. 102. COMMISSION'S POWERS AND DUTIES.** The powers and duties of the Washington commission on educational accountability shall include, but are not limited to the following:

(1) The adoption and revision of performance improvement goals by subject and grade level, as assessed by the Washington assessment of student learning. The goals shall be in addition to and may revise any goals adopted in RCW 28A.630.887 (as recodified by this act). However, before each goal is implemented, the commission shall present the goal to the education and fiscal committees of the house of representatives and the senate for the committees' review and comment;

(2) The adoption of objective, systematic criteria to identify successful and failed schools and school districts;

(3) The recommendation to the superintendent of public instruction of schools and school districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement;

(4) The identification of schools and school districts in which state intervention measures will be needed and the identification of a range of appropriate intervention strategies as authorized by law. At the request of the commission, the superintendent shall intervene in the school or school district and take corrective actions as authorized by law;

(5) The identification of appropriate choice options within and outside the school district for students attending failed schools. The options shall include, but need not be limited to vocational education opportunities;

(6) The identification of performance incentive systems that have improved student achievement;

(7) The adoption of performance standards to determine whether a student has met the standard on the Washington assessment of student learning, and the determination of any performance levels above and below the standard. The commission shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose;

(8) The annual review of the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system;

(9) The recommendation to the superintendent of public instruction of criteria for use in the determination of schools which might receive any funds appropriated for short-term, intensive, tailored assistance under section 402 of this act;

(10) The adoption of necessary rules;

(11) The establishment of advisory committees, which may include persons who are not members of the commission;

(12) The hiring of necessary staff and the determination of the staff's duties and compensation. However, the office of the superintendent of public instruction shall provide staff support to the commission until the commission has hired its own staff, and shall provide most of the technical assistance and logistical support needed by the commission thereafter;

(13) The receipt of per diem and travel allowances as permitted under RCW 43.03.050 and 43.03.060; and

(14) The holding of meetings and public hearings, including hearings on possible state interventions.

**NEW SECTION. Sec. 103. COMMISSION'S REPORT ON ACCOUNTABILITY POLICIES.** By September 5, 2000, the Washington commission on educational accountability shall recommend accountability policies to the governor, the superintendent of public instruction, and the education and fiscal committees of the house of representatives and senate. The policies shall include, but need not be limited to:

(1) A graduated series of increasingly intensive school district and state intervention strategies for schools in which low-performance persists over an identified period of time, including options for budgeting and personnel.

(a) The strategies shall be formulated in accordance with the assumption that school districts have primary responsibility for intervening in schools with relatively large numbers of students who are not achieving the essential academic learning requirements. However, if after a period of time, school district intervention is not successful, state intervention may be necessary.

(b) The strategies shall also be formulated in accordance with the assumption that the longer low performance persists, the less control and decision-making authority a school shall retain.

(c) In its deliberations, the commission may consider intervention strategies underway in Washington and other states, such as the type of graduated intervention system adopted by the Seattle school district;

(2) Additional assistance measures for students and schools;

(3) Rewards for successful schools and school districts; and

(4) Any statutory changes necessary to give the superintendent of public instruction the authority to implement, in a school or school district, the state intervention strategies identified in subsection (1) of this section.

## PART 2

### ACCOUNTABILITY GOALS, INCLUDING GOALS IN READING AND MATHEMATICS

NEW SECTION. **Sec. 201.** MID-TERM GOAL FOR ACCOUNTABILITY SYSTEM. The mid-term goal of the state's accountability system is that eighty percent or more of all public school students state-wide meet the state standards on the Washington assessment of student learning within a decade after the administration of each assessment is required state-wide.

**Sec. 202.** RCW 28A.630.887 and 1998 c 319 s 101 are each amended to read as follows:

(1) ~~((By December 15, 1998,))~~ Each school district board of directors shall:

(a) Select the reading standard results on either the 1997 or 1998 fourth grade Washington assessment of student learning as the school district's initial baseline reading standard. Districts may select the 1997 results only if all of the elementary schools with fourth grade students administered the assessment;

(b) By December 15, 2000, select the mathematics standard results on either the 1998 or 1999 fourth grade Washington assessment of student learning as the school district's fourth grade baseline mathematics standard;

~~((c))~~ (c) Establish ~~((a))~~ three-year, district-wide goals to increase, by the end of the 2000-01 school year, the percentage of students who meet or exceed the reading standard, and by the 2002-03 school year, the percentage of students who meet or exceed the mathematics standard on the fourth grade Washington assessment of student learning. The three-year percentage increase goal in each subject may not be less than the district's total percentage of students who did not meet the baseline ~~((reading))~~ standard in each subject multiplied by twenty-five percent;

~~((e))~~ (d) Specify the annual district-wide percentage improvement increments to meet the ~~((three-year))~~ goals; and

~~((d))~~ (e) Direct each elementary school to establish ~~((a))~~ three-year goals for its fourth grade students, subject to approval by the board. The aggregate of the elementary school goals must meet or exceed the district-wide goals established by the board.

(2) Each school district board of directors shall:

(a) ~~((Report biannually to parents in writing and to the community in a public meeting the following information:~~

(i) ~~District-wide and school-level three-year goals;~~

(ii) ~~Student performance relative to the goals; and~~

(iii) ~~District-wide and school-level plans to achieve the reading goal in kindergarten through fourth grade, including grade-level expectations, curriculum and instruction, parental or guardian involvement, and resources available to parents and guardians to help students meet the reading standard;~~

~~(b) Report annually to the superintendent of public instruction and in a news release to the local media the district's progress toward meeting the district-wide and school-level goals; and~~

~~(c) Include the reported information in each school's annual school performance report under RCW 28A.320.205.~~

~~(3) By December 1, 2000, the superintendent of public instruction shall report to the education committees of the house of representatives and the senate on the progress that has been made in achieving the three-year reading goal, and provide recommendations to the legislature on setting reading goals for the next three years.~~

~~(4) This section expires July 1, 2006.)~~ By December 15, 2000, select the reading standard results on either the 1998, 1999, or 2000 seventh grade Washington assessment of student learning as the school district's seventh grade baseline reading standard;

(b) By December 15, 2001, select the mathematics standard results on either the 2000 or 2001 seventh grade Washington assessment of student learning as the school district's seventh grade baseline mathematics standard;

(c) Establish three-year district-wide goals to increase, by the end of the 2002-03 school year, the percentage of students who meet or exceed the reading standard, and by the end of the 2003-04 school year, the percentage of students who meet or exceed the mathematics standard, on the seventh grade Washington assessment of student learning. The percentage increase goal in each subject may not be less than the district's total percentage of students who did not meet the baseline standard in each subject multiplied by twenty-five percent;

(d) Specify the annual district-wide percentage improvement increments necessary to meet the goals; and  
(e) Direct each middle or junior high school, as appropriate, to establish reading and mathematics goals for its seventh grade students, subject to approval by the board. The aggregate of the middle or junior high school goals must meet or exceed the district-wide goals established by the board in each subject.

(3) Schools and school districts in which ten or fewer students are eligible to be assessed in a grade level are not required to establish numerical improvement goals and performance relative to the goals.

### PART 3 REPORTING RESULTS

**Sec. 301.** RCW 28A.630.889 and 1998 c 319 s 301 are each amended to read as follows:

(1) By September 10, 1998, and by September 10th each year thereafter, the superintendent of public instruction shall:

(a) Report to schools, school districts, and the legislature on the results of the ~~((fourth grade))~~ Washington assessment of student learning; and

(b) Post individual school results of the ~~((fourth grade))~~ Washington assessment of student learning on the superintendent of public instruction's internet world-wide web site.

(2) The reports shall include the assessment results by school and school district, and include changes over time. Results shall be reported as follows:

(a) The percentage of students meeting the standards;

(b) The percentage of students performing at each level of the assessment; and

(c) A learning improvement index that shows changes in student performance within the different levels of student learning reported on the Washington assessment of student learning.

(3) Data regarding the different characteristics of schools, such as poverty levels, percent of English as a second language students, dropout rates, attendance, percent of students in special education, and student mobility shall also be reported so that districts and schools can learn from the improvement efforts of other schools and districts with similar characteristics.

(4) To protect the privacy of students, the results of schools and districts that test fewer than ten students in a grade level shall not be reported. In addition, in order to ensure that results are reported accurately, the superintendent of public instruction shall maintain the confidentiality of state-wide data files until the superintendent determines that the data are complete and accurate.

(5) The superintendent of public instruction shall monitor the percentage and number of special education and limited English-proficient students exempted from taking the assessments by schools and school districts to ensure the exemptions are in compliance with exemption guidelines.

(6) By December 1, 2000, and by December 31st annually thereafter, the superintendent of public instruction shall report to the education committees of the house of representatives and the senate on the progress that has been made in achieving the reading and mathematics goals under RCW 28A.630.887 (as recodified by this act) and any additional goals adopted by the commission on educational accountability.

~~((2) This section expires July 1, 2006.))~~

**NEW SECTION. Sec. 302.** SCHOOL DISTRICT REPORTS ON PROGRESS TOWARD PERFORMANCE GOALS.

Each school district board of directors shall:

(1)(a) Annually report to parents and to the community in a public meeting and annually report in writing the following information:

(i) District-wide and school-level three-year goals;

(ii) Student performance relative to the goals; and

(iii) District-wide and school-level plans to achieve the goals, including curriculum and instruction, parental or guardian involvement, and resources available to parents and guardians to help students meet the state standards;

(b) Report annually in a news release to the local media the district's progress toward meeting the district-wide and school-level goals; and

(c) Include the school-level goals, student performance relative to the goals, and a summary of school-level plans to achieve the goals in each school's annual school performance report under RCW 28A.320.205.

(2) School districts in which ten or fewer students in the district or in a school in the district are eligible to be assessed in a grade level are not required to report numerical improvement goals and performance relative to the goals, but are required to report to parents and the community their plans to improve student achievement.

**Sec. 303.** RCW 28A.320.205 and 1993 c 336 s 1006 are each amended to read as follows:

(1) Beginning with the 1994-95 school year, to provide the local community and electorate with access to information on the educational programs in the schools in the district, each school shall publish annually a school performance report and deliver

the report to each parent with children enrolled in the school and make the report available to the community served by the school. The annual performance report shall be in a form that can be easily understood and be used by parents, guardians, and other members of the community who are not professional educators to make informed educational decisions. As data from the assessments in RCW 28A.630.885 (as recodified by this act) becomes available, the annual performance report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under RCW 28A.150.210, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years and shall ~~((project goals in performance categories))~~ include school level goals under RCW 28A.630.887 (as recodified by this act), student performance relative to the goals and the percentage of students performing at each level of the assessment, a comparison of student performance at each level of the assessment to the previous year's performance, and information regarding school-level plans to achieve the goals.

(2) The annual performance report shall include, but not be limited to: (a) A brief statement of the mission of the school and the school district; (b) enrollment statistics including student demographics; (c) expenditures per pupil for the school year; (d) a summary of student scores on all mandated tests, and a comparison of those scores with comparable Washington schools of similar demographic characteristics; (e) a concise annual budget report; (f) student attendance, graduation, and dropout rates; (g) information regarding the use and condition of the school building or buildings; (h) a brief description of the ~~((restructuring))~~ learning improvement plans for the school; (i) school safety indicators, including but not limited to, the number of suspensions and of violent incidents a year at the school and at school-sponsored events; (j) information on the credentials of teachers in the school, including, but not limited to, the number of teachers with advanced degrees, the number teaching out of their endorsement areas, the average number of years teachers in the school have been teaching, and the number of teachers who have passed Washington's teacher assessments; (k) the types of choice options available to students at the school, including vocational education opportunities; and (l) an invitation to all parents and citizens to participate in school activities.

(3) The superintendent of public instruction shall develop by June 30, 1994, and update periodically, a model report form, which shall also be adapted for computers, that schools may use to meet the requirements of subsections (1) and (2) of this section. In order to make school performance reports broadly accessible to the public, the superintendent of public instruction, to the extent feasible, shall make information on each school's report available on or through the superintendent's internet web site.

#### **PART 4 ASSISTANCE FOR SCHOOLS AND DISTRICTS**

NEW SECTION. Sec. 401. ACCOUNTABILITY IMPLEMENTATION FUNDS. (1) To the extent funds are appropriated, the office of the superintendent of public instruction annually shall allocate accountability implementation funds to school districts. The purposes of the funds are to: Develop and update student learning improvement plans; implement curriculum materials and instructional strategies; provide staff professional development to implement the selected curricula and instruction; develop and implement assessment strategies and training in assessment scoring; and fund other activities intended to improve student learning for all students, including students with diverse needs. Activities funded by the allocations must be consistent with the school or district improvement plan, designed to improve the ability of teachers and other instructional certificated and classified staff to assist students in meeting the essential academic learning requirements, and designed to achieve state and local accountability goals.

(2) To be eligible for allocations in the 1999-2000 school year, school district superintendents and principals must certify that activities funded by accountability implementation funds will be in accordance with the requirements of this act. To be eligible for funds in the 2000-01 school year and thereafter, school district superintendents and school principals must certify that they have analyzed the use of state, federal, and local funds used for professional development and planning and that these funds will be used in an effective manner to improve student learning.

(3) Schools receiving funds shall develop, update as needed, and keep on file a school student learning improvement plan to achieve the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The plan shall delineate how the accountability implementation funds will be used to accomplish the requirements of this section. The plan shall be made available to the public and to others upon request.

(4) The amount of allocations shall be determined in the omnibus appropriations act.

(5) The state schools for the deaf and blind are eligible to receive allocations under this section.

(6) The superintendent of public instruction may adopt timelines and rules as necessary under chapter 34.05 RCW to administer the program, and require that schools and districts submit reports regarding the use of the funds.

NEW SECTION. Sec. 402. HELPING CORPS AND TARGETED ASSISTANCE FUNDS. (1) In order to increase the availability and quality of technical assistance state-wide, the superintendent of public instruction, subject to available funding, may

employ school improvement coordinators and school improvement specialists to provide assistance to schools and districts. The improvement specialists shall serve on a rotating basis and shall not be permanent employees.

(2) The types of assistance provided by the improvement coordinators and specialists may include, but need not be limited to:

- (a) Assistance to schools to use student performance data and develop improvement plans based on those data;
- (b) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments;
- (c) Consultation concerning curricula that aligns with the essential academic learning requirements and the Washington assessment of student learning and that meets the needs of diverse learners;
- (d) Assistance in the identification and implementation of research-based instructional practices;
- (e) Staff training that emphasizes effective instructional strategies and classroom-based assessment;
- (f) Assistance in developing and implementing family and community involvement programs; and
- (g) Other assistance to schools and school districts intended to improve student learning.

(3) To the extent funds are appropriated, the superintendent of public instruction shall grant funds to schools for short-term, intensive, tailored assistance to develop and implement comprehensive improvement plans that are based on reliable research and effective practices. Recommendations regarding the criteria for granting funds shall be made by the Washington commission on educational accountability to the superintendent of public instruction. Priority for funds shall be given to schools that need to improve student achievement substantially. The funds under this section are intended to stimulate comprehensive, school-wide change, rather than a piecemeal, fragmented approach to school improvement. Grant funds may not be awarded unless the following conditions are met:

(a) School districts must seek comprehensive recommendations from a helping corps technical assistance team formed by the superintendent of public instruction;

(b) Comprehensive improvement plans must be consistent with the recommendations of a helping corps technical assistance team formed by the superintendent of public instruction; and

(c) The coordinator or director of the helping corps technical assistance team must certify that the comprehensive improvement plan is consistent with the technical assistance team recommendations.

(4) To be considered comprehensive, plans must integrate, in a coherent manner, the following components:

- (a) Effective, research-based methods and strategies;
- (b) Comprehensive design with aligned components;
- (c) High quality and continuous teacher and staff professional development and training;
- (d) Measurable goals and benchmarks;
- (e) Support within the school;
- (f) Family and community involvement;
- (g) External technical support and assistance;
- (h) Measures to improve school security and supportive learning environments;
- (i) Evaluation strategies; and
- (j) Coordination of available federal, state, local, and private resources.

(5) When determining grant recipients, the following criteria shall be considered:

- (a) Results of the Washington assessment of student learning;
- (b) Student achievement evidence from district or other state assessments;
- (c) The level of improvement in student achievement over time;
- (d) Whether the criteria in subsection (4) of this section have been met; and
- (e) The likelihood that the proposed application will lead to a plan and actions that will result in improved student achievement.

(6) Subject to available funding, individual grants shall be awarded for a period of two years.

(7) Grant applications shall be approved by the school district board of directors before submission of the application to the superintendent of public instruction.

## **PART 5 TRANSFER OF DUTIES AND MATERIALS**

NEW SECTION. **Sec. 501.** SUPERINTENDENT OF PUBLIC INSTRUCTION'S DUTIES FOR STANDARDS AND ASSESSMENTS. (1) The superintendent of public instruction shall identify the knowledge and skills all public school students need

to know and be able to do based on the student learning goals in RCW 28A.150.210 to develop student assessments and implement the accountability recommendations and requests of the commission on academic achievement.

(2) The superintendent of public instruction shall periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements.

(3) In consultation with the commission on educational accountability, the superintendent of public instruction shall maintain and continue to develop and revise a state-wide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(5) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(6) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(7) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(8) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(9) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

**NEW SECTION. Sec. 502. COMMISSION ON STUDENT LEARNING--TRANSFER OF POWERS.** (1) Beginning on July 1, 1999, the powers, duties, and functions of the commission on student learning are hereby transferred to the superintendent of public instruction. All references to the commission on student learning in the Revised Code of Washington shall be construed to mean the superintendent of public instruction when addressing the duties, activities, or functions regarding the essential academic learning requirements, the standards, or the assessments addressed under this act.

(2) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission on student learning shall be delivered to the custody of the superintendent of public instruction. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the commission on student learning shall be made available to the commission on educational accountability or the superintendent of public instruction, as appropriate.

(3) The transfer of the powers, duties, functions, and personnel of the commission on student learning shall not affect the validity of any act performed before the effective date of this section.

## **PART 6 MISCELLANEOUS**

**NEW SECTION. Sec. 601. ANALYSIS OF FOURTH GRADE MATHEMATICS ASSESSMENT.** By August 1, 2000, the superintendent of public instruction shall complete an objective analysis of the fourth grade mathematics assessment. The analysis shall include, but need not be limited to, the student developmental level required to achieve the fourth grade standard successfully and the extent to which the assessment measures a student's computational skills, problem-solving skills, math communications skills, and a breakdown of other skills assessed. The analysis shall include the percentage of items that: Require students to use computational skills without the use of technology; require the use of technology to complete an item; measure mathematics communication skills; measure problem-solving skills; and measure other skills included in the mathematics assessment. The superintendent of public instruction shall consult recognized experts with differing views on the instruction of mathematics, and report the results of the analysis to the governor and the education committees of the house of representatives and the senate by August 15, 2000.

**NEW SECTION. Sec. 602. SLIG'S REPEALED.** RCW 28A.300.138 (Student learning improvement grants) and 1994 c 245 s 1 & 1993 c 336 s 301 are each repealed.

**NEW SECTION. Sec. 603. REPEALERS.** The following acts or parts of acts are each repealed:

(1) 1998 c 225 s 3 (uncodified);

(2) 1995 c 209 s 3 (uncodified); and

(3) 1995 c 209 s 2 & 1992 c 141 s 203 (uncodified).

**NEW SECTION. Sec. 604.** PART HEADINGS AND SECTION CAPTIONS NOT LAW. Part headings and section captions used in this act are not any part of the law.

**NEW SECTION. Sec. 605.** NEW ACCOUNTABILITY CHAPTER CREATED. Sections 101 through 103, 201, 302, 401, 402, and 501 of this act constitute a new chapter in Title 28A RCW.

**NEW SECTION. Sec. 606.** RECODIFICATIONS. The following sections are each recodified as new sections in the chapter created in section 605 of this act:

RCW 28A.320.205

RCW 28A.630.887

RCW 28A.630.889

RCW 28A.630.883

RCW 28A.630.885

RCW 28A.630.945

RCW 28A.630.950

RCW 28A.630.951

RCW 28A.630.952

RCW 28A.630.953

RCW 28A.630.954

**NEW SECTION. Sec. 607.** EMERGENCY CLAUSE. (1) Section 101 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.

(2) Sections 502 and 603 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**NEW SECTION. Sec. 608.** NULL AND VOID CLAUSES. (1) If specific funding for the purposes of section 101 of this act, referencing section 101 of this act by bill or chapter and section number, is not provided by June 30, 1999, in the omnibus appropriations act, section 101 of this act is null and void.

(2) If specific funding for the purposes of section 102 of this act, referencing section 102 of this act by bill or chapter and section number, is not provided by June 30, 1999, in the omnibus appropriations act, section 102 of this act is null and void.

(3) If specific funding for the purposes of section 103 of this act, referencing section 103 of this act by bill or chapter and section number, is not provided by June 30, 1999, in the omnibus appropriations act, section 103 of this act is null and void.

(4) If specific funding for the purposes of section 401 of this act, referencing section 401 of this act by bill or chapter and section number, is not provided by June 30, 1999, in the omnibus appropriations act, section 401 of this act is null and void.

(5) If specific funding for the purposes of section 402 of this act, referencing section 402 of this act by bill or chapter and section number, is not provided by June 30, 1999, in the omnibus appropriations act, section 402 of this act is null and void.

**NEW SECTION. Sec. 609.** SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER,  
Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Goings, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5418 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 13, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5640 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A task force to study and make recommendations regarding the date for primary elections as provided in this act is established.

**NEW SECTION. Sec. 2.** The legislature finds that:

(1) The current statute relating to the timing of the primary election may not allow adequate time for absentee voters, especially military personnel living overseas, to review the candidates and issues appearing on the general election ballot before casting their votes;

(2) The proliferation of permanent absentee voters presents increasing difficulties for county auditors to canvass ballots in a timely way, which in turn may adversely affect the general election campaign of a candidate involved in a close primary race; and

(3) A delay in counting votes and processing ballots negatively impacts the public's right to timely election results and thus harms our electoral process.

Therefore, the mission of the task force includes, but is not limited to, a review of issues relating to the timing of the primary election, the canvassing of ballots, and the certification of election results. The task force shall consider alternates to the current statutes that relate to these issues, and shall provide recommendations accordingly.

**NEW SECTION. Sec. 3.** The task force membership consists of the following thirteen members:

(1) Three citizen members from across the state, appointed jointly by the secretary of state, the president of the senate, and the co-speakers of the house of representatives;

(2) Two members of the senate, one from each of the largest two caucuses, appointed by the president of the senate, and two members of the house of representatives, one from each of the largest two caucuses, appointed by the co-speakers of the house of representatives;

(3) The secretary of state or the secretary's designee;

(4) Three county elections officials designated by the Association of County Officials; and

(5) A representative of each major political party in the state, appointed by the chair of the state central committee for the party.

**NEW SECTION. Sec. 4.** The task force shall report its recommendations to the governor, the secretary of state, and the appropriate standing committees of the senate and house of representatives no later than December 1, 1999. The task force terminates on December 31, 1999.

**Sec. 5.** RCW 29.62.020 and 1995 c 139 s 2 are each amended to read as follows:

(1) ~~((No later than the tenth day after a special election or primary and no later than the fifteenth day after a general election, the county auditor shall convene the county canvassing board to process the absentee ballots and canvass the votes cast at that primary or election.))~~ At least every third day after a special election, primary, or general election and before certification of the election results, excepting Sundays and legal holidays, the county auditor shall convene the county canvassing board to process absentee ballots and canvass the votes cast at that special election, primary, or general election. Each time the canvassing board is convened before its final canvass of ballots, the canvassing board shall process all but fifty absentee ballots in the possession of the county auditor that have not been processed and were either received by the auditor on or before the day before the close of the polls on the day of the election or primary for which they were issued or that bear a date of mailing on or before the election or primary for which they are issued. The tabulation of votes that results from that day's canvass must be made available to the general public immediately upon completion of the canvass.

(2) On the tenth day after a special election or a primary and on the fifteenth day after a general election, the canvassing board shall complete the canvass and certify the results. Each absentee ballot that was returned before the closing of the polls on the date of the primary or election for which it was issued, and each absentee ballot with a date of mailing on or before the date of the primary or election for which it was issued and received on or before the date on which the primary or election is certified, shall be included in the canvass report.

~~((2))~~ (3) At the request of any caucus of the state legislature, the county auditor shall transmit copies of all unofficial returns of state and legislative primaries or elections prepared by or for the county canvassing board to either the secretary of the senate or the chief clerk of the house.

## PART I ABSENTEE VOTING

**Sec. 6.** RCW 29.36.010 and 1991 c 81 s 29 are each amended to read as follows:

**ABSENTEE BALLOT VOTING.** Any registered voter of the state or any out-of-state voter, overseas voter, or service voter may vote by absentee ballot in any general election, special election, or primary in the manner provided in this chapter. Out-of-state

voters, overseas voters, and service voters are authorized to cast the same ballots, including those for special elections, as a registered voter of the state would receive under this chapter.

~~((1) Except as provided in subsections (2) and (3) of this section, in RCW 29.36.013, and in RCW 29.36.170, a registered voter or elector desiring to cast an absentee ballot must request the absentee ballot from his or her county auditor no earlier than forty-five days nor later than the day before any election or primary. Except as provided in subsection (3) of this section and in RCW 29.36.170, the request may be made orally in person, by telephone, or in writing. An application or request for an absentee ballot made under the authority of any federal statute or regulation shall be considered and given the same effect as a request for an absentee ballot under this chapter.~~

~~(2) For any registered voter, a request for an absentee ballot for a primary shall be honored as a request for an absentee ballot for the following general election if the voter so indicates in his or her request. For any out-of-state voter, overseas voter, or service voter, a request for an absentee ballot for a primary election shall also be honored as a request for an absentee ballot for the following general election.~~

~~(3) A voter admitted to a hospital no earlier than five days before a primary or election and confined to the hospital on election day may apply by messenger for an absentee ballot on the day of the primary or election if a signed statement from the hospital administrator, or designee, verifying the voter's date of admission and status as a patient in the hospital on the day of the primary or election is attached to the voter's written application for an absentee ballot.~~

~~(4) In a voter's request for an absentee ballot, the voter shall state the address to which the absentee ballot should be sent. A request for an absentee ballot from an out-of-state voter, overseas voter, or service voter shall state the address of that elector's last residence for voting purposes in the state of Washington and either a written application or the oath on the return envelope shall include a declaration of the other qualifications of the applicant as an elector of this state. A request for an absentee ballot from any other voter shall state the address at which that voter is currently registered to vote in the state of Washington or the county auditor shall verify such information from the voter registration records of the county.~~

~~(5) A request for an absentee ballot from a registered voter who is within this state shall be made directly to the auditor of the county in which the voter is registered. An absentee ballot request from a registered voter who is temporarily outside this state or from an out-of-state voter, overseas voter, or service voter may be made either to the appropriate county auditor or to the secretary of state, who shall promptly forward the request to the appropriate county auditor. No person, organization, or association may distribute absentee ballot applications within this state that contain any return address other than that of the appropriate county auditor.~~

~~(6) A person may request an absentee ballot for use by the person as a registered voter and may request an absentee ballot on behalf of any member of that person's immediate family who is a registered voter for use by the family member. As a means of ensuring that a person who requests an absentee ballot is requesting the ballot for only that person or a member of the person's immediate family, the secretary of state shall adopt rules prescribing the circumstances under which an auditor: May require a person who requests an absentee ballot to identify the date of birth of the voter for whom the ballot is requested; and may deny a request which is not accompanied by this information.)~~

**NEW SECTION. Sec. 7.** A new section is added to chapter 29.36 RCW to read as follows:

**REQUEST FOR SINGLE ABSENTEE BALLOT.** (1) Except as otherwise provided by law, a registered voter or out-of-state voter, overseas voter, or service voter desiring to cast an absentee ballot at a single election or primary must request the absentee ballot from his or her county auditor no earlier than ninety days nor later than the day of the election or primary at which the person seeks to vote. Except as otherwise provided by law, the request may be made orally in person, by telephone, electronically, or in writing. An application or request for an absentee ballot made under the authority of a federal statute or regulation will be considered and given the same effect as a request for an absentee ballot under this chapter.

(2) A voter requesting an absentee ballot for a primary may also request an absentee ballot for the following general election. A request by an out-of-state voter, overseas voter, or service voter for an absentee ballot for a primary election will be considered as a request for an absentee ballot for the following general election.

(3) In requesting an absentee ballot, the voter shall state the address to which the absentee ballot should be sent. A request for an absentee ballot from an out-of-state voter, overseas voter, or service voter must include the address of the last residence for voting purposes in the state of Washington and either a written application or the oath on the return envelope must include a declaration of the other qualifications of the applicant as an elector of this state. A request for an absentee ballot from any other voter must state the address at which that voter is currently registered to vote in the state of Washington or the county auditor shall verify that information from the voter registration records of the county.

(4) A request for an absentee ballot from a registered voter who is within this state must be made directly to the auditor of the county in which the voter is registered. An absentee ballot request from a registered voter who is temporarily outside this state or from an out-of-state voter, overseas voter, or service voter may be made either to the appropriate county auditor or to the secretary of state, who shall promptly forward the request to the appropriate county auditor. No person, organization, or association

may distribute absentee ballot applications within this state that contain a return address other than that of the appropriate county auditor.

**NEW SECTION. Sec. 8.** A new section is added to chapter 29.36 RCW to read as follows:

**REQUESTING ABSENTEE BALLOT FOR FAMILY MEMBER.** A registered voter may request an absentee ballot on behalf of and for use by a member of his or her immediate family who is also a registered voter. As a means of ensuring that a person who requests an absentee ballot is requesting the ballot for only that person or a member of the person's immediate family, the secretary of state shall adopt rules prescribing the circumstances under which an auditor may require a person who requests an absentee ballot to identify the date of birth of the voter for whom the ballot is requested and under what circumstances the auditor may deny a request that is not accompanied by this information.

**Sec. 9.** RCW 29.36.013 and 1993 c 418 s 1 are each amended to read as follows:

**REQUEST FOR ONGOING ABSENTEE VOTER STATUS.** Any registered voter may apply, in writing, for status as an ongoing absentee voter. Each qualified applicant shall automatically receive an absentee ballot for each ensuing election or primary for which ~~((he or she))~~ the voter is entitled to vote and need not submit a separate request for each election. Ballots received from ongoing absentee voters shall be validated, processed, and tabulated in the same manner as other absentee ballots.

Status as an ongoing absentee voter shall be terminated upon any of the following events:

- (1) The written request of the voter;
- (2) The death or disqualification of the voter;
- (3) The cancellation of the voter's registration record; ~~((or))~~
- (4) The return of an ongoing absentee ballot as undeliverable; or
- (5) A voter being placed on inactive status.

**Sec. 10.** RCW 29.36.170 and 1991 c 81 s 35 are each amended to read as follows:

**SPECIAL ABSENTEE BALLOT.** (1) As provided in this section, county auditors shall provide special absentee ballots to be used for state primary or state general elections. An auditor shall provide a special absentee ballot ~~((shall))~~ only ~~((be provided))~~ to a registered voter who completes an application stating that~~((:~~

~~((a) The voter believes that she or he will be residing or stationed or working outside the continental United States; and~~

~~((b) The voter believes that))~~ she or he will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.

The application for a special absentee ballot may not be filed earlier than ninety days before the applicable state primary or general election. The special absentee ballot ~~((shall))~~ will list the offices and measures, if known, scheduled to appear on the state primary or general election ballot. The voter may use the special absentee ballot to write in the name of any eligible candidate for each office and vote on any measure.

(2) With any special absentee ballot issued under this section, the county auditor shall include a listing of any candidates who have filed before the time of the application for offices that will appear on the ballot at that primary or election and a list of any issues that have been referred to the ballot before the time of the application.

(3) Write-in votes on special absentee ballots ~~((shall))~~ must be counted in the same manner provided by law for the counting of other write-in votes. The county auditor shall process and canvass the special absentee ballots provided under this section in the same manner as other absentee ballots under chapters 29.36 and 29.62 RCW.

(4) A voter who requests a special absentee ballot under this section may also request an absentee ballot under ~~((RCW 29.36.010))~~ section 7(4) of this act. If the regular absentee ballot is properly voted and returned, the special absentee ballot ~~((shall be deemed))~~ is void, and the county auditor shall reject it in whole when special absentee ballots are canvassed.

**Sec. 11.** RCW 29.36.030 and 1991 c 81 s 31 are each amended to read as follows:

**ISSUANCE OF ABSENTEE BALLOT.** (1) The county auditor shall issue an absentee ballot for the primary or election for which it was requested, or for the next occurring primary or election when ongoing absentee status has been requested if the information contained in a request for an absentee ballot or ongoing absentee status received by the county auditor is complete and correct and the applicant is qualified to vote under federal or state law~~((, the county auditor shall issue an absentee ballot for the primary or election for which the absentee ballot was requested))~~. Otherwise, the county auditor shall notify the applicant of the reason or reasons why the request cannot be accepted. Whenever two or more candidates have filed for the position of precinct committee officer for the same party in the same precinct at a general election held in an even-numbered year, the contest for that position must be presented to absentee voters from that precinct by either including the contest on the regular absentee ballot or a separate absentee ballot.

~~((At each general election in an even-numbered year, each absentee voter shall also be given a separate ballot containing the names of the candidates that have filed for the office of precinct committee officer unless fewer than two candidates have filed for the same political party in the absentee voter's precinct. The ballot shall provide space for writing in the name of additional candidates.~~

~~When mailing an absentee ballot to a registered voter temporarily outside the state or to an out-of-state voter, overseas voter, or service voter, the county auditor shall send a) (2) A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. The voter may obtain the ballot by telephone request, by mail, electronically, or in person. The county auditor shall keep a record of each replacement ballot provided under this subsection.~~

~~(3) A copy of the state voters' and candidates' pamphlet must be sent to registered voters temporarily outside the state, out-of-state voters, overseas voters, and service voters along with the absentee ballot if such a pamphlet has been prepared for the primary or election. The county auditor shall mail all absentee ballots and related material to voters outside the territorial limits of the United States and the District of Columbia under 39 U.S.C. 3406.~~

**Sec. 12.** RCW 29.36.035 and 1984 c 27 s 2 are each amended to read as follows:

DELIVERY OF ABSENTEE BALLOT. The delivery of an absentee ballot for any primary or election shall be subject to the following qualifications:

(1) Only the registered voter ~~((, himself))~~ personally, or a member of ~~((his))~~ the registered voter's immediate family may pick up an absentee ballot for the voter at the office of the issuing officer unless the voter is ~~((hospitalized))~~ a resident of a health care facility, as defined by RCW 70.37.020(3), on election day and applies by messenger ~~((in accordance with RCW 29.36.040))~~ for an absentee ballot ~~((on the day of the primary or election))~~. In this latter case, the messenger may pick up the ~~((hospitalized))~~ voter's absentee ballot.

(2) Except as noted in subsection (1) ~~((above))~~ of this section, the issuing officer shall mail or deliver the absentee ballot directly to each applicant.

~~((3) No absentee ballot shall be issued on the day of the primary or election concerned, except as provided by RCW 29.36.040, for a voter confined to a hospital on the day of a primary or election.))~~

**Sec. 13.** RCW 29.36.045 and 1987 c 346 s 12 are each amended to read as follows:

ENVELOPES AND INSTRUCTIONS. The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The larger return envelope ~~((shall))~~ must contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The return envelope ~~((shall))~~ must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. A summary of the applicable penalty provisions of this chapter ~~((shall))~~ must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope ~~((shall))~~ must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter ~~((shall))~~ must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

NEW SECTION. **Sec. 14.** A new section is added to chapter 29.36 RCW to read as follows:

DEFINITIONS. For purposes of canvassing and counting absentee ballots:

(1) "Initial processing" means all steps taken to prepare absentee ballots for tabulation, except for the reading of ballots by an electronic vote tallying system. Initial processing includes, but is not limited to, verification of signatures on return envelopes; removal of security envelopes from the return envelopes; removal of ballots from the security envelopes; manual inspection for damage, for write-in votes, and for incorrect or incomplete marks; duplication of damaged and write-in ballots; and other preparation of ballots for final processing.

(2) "Final processing" means the reading of ballots by an electronic vote tallying system, but does not include tabulation.

(3) "Tabulation" means the production of returns of votes cast regarding candidates or measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals.

NEW SECTION. **Sec. 15.** A new section is added to chapter 29.36 RCW to read as follows:

OBSERVERS. (1) Before initial processing of absentee ballots, the county auditor shall notify the county chair of each major political party of the time and date on which absentee processing will begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of absentee ballots. If a major political party has appointed observers, the observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend does not preclude the processing or tabulation of absentee ballots.

(2) The auditor shall adopt administrative procedures for the initial and final processing of absentee ballots. Copies of these administrative procedures must be made available to the political party observers, and to the public upon request.

**Sec. 16.** RCW 29.36.060 and 1991 c 81 s 32 are each amended to read as follows:

PROCESSING ABSENTEE BALLOTS. ~~((The opening and subsequent processing of return envelopes for any primary or election may begin on or after the tenth day prior to such primary or election. The opening of the security envelopes and tabulation of absentee ballots shall not commence until after 8:00 o'clock p.m. on the day of the primary or election.~~

~~After opening the return envelopes, the county canvassing board shall place all of the ballot envelopes in containers that can be secured with numbered seals. These sealed containers shall be stored in a secure location until after 8:00 o'clock p.m. of the day of the primary or election. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation before sealing the containers.-))~~

~~(1) Before opening a returned absentee ballot, the canvassing board, or its designated representatives, shall examine the postmark, statement, and signature on ((each)) the return envelope ((containing)) that contains the security envelope and absentee ballot. They shall verify that the voter's signature on the return envelope is the same as the signature of that voter in the registration files ((for that voter)) of the county. For ((absentee)) registered voters ((other than out-of-state voters, overseas voters, and service voters, if the postmark is illegible)) casting absentee ballots, the date on the return envelope to which the voter ((attests shall)) has attested determines the validity, as to the time of voting((, of)) for that absentee ballot ((under this chapter)) if the postmark is missing or is illegible. For out-of-state voters, overseas voters, and service voters, the date on the return envelope to which the voter has attested determines the validity as to the time of voting for that absentee ballot. For any absentee ((voter)) ballot, a variation between the signature of the voter on the return envelope and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.~~

~~(2) Absentee ballot return envelopes for a primary or election may be opened for initial processing on or after the tenth day before that primary or election.~~

~~(3) After opening the return envelopes, the county canvassing board shall either:~~

~~(a) Place all of the security envelopes containing the absentee ballots in containers, and secure the containers with numbered seals; or~~

~~(b) In the case of absentee ballots that will be tabulated on an electronic vote tallying system, open the security envelopes, perform the initial processing, place the absentee ballots in containers, and keep the containers in secure storage until the ballots are ready for final processing.~~

~~(4) The canvassing board, or its designated representatives, shall establish audit procedures that insure that the absentee ballots are kept in secure storage during the initial processing period.~~

~~(5) The absentee ballots must not be removed from secure storage until final processing begins. Final processing may not begin before 7:00 a.m. on the day of the primary or election. In counties using electronic vote tallying systems, the absentee ballots must be tabulated under continuous observation of representatives of the major political parties, and all other security provisions required by the secretary of state under RCW 29.04.210 and 29.36.150. No results from tabulation of absentee ballots may be produced or distributed until after 8:00 p.m. on the day of the primary or election.~~

**Sec. 17.** RCW 29.36.070 and 1990 c 262 s 2 are each amended to read as follows:

COUNTING ABSENTEE BALLOTS. ~~The absentee ballots ((shall be grouped and counted by))~~ must be reported at a minimum on a congressional and legislative district ((without regard to)) basis. Absentee ballots may be counted by congressional or legislative basis or by individual precinct, except as required under RCW 29.62.090(2).

~~These returns ((shall))~~ must be added to the total of the votes cast at the polling places.

**Sec. 18.** RCW 29.36.075 and 1988 c 181 s 3 are each amended to read as follows:

PROCESSING DETAILS. ~~((In counties that do not tabulate absentee ballots on electronic vote tallying systems, canvassing boards may not tabulate or record votes cast by absentee ballots on any uncontested office except write-in votes for candidates for the office of precinct committee person who have filed valid declarations of candidacy under RCW 29.04.180. "Uncontested office" means an office where only one candidate has filed a valid declaration of candidacy either during the regular filing period or as a write-in candidate under RCW 29.04.180.))~~

~~Each registered voter casting an absentee ballot ((shall))~~ will be credited with voting on his or her voter registration record. Absentee ballots ((shall)) must be retained for the same length of time and in the same manner as ballots cast at the precinct polling places.

**Sec. 19.** RCW 29.36.097 and 1991 c 81 s 33 are each amended to read as follows:

ABSENTEE BALLOT RECORDS. ~~Each county auditor shall maintain in his or her office, open for public inspection and copying, a record of the requests he or she has received for absentee ballots ((under this chapter)), a listing of all ongoing absentee voters, and a daily cumulative listing of the names of voters whose absentee ballots have been returned before each primary and election.~~

The information from the requests ~~((shall))~~ must be recorded and lists of this information ~~((shall))~~ must be available no later than ~~((twenty-four hours))~~ the next business day after their receipt. Lists of ongoing absentee voters must be available at all times.

This information about absentee voters ~~((shall))~~ requesting ballots will be available according to the date of the requests and by legislative district. It ~~((shall))~~ must include the name of each applicant, the address and precinct in which the voter maintains a voting residence, the date on which an absentee ballot was issued to this voter, if applicable, the type of absentee ballot, and the address to which the ballot was or is to be mailed, if applicable, and the names of the voters whose absentee ballots have been returned.

The auditor shall make copies of these records available to the public in either paper or electronic format for the actual cost of production or copying.

**Sec. 20.** RCW 29.36.100 and 1987 c 346 s 18 are each amended to read as follows:

CHALLENGED ABSENTEE BALLOTS. The qualifications of any absentee voter may be challenged at the time the signature on the return envelope is verified and the ballot is processed by the canvassing board. The board has the authority to determine the legality of any absentee ballot challenged under this section. Challenged ballots must be handled in accordance with chapter 29.10 RCW.

**Sec. 21.** RCW 29.36.150 and 1993 c 417 s 7 are each amended to read as follows:

The secretary of state shall adopt rules implementing this chapter, including rules to:

- (1) Establish standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots ~~((and mail ballots));~~
  - (2) Establish standards and procedures to guarantee the secrecy of absentee ballots ~~((and mail ballots));~~
  - (3) Provide uniformity among the counties of the state in the conduct of absentee voting ~~((and mail ballot elections));~~
  - ~~((and))~~ (4) Facilitate the operation of the provisions of this chapter regarding out-of-state voters, overseas voters, and service voters;
  - (5) Provide flexible requirements for persons confined in health care facilities to apply for and receive absentee ballots;
- and

(6) Provide standards for electronic requests for absentee ballots.

The secretary of state shall produce and furnish envelopes and instructions for out-of-state voters, overseas voters, and service voters to the county auditors.

**Sec. 22.** RCW 29.36.160 and 1994 c 269 s 2 are each amended to read as follows:

A person who willfully violates any provision of this chapter regarding the assertion or declaration of qualifications to receive or cast an absentee ballot~~((,))~~ or unlawfully casts a vote by absentee ballot~~((, or willfully violates any provision regarding the conduct of mail ballot primaries or elections under RCW 29.36.120 through 29.36.139))~~ is guilty of a class C felony punishable under RCW 9A.20.021. Except as provided in chapter 29.85 RCW a person who willfully violates any other provision of this chapter is guilty of a misdemeanor.

NEW SECTION. **Sec. 23.** A new section is added to chapter 29.54 RCW to read as follows:

The secretary of state shall adopt rules providing for posters summarizing election crimes and maximum penalties to be displayed prominently in all locations where absentee ballots and ballots picked up from precincts are processed and tabulated.

## PART II MAIL BALLOTS

**Sec. 24.** RCW 29.36.120 and 1994 c 269 s 1 and 1994 c 57 s 48 are each reenacted and amended to read as follows:

MAIL BALLOT PRECINCTS. ~~((1) At any primary or election, general or special,))~~ The county auditor may~~((, in))~~ designate any precinct having fewer than two hundred active registered voters at the time of closing of voter registration as provided in RCW 29.07.160~~((, conduct the voting in that precinct by))~~ as a mail ballot precinct. ~~((For any precinct having fewer than two hundred active registered voters where voting at a primary or a general election is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of that primary or general election, mail or deliver to each active and inactive registered voter within that precinct a notice that the voting in that precinct will be by mail ballot, an application form for a mail ballot, and a postage prepaid envelope, preaddressed to the issuing officer. A mail ballot shall be issued to each voter who returns a properly executed application to the county auditor no later than the day of that primary or general election. For all subsequent mail ballot elections in that precinct the application is valid so long as the voter remains active and qualified to vote.))~~ The county auditor shall notify each registered voter by mail that for all future primaries and elections the voting in his or her precinct will be by mail ballot only. In determining the number of registered voters in a precinct for the purposes of this section, persons who are ongoing

absentee voters under RCW 29.36.013 (as recodified by this act) shall not be counted. Nothing in this section may be construed as altering the vote tallying requirements of RCW 29.62.090.

~~((At any nonpartisan special election not being held in conjunction with a state primary or general election, the county, city, town, or district requesting the election pursuant to RCW 29.13.010 or 29.13.020 may also request that the election be conducted by mail ballot. The county auditor may honor the request or may determine that the election is not to be conducted by mail ballot. The decision of the county auditor in this regard is final.~~

~~In no instance shall any special election be conducted by mail ballot in any precinct with two hundred or more active registered voters if candidates for partisan office are to be voted upon.~~

~~For all special elections not being held in conjunction with a state primary or state general election where voting is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of such election, mail or deliver to each active registered voter a mail ballot and an envelope, preaddressed to the issuing officer.)~~ As soon as ballots are available, the county auditor shall mail or deliver a ballot and an envelope, preaddressed to the issuing officer, to each active registered voter. The auditor shall send each inactive voter either a ballot or an application to receive a ballot. The auditor shall determine which of the two is to be sent. If the inactive voter returns a voted ballot, the ballot shall be counted and the voter's status restored to active. If the inactive voter completes and returns an application, a ballot shall be sent and the voter's status restored to active.

~~((2) For a two-year period beginning on June 9, 1994, and ending two years after June 9, 1994, the county auditor may conduct the voting in any precinct by mail for any primary or election, partisan or nonpartisan, using the procedures set forth in RCW 29.36.120 through 29.36.139.)~~

If the precinct exceeds two hundred registered voters, or the auditor determines to return to a polling place election environment, the auditor shall notify each registered voter, by mail, of this and shall provide the address of the polling place to be used.

**Sec. 25.** RCW 29.36.121 and 1994 c 57 s 49 are each amended to read as follows:

MAIL BALLOT SPECIAL ELECTIONS. ~~((4))~~ At any nonpartisan special election not being held in conjunction with a state primary or general election, the county, city, town, or district requesting the election pursuant to RCW 29.13.010 or 29.13.020 may also request that the special election be conducted by mail ballot. The county auditor may honor the request or may determine that the election is not to be conducted by mail ballot. The decision of the county auditor in this regard is final.

~~((2) In an odd-numbered year, the county auditor may conduct by mail ballot a primary or a special election concurrently with the primary:~~

~~(a) For any office or ballot measure of a special purpose district which is entirely within the county;~~

~~(b) For any office or ballot measure of a special purpose district which lies in the county and one or more other counties if the auditor first secures the concurrence of the county auditors of those other counties to conduct the primary in this manner district-wide; and~~

~~(c) For any ballot measure or nonpartisan office of a county, city, or town if the auditor first secures the concurrence of the legislative authority of the county, city, or town involved.~~

~~A primary in an odd-numbered year may not be conducted by mail ballot in any precinct with two hundred or more active registered voters if a partisan office or state office or state ballot measure is to be voted upon at that primary in the precinct.~~

~~(3)) For all special elections not being held in conjunction with a state primary or state general election where voting is conducted by mail ballot, the county auditor shall, not less than fifteen days before the date of such election, mail or deliver to each registered voter a mail ballot ((and an envelope, preaddressed to the issuing officer. The county auditor shall notify an election jurisdiction for which a primary is to be held that the primary will be conducted by mail ballot)).~~ The auditor shall handle inactive voters in the same manner as inactive voters in mail ballot precincts.

~~((4) To the extent they are not inconsistent with subsections (1) through (3) of this section, the laws governing the conduct of mail ballot special elections apply to nonpartisan primaries conducted by mail ballot.)~~

For a special election conducted by mail ballot, the county auditor shall include with the ballot a clear explanation of the qualifications necessary to vote in that election and shall also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, provided on an enclosed insert, or printed directly on the ballot itself. If this information is included, vote by mail special election ballots may be forwarded to voters in the same manner as absentee ballots. If the information is not included in the instructions, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

**NEW SECTION. Sec. 26.** ODD-YEAR PRIMARIES BY MAIL. In an odd-numbered year, the county auditor may conduct a primary or a special election by mail ballot concurrently with the primary:

(1) For an office or ballot measure of a special purpose district that is entirely within the county;

(2) For an office or ballot measure of a special purpose district that lies in the county and one or more other counties if the auditor first secures the concurrence of the county auditors of those other counties to conduct the primary in this manner district-wide; and

(3) For a ballot measure or nonpartisan office of a county, city, or town if the auditor first secures the concurrence of the legislative authority of the county, city, or town involved.

The county auditor shall notify an election jurisdiction for which a primary is to be held that the primary will be conducted by mail ballot.

A primary in an odd-numbered year may not be conducted by mail ballot in a precinct with two hundred or more active registered voters if a partisan office or state office or state ballot measure is to be voted upon at that primary in the precinct.

To the extent they are not inconsistent with other provisions of law, the laws governing the conduct of mail ballot special elections apply to nonpartisan primaries conducted by mail ballot.

**Sec. 27.** RCW 29.36.124 and 1983 1st ex.s. c 71 s 3 are each amended to read as follows:

DEPOSITING BALLOTS FOR MAIL BALLOT ELECTIONS. ~~((4))~~ If a county auditor conducts an election by mail, the county auditor shall designate the county auditor's office ~~((or a central location in the district in which the election is conducted))~~ as the single place to obtain a replacement ballot. The county auditor also shall designate one or more places for the deposit of ballots not returned by mail. The places designated under this section shall be open on the date of the election for a period of at least thirteen hours, beginning at 7:00 a.m. and ending at 8:00 p.m., and at any other times designated by the county auditor.

~~((2) A registered voter may obtain a replacement ballot as provided in this subsection if the ballot is destroyed, spoiled, lost, or not received by the voter. A registered voter seeking a replacement ballot shall sign a sworn statement that the ballot was destroyed, spoiled, lost, or not received and shall present the statement to the county auditor no later than the day of the election. Each spoiled ballot must be returned to the county auditor before a new one is issued. The county auditor shall keep a record of each replacement ballot provided under this subsection.))~~

**Sec. 28.** RCW 29.36.126 and 1993 c 417 s 4 are each amended to read as follows:

RETURN OF VOTED BALLOT BY VOTER. ~~((Upon receipt of the mail ballot, the voter shall mark it, sign the return identification envelope supplied with the ballot, and comply with the instructions provided with the ballot. The voter may return the marked ballot to the county auditor. The ballot must be returned))~~ The voter shall return the ballot to the county auditor in the return identification envelope. If mailed, a ballot must be postmarked not later than the date of the primary or election. Otherwise, the ballot must be deposited at the office of the county auditor or the designated place of deposit not later than 8:00 p.m. on the date of the primary or election.

**Sec. 29.** RCW 29.36.130 and 1993 c 417 s 5 are each amended to read as follows:

BALLOT CONTENTS--COUNTING. All mail ballots authorized by RCW 29.36.120 or 29.36.121 ~~((shall))~~ (as recodified by this act) or section 26 of this act must contain the same offices, names of nominees or candidates, and propositions to be voted upon, including precinct offices, as if the ballot had been voted in person at the polling place. Except as otherwise provided ~~((in this chapter))~~ by law, mail ballots ~~((shall))~~ must be ~~((issued and canvassed))~~ treated in the same manner as absentee ballots issued ~~((pursuant to))~~ at the request of the voter. ~~((The county canvassing board, at the request of the county auditor, may direct that mail ballots be counted on the day of the election. If such count is made, it must be done in secrecy in the presence of the canvassing board or their authorized representatives and the results not revealed to any unauthorized person until 8:00 p.m. or later if the auditor so directs.))~~ If electronic vote tallying devices are used, political party observers ~~((shall be afforded))~~ must be given the opportunity to be present, and a test of the equipment must be performed as required by RCW 29.33.350 ~~((prior to the count of))~~ before tabulating ballots. Political party observers may select at random ballots to be counted manually as provided by RCW 29.54.025. Any violation of the secrecy of ~~((such))~~ the count ~~((shall be))~~ is subject to the same penalties as provided for in RCW 29.85.225.

NEW SECTION. **Sec. 30.** RULES. The secretary of state shall adopt rules to:

(1) Establish standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of mail ballots;

(2) Establish standards and procedures to guarantee the secrecy of mail ballots;

(3) Provide uniformity among the counties of the state in the conduct of mail ballot elections; and

(4) Provide for requests for a replacement ballot at a mail ballot election to be made electronically.

The secretary of state shall produce and furnish envelopes and instructions for mail ballot elections for all out-of-state, overseas voters, and service voters.

NEW SECTION. **Sec. 31.** PENALTY. A person who willfully violates any provision of this chapter regarding the conduct of mail ballot primaries or elections is guilty of a class C felony punishable under RCW 9A.20.021.

### PART III

## POLLING PLACE REGULATIONS

**Sec. 32.** RCW 29.36.050 and 1987 c 346 s 13 are each amended to read as follows:

A registered voter shall not be allowed to vote a regular ballot in the precinct in which he or she is registered at any election or primary for which that voter has ~~((east)) requested~~ an absentee ballot or if the voter is an ongoing absentee voter. A registered voter who has requested an absentee ballot for a primary or special or general election or who is an ongoing absentee voter but chooses to vote at the voter's precinct polling place in that primary or election ~~((shall cast a ballot in the manner prescribed by RCW 29.10.127 for challenged ballots))~~ must be issued and allowed to cast a special ballot. The canvassing board shall not count the ballot if it finds that the voter has also voted by absentee ballot in that primary or election.

**Sec. 33.** RCW 29.54.085 and 1990 c 59 s 33 are each amended to read as follows:

(1) The ballots picked up from the precincts during the polling hours may be ~~((counted))~~ initially and finally processed, but not tabulated, before the polls have closed. ~~((Election returns from the count of these ballots))~~ Results of paper ballots that were tabulated at precinct polling sites before the close of polls under RCW 29.54.018 must be held in secrecy until the polls have been closed ~~((as provided by RCW 29.54.018))~~.

(2) Upon breaking the seals and opening the ballot containers from the precincts or opening the inner security envelopes for absentee ballots, all voted ballots shall be manually inspected for damage, write-in votes, and incorrect or incomplete marks. If it is found that any ballot is damaged or has incorrect or incomplete marks so that it cannot properly be counted by the vote tallying system, a true duplicate copy shall be made of the ~~((damaged))~~ original ballot in the presence of witnesses and substituted for the ~~((damaged))~~ original ballot. All ~~((damaged))~~ original ballots for which a true duplicate copy has been made shall be kept by the county auditor until sixty days after the primary or election. Ballots may not be enhanced, except that where a voter makes a write-in vote but fails to otherwise mark a ballot indicating that a write-in vote has been made, the ballot may be enhanced by making the mark indicating that a write-in vote has been made.

Notice of the making of true duplicate copies of original ballots or enhancing ballots, as authorized in this subsection, shall be made in the same manner as notice of a special meeting is made under RCW 42.30.080 and shall also be made to the chair of the county central committee of each major political party in the county.

(3) The returns produced by the vote tallying system, to which have been added the counts of questioned ballots, write-in votes, and absentee votes, constitute the official returns of the primary or election in that county.

## PART IV TECHNICAL

**NEW SECTION. Sec. 34.** The following acts or parts of acts are each repealed:

(1) RCW 29.36.122 (Special election by mail--Sending ballots to voters) and 1994 c 57 s 50, 1993 c 417 s 3, & 1983 1st ex.s. c 71 s 2; and

(2) RCW 29.36.139 (Mail ballots--Counting requirements--Challenge) and 1993 c 417 s 6 & 1983 1st ex.s. c 71 s 6.

**NEW SECTION. Sec. 35.** (1) RCW 29.36.010, 29.36.013, 29.36.170, 29.36.030, 29.36.035, 29.36.045, 29.36.060, 29.36.070, 29.36.075, 29.36.097, 29.36.100, 29.36.150, and 29.36.160 are each recodified within chapter 29.36 RCW, in the order shown in this act, along with sections 7, 8, 14, and 15 of this act.

(2) RCW 29.36.120, 29.36.121, 29.36.124, 29.36.126, and 29.36.130 are each recodified, and, along with sections 26, 30, and 31 of this act, constitute a new chapter in Title 29 RCW.

(3) RCW 29.36.050 is recodified as a new section in chapter 29.51 RCW.

**NEW SECTION. Sec. 36.** Section captions and part headings used in this act are not part of the law."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER,  
Co-Chief Clerk

## MOTION

On motion of Senator Patterson, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5640 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 14, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5672 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.40.050 and 1992 c 118 s 3 are each amended to read as follows:

(1) Any person who is a whistleblower, as defined in RCW 42.40.020, and who ((as a result of being a whistleblower)) has been subjected to workplace reprisal or retaliatory action ((has)) is presumed to have established a cause of action for the remedies provided under chapter 49.60 RCW. For the purpose of this section "reprisal or retaliatory action" means but is not limited to any of the following:

~~((1))~~ (a) Denial of adequate staff to perform duties;

~~((2))~~ (b) Frequent staff changes;

~~((3))~~ (c) Frequent and undesirable office changes;

~~((4))~~ (d) Refusal to assign meaningful work;

~~((5))~~ (e) Unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations;

~~((6))~~ (f) Demotion;

~~((7))~~ (g) Reduction in pay;

~~((8))~~ (h) Denial of promotion;

~~((9))~~ (i) Suspension;

~~((10))~~ (j) Dismissal;

~~((11))~~ (k) Denial of employment; ~~((and))~~

~~((12))~~ (l) A supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistleblower; and

(m) A change in the physical location of the employee's workplace or a change in the basic nature of the employee's job, if either are in opposition to the employee's expressed wish.

(2) The agency presumed to have taken retaliatory action under subsection (1) of this section may rebut that presumption by proving by a preponderance of the evidence that the agency action or actions were justified by reasons unrelated to the employee's status as a whistleblower.

(3) Nothing in this section prohibits an agency from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower. However, the agency also shall implement any order under chapter 49.60 RCW (other than an order of suspension if the agency has terminated the retaliator)."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER,  
Co-Chief Clerk

MOTION

On motion of Senator Kline, the Senate concurred in the House amendment to Substitute Senate Bill No. 5672.

MOTIONS

On motion of Senator Franklin, Senators Bauer, Loveland and Snyder were excused.

On motion of Senator Honeyford, Senators McDonald, Rossi and West were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5672, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5672, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 41.

Voting nay: Senator Finkbeiner - 1.

Excused: Senators Bauer, Loveland, McCaslin, McDonald, Rossi, Snyder and West - 7.

SUBSTITUTE SENATE BILL NO. 5672, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused.

#### MESSAGE FROM THE HOUSE

April 12, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5781 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 82.04.4453 and 1996 c 128 s 1 are each amended to read as follows:

(1)(a) Employers in this state who are taxable under this chapter and provide financial incentives to their employees for ride sharing, for using public transportation, or for using nonmotorized commuting before June 30, ~~((2000))~~ 2006, shall be allowed a credit for amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, or for using nonmotorized commuting, not to exceed sixty dollars per employee per year. The credit shall be equal to the amount paid to or on behalf of each employee multiplied by fifty percent, but may not exceed sixty dollars per employee per year.

(b) Property managers who are taxable under this chapter and provide financial incentives to persons employed at a worksite managed by the property manager in this state for ride sharing, for using public transportation, or for using nonmotorized commuting before June 30, 2006, shall be allowed a credit for amounts paid to or on behalf of these persons for ride sharing in vehicles carrying two or more persons, for using public transportation, or for using nonmotorized commuting, not to exceed sixty dollars per person per year. A person may not take a credit under this section for amounts claimed for credit by other persons.

(c) For ride sharing in vehicles carrying two persons, the credit shall be equal to the amount paid to or on behalf of each employee multiplied by thirty percent, but may not exceed sixty dollars per employee per year. The credit may not exceed the amount of tax that would otherwise be due under this chapter.

(2) Application for tax credit under this chapter may only be made in the form and manner prescribed in rules adopted by the department.

(3) The credit shall be taken not more than once quarterly and not less than once annually against taxes due for the same calendar year in which the amounts for which credit is claimed were paid to or on behalf of employees for ride sharing, for using public transportation, or for using nonmotorized commuting and must be claimed by the due date of the last tax return for the calendar year in which the payment is made.

(4) The director shall on the 25th of February, May, August, and November of each year advise the state treasurer of the amount of credit taken during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

(5) On the first of April, July, October, and January of each year, the state treasurer based upon information provided by the department shall deposit to the general fund a sum equal to the dollar amount of the credit provided under subsection (1) of this section from the air pollution control account ~~((to the general fund))~~, the transportation account, and the public transportation systems account. The first draw on reimbursements to the general fund must be from the air pollution control account, and reimbursements must not exceed one and one-half million dollars in any calendar year for the tax credits claimed under RCW 82.04.4453 and 82.16.048. Reimbursements to the general fund in excess of that amount drawn from the air pollution control account must be drawn, subject to appropriation, in equal amounts from the transportation account and the public transportation systems account; but in no case may those amounts exceed three hundred seventy-five thousand dollars from each account in any calendar year.

(6) The commute trip reduction task force shall determine the effectiveness of this tax credit as part of its ongoing evaluation of the commute trip reduction law and report ~~((no later than December 1, 1997,))~~ to the legislative transportation committee and to the fiscal committees of the house of representatives and the senate. The report shall include information on the amount of tax credits claimed to date and recommendations on future funding for the tax credit program. The report shall be incorporated into the recommendations required in RCW 70.94.537(5).

(7) Any person who knowingly makes a false statement of a material fact in the application for a credit under subsection (1) of this section is guilty of a gross misdemeanor.

(8) A person may not receive credit for amounts paid to or on behalf of the same employee under both this section and RCW 82.16.048.

**Sec. 2.** RCW 82.16.048 and 1996 c 128 s 3 are each amended to read as follows:

(1)(a) Employers in this state who are taxable under this chapter and provide financial incentives to their employees for ride sharing, for using public transportation, or for using nonmotorized commuting before June 30, ~~((2000))~~ 2006, shall be allowed a credit for amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, or for using nonmotorized commuting, not to exceed sixty dollars per employee per year. The credit shall be equal to the amount paid to or on behalf of each employee multiplied by fifty percent, but may not exceed sixty dollars per employee per year.

(b) Property managers who are taxable under this chapter and provide financial incentives to persons employed at a worksite managed by the property manager in this state for ride sharing, for using public transportation, or for using nonmotorized commuting before June 30, 2006, shall be allowed a credit for amounts paid to or on behalf of these persons for ride sharing in vehicles carrying two or more persons, for using public transportation, or for using nonmotorized commuting, not to exceed sixty dollars per person per year. A person may not take a credit under this section for amounts claimed for credit by other persons.

(c) For ride sharing in vehicles carrying two persons, the credit shall be equal to the amount paid to or on behalf of each employee multiplied by thirty percent, but may not exceed sixty dollars per employee per year. The credit may not exceed the amount of tax that would otherwise be due under this chapter.

(2) Application for tax credit under this chapter may only be made in the form and manner prescribed in rules adopted by the department.

(3) The credit shall be taken not more than once quarterly and not less than once annually against taxes due for the same calendar year in which the amounts for which credit is claimed were paid to or on behalf of employees for ride sharing, for using public transportation, or for using nonmotorized commuting and must be claimed by the due date of the last tax return for the calendar year in which the payment is made.

(4) The director shall on the 25th of February, May, August, and November of each year advise the state treasurer of the amount of credit taken during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

(5) On the first of April, July, October, and January of each year, the state treasurer based upon information provided by the department shall deposit to the general fund a sum equal to the dollar amount of the credit provided under subsection (1) of this section from the air pollution control account ~~((to the general fund)), the transportation account, and the public transportation systems account.~~ The first draw on reimbursements to the general fund must be from the air pollution control account, and reimbursements must not exceed one and one-half million dollars in any calendar year for the tax credits claimed under RCW 82.04.4453 and 82.16.048. Reimbursements to the general fund in excess of that amount drawn from the air pollution control account must be drawn, subject to appropriation, in equal amounts from the transportation account and the public transportation systems account; but in no case may those amounts exceed three hundred seventy-five thousand dollars from each account in any calendar year.

(6) The commute trip reduction task force shall determine the effectiveness of this tax credit as part of its ongoing evaluation of the commute trip reduction law and report ~~((no later than December 1, 1997,))~~ to the legislative transportation committee and to the fiscal committees of the house of representatives and the senate. The report shall include information on the amount of tax credits claimed to date and recommendations on future funding for the tax credit program. The report shall be incorporated into the recommendations required in RCW 70.94.537(5).

(7) Any person who knowingly makes a false statement of a material fact in the application for a credit under subsection (1) of this section is guilty of a gross misdemeanor.

(8) A person may not receive credit for amounts paid to or on behalf of the same employee under both this section and RCW 82.04.4453.

**Sec. 3.** RCW 82.04.4454 and 1996 c 128 s 2 are each amended to read as follows:

(1) The department shall keep a running total of all credits granted under RCW 82.04.4453 and 82.16.048 during each calendar year, and shall disallow any credits that would cause the tabulation for any calendar year to exceed ~~((one))~~ two million

~~((five)) two hundred twenty-five thousand dollars, or the amount provided from the air pollution control account and the appropriations from the transportation account and the public transportation systems account, whichever is less.~~

(2) No ~~((employer shall be))~~ person is eligible for tax credits under RCW 82.04.4453 and 82.16.048 in excess of one hundred thousand dollars in any calendar year.

(3) No ~~((employer shall be))~~ person is eligible for tax credits under RCW 82.04.4453 in excess of the amount of tax that would otherwise be due under this chapter.

(4) No portion of an application for credit disallowed under this section may be carried back or carried forward.

**Sec. 4.** RCW 82.16.049 and 1996 c 128 s 4 are each amended to read as follows:

(1) The department shall keep a running total of all credits granted under RCW 82.04.4453 and 82.16.048 during each calendar year, and shall disallow any credits that would cause the tabulation for any calendar year to exceed ~~((one))~~ two million ((five)) two hundred twenty-five thousand dollars, or the amount provided from the air pollution control account and the appropriations from the transportation account and the public transportation systems account, whichever is less.

(2) No ~~((employer shall be))~~ person is eligible for tax credits under RCW 82.04.4453 and 82.16.048 in excess of one hundred thousand dollars in any calendar year.

(3) No ~~((employer shall be))~~ person is eligible for tax credits under RCW 82.16.048 in excess of the amount of tax that would otherwise be due under this chapter.

(4) No portion of an application for credit disallowed under this section may be carried back or carried forward.

**Sec. 5.** RCW 82.44.180 and 1998 c 321 s 41 (Referendum Bill No. 49) are each amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.110 and 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

~~(2) ((There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be appropriated to the transportation improvement board and allocated by the transportation improvement board to public transportation projects within the region from which the funds are derived, solely for:~~

~~(a) Planning;~~

~~(b) Development of capital projects;~~

~~(c) Development of high capacity transportation systems as defined in RCW 81.104.015;~~

~~(d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and~~

~~(e) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board from other fund sources.~~

~~(3)) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) and (c) shall be appropriated to the transportation improvement board and allocated by the transportation improvement board to public transportation projects submitted by the public transportation systems ~~((from which the funds are derived))~~ as defined by chapters 36.56, 36.57, and 36.57A RCW and RCW 35.84.060 and 81.112.030, and the Washington state ferry system, solely for:~~

(a) Planning;

(b) Development of capital projects;

(c) Development of high capacity transportation systems as defined in RCW 81.104.015;

(d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;

(e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; ~~((and))~~

(f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board from other fund sources; and

(g) Reimbursement to the general fund of tax credits authorized under RCW 82.04.4453 and 82.16.048, subject to appropriation.

**Sec. 6.** 1996 c 128 s 7 (uncodified) is amended to read as follows:

(1) This act takes effect July 1, 1996.

(2) This act expires December 31, ~~((2000))~~ 2006.

**Sec. 7.** 1996 c 128 s 6 (uncodified) is amended to read as follows:

This act shall expire December 31, ~~((2000))~~ 2006.

**NEW SECTION. Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions and takes effect July 1, 1999."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER,  
Co-Chief Clerk

#### MOTION

On motion of Senator Eide, the Senate concurred in the House amendment to Substitute Senate Bill No. 5781.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5781, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5781, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 4; Absent, 1; Excused, 7.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Winsley and Wojahn - 37. Voting nay: Senators Honeyford, Roach, Stevens and Zarelli - 4. Absent: Senator Sellar - 1. Excused: Senators Loveland, McCaslin, McDonald, Rossi, Snyder, Thibaudeau and West - 7. SUBSTITUTE SENATE BILL NO. 5781, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Goings, the Senate advanced to the sixth order of business.

#### MOTIONS

On motion of Senator Franklin, Senators Loveland and Snyder were excused.

On motion of Senator Honeyford, Senators McDonald and Rossi were excused.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9109, Dennis A. Duncan, as a member of the Board of Trustees for Peninsula Community College District No. 1, was confirmed.

#### APPOINTMENT OF DENNIS A. DUNCAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Absent: Senators Haugen and Sellar - 2.

Excused: Senators Loveland, McCaslin, McDonald, Rossi and Snyder - 5.

#### MOTIONS

On motion of Senator Honeyford, Senators Benton and Deccio were excused.  
On motion of Senator Goings, Senator Haugen was excused.

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9114, Brian Gain, as a member of the Sentencing Guidelines Commission, was confirmed.

#### APPOINTMENT OF BRIAN GAIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 3; Excused, 8.

Voting yea: Senators Bauer, Brown, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 38.

Absent: Senators Fairley, Sellar and Thibaudeau - 3.

Excused: Senators Benton, Deccio, Haugen, Loveland, McCaslin, McDonald, Rossi and Snyder - 8.

#### MOTION

On motion of Senator Honeyford, Senator Sellar was excused.

#### MOTION

On motion of Senator Franklin, Senators Thibaudeau and Spanel were excused.

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9116, Wendell George, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15, was confirmed.

#### APPOINTMENT OF WENDELL GEORGE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 1; Excused, 10.

Voting yea: Senators Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 38.

Absent: Senator Bauer - 1.

Excused: Senators Benton, Deccio, Haugen, Loveland, McCaslin, McDonald, Sellar, Snyder, Spanel and Thibaudeau - 10.

#### MOTION

On motion of Senator Eide, Senators Franklin, and Heavey were excused.

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9121, Sharon Hart, as a member of the Board of Trustees for Lower Columbia Community College District No. 13, was confirmed.

#### APPOINTMENT OF SHARON HART

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 1; Excused, 11.

Voting yea: Senators Brown, Costa, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 37.

Absent: Senator Bauer - 1.

Excused: Senators Benton, Deccio, Franklin, Haugen, Heavey, Loveland, McCaslin, McDonald, Snyder, Spanel and Thibaudeau - 11.

#### MOTION

On motion of Senator Eide, Senator Hargrove was excused.

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9122, Shirley Havenga, as a member of the Western State Hospital Advisory Board, was confirmed.

#### APPOINTMENT OF SHIRLEY HAVENGA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 1; Excused, 12.

Voting yea: Senators Bauer, Costa, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 36.

Absent: Senator Brown - 1.

Excused: Senators Benton, Deccio, Franklin, Hargrove, Haugen, Heavey, Loveland, McCaslin, McDonald, Snyder, Thibaudeau and Wojahn - 12.

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9123, Joe Hawe, as a member of the Sentencing Guidelines Commission, was confirmed.

#### APPOINTMENT OF JOE HAWE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 1; Absent, 0; Excused, 11.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Fraser, Gardner, Goings, Hale, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 37. Voting nay: Senator Finkbeiner - 1. Excused: Senators Benton, Deccio, Franklin, Hargrove, Haugen, Heavey, Loveland, McCaslin, McDonald, Thibaudeau and Wojahn - 11.

#### MOTION

On motion of Senator Oke, Senator Winsley was excused.

#### MOTION TO ADJOURN

At 3:05 p.m., Senator Finkbeiner moved that the Senate adjourn until 10:00 a.m. the next working day. Senator Goings demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Finkbeiner that the Senate adjourn until 10:00 a.m. the next working day.

#### ROLL CALL

The Secretary called the roll and the motion to adjourn failed by the following vote: Yeas, 19; Nays, 24; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West and Zarelli - 19. Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel and Wojahn - 24. Excused: Senators Deccio, Hargrove, Loveland, McCaslin, Thibaudeau and Winsley - 6.

#### MOTION

At 3:11 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 4:00 p.m. by President Owen.

#### MOTION

On motion of Senator Honeyford, Senators Hale and Swecker were excused.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Goings, Gubernatorial Appointment No. 9129, J. C. Dell Jackson, as a member of the Board of Trustees for Bellevue Community College District No. 8, was confirmed.

#### APPOINTMENT OF J. C. DELL JACKSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, Winsley, Wojahn and Zarelli - 41.

Absent: Senators Long, Sellar and West - 3.

Excused: Senators Deccio, Hale, Hargrove, McCaslin and Swecker - 5.

#### MOTION

On motion of Senator Goings, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 23, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2260 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R.  
FOSTER, Co-Chief Clerk

MOTION

On motion of Senator Tim Sheldon, the Senate receded from it amendment(s) to Engrossed Substitute House Bill No. 2260.

MOTIONS

On motion of Senator Tim Sheldon, the rules were suspended, Engrossed Substitute House Bill No. 2260 was returned to second reading and read the second time.

Senator Tim Sheldon moved that the following striking amendment by Senators Tim Sheldon, Rasmussen, Swecker and Morton be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that while Washington's economy is currently prospering, economic growth continues to be uneven, particularly as between metropolitan and rural areas. This has created in effect two Washingtons: One afflicted by inadequate infrastructure to support and attract investment, another suffering from congestion and soaring housing prices. In order to address these problems, the legislature intends to use resources strategically to build on our state's strengths while addressing threats to our prosperity.

**PART I  
LOCAL OPTION SALES AND USE TAX**

**Sec. 101.** RCW 82.14.370 and 1998 c 55 s 6 are each amended to read as follows:

(1) The legislative authority of a ~~((distressed))~~ rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed ~~((0.04))~~ 0.08 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, except that for rural counties with population densities between sixty and one hundred persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3) Moneys collected under this section shall only be used for the purpose of financing public facilities in rural counties. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county. In implementing this section, the county shall consult with cities, towns, and port districts located within the county. For the purposes of this section, "public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington.

(4) No tax may be collected under this section before July 1, 1998. No tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(5) For purposes of this section, "~~((distressed))~~ rural county" means a county ~~((in which the average level of unemployment for the three years before the year in which a tax is first imposed under this section exceeds the average state unemployment for those years by twenty percent))~~ with a population density of less than one hundred persons per square mile as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

**PART II  
DISTRESSED COUNTY ASSISTANCE ACCOUNT**

**Sec. 201.** RCW 82.14.380 and 1998 c 321 s 10 (Referendum Bill No. 49) are each amended to read as follows:

(1) The distressed county assistance account is created in the state treasury. Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.110. At such times as distributions are made under RCW 82.44.150, the state treasurer shall distribute the funds in the distressed county assistance account to each county imposing the sales and use tax authorized under RCW 82.14.370 as of January 1, 1999, in the same proportions as distributions of the tax imposed under RCW 82.14.370 for these counties for the previous quarter.

(2) Funds distributed from the distressed county assistance account shall be expended by the counties for criminal justice and other purposes.

**PART III**  
**TECHNOLOGY-BASED BUSINESSES**  
**Software**

**NEW SECTION. Sec. 301.** It is the intent of the legislature to attract and retain technology-based businesses in rural counties. Section 302 of this act provides a tax incentive to those businesses that develop or manufacture software and hardware in rural counties. Section 303 of this act provides a tax incentive to those businesses that are engaged in the business of providing technical support services from rural counties. Encouragement of these types of business will stimulate the information technology industry and be of benefit to the state economy in general. To further the impact and benefit of this program, this incentive is limited to those counties of the state that are characterized by unemployment or low income. The legislature finds that providing this targeted incentive will both increase its effectiveness and create a high technology work force in rural counties.

**NEW SECTION. Sec. 302.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for persons engaged in a rural county in the business of manufacturing software or programming, as those terms are defined in this section.

(2) A person who partially or totally relocates a business from one rural county to another rural county is eligible for any qualifying new jobs created as a result of the relocation but is not eligible to receive credit for the jobs moved from one county to the other.

(3)(a) To qualify for the credit, the qualifying activity of the person must be conducted in a rural county and the qualified employment position must be located in the rural county.

(b) If an activity is conducted both from a rural county and outside of a rural county, the credit is available if at least ninety percent of the qualifying activity takes place within a rural county. If the qualifying activity is a service taxable activity, the place where the work is performed is the place at which the activity is conducted.

(4)(a) The credit under this section shall equal one thousand dollars for each qualified employment position created after July 1, 1999, in an eligible area. A credit is earned for the calendar year the person is hired to fill the position. Additionally a credit is earned for each year the position is maintained over the subsequent consecutive years, up to four years. The county must meet the definition of a rural county at the time the position is filled. If the county does not have a rural county status the following year or years, the position is still eligible for the remaining years if all other conditions are met.

(b) Credit may not be taken for hiring of persons into positions that exist before July 1, 1999. Credit is authorized for new employees hired for new positions created on or after July 1, 1999. New positions filled by existing employees are eligible for the credit under this section only if the position vacated by the existing employee is filled by a new hire. A business that is a sole proprietorship without any employees is equivalent to one employee position and this type of business is eligible to receive credit for one position.

(c) If a position is filled before July 1st, this position is eligible for the full yearly credit. If it is filled after June 30th, this position is eligible for half of the credit.

(d) A person that has engaged in qualifying activities in the rural county before the effective date of this section qualifies for the credit under this section for positions created and filled after the effective date of this section.

(5) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. This information includes information relating to description of qualifying activity engaged in the rural county and outside the rural county by the person as well as detailed records on positions and employees. The department shall, in consultation with a representative group of affected taxpayers, develop a method of segregating activity and related income so that those persons who engage in multiple activities can determine eligibility for credit under this section.

(6) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been claimed shall be immediately due. The department shall assess interest, but not penalties, on the taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32

RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(7) The credit under this section may be used against any tax due under this chapter, but in no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. A person is not eligible to receive a credit under this section if the person is receiving credit for the same position under chapter 82.62 RCW or RCW 82.04.44525 or is taking the credit under section 303 of this act. No refunds may be granted for credits under this section.

(8) A person taking tax credits under this section shall make an annual report to the department. The report shall be in a letter form and shall include the following information: Number of positions for which credit is being claimed, type of position for which credit is being claimed, type of activity in which the person is engaged in the county, and how long the person has been located in the county. The report must be filed by January 30th of each year for which credit was claimed during the previous year.

(9) Transfer of ownership does not affect credit eligibility; however, the credit is available to the successor for remaining periods in the five years only if the eligibility conditions of this section are met.

(10) As used in this section:

(a) "Manufacturing" means the same as "to manufacture" under RCW 82.04.120. Manufacturing includes the activities of both manufacturers and processors for hire.

(b) "Programming" means the activities that involve the creation or modification of software, as that term is defined in this chapter, and that are taxable as a service under RCW 82.04.290(2) or as a retail sale under RCW 82.04.050.

(c) "Qualifying activity" means manufacturing of software or programming.

(d) "Qualified employment position" means a permanent full-time position doing programming of software or manufacturing of software. This excludes administrative, professional, service, executive, and other similar positions. If an employee is either voluntarily or involuntarily separated from employment, the employment position is considered filled on a full-time basis if the employer is either training or actively recruiting a replacement employee. Full-time means a position for at least thirty-five hours a week.

(e) "Rural county" means a county with a population density of less than one hundred persons per square mile as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

(f) "Software" has the same meaning as defined in RCW 82.04.215.

(11) No credit may be taken or accrued under this section on or after January 1, 2004.

(12) This section expires December 31, 2003.

#### **Help Desk Services**

**NEW SECTION. Sec. 303.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for persons engaged in a rural county in the business of providing information technology help desk services to third parties.

(2) To qualify for the credit, the help desk services must be conducted from a rural county.

(3) The amount of the tax credit for persons engaged in the activity of providing information technology help desk services in rural counties shall be equal to one hundred percent of the amount of tax due under this chapter that is attributable to providing the services from the rural county. In order to qualify for the credit under this subsection, the county must meet the definition of rural county at the time the person begins to conduct qualifying business in the county.

(4) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. These records include information relating to description of activity engaged in a rural county by the person.

(5) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been used is immediately due. The department shall assess interest, but not penalties, on the credited taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(6) The credit under this section may be used against any tax due under this chapter, but in no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. No refunds may be granted for credits under this section.

(7) A person taking tax credits under this section shall make an annual report to the department. The report shall be in a letter form and shall include the following information: Type of activity in which the person is engaged in the county, number of employees in the rural county, and how long the person has been located in the county. The report must be filed by January 30th of each year for which credit was claimed during the previous year.

(8) Transfer of ownership does not affect credit eligibility; however, the credit is available to the successor only if the eligibility conditions of this section are met.

(9) As used in this section:

(a) "Information technology help desk services" means the following services performed using electronic and telephonic communication:

- (i) Software and hardware maintenance;
- (ii) Software and hardware diagnostics and troubleshooting;
- (iii) Software and hardware installation;
- (iv) Software and hardware repair;
- (v) Software and hardware information and training; and
- (vi) Software and hardware upgrade.

(b) "Rural county" means a county with a population density of less than one hundred persons per square mile, as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

(10) This section expires December 31, 2003.

**NEW SECTION. Sec. 304.** A new section is added to chapter 82.62 RCW to read as follows:

(1) A person is not eligible to receive a credit under this chapter if the person is receiving credit for the same position under section 303 of this act or RCW 82.04.44525.

(2) This section expires December 31, 2003.

**NEW SECTION. Sec. 305.** The following acts or parts of acts are each repealed:

- (1) RCW 82.60.045 (Eligible projects--Additional requirements) and 1995 1st sp.s. c 3 s 7 & 1994 sp.s. c 1 s 4; and
- (2) RCW 82.60.047 (Governor designation of county as eligible area--Natural disaster, business closure, military base closure, mass layoff) and 1994 sp.s. c 1 s 9.

#### **PART IV ELECTRIC UTILITIES**

**NEW SECTION. Sec. 401.** The legislature finds that it is necessary to employ multiple approaches to revitalize the economy of Washington state's rural areas. The legislature also finds that where possible, Washington state should develop programs which can complement other private, state, and federal programs. It is the intent of section 402 of this act to complement such rural economic development efforts by creating a public utility tax offset program to help establish locally based electric utility revolving fund programs to be used for economic development and job creation.

**NEW SECTION. Sec. 402.** A new section is added to chapter 82.16 RCW to read as follows:

(1) The following definitions apply to this section:

(a) "Qualifying project" means a project designed to achieve job creation or business retention, to add or upgrade nonelectrical infrastructure, to add or upgrade health and safety facilities, to accomplish energy and water use efficiency improvements, including renewable energy development, or to add or upgrade emergency services in any designated qualifying rural area.

(b) "Qualifying rural area" means:

(i) A rural county, which is a county with a population density of less than one hundred persons per square mile as determined by the office of financial management and published each year by the department for the period July 1st to June 30th; or

(ii) Any geographic area in the state that receives electricity from a light and power business with twelve thousand or fewer customers and with fewer than twenty-six meters per mile of distribution line as determined and published by the department of revenue effective July 1st of each year. The department shall use current data provided by the electricity industry.

(c) "Electric utility rural economic development revolving fund" means a fund devoted exclusively to funding qualifying projects in qualifying rural areas.

(d) "Local board" is a board of directors with at least, but not limited to, three members representing local businesses and community groups who have been appointed by the sponsoring electric utility to oversee and direct the activities of the electric utility rural economic development revolving fund.

(2) A light and power business with fewer than twenty-six active meters per mile of distribution line in any geographic area in the state shall be allowed a credit against taxes due under this chapter in an amount equal to fifty percent of contributions made in any calendar year directly to an electric utility rural economic development revolving fund. The credit shall be taken in a form and manner as required by the department. The credit under this section shall not exceed twenty-five thousand dollars per calendar year per light and power business. The credit may not exceed the tax that would otherwise be due under this chapter. Refunds shall not be granted in the place of credits. Expenditures not used to earn a credit in one calendar year may not be used to earn a credit in subsequent years.

(3) The right to earn tax credits under this section expires December 31, 2005.

(4) To qualify for the credit in subsection (2) of this section, the light and power business shall establish an electric utility rural economic development revolving fund which is governed by a local board whose members shall reside in the qualifying rural area served by the light and power business. The local board shall have authority to determine all criteria and conditions for the expenditure of funds from the electric utility rural economic development fund, and for the terms and conditions of repayment.

(5) Any funds repaid to the electric utility rural economic development fund by recipients shall be made available for additional qualifying projects.

(6) If at any time the electric utility rural economic development fund is dissolved, any moneys claimed as a tax credit under this section shall either be granted to a qualifying project or refunded to the state within two years of termination.

(7) The total amount of credits that may be used in any fiscal year shall not exceed three hundred fifty thousand dollars in any fiscal year. The department shall allow the use of earned credits on a first-come, first-served basis. Unused earned credits may be carried over to subsequent years.

## **PART V DISASTER VICTIMS' RELIEF**

NEW SECTION. Sec. 501. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of labor and services rendered in respect to:

- (a) The moving of houses out of any landslide area that has been declared as a federal disaster area;
- (b) The demolition of houses located in a landslide area that has been declared as a federal disaster area; or
- (c) The removal of debris from a landslide area that has been declared as a federal disaster area.

(2) This section expires July 1, 2000.

## **PART VI MISCELLANEOUS**

NEW SECTION. Sec. 601. Part headings and subheadings used in this act are not any part of the law.

NEW SECTION. Sec. 602. Section 501 of this act applies retroactively to March 1, 1998.

NEW SECTION. Sec. 603. Section 501 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 604. Sections 1, 101, 201, 301 through 305, 401, 402, 601, and 605 of this act take effect August 1, 1999.

NEW SECTION. Sec. 605. Section 305 of this act does not affect any existing right acquired or liability or obligation under the sections repealed in section 305 of this act or any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. Sec. 606. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Tim Sheldon, Rasmussen, Swecker and Morton to Engrossed Substitute House Bill No. 2260.

The motion by Senator Tim Sheldon carried and the striking amendment was adopted under suspension of the rules.

## **MOTIONS**

On motion of Senator Tim Sheldon, the following title amendment was adopted:

On page 1, line 1 of the title, after "counties;" strike the remainder of the title and insert "amending RCW 82.14.370 and 82.14.380; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.62 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.08 RCW; creating new sections; repealing RCW 82.60.045 and 82.60.047; providing an effective date; providing expiration dates; and declaring an emergency.

On motion of Senator Tim Sheldon, the rules were suspended, Engrossed Substitute House Bill No. 2260, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2260, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2260, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, Winsley, Wojahn and Zarelli - 45.

Absent: Senator West - 1.

Excused: Senators Hargrove, McCaslin and Swecker - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2260, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 20, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 2259 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R.  
FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Haugen, the Senate receded from it amendment(s) to House Bill No. 2259.

#### MOTIONS

On motion of Senator Haugen, the rules were suspended, House Bill No. 2259 was returned to second reading and read the second time.

Senator Haugen moved that the following striking amendment by Senators Haugen, Gardner and Sellar be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.20.120 and 1999 c 6 s 19 are each amended to read as follows:

An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department shall give examinations at places and times reasonably available to the people of this state.

(1) **Waiver.** The department may waive:

(a) All or any part of the examination of any person applying for the renewal of a driver's license unless the department determines that the applicant is not qualified to hold a driver's license under this title; or

(b) The actual demonstration of the ability to operate a motor vehicle if the applicant:

(i) Surrenders a valid driver's license issued by the person's previous home state; and

(ii) Is otherwise qualified to be licensed.

(2) **Fee.** Each applicant for a new license must pay an examination fee of seven dollars.

(a) The examination fee is in addition to the fee charged for issuance of the license.

(b) "New license" means a license issued to a driver:

(i) Who has not been previously licensed in this state; or

(ii) Whose last previous Washington license has been expired for more than ~~((four))~~ five years.

**Sec. 2.** RCW 46.20.161 and 1999 c 6 s 22 are each amended to read as follows:

The department, upon receipt of a fee of ~~((fourteen))~~ twenty-five dollars, unless the driver's license is issued for a period other than five years, in which case the fee shall be five dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. The license must include a distinguishing number assigned to the licensee, the name of record, date of birth, Washington residence address, photograph, a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee.

**Sec. 3.** RCW 46.20.181 and 1999 c 6 s 23 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, every driver's license expires on the ~~((fourth))~~ fifth anniversary of the licensee's birthdate following the issuance of the license.

(2) A person may renew his or her license on or before the expiration date by submitting an application as prescribed by the department and paying a fee of ~~((fourteen))~~ twenty-five dollars. This fee includes the fee for the required photograph.

(3) A person renewing his or her driver's license more than sixty days after the license has expired shall pay a penalty fee of ten dollars in addition to the renewal fee, unless his or her license expired when:

(a) The person was outside the state and he or she renews the license within sixty days after returning to this state; or

(b) The person was incapacitated and he or she renews the license within sixty days after the termination of the incapacity.

(4) During the period from July 1, 2000, to July 1, 2006, the department may issue or renew a driver's license for a period other than five years, or may extend by mail a license that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of licensed drivers. The fee for a driver's license issued or renewed for a period other than five years, or that has been extended by mail, is five dollars for each year that the license is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

**Sec. 4.** RCW 46.20.470 and 1989 c 178 s 21 are each amended to read as follows:

There shall be an additional fee for issuing any class of commercial driver's license in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each class shall not exceed ~~((twelve))~~ twenty dollars for the original commercial driver's license or subsequent renewals, unless the commercial driver's license is renewed or extended for a period other than five years, in which case the fee for each class shall not exceed four dollars for each year that the commercial driver's license is renewed or extended. The fee shall be deposited in the highway safety fund.

**Sec. 5.** RCW 46.20.505 and 1993 c 115 s 1 are each amended to read as follows:

Every person applying for a special endorsement or a new category of endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay an examination fee of two dollars which is not refundable. In addition, the endorsement fee for the initial or new category motorcycle endorsement shall ~~((be six))~~ not exceed ten dollars, and the subsequent renewal endorsement fee shall ~~((be fourteen))~~ not exceed twenty-five dollars, unless the endorsement is renewed or extended for a period other than five years, in which case the subsequent renewal endorsement fee shall not exceed five dollars for each year that the endorsement is renewed or extended. The initial or new category and renewal endorsement fees shall be deposited in the motorcycle safety education account of the highway safety fund.

**NEW SECTION. Sec. 6.** Sections 1 through 5 of this act take effect July 1, 2000."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen, Gardner and Sellar to House Bill No. 2259.

The motion by Senator Haugen carried and the striking amendment was adopted, under suspension of the rules.

## MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 46.20.120, 46.20.161, 46.20.181, 46.20.470, and 46.20.505; and providing an effective date."

On motion of Senator Haugen, the rules were suspended, House Bill No. 2259, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2259, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2259, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 12; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 34.

Voting nay: Senators Finkbeiner, Goings, Hale, Hochstatter, Johnson, Long, McDonald, Roach, Sheahan, Stevens, West and Zarelli - 12.

Excused: Senators Hargrove, McCaslin and Swecker - 3.

HOUSE BILL NO. 2259, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 23, 1999

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate.

SECOND SUBSTITUTE HOUSE BILL NO. 1140,  
SUBSTITUTE HOUSE BILL NO. 1222,  
HOUSE BILL NO. 1233,  
SUBSTITUTE HOUSE BILL NO. 1240,  
HOUSE BILL NO. 1544.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R.  
FOSTER, Co-Chief Clerk

#### MESSAGE FROM THE HOUSE

April 23, 1999

MR. PRESIDENT:

The Co-Speakers ruled the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1037 beyond the scope and object of the bill. The House refuses to concur in said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R.  
FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Brown, the Senate receded from it amendment(s) to Second Substitute House Bill No. 1037.

## MOTIONS

On motion of Senator Brown, the rules were suspended, Second Substitute House Bill No. 1037 was returned to second reading and read the second time.

On motion of Senator Brown, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 19.190.010 and 1998 c 149 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assist the transmission" means actions taken by a person to provide substantial assistance or support which enables any person to formulate, compose, send, originate, initiate, or transmit a commercial electronic mail message when the person providing the assistance knows or consciously avoids knowing that the initiator of the commercial electronic mail message is engaged, or intends to engage, in any practice that violates the consumer protection act.

(2) "Commercial electronic mail message" means an electronic mail message sent for the purpose of promoting real property, goods, or services for sale or lease. It does not mean an electronic mail message to which an interactive computer service provider has attached an advertisement in exchange for free use of an electronic mail account, when the sender has agreed to such an arrangement.

~~((2))~~ (3) "Electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.

~~((3))~~ (4) "Initiate the transmission" refers to the action by the original sender of an electronic mail message, not to the action by any intervening interactive computer service that may handle or retransmit the message, unless such intervening interactive computer service assists in the transmission of an electronic mail message when it knows, or consciously avoids knowing, that the person initiating the transmission is engaged, or intends to engage, in any act or practice that violates the consumer protection act.

~~((4))~~ (5) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

~~((5))~~ (6) "Internet domain name" refers to a globally unique, hierarchical reference to an internet host or service, assigned through centralized internet naming authorities, comprising a series of character strings separated by periods, with the right-most string specifying the top of the hierarchy.

(7) "Person" means a person, corporation, partnership, or association.

**Sec. 2.** RCW 19.190.020 and 1998 c 149 s 3 are each amended to read as follows:

(1) No person(~~(, corporation, partnership, or association)~~) may initiate the transmission, conspire with another to initiate the transmission, or assist the transmission, of a commercial electronic mail message from a computer located in Washington or to an electronic mail address that the sender knows, or has reason to know, is held by a Washington resident that:

(a) Uses a third party's internet domain name without permission of the third party, or otherwise misrepresents or obscures any information in identifying the point of origin or the transmission path of a commercial electronic mail message; or

(b) Contains false or misleading information in the subject line.

(2) For purposes of this section, a person(~~(, corporation, partnership, or association)~~) knows that the intended recipient of a commercial electronic mail message is a Washington resident if that information is available, upon request, from the registrant of the internet domain name contained in the recipient's electronic mail address.

**Sec. 3.** RCW 19.190.030 and 1998 c 149 s 4 are each amended to read as follows:

(1) It is a violation of the consumer protection act, chapter 19.86 RCW, to conspire with another person to initiate the transmission or to initiate the transmission of a commercial electronic mail message that:

(a) Uses a third party's internet domain name without permission of the third party, or otherwise misrepresents or obscures any information in identifying the point of origin or the transmission path of a commercial electronic mail message; or

(b) Contains false or misleading information in the subject line.

(2) It is a violation of the consumer protection act, chapter 19.86 RCW, to assist in the transmission of a commercial electronic mail message, when the person providing the assistance knows, or consciously avoids knowing, that the initiator of the commercial electronic mail message is engaged, or intends to engage, in any act or practice that violates the consumer protection act.

(3) The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 4. RCW 19.190.005 (Findings) and 1998 c 149 s 1 are each repealed."

#### MOTIONS

On motion of Senator Brown, the following title amendment was adopted:

On page 1, line 1 of the title, after "mail;" strike the remainder of the title and insert "amending RCW 19.190.010, 19.190.020, and 19.190.030; and repealing RCW 19.190.005."

On motion of Senator Brown, the rules were suspended, Second Substitute House Bill No. 1037, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Long: "Senator Brown, I am looking at page 1, line 15--and it is in more than one place--and it speaks of 'consciously avoids knowing.' What does that mean?"

Senator Brown: "I'm sorry, Senator Long, I can't respond adequately to your question. This language was worked out by a bipartisan task force and they felt this was the best way to close the loop hole in the bill we passed last year. In addition to the person who actually sends the SPAM physically, we get the people who planned and abet the sending of the SPAM as well. It is the best I can do."

Senator Long: "Thank you. I asked our august attorney over here and he said he didn't think it was a legal term. I have never heard of it, so that is why I asked the question."

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1037, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1037, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Voting nay: Senators Long and Morton - 2.

Excused: Senators Hargrove, McCaslin and Swecker - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1037, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

#### MESSAGE FROM THE HOUSE

April 23, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1747 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R.  
FOSTER, Co-Chief Clerk

## MOTIONS

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1747 was returned to second reading and read the second time.

On motion of Senator Rasmussen, the Senate will reconsider the vote by which the Committee on Agriculture and Rural Economic Development striking amendment was adopted April 14, 1999.

## MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen and Morton to the Committee on Agriculture and Rural Economic Development striking amendment, on reconsideration, be adopted:

On page 5, after line 33 of the amendment, insert the following:

**"Sec. 8.** RCW 89.08.220 and 1973 1st ex.s. c 184 s 23 are each amended to read as follows:

A conservation district organized under the provisions of this 1973 amendatory act shall constitute a governmental subdivision of this state, and a public body corporate and politic exercising public powers, but shall not levy taxes or issue bonds and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this 1973 amendatory act:

(1) To conduct surveys, investigations, and research relating to the conservation of renewable natural resources and the preventive and control measures and works of improvement needed, to publish the results of such surveys, investigations, or research, and to disseminate information concerning such preventive and control measures and works of improvement: PROVIDED, That in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or any of its agencies, or with the United States or any of its agencies;

(2) To conduct educational and demonstrational projects on any lands within the district upon obtaining the consent of the occupier of such lands and such necessary rights or interests in such lands as may be required in order to demonstrate by example the means, methods, measures, and works of improvement by which the conservation of renewable natural resources may be carried out;

(3) To carry out preventative and control measures and works of improvement for the conservation of renewable natural resources, within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of lands, and the measures listed in RCW 89.08.010, on any lands within the district upon obtaining the consent of the occupier of such lands and such necessary rights or interests in such lands as may be required;

(4) To cooperate or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district in the carrying on of preventive and control measures and works of improvement for the conservation of renewable natural resources within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this 1973 amendatory act. For purposes of this subsection only, land occupiers who are also district supervisors are not subject to the provisions of RCW 42.23.030;

(5) To obtain options upon and to acquire in any manner, except by condemnation, by purchase, exchange, lease, gift, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this 1973 amendatory act; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this act;

(6) To make available, on such terms, as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds, seedlings, and such other equipment and material as will assist them to carry on operations upon their lands for the conservation of renewable natural resources;

(7) To prepare and keep current a comprehensive long-range program recommending the conservation of all the renewable natural resources of the district. Such programs shall be directed toward the best use of renewable natural resources and in a manner that will best meet the needs of the district and the state, taking into consideration, where appropriate, such uses as farming, grazing, timber supply, forest, parks, outdoor recreation, potable water supplies for urban and rural areas, water for agriculture, minimal flow, and industrial uses, watershed stabilization, control of soil erosion, retardation of water run-off, flood prevention and control, reservoirs and other water storage, restriction of developments of flood plains, protection of open space and scenery, preservation of natural beauty, protection of fish and wildlife, preservation of wilderness areas and wild rivers, the prevention or reduction of sedimentation and other pollution in rivers and other waters, and such location of highways, schools, housing developments, industries, airports and other facilities and structures as will fit the needs of the state and be consistent with the best uses of the renewable natural resources of the state. The program shall include an inventory of all renewable natural

resources in the district, a compilation of current resource needs, projections of future resource requirements, priorities for various resource activities, projected timetables, descriptions of available alternatives, and provisions for coordination with other resource programs.

The district shall also prepare an annual work plan, which shall describe the action programs, services, facilities, materials, working arrangements and estimated funds needed to carry out the parts of the long-range programs that are of the highest priorities.

The districts shall hold public hearings at appropriate times in connection with the preparation of programs and plans, shall give careful consideration to the views expressed and problems revealed in hearings, and shall keep the public informed concerning their programs, plans, and activities. Occupiers of land shall be invited to submit proposals for consideration to such hearings. The districts may supplement such hearings with meetings, referenda and other suitable means to determine the wishes of interested parties and the general public in regard to current and proposed plans and programs of a district. They shall confer with public and private agencies, individually and in groups, to give and obtain information and understanding of the impact of district operations upon agriculture, forestry, water supply and quality, flood control, particular industries, commercial concerns and other public and private interests, both rural and urban.

Each district shall submit to the commission its proposed long-range program and annual work plans for review and comment.

The long-range renewable natural resource program, together with the supplemental annual work plans, developed by each district under the foregoing procedures shall have official status as the authorized program of the district, and it shall be published by the districts as its "renewable resources program". Copies shall be made available by the districts to the appropriate counties, municipalities, special purpose districts and state agencies, and shall be made available in convenient places for examination by public land occupier or private interest concerned. Summaries of the program and selected material therefrom shall be distributed as widely as feasible for public information;

(8) To administer any project or program concerned with the conservation of renewable natural resources located within its boundaries undertaken by any federal, state, or other public agency by entering into a contract or other appropriate administrative arrangement with any agency administering such project or program;

(9) Cooperate with other districts organized under this 1973 amendatory act in the exercise of any of its powers;

(10) To accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, from this state or any of its agencies, or from any other source, and to use or expend such moneys, services, materials, or any contributions in carrying out the purposes of this act;

(11) To sue and be sued in the name of the district; to have a seal which shall be judicially noticed; have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to borrow money and to pledge, mortgage and assign the income of the district and its real or personal property therefor; and to make, amend rules and regulations not inconsistent with this 1973 amendatory act and to carry into effect its purposes;

(12) Any two or more districts may engage in joint activities by agreement between or among them in planning, financing, constructing, operating, maintaining, and administering any program or project concerned with the conservation of renewable natural resources. The districts concerned may make available for purposes of the agreement any funds, property, personnel, equipment, or services available to them under this 1973 amendatory act;

Any district may enter into such agreements with a district or districts in adjoining states to carry out such purposes if the law in such other states permits the districts in such states to enter into such agreements.

The commission shall have authority to propose, guide, and facilitate the establishment and carrying out of any such agreement;

(13) Every district shall, through public hearings, annual meetings, publications, or other means, keep the general public, agencies and occupiers of land within the district, informed of the works and activities planned and administered by the district, of the purposes these will serve, of the income and expenditures of the district, of the funds borrowed by the district and the purposes for which such funds are expended, and of the results achieved annually by the district; and

(14) The supervisors of conservation districts may designate an area, state, and national association of conservation districts as a coordinating agency in the execution of the duties imposed by this chapter, and to make gifts in the form of dues, quotas, or otherwise to such associations for costs of services rendered, and may support and attend such meetings as may be required to promote and perfect the organization and to effect its purposes."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to the adoption of the amendment by Senators Rasmussen and Morton on page 5, after line 33, to the Committee on Agriculture and Rural Economic Development amendment, on reconsideration, to Substitute House Bill No. 1747.

The motion by Senator Rasmussen carried and the amendment to the striking committee amendment, on reconsideration, was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Agriculture and Rural Economic Development striking amendment, as amended on reconsideration, to Substitute House Bill No. 1747.

The committee amendment, as amended on reconsideration, was adopted.

#### MOTIONS

On motion of Senator Rasmussen, the following title amendment was adopted:

On page 7, line 9 of the title amendment, after "89.08.180," insert "89.08.220,"

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1747, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1747, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1747, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, Winsley, Wojahn and Zarelli - 43.

Absent: Senators Sellar and West - 2.

Excused: Senators Deccio, Hargrove, McCaslin and Swecker - 4.

SUBSTITUTE HOUSE BILL NO. 1747, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 23, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1250 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R.  
FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Prentice, the Senate receded from its amendment(s) to Substitute House Bill No. 1250.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1250, without the Senate amendment(s).

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1250, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, Winsley, Wojahn and Zarelli - 44.

Absent: Senator West - 1.

Excused: Senators Deccio, Hargrove, McCaslin and Swecker - 4.

SUBSTITUTE HOUSE BILL NO. 1250, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 4:49 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Saturday, April, 24, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

THIRD DAY, JANUARY 14, 1998

ONE HUNDRED-THIRD DAY, APRIL 23, 1999

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**ONE HUNDRED-FOURTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Saturday, April 24, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Costa, Finkbeiner, Hargrove, Sellar and Wojahn. On motion of Senator Eide, Senators Brown, Costa, Hargrove and Wojahn were excused.

The Sergeant at Arms Color Guard consisting of Pages Andrew McKay and Dale McKinnon, presented the Colors. Senator Adam Kline offered the prayer.

**MOTION**

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

**MESSAGE FROM THE GOVERNOR**

April 23, 1999

To the Honorable, the Senate  
and House of Representatives  
of the State of Washington  
Ladies and Gentlemen:

In compliance with the provision of Section 11 of Article III of the Constitution of the State of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the adjournment of the 1998 Regular Session of the 55th Legislature, copy of which is attached.

Respectfully submitted,

EVERETT H. BILLINGSLEA, General Counsel

CONDITIONAL PARDON  
OF  
BRIAN CADE SPERRY

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, on April 20, 1995, Brian Cade Sperry was in class at Chemicum High School near the end of his senior year. An adolescent altercation began during a class, when a female student took a coin belonging to Mr. Sperry. He took her book bag and exchanged it for his coin, the she smeared hair gel on his upper thigh near his genitals and sprayed him with hair spray. After class, the female student threw a bag of ice and hit Mr. Sperry on the back of the head. He chased her into the parking lot and pushed her down. There is conflicting evidence whether Mr. Sperry kicked her while she was on the ground. Mr. Sperry then returned to the school and opened his locker. A crowd gathered, and a male student tried to make Mr. Sperry apologize to the girl. While trying to force the apology, the other male student held Mr. Sperry from behind and pinned Mr. Sperry's arms down. A large, noisy crowd of students gathered around the boys, taunting Mr. Sperry as a struggle ensued. During the fight Mr. Sperry was able to reach into his locker and take a club he had made in shop class. The club appeared to have been carved from a 2x4 piece of lumber, and had finish nails partially driven into one end to make it "look cool." Mr. Sperry was able to swing the club several times and hit the other male student. The fight ended, and the female student whom Mr. Sperry had

pushed down and male student who had been hit with the club were taken to the local hospital emergency room to be checked. No serious injuries were found; and

WHEREAS, Mr. Sperry argued at trial that he had feared for his safety and acted in self-defense. Nonetheless, he was convicted in Jefferson County Superior Court of misdemeanor fourth degree assault for the altercation with the female student, and felony second degree assault for the fight with the other male student. Mr. Sperry was sentenced to a total of fifteen months in prison, three of which were for the second degree assault, and twelve of which were a mandatory enhancement because the club was considered to be a deadly weapon; and

WHEREAS, it has been established that Mr. Sperry endured several years of intense harassment and bullying by fellow students that culminated on the day of the altercation; and

WHEREAS, the community of Jefferson County has expressed shock at the outcome of this case for several reasons: the altercation was incited by the victims; and, it appears to be generally thought that a matter such as this should have been dealt with at school. A petition seeking clemency for Mr. Sperry bearing almost 3,000 signatures of people from Jefferson County has been filed with the Office of the Governor; and

WHEREAS, Mr. Sperry appealed his conviction, and while the appeal was pending, the court saw fit to allow him to attend technical school in Arizona, where he studied refrigeration. Mr. Sperry then returned to Washington and began work at a company in Seattle, and is expected to have employment available to him upon his release from prison; and

WHEREAS, Mr. Sperry has accepted responsibility for his crime and has acknowledged that he should not have allowed himself to be goaded into striking out. He has successfully completed anger management classes in prison. Mr. Sperry does not have a history of, or predisposition toward, violence or criminal activity. In making its unanimous recommendation to me that clemency be granted, the Clemency and Pardons Board considered the extraordinary circumstances of the crime, and the inequity of the ultimate outcome, given the acts of the victims and other students that lead up to Mr. Sperry's crimes; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the circumstances of the crime I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, grant to Brian Cade Sperry this Conditional Pardon, commute his sentence to the amount of time already served, and direct the Department of Corrections to promptly release him from prison, SUBJECT TO THE FOLLOWING CONDITIONS:

1. Mr. Sperry shall not receive, possess, own, ship or transport firearms. This Conditional Pardon does not restore, and shall not under any circumstances be construed to restore, any civil rights related to firearms, and shall not remove any disability related to firearms under any state or federal law.
2. Mr. Sperry shall not be convicted of any crimes against persons or property.
3. After release from prison, Mr. Sperry shall successfully complete six months of community supervision, but shall be relieved of all other requirements of his Judgment and Sentence.

The conditions of this Conditional Pardon shall remain in force indefinitely. Upon breach of any of the foregoing conditions, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal  
(SEAL) of the State of Washington to be affixed at Olympia on this ninth day of  
April, A.D., nineteen hundred ninety-eight.

GARY LOCKE

Governor of Washington

BY THE GOVERNOR:

TRACY A. RADWAN,  
Deputy, Secretary of State

FULL AND UNCONDITIONAL PARDON  
OF  
JOSE PATRICIO BELTRAN-VASQUEZ

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, Jose Patricio Beltran-Vasquez is a citizen of Mexico, and a lawful permanent resident of the United States, having lived and worked in the United States since 1985. Mr. Beltran-Vasquez has been employed by Sterino Farms in Fife, Washington for approximately 12 years. During that time, he has become a key employee at Sterino Farms, responsible for hiring and supervision of all field labor, equipment, tools and the farm's road-side stand. Mr. Beltran-Vasquez has established deep roots in the community, is married to the daughter of Jack Sterino, the owner of Sterino Farms, and the couple has a toddler-age son; and

WHEREAS during 1994, an acquaintance called Mr. Beltran-Vasquez several times asking him to assist as a translator in drug transactions. After refusing several times, he eventually agreed to assist in one transaction on March 2, 1994. The acquaintance was working as a police informant in exchange for favorable treatment in her own legal problems, and the buyer was an under-cover police officer. At the conclusion of the transaction, Mr. Beltran-Vasquez was immediately arrested. Mr. Beltran-Vasquez did not own the cocaine, and did not sell it, buy it or profit in any way from the transaction. Nonetheless, he acknowledged that he had done wrong, accepted full responsibility for his actions, and pled guilty to the crime of solicitation to deliver a controlled substance (cocaine). Before entering his plea, however, he consulted with an immigration lawyer who informed him that he would be eligible for a federal discretionary waiver of deportation, even with a guilty plea; and

WHEREAS, Mr. Beltran-Vasquez entered a guilty plea to the crime of solicitation to deliver a controlled substance in reliance on the availability of a deportation waiver, and on February 14, 1995 was sentenced to 15.75 months in prison by the Pierce County Superior Court; and

WHEREAS, on April 24, 1996 the federal Antiterrorism and Effective Death Penalty Act went into effect, retroactively eliminating the availability of discretionary deportation waivers, except in certain cases where the alien has been granted a full and unconditional pardon by the President of the United States or by the Governor of any of the several states; and

WHEREAS, the United States Court of Appeals for the Ninth Circuit has ruled in the case of Coronado-Durazo v. Immigration and Naturalization Service (No. 95-70543, 9-30-97) that the crime of solicitation is not a crime relating to a controlled substance within the meaning of 8 U.S.C. S 1251(a)(2)(B)(i), and therefore a full and unconditional pardon will allow a deportation waiver to be available to Mr. Beltran-Vasquez; and

WHEREAS, Mr. Beltran-Vasquez is known as a hard-working and conscientious person, who is very dependable and an asset to his community. Marian Martelli Wetsch, the Mayor of Fife spoke in favor of Mr. Beltran-Vasquez's petition at the clemency hearing, and attested to the high quality of his character; and

WHEREAS, Mr. Beltran-Vasquez accepted responsibility for the crime and has no other history of criminal activity. In making its recommendation to me that this Full and Unconditional Pardon be granted, the Washington State Clemency and Pardons Board considered the nature and circumstances of the crime, and the inherent unfairness of retroactively eliminating the availability of deportation waivers after a person has pled guilty to a crime in reliance on the availability of such waivers, and that without this Full and Unconditional Pardon Mr. Beltran-Vasquez would be deported to Mexico, creating extreme and undue hardship on his family; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the circumstances I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, grant to Jose Patricio Beltran-Vasquez this Full and Unconditional Pardon for the express purpose of allowing him to obtain a deportation waiver and lawfully remain in the United States. This Full and Unconditional Pardon does not restore the right to receive, possess, own, ship or transport firearms, and shall not under any circumstances be construed to remove any disability related to firearms under any state or federal law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal  
(SEAL) of the State of Washington to be affixed at Olympia on this 5th day of  
May, A.D., nineteen hundred ninety-eight.

GARY LOCKE

BY THE GOVERNOR:

DONALD F. WHITING,  
Assistant, Secretary of State

FULL AND UNCONDITIONAL PARDON  
OF  
CAU HAN HUYNH

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, Cau Han Huynh entered the United States as a refugee from Vietnam in February 1982, became a lawful permanent resident in January 1983, and has resided in Washington state for over fourteen years. Mr. Huynh fought with the U.S. forces during the Vietnam war, and was incarcerated in Vietnam for a time after the war as a result. He escaped to the United States without his family, except for one then very young son. Mr. Huynh has been gainfully employed during his time in the United States, and is the primary source of support for his family; and

WHEREAS, Mr. Huynh escaped from Vietnam with several other people, including a woman who helped him take care of his son. A love affair developed between the two after they settled in the United States. The relationship was often a difficult one, and culminated in the assault for which Mr. Huynh was convicted. In July 1984, Mr. Huynh encountered the victim in a grocery store and assaulted her with a screwdriver hidden inside of a plastic shopping bag. She ran for protection behind a counter, and he left the store. The victim was not injured seriously or permanently, and was treated and released by an ambulance crew. Eventually, Mr. Huynh was able to bring his wife and other children to the United States, and the family lived together in Washington until Mr. Huynh's detention by immigration authorities on February 25, 1998; and

WHEREAS, on November 16, 1984 Mr. Huynh pled guilty to Second Degree Assault in King County Superior Court, and served eighteen months in prison. He has no other criminal history. Upon his release in 1985, the Immigration and Naturalization Service (INS) immediately placed him into deportation proceedings. A deportation order was entered and appealed to the Board of Immigration Appeals which, six years later, remanded the order for a new hearing. Mr. Huynh's lawyer, Mr. Dan Danilov, was unable to contact Mr. Huynh at the time, and an order of deportation was automatically effected in 1991. Mr. Huynh lived peacefully in Seattle with his wife and six children for another seven years until INS officials suddenly arrested him. Mr. Huynh remains in custody at a federal detention center to this day, pending deportation; and

WHEREAS, under recent changes to federal immigration law, Mr. Huynh's crime is classified as an "aggravated felony" and only through a full and unconditional pardon can Mr. Huynh avoid deportation to Vietnam. According to the United States Department of State, Bureau of Human Rights and Humanitarian Affairs, Mr. Huynh has a well-founded fear of persecution in Vietnam within the meaning of the United Nations Convention and Protocol Relating to the Status of Refugees; and

WHEREAS, Mr. Huynh is known as a hard-working and conscientious person, who is very dependable and an asset to his employer and his community; and

WHEREAS, Mr. Huynh has accepted responsibility for the crime and has no other history of criminal activity. In making its recommendation to me that this Full and Unconditional Pardon be granted, the Washington State Clemency and Pardons Board considered the nature and circumstances of the crime, the inherent unfairness of retroactive changes in federal immigration law that would require deportation in this case, and that without this Full and Unconditional Pardon Mr. Huynh would be deported to Vietnam, creating extreme and undue hardship on his family and a high risk of his being persecuted in Vietnam; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the circumstances I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, grant to Cau Han Huynh this Full and Unconditional Pardon for the express purpose of allowing him to obtain a deportation waiver and lawfully remain in the United States. This Full and Unconditional Pardon does not

provide or grant the right to receive, possess, own, ship or transport firearms, and shall not under any circumstances be construed to remove any disability related to firearms under any state or federal law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal  
(SEAL) of the State of Washington to be affixed at Olympia on this 13th day of  
October, A.D., nineteen hundred ninety-eight.

GARY LOCKE

Governor of Washington

BY THE GOVERNOR:

RALPH MUNRO,  
Secretary of State

FULL AND UNCONDITIONAL PARDON  
OF  
WILLIAM BRUCE MAREL

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, William Bruce Marel is a citizen of Australia, and a lawful permanent resident of the United States, having lived and worked in Washington since 1981. Mr. Marel is an independent computer consultant, and has been continuously employed by a variety of companies, including Microsoft, Boeing and Fluke Manufacturing, since arriving in the United States. Mr. Marel is married to a United States citizen, has raised a step-son in the United States, and has been a productive and law-abiding member of society, but for the sole offense for which this pardon has been granted; and

WHEREAS, for several years Mr. Marel had been having regular and serious problems with destructive trespassers on his residential property in Issaquah, including vandalism and burglary of his house. The trespassers were on motorcycles or in trucks and frequently left behind stolen property and beer cans and other trash. They also destroyed fencing and gates, and more than once started grass fires. Mr. Marel posted "no trespassing" signs, however they were ignored and destroyed. Numerous calls to the King County Police did not solve the problem. Attempts to talk with the trespassers also were fruitless. Beginning in 1984, Mr. Marel kept a lengthy and detailed log of his encounters with trespassers and police complaints and responses. On April 6, 1986, Mr. Marel witnessed two juveniles on motorcycles trespassing on the posted "no trespassing" area of his land, and repeatedly told them to leave. After ignoring Mr. Marel for a time, the boys eventually decided to leave. As they rode around a corner about seventy feet away, Mr. Marel fired a shotgun (belonging to his wife) in their direction, thinking they were out of range and hoping to scare them. Some pellets hit one boy in the leg and the other in the back. No serious injury occurred. The pre-sentence report acknowledges the extreme frustration Mr. Marel experienced with trespassers and police, and found no criminal predisposition or intent to injure. The report states "it is fair to say that these circumstances would test the patience and good judgment of anyone" and recommended the minimum sentence; and

WHEREAS, Mr. Marel entered a plea of guilty to the crime of Second Degree Assault in King County Superior Court on June 29, 1986, and was given the minimum sentence of 90 days, with work release. The King County Prosecutor did not oppose Mr. Marel's pardon request; and

WHEREAS, under the Anti-terrorism and Effective Death Penalty Act of 1996 and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Mr. Marel's offense has been retroactively classified as an "aggravated felony," eliminating the availability of a waiver of deportation. Under those new federal laws, only a full and unconditional pardon will allow Mr. Marel to remain in the United States; and

WHEREAS, Mr. Marel is known as a hard-working and conscientious person who is an asset to his community. He has accepted responsibility for his crime, acknowledged that he was wrong, and has no other history of criminal activity. In making its unanimous recommendation to me that this Full and Unconditional Pardon be granted, the Washington State Clemency and Pardons Board considered the nature and circumstances of the crime, the passage of time, the lack of any other criminal history, the inherent unfairness of the retroactive changes in

federal law, and that without this action Mr. Marel could be deported to Australia, creating extreme and undue hardship on Mr. Marel and his family; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the circumstances I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, grant to William Bruce Marel this Full and Unconditional Pardon for the express purpose of allowing him to obtain a deportation waiver and lawfully remain in the United States. This Full and Unconditional Pardon does not restore the right to receive, possess, own, ship or transport firearms, and shall not under any circumstances be construed to remove any disability related to firearms under any state or federal law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal  
(SEAL) of the State of Washington to be affixed at Olympia on this 20th day of  
October, A.D., nineteen hundred ninety-eight.

GARY LOCKE

Governor of Washington

BY THE GOVERNOR:

RALPH MUNRO,  
Secretary of State

#### FURTHER MESSAGE FROM THE GOVERNOR

December 23, 1998

Kathryn S. Bail, Chairperson  
Indeterminate Sentence Review Board  
4317 6th Avenue SE  
Mail Stop 40907  
Olympia, Washington 98504

Dear Ms. Bail:

I am writing to you in reference to inmate Neva J. Henning, #920935. Ms. Henning was convicted of participating in the killing of her husband, Duane Henning, in 1981.

Ms. Henning was a high school librarian in Rosalia, and she and her husband were long-time residents of the area. The trials of Ms. Henning and her accomplice received much publicity, were very controversial, and divided the community. The trial judge expressed shock at the jury's decision, and ordered Ms. Henning to remain free on bail for several years pending the final disposition of appeals. She is now 64 years of age, and has no other criminal background. Serious questions have been raised as to the credibility of key evidence used in trial against Ms. Henning, and she has maintained her innocence. Nonetheless, the appellate courts have upheld her conviction.

I have great respect for our courts and jury system, and have struggled greatly with this decision. On March 7, 1997, the Clemency and Pardons Board unanimously recommended that Ms. Henning be granted clemency. Ms. Henning's latest Department of Corrections psychological report states that she continues to remain an ideal inmate and infraction free after 12 years of incarceration, and indicates that she should be considered for parole at the earliest possible date. The Indeterminate Sentence Review Board (ISRB) has recently set her parole eligibility date as October 23, 1999. The ISRB has also recommended that I commute her sentence a small amount, to allow her to be considered for parole now.

I have reviewed all pertinent facts and circumstances surrounding this matter in detail, and have contemplated it with great care. In light of the unanimous recommendation of the Clemency and Pardons Board, the Department of Corrections and ISRB recommendations, the portion of Ms. Henning's sentence served to date, and all other

considerations, I have determined that the best interests of justice will be served if the ISRB holds a hearing at its earliest convenience to determine if Ms. Henning should be paroled.

Therefore, I hereby specifically waive any mandatory minimum sentence requirements and commute the sentence being served by Ms. Henning, such that she shall be eligible for parole consideration beginning January 1, 1999, subject to the conditions that she:

1. Not receive, possess, own, ship or transport firearms. This conditional commutation does not restore, and shall not under any circumstances be construed to restore, any civil rights related to firearms, and shall not remove any disability related to firearms under any state or federal law.
2. Not be convicted of any crimes against persons or property.
3. Fully comply with all other restrictions and conditions imposed upon her by the ISRB.

I request that the ISRB give particular attention to the concerns of the victim's family and the community when considering and conditioning Ms. Henning's parole.

Sincerely,  
GARY LOCKE

Governor

cc: Margaret Esola Baran, Attorney for Ms. Henning  
Clemency and Pardons Board Members  
James H. Kaufman, Whitman County Prosecutor

BY THE GOVERNOR: (SEAL)

RALPH MUNRO,  
Secretary of State

#### MESSAGES FROM THE HOUSE

April 23, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
SUBSTITUTE SENATE BILL NO. 5304,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5345,  
SUBSTITUTE SENATE BILL NO. 5399,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5424,  
SECOND SUBSTITUTE SENATE BILL NO. 5536,  
SUBSTITUTE SENATE BILL NO. 5553,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5599,  
SUBSTITUTE SENATE BILL NO. 5666,  
SUBSTITUTE SENATE BILL NO. 5828,  
ENGROSSED SENATE BILL NO. 5897,  
SENATE BILL NO. 5911,  
ENGROSSED SENATE BILL NO. 5962,  
SENATE BILL NO. 6025,  
SENATE JOINT RESOLUTION NO. 8206, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

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April 23, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477,  
ENGROSSED HOUSE BILL NO. 1894,  
HOUSE BILL NO. 1936, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER,  
Co-Chief Clerk

April 23, 1999

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143,  
SECOND SUBSTITUTE HOUSE BILL NO. 1176,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562,  
SUBSTITUTE HOUSE BILL NO. 1663,  
ENGROSSED HOUSE BILL NO. 2015.

DEAN R. FOSTER,  
Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 23, 1999

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1006,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1484,  
SUBSTITUTE HOUSE BILL NO. 1673.

DEAN R. FOSTER,  
Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 23, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6090, and the same is herewith transmitted.

DEAN R. FOSTER,  
Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 23, 1999

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4410, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER,  
Co-Chief Clerk

April 23, 1999

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4412 and the same is herewith transmitted.

DEAN R. FOSTER,  
Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5672,  
SUBSTITUTE SENATE BILL NO. 5781,  
SUBSTITUTE SENATE BILL NO. 6090.

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477,  
ENGROSSED HOUSE BILL NO. 1894,  
HOUSE BILL NO. 1936.

INTRODUCTION AND FIRST READING

SCR 8411 by Senators Kline and Heavey

Establishing a joint task force on equal access to justice.

SCR 8412 by Senators Prentice, Patterson, T. Sheldon, Shin, Gardner, Fairley, Kohl-Welles and Rasmussen

Assigning tasks to the legislative committee on economic development.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4410 by Representatives Mitchell, Murray, Esser, Edmonds, Alexander, Lambert, Stensen and Bush

Creating a commission on legislative building renovation.

HCR 4412 by Representatives Miloscia, Ballasiotes and O'Brien

Creating a joint select committee to address the potential uses and concerns of DNA identification.

MOTIONS

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8411 and Senate Concurrent Resolution No. 8412 were advanced to second reading and placed on the second reading calendar.

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4410 and House Concurrent Resolution No. 4412 were advanced to second reading and placed on the second reading calendar.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9158, Dr. Erik W. Pearson, as a member of the Board of Trustees for Western Washington University, was confirmed.

APPOINTMENT OF DR. ERIK W. PEARSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Bauer, Benton, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Absent: Senators Finkbeiner and Sellar - 2.

Excused: Senators Brown, Costa, Hargrove and Wojahn - 4.

EDITOR'S NOTE: See later motion by Senator Roach that the remarks on Senate Resolution 1999-8672 be spread upon the Journal.

MOTION

On motion of Senator West, the following resolution was adopted:

SENATE RESOLUTION 1999-8672

By Senators West, McDonald, Snyder, Johnson, Bauer, Fairley, Rasmussen, Spanel, Loveland, Roach, Thibaudeau, Haugen, B. Sheldon, Eide, Kohl-Welles, Patterson, Heavey, Zarelli and McAuliffe

WHEREAS, David Horsey received the 1999 Pulitzer Prize for Distinguished Editorial Cartoons; and  
WHEREAS, The Pulitzer Prize is the nation's most prestigious journalism award; and  
WHEREAS, Mr. Horsey was raised in Seattle, and graduated from Ingraham High School and the University of Washington, attesting to the quality of the state's citizens as well as its educational institutions; and  
WHEREAS, In addition to the Pulitzer Prize, David Horsey was named National Press Foundation Cartoonist of the year in 1999; and

WHEREAS, Mr. Horsey is a nationally syndicated editorial cartoonist and columnist whose work appears in more than 450 newspapers, including the Seattle Post-Intelligencer where he has worked since 1979; and

WHEREAS, David Horsey's witty, biting brand of humor is a formidable weapon; and

WHEREAS, The copyrighted Horsey wit, humor and well-honed drawing skills have been turned on the wealthy, the powerful, and even certain members of this August body; and

WHEREAS, Some Senators have been known to provide Mr. Horsey with the financial incentive to attack the institution's esteemed members by purchasing his original artwork; and

WHEREAS, the cartoonist's pen has found its targets on both sides of the political spectrum; and

WHEREAS, David Horsey's political cartoons have become just as integral to the Evergreen State's political scene as Mount Rainier is to Washington's landscape;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor David Horsey for winning the Pulitzer Prize for his cartoons, and that the Washington State Senate take partial credit for his success by providing such a good target for his enormous talent.

#### REMARKS BY SENATOR WEST

Senator West: "Thank you Mr. President, who amongst us--actually most of us--and I asked this rhetorically, who amongst us wouldn't like to be a subject of a Pulitzer Prize winning artist's rendering? Everybody raise your hand. There are many novice legislators who come to Olympia who think it would be a great honor and privilege to be drawn in the *Seattle Post Intelligencer* by Mr. Horsey and, in fact, they aspire to that day until it happens. Then, all of a sudden, they are wondering, 'Does he really know who I am? Does he understand what I have been doing?'

"Mr Horsey has done a great job and we are very proud of him as a citizen of Washington State and being recognized. The Pulitzer is, you know, an incredible honor and an incredible honor for an individual. Mr. Horsey has demonstrated over years of talent that he is certainly deserving of it. Having been the victim of the pen, once or twice, and having felt the twinge when it happened, and also, you know, it is the sign that you have arrived when you actually end up in one of those cartoons. I think it is a great honor and privilege that the Senate take the opportunity to recognize his talent--recognize his recognition by the Pulitzer committee and to say, 'Thank you and congratulations.'

"Mr. President, I would like to move that if any member wished to join in the resolution, they may do so."

#### REMARKS BY SENATOR McDONALD

Senator McDonald: "Mr. President, and fellow members of the Senate. I figure I got a little bit of a piece of this prize, as well, because

Dave has gotten a little piece of me a number of times. This is my personal favorite as a matter of fact. I thought it was kind of interesting, because no matter how much things change, they kind of stay the same. This had to do with 1991, as I remember it, when I was Ways and Means Chair. Gary Locke, then was Appropriations Chair and Booth Gardner and Karla Nuxall, the then WEA President. At that point, we had an awful lot of teachers out there on strike while we were writing the budget. It sounds kind of familiar at this point.

"Dave has had an incredible ability--sometimes they bite just a little bit, but they always have a point and they always have an awful lot of humor in them. I think that was why he was recognized for this prestigious prize. I think that is the pinnacle and I thought your cartoon the next day---a cartoonist is sitting at his blank page, saying, 'what do I do now'-- was extremely poignant. It is a great honor for you and for the state and I want you to know that the originals that I bought now are going to be part of my retirement, as they have increased substantially in value. Thank you very much and my wife thanks you, as well."

#### REMARKS BY SENATOR SNYDER

Senator Snyder: "Thank you, Mr. President. I wish to join in wishing and congratulating Dave on winning this award. You know, everybody says that they hate to be in those cartoons, but you notice, like Senator McDonald, they all want to buy the originals. They just jump at the chance to get there and do that. You know this is kind of like winning the Super Bowl or the World Series or the last day for Wayne Gresky the other day. I think this is really like in the same category with all of those things in the sports world. I didn't realize that four hundred and fifty newspapers around the country carry your cartoons and I do see it in other papers. That in it itself is a great tribute and shows you how much it means to people all around the country and it comes right out of our state of Washington. We are indeed proud to have you as a citizen and a cartoonist in the Pacific Northwest and the city of Seattle. Congratulations!"

#### REMARKS BY SENATOR DECCIO

Senator Deccio: "Thank you, Mr. President. I have never been in any of Dave's cartoons, even during the time he spent down here as a reporter. I guess it is because I have never done anything wrong, so I've never ended up there. Dave, you know you are the kind of guy that any publisher would like to have on his team,

because you have twenty-seven years experience and you are only twenty-seven years old. I think that is a great gift for anybody. We are really proud that you got this award. This is like winning the lottery--you would probably like to do both. I just want to add my congratulations; I think you have been a real credit to all of us in the state of Washington. "Thank you."

#### REMARKS BY SENATOR ROACH

Senator Roach: "Thank you, Mr. President, and members of the Senate. I, too, want to congratulate David Horsey. I've contributed a little bit myself. I just want you to know Mr. Horsey that I have lost weight and so if there is another time--ok? You know, I first met David--I believe it was 1980--and he was in the office of then Senator Kent Pullen. I remember walking through the door there and having the chance to meet him and so forth. I also remember one of those earlier cartoons, at least from my recognition of his work. It was a picture of the warmup bench --three players on the warmup bench--and they have jerseys on and on the back of each one of them says, 'Pullen,' one says 'Metcalf,' and the other says, 'Smith,' and they are turning around looking behind them and so you are looking at the faces and their backs with the jerseys and then these big, gargantuan rear ends hanging over the bench. They are each sitting on something; Pullen for gun control; Metcalf for, I believe Kurt Smith's nomination; and Linda Smith for the Childrens' Initiative.

"The thing that makes these so great is that you remember the cartoons. You remember the one about Ellen Craswell where she is dressed up like the queen in Alice in Wonderland and it says, 'All right, off with this' on the castration bill, you know. So, it is a wonderful thing for us here in Washington State and I also wanted to tell you that when David Horsey did the three with Pullen, Metcalf and Smith, Kent said to me, 'Quick, call him on the phone'--it was eight a.m. at that time and said 'let's buy that print.' So, I called him up and he said politely that it would be a hundred dollars. Well, when I bought one last year, it was four hundred dollars, so things are going up."

#### REMARKS BY SENATOR THIBAudeau

Senator Thibaudeau: "Mr. President and members of the Senate. I'm rising to support this resolution. I am reminded of people's reaction to a former next door neighbor of mine, Ed Donohue, in whose columns, people hated being mentioned, but hated worse, never to be mentioned at all. Now, my constituent, I am so glad you all like something about Seattle. The three wonderful people on the rostrum, yes, Mr. Horsey and his family are all my constituents. They are all members of the Forty-third District, of which I am very proud.

"On a bit of a downer, I suppose, we have all talked about his humor, but the cartoon recently--I hope Senator McAuliffe saw it--it was a Mother sobbing and hanging on to her adolescent son with a backpack. He said quizzically, 'I'm just going to school Mom.' In view of recent events, I think this shows his perception, his understanding and as somebody said, 'It really makes you think about it.'

"Thanks so much--all three of you--for being here. Thanks, David for being such a tremendous observer of the world. I appreciate you and I support this resolution. Thank you."

#### REMARKS BY SENATOR McCASLIN

Senator McCaslin: "Thank you, Mr. President. I didn't know you were this young. I know--I'm waiting for that autograph. I have two of his pictures and the first one was a lot cheaper than the second one. The first one was me with the cutouts on the Growth Management Act, so he signed that one and if you come in and sign the other one, I promise I'll make the next installment payment. I mean I am an honest guy. I can't believe you are as young as you are. I kept saying to Senator Deccio, 'Is that him?' He said, 'Yeah.' Of course, you can't believe I am this old, so at this age, I would appreciate your hurrying and signing and I'll get somebody to bring it over and then I will give you my installment payment and it will cover it up. Congratulations, you are a wonderful cartoonist. I also have the one on term limits, which I think is the most beautiful cartoon I have ever seen. Why should we run and he has all these other geeks waiting to run. He did a tremendous job on that. I don't know if that was before term limits expired or we did it in court and got rid of it, but you will know. Thank you very much for the tremendous humor you provide for most of us."

#### REMARKS BY SENATOR WINSLEY

Senator Winsley: "Thank you, Mr. President. I would also like to congratulate Dave. I noticed that you started with the *PI* in 1979. Twenty years ago when I was in the House when we were tied forty-nine, forty-nine, my name got in the paper several times. I think my favorite one was I was riding a white horse, if I remember correctly, and Duane Berentson was trying to edge up close by, but just about that time, the horse kicked up his hind legs and I think Berentson fell. I remember the cartoon. Anyhow, I think it is the same situation now and we have a House over there that is tied forty-nine, forty-nine and I guess someone will give that vote for the budget, but it won't be me. Thank you."

#### REMARKS BY SENATOR KOHL-WELLES

Senator Kohl-Welles: "Thank you, Mr. President. I rise also to support this resolution and congratulate Mr. Horsey. I had the real delightful experience last year of sitting behind David Horsey at a Mariner's game and watching him develop a cartoon. It was really an incredible interesting experience and I chatted a little bit with him about what he was doing. I dare say that David will not be sitting and staring at a blank page very often. I think we all give him a lot of fertile ideas for his imagination to get carried away with and I also dare to say that he is not known just as part of our Washington landscape here in the Evergreen State, but likely much to the dismay of certain figures in the other Washington, he is becoming all too well known, as well. Congratulations."

#### REMARKS BY SENATOR JACOBSEN

Senator Jacobsen: "When I was at Lake City Elementary School many years ago, I never did think that Janet Horsey's little brother would be famous, but he certainly has come a long ways and when I was at the University of Washington, he also did a good job on the *Daily* and the only other observation I would make would be if you weren't a great cartoonist, you would be a great columnist, because I have always enjoyed your thoughtful columns when you write them on occasion. We are really lucky to have you in the state of Washington and paying attention to the political issues. Thank you, Dave."

#### FURTHER REMARKS BY SENATOR WEST

Senator West: "Mr. President, I assume that you are going to introduce Mr. Horsey, his wife and his mother. I would like to point out that they have political connections, as well. His wife was a Senate Page Mother in the 1970s and I believe she also worked for the House of Representatives. His mother was a PCO until they became an endangered species in Senator Thibault's district, because she is a Republican."

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced David Horsey, his wife, Noelle Ann, and his mother, Jeanne, who were seated on the rostrum.

With permission of the Senate, business was suspended and David Horsey addressed the Senate.

#### REMARKS BY DAVID HORSEY

David Horsey: "Thank you. Actually, I am thinking, 'What am I doing up here?' I am supposed to be over at that table, but I think this proves that the House has not given you guys nearly enough to do. If you can spend all this time talking about me--how long do you want me to fill here? I was glad to hear there was some dissent in that vote, by the way. I hate to think you are all that forgiving. If some one drew me the way that I sometimes draw you, I would be a little angry myself.

"That is all right. That is the wonderful thing that I have people in politics. People sometimes ask me if I dislike politicians, and actually I love politicians. Not just because you make my job possible and when you goof up, it makes my job easy, but because people in politics, especially elected officials are--even if you disagree with them--those of you who I disagree with from time to time, I do respect the fact that you are engaged and you are involved in democracy, and that you are doing what people who are just complainers are not doing. You are trying to make things better in the way you see--the vision you have on what should be done. I do respect you for that, despite the fact that I have a job that is very disrespectful.

"I was at the fair at Monroe a couple years ago and a guy came up to me and said he was really angry about what I did, because he had been taught to respect the President, to respect the Governor and what I did was

antithetical to that and I had to agree that he was right. I guess I justify it because I am saying, 'I am part of the democratic debate and that is what this country is all about people sharing ideas and arguing and then eventually coming together to do what is best.'

"Senator West stole my lines about my mom here. She was a Republican Precinct Committeewoman until she moved to the wonderful Forty-third District where the second party is the Socialist Workers Party. She didn't want to work for them, so anyway--I will be quiet now and go back to being a journalist. I thank you very much. This truly is an honor. Because I started my career down here, I have always loved Olympia and the Legislature and the whole scene here. It is indeed an honor to be recognized in this way. Thanks for being forgiving about what I do to you guys. Thank you very much."

#### REMARKS BY PRESIDENT OWEN

President Owen: "Congratulations, Mr. Horsey. I had the privilege of serving in the House my first year when Mr. Horsey was an intern. I just wanted to say that I don't remember that plaid sport's coat, at all. Thank you very much!"

#### MOTION

At 10:35 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:54 a.m. by President Owen.

#### MOTION

On motion of Senator Rossi, the following resolution was adopted:

#### SENATE RESOLUTION 1999-8683

By Senators Rossi, B. Sheldon, Zarelli, Gardner, Haugen, Rasmussen and Spanel

WHEREAS, SCORE (The Service Corps of Retired Executives) celebrates thirty-five years of helping small business succeed; and

WHEREAS, SCORE is a non-profit association dedicated to entrepreneur education and the formation, growth, and success of small business here in the state of Washington and nationally; and

WHEREAS, SCORE is a resource partner with the U.S. Small Business Administration (SBA); and

WHEREAS, SCORE serves as "COUNSELORS TO AMERICA'S SMALL BUSINESS"; and

WHEREAS, SCORE's working and retired executives and business owners donate their time and expertise as volunteer counselors to provide confidential counseling and mentoring to the state's small businesses at no charge to the recipient; and

WHEREAS, SCORE also conducts educational business workshops to assist entrepreneurs to gain skills to better understand the business world for a modest fee; and

WHEREAS, These dedicated men and women are located in SCORE Chapters in Bellingham, Seattle, Spokane, Tacoma, and Vancouver; and

WHEREAS, SCORE members travel to provide business counseling to entrepreneurs in other urban and rural locations and, last year, the two hundred eighty-four members gave a total of 32,000 volunteer hours to counsel and mentor entrepreneurs. One-on-one, they presented workshop training and used the latest technology, via Internet e-mail to assist the state's growing number of small businesses; and

WHEREAS, Small business is a major part of the state's economic engine. In 1998, nearly 180,000 small businesses generated nearly \$12 billion. Washington's small businesses employed 1.4 million people or about sixty percent of the state's workforce; and

WHEREAS, Our state's SCORE members represent the spirit of volunteerism - volunteerism dedicated to helping the people of Washington State achieve the American dream;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate applauds the dedication and work of all SCORE members and their organizations. The Senate celebrates their accomplishments over the last

thirty-five years while looking forward to SCORE's accomplishments on behalf of our state's small businesses in the new millennium; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Gary Locke, Governor of Washington; the Governor's cabinet officers; all statewide elected officials; Region X Administrator of the U.S. Small Business Administration; District Directors of U.S. Small Business Administration of Washington State; SCORE National Headquarters; SCORE Region X Director; SCORE's State District Management, and to each of the aforementioned SCORE Chapter Chairpersons.

Senators Rossi, Tim Sheldon, Betti Sheldon, Benton and West spoke to Senate Resolution 1999-8683.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced SCORE'S Chapter 55 Chair Kenneth L. Kukes, as well as Senator Rossi's father and mother in-law, John and Mary Cale. Mr. Cale is an accredited representative for SCORE.

#### MOTION

At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Owen.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the third order of business.

#### MESSAGE FROM STATE OFFICE

DEPARTMENT OF AGRICULTURE  
P. O. Box 42560  
Olympia, Washington 98504-2560

April 22, 1999

Tony Cook, Secretary of the Senate  
Washington State Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Re: Report to the Legislature

Dear Mr. Cook:

Enclosed is the annual Report to the Legislature on pesticide enforcement and residue monitoring. The Washington State Department of Agriculture is mandated by RCW 15.58.420 and RCW 17.21.350 to report to the appropriate committees of the House of Representatives and the Senate on the activities of the department under Chapter 15.58 RCW, the Washington Pesticide Control Act and Chapter 17.21 RCW, the Washington Pesticide Application Act. The report includes (1) a review of the department's pesticide incident investigation and enforcement activities; and (2) a summary of the pesticide residue food monitoring program.

Sincerely,

JIM JESERNIG, Director

The Department of Agriculture Annual Report on pesticide enforcement and residue monitoring is on file in the Office of the Secretary of the Senate.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

#### MOTIONS

On motion of Senator Patterson, Senators Eide, McAuliffe and Thibaudeau were excused.  
On motion of Senator Spanel, Senator Loveland was excused.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9186, Betty Woods, as a member of the Board of Trustees for Western Washington University, was confirmed.

#### APPOINTMENT OF BETTY WOODS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 8; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Wojahn and Zarelli - 37.

Absent: Senators Deccio, Finkbeiner, Gardner, Haugen, McCaslin, McDonald, Sellar and Winsley - 8.

Excused: Senators Eide, Loveland, McAuliffe and Thibaudeau - 4.

#### MOTIONS

On motion of Senator Patterson, Senator Gardner was excused.  
On motion of Senator Honeyford, Senator Johnson was excused.

#### PARLIAMENTARY INQUIRY

Senator West: "A parliamentary inquiry, Mr. President. I may be one of the greater offenders of this, but I want the President to clarify what the definition of what the bar of the House is--or the bar of the Senate is. Rule 39 requires that Senators be present, every Senator within the bar of the Senate shall vote. Does the bar include the ante area beyond the curtains or may the Senator's head be just outside the curtain area into the bar? Could you give us a clarification of that sir?"

#### REPLY BY THE PRESIDENT

President Owen: "It is kinda like in a football field, if you break the plane, you score. To some people, that would be the head and the stomach."

Senator West: "A further inquiry, I don't find it in the rules, but I know Senate custom requires the wearing--for gentlemen--of a tie and a suit coat or jacket. Is it permissible to protrude your head while not wearing a jacket?"

President Owen: "The President would prefer to not see the rest of the body without the jacket on. There is not a requirement that chairs of the Senate have suit jackets on. I notice that Senator McDonald has one on his chair, one that might fit that offending Senator that you were referring to."

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. The Senator from the Sixth District has struck again."

## MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9155, Dr. George Mohoric, as a member of the Board of Trustees for Centralia Community College District No. 12, was confirmed.

## APPOINTMENT OF DR. GEORGE MOHORIC

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senators Finkbeiner and Sellar - 2.

Excused: Senators Gardner, Johnson, Loveland and McAuliffe - 4.

## MOTION

On motion of Senator Roach, the remarks on Senate Resolution 1999-8672 honoring David Horsey, which the Senate adopted earlier today, will be spread upon the Journal.

## PARLIAMENTARY INQUIRY

Senator Swecker: "A parliamentary inquiry, Mr. President. This noon hour as I strolled about the capital campus I realized that if I were home right now I would be wearing cutoffs. I am not sure what kind of images that places on people's minds, but it occurred to me to inquire of the President that if I wear cutoffs tomorrow and a coat and tie, would I be considered properly attired for the floor of the Senate?"

## REPLY BY THE PRESIDENT

President Owen: "Possibly, if you included tights--possibly, but not likely."

## MOTION

On motion of Senator Honeyford, Senators Rossi and Sellar were excused.

## MOTION

On motion of Senator Goings, the Senate returned to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 23, 1999

MR. PRESIDENT:

Under suspension of the rules, ENGROSSED SENATE BILL NO. 5789 was returned to second reading and the House adopted the following amendment(s) and passed the bill as amended by the House:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 43.105.020 and 1993 c 280 s 78 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

- (1) "Department" means the department of information services;
- (2) "Board" means the information services board;
- (3) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;
- (4) "Director" means the director of the department;

(5) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(6) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(7) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(8) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(9) "Information services" means data processing, telecommunications, and office automation;

(10) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, and cables;

(11) "Proprietary software" means that software offered for sale or license;

(12) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of community, trade, and economic development under chapter 43.330 RCW;

(13) "K-20 educational network board" or "K-20 board" means the K-20 educational network board created in section 2 of this act;

(14) "K-20 network technical steering committee" or "committee" means the K-20 network technical steering committee created in section 6 of this act;

(15) "K-20 network" means the network established in RCW 28D.02.070;

(16) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the K-20 board.

**NEW SECTION. Sec. 2.** The K-20 educational network board is created. The purpose of the K-20 board is to ensure that the K-20 educational telecommunications network is operated in a way that serves the broad public interest above the interest of any network user.

(1) The K-20 board shall comprise eleven voting and seven nonvoting members as follows:

(a) Voting members shall include: A person designated by the governor; one member of each caucus of the senate, appointed by the president of the senate; one member of each caucus of the house of representatives, appointed by the speaker of the house of representatives; the superintendent of public instruction or his or her designee; the executive director of the higher education coordinating board or his or her designee; the executive director of the state board for community and technical colleges or his or her designee; the chair of the information services board, or his or her designee; the director of the department of information services or his or her designee; and one citizen member.

The citizen member shall be appointed to a four-year term by the governor with the consent of the senate. The governor shall appoint the citizen member of the K-20 board by July 30, 1999.

(b) Nonvoting members shall include one community or technical college president, appointed by the state board for technical and community colleges; one president of a public baccalaureate institution, appointed by the council of presidents; the state librarian; one educational service district superintendent, one school district superintendent, and one representative of an approved private school, appointed by the superintendent of public instruction; and one representative of independent baccalaureate institutions, appointed by the Washington association of independent colleges and universities.

(2) The director of the department of information services or his or her designee shall serve as chair of the K-20 board. The department of information services shall provide staffing to the K-20 board. A majority of the voting members of the K-20 board shall constitute a quorum for the transaction of business.

(3) The citizen member of the K-20 board shall be compensated in accordance with RCW 43.03.250.

**NEW SECTION. Sec. 3.** The new section is added to chapter 43.105 RCW to read as follows:

The K-20 board has the following powers and duties:

(1) In cooperation with the educational sectors and other interested parties, to establish goals and measurable objectives for the network;

(2) To ensure that the goals and measurable objectives of the network are the basis for any decisions or recommendations regarding the technical development and operation of the network;

(3) To adopt, modify, and implement policies to facilitate network development, operation, and expansion. Such policies may include but need not be limited to the following issues: Quality of educational services; access to the network by recognized organizations and accredited institutions that deliver educational programming, including public libraries; prioritization of programming within limited resources; prioritization of access to the system and the sharing of technological advances; network security; identification and evaluation of emerging technologies for delivery of educational programs; future expansion or redirection of the system; network fee structures; and costs for the development and operation of the network;

(4) To prepare and submit to the governor and the legislature a coordinated budget for network development, operation, and expansion. The budget shall include the recommendations of the K-20 board on (a) any state funding requested for network transport and equipment, distance education facilities and hardware or software specific to the use of the network, and proposed new network end sites, (b) annual copayments to be charged to public educational sector institutions and other public entities connected to the network, and (c) charges to nongovernmental entities connected to the network;

(5) To adopt and monitor the implementation of a methodology to evaluate the effectiveness of the network in achieving the educational goals and measurable objectives;

(6) To authorize the release of funds from the K-20 technology account under RCW 28D.02.060 (as recodified by this act) for network expenditures;

(7) To establish by rule acceptable use policies governing user eligibility for participation in the K-20 network, acceptable uses of network resources, and procedures for enforcement of such policies. The K-20 board shall set forth appropriate procedures for enforcement of acceptable use policies, that may include suspension of network connections and removal of shared equipment for violations of network conditions or policies. However, the information services board shall have sole responsibility for the implementation of enforcement procedures relating to technical conditions of use.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.105 RCW to read as follows:

Actions of the telecommunications oversight and policy committee in effect on June 30, 1999, shall remain in effect thereafter unless modified or repealed by the K-20 board.

**Sec. 5.** RCW 43.105.041 and 1996 c 171 s 8 and 1996 c 137 s 12 are each reenacted and amended to read as follows:

(1) The board shall have the following powers and duties related to information services:

(a) To develop standards governing the acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data;

(b) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection (1)(b) does not apply to the legislative branch;

(c) To develop state-wide or interagency technical policies, standards, and procedures;

(d) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or state-wide or regional providers of K-12 information technology services, and to assure the cost-effective development and incremental implementation of a state-wide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(e) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;

(f) To develop and implement a process for the resolution of appeals by:

(i) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(ii) A customer agency concerning the provision of services by the department or by other state agency providers;

(g) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

(ii) Training and education; and

(iii) Project management;

(h) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; and

(i) To review and approve that portion of the department's budget requests that provides for support to the board.

(2) State-wide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The board shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems. Local governments are strongly encouraged to follow the standards established by the board; and

(b) Require agencies to consider electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the board is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

(3)(a) The board, in consultation with the K-20 board, has the duty to govern, operate, and oversee the technical design, implementation, and operation of the K-20 network including, but not limited to, the following duties: Establishment and implementation of K-20 network technical policy, including technical standards and conditions of use; review and approval of network design; procurement of shared network services and equipment; and resolving user/provider disputes concerning technical matters. The board shall delegate general operational and technical oversight to the K-20 network technical steering committee as appropriate.

(b) The board has the authority to adopt rules under chapter 34.05 RCW to implement the provisions regarding the technical operations and conditions of use of the K-20 network.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.105 RCW to read as follows:

The K-20 network technical steering committee is established, and shall report to the information services board.

(1) The committee consists of the following seven voting members: A representative of the higher education coordinating board, appointed by its executive director; a representative of the superintendent of public instruction, appointed by the superintendent of public instruction; a representative of the state board for community and technical colleges, appointed by its executive director; a representative of the educational services districts, appointed by that organization; a

representative of the baccalaureate institutions, appointed by the council of presidents; a representative of the computer or telecommunications industry, appointed by the governor; and a representative of the department, appointed by the director. The committee includes as ex officio, nonvoting members, a representative of the organization that operates the K-20 network under section 8 of this act, appointed by that organization; the state librarian; a representative of the independent nonprofit institutions of higher education, appointed by the Washington association of independent colleges and universities; and such additional ex officio, nonvoting members as may be appointed by the information services board. The committee shall select a chair from among its members.

(2) The committee shall have general operational and technical oversight over the K-20 network, as delegated by the information services board.

(3) The department shall supply necessary staff support to the committee.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.105 RCW to read as follows:

(1) In overseeing the technical aspects of the K-20 network, the information services board is not intended to duplicate the statutory responsibilities of the higher education coordinating board, the superintendent of public instruction, the information services board, the state librarian, or the governing boards of the institutions of higher education.

(2) The board may not interfere in any curriculum or legally offered programming offered over the network.

(3) The coordination of telecommunications planning for institutions of higher education as defined in RCW 28B.10.016 remains the responsibility of the higher education coordinating board under RCW 28B.80.600. The board may recommend, but not require, revisions to the higher education coordinating board's telecommunications plan.

(4) The responsibility to review and approve standards and common specifications for the network remains the responsibility of the information services board under RCW 43.105.041.

(5) The coordination of telecommunications planning for the common schools remains the responsibility of the superintendent of public instruction. Except as set forth in RCW 43.105.041(1)(d), the board may recommend, but not require, revisions to the superintendent's telecommunications plans.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.105 RCW to read as follows:

The department shall maintain, in consultation with the network users and the board, the K-20 operations cooperative, which shall be responsible for day-to-day network management, technical network status monitoring, technical problem response

coordination, and other duties as agreed to by the department, the educational sectors, and the information services board. Funding for the K-20 operations cooperative shall be provided from the K-20 revolving fund under RCW 28D.02.065 (as recodified by this act).

**Sec. 9.** RCW 28D.02.060 and 1997 c 180 s 2 are each amended to read as follows:

The K-20 technology account is hereby created in the state treasury. The department of information services shall deposit into the account moneys received from legislative appropriations, gifts, grants, and endowments for the buildout and installation of the K-20 telecommunication system. The account shall be subject to appropriation and may be expended solely for the K-20 telecommunication system ~~((approved by the committee under RCW 28D.02.010))~~. Disbursements from the account shall be on authorization of the director of the department of information services with approval of the ~~((committee under RCW 28D.02.010))~~ board.

**Sec. 10.** RCW 28D.02.065 and 1997 c 180 s 1 are each amended to read as follows:

(1) The education technology revolving fund is created in the custody of the state treasurer. All receipts from billings under subsection (2) of this section must be deposited in the revolving fund. Only the director of the department of information services or the director's designee may authorize expenditures from the fund. The revolving fund shall be used ~~((only))~~ to pay for ~~((the acquisition of))~~ network operations, transport, equipment, software, supplies, and services, maintenance and depreciation of on-site data, and shared infrastructure, and other costs incidental to the ~~((acquisition,))~~ development, operation, and administration of shared educational information technology services, telecommunications, and systems. The revolving fund shall not be used for the acquisition, maintenance, or operations of local ~~((networks or))~~ telecommunications infrastructure or the maintenance or depreciation of on-premises video equipment specific to a particular institution or group of institutions.

(2) The revolving fund and all disbursements from the revolving fund are subject to the allotment procedure under chapter 43.88 RCW, but an appropriation is not required for expenditures. The department of information services shall, in consultation with entities connected to the network under RCW 28D.02.070 ~~(as recodified by this act)~~ and subject to the review and approval of the office ~~((eff))~~ of financial management, establish and implement a billing structure ~~((to assure that all network users pay an equitable share of the costs in relation to their usage of the network))~~ for network services identified in subsection (1) of this section.

(3) The department shall charge those public entities connected to the K-20 telecommunications under RCW 28D.02.070 an annual copayment per unit of transport connection as determined by the legislature after consideration of the K-20 board's recommendations. This copayment shall be deposited into the revolving fund to be used for the purposes in subsection (1) of this section. It is the intent of the legislature to appropriate to the revolving fund such moneys as necessary to cover the costs for transport, maintenance, and depreciation of data equipment located at the individual public institutions, maintenance and depreciation of the network backbone, and services provided to the network under section 8 of this act.

**Sec. 11.** RCW 28D.02.070 and 1996 c 137 s 8 are each amended to read as follows:

The information services board shall prepare a technical plan for the design and construction of the K-20 telecommunication system. The board shall ensure that the technical plan adheres to the ~~((principles described in RCW 28D.02.020 and the))~~ goals and objectives established ~~((by the committee))~~ under RCW ~~((28D.02.010))~~ 43.105.041. The board shall provide formal project approval and oversight during the development and implementation of the K-20 telecommunications network. In approving the plan, the board shall conduct a request for proposal process. The technical plan shall be developed in phases as follows:

(1) Phase one shall provide a telecommunication backbone connecting educational service districts, the main campuses of public baccalaureate institutions, the branch campuses of public research institutions, and the main campuses of community colleges and technical colleges.

(2) Phase two shall provide for (a) connection to the network by entities that include, but need not be limited to: School districts, public higher education off-campus and extension centers, and branch campuses of community colleges and technical colleges, ~~((and independent nonprofit baccalaureate institutions,))~~ as prioritized by the ~~((K-20))~~ K-20 telecommunications oversight and policy committee, or as modified by the board; ~~((and))~~ (b) distance education facilities and components for entities listed in subsections (1) and (2) of this section; and (c) connection for independent nonprofit institutions of higher education, provided that:

(i) The K-20 board and each independent nonprofit institution of higher education to be connected agree in writing to terms and conditions of connectivity. The terms and conditions shall ensure, among other things, that the provision of K-20 services does not violate Article VIII, section 5 of the state Constitution and that the institution shall adhere to network policies; and

(ii) The K-20 board determines that inclusion of the independent nonprofit institutions of higher education will not significantly affect the network's eligibility for federal universal service fund discounts or subsidies.

(3) Subsequent phases may include, but need not be limited to, connections to public libraries, state and local governments, community resource centers, and the private sector.

NEW SECTION. Sec. 12. RCW 28D.02.060, 28D.02.065, and 28D.02.070 are each recodified as sections in chapter 43.105 RCW.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

- (1) RCW 28D.02.005 (Intent--Finding) and 1996 c 137 s 1;
- (2) RCW 28D.02.010 (K-20 telecommunications oversight and policy committee) and 1996 c 137 s 2;
- (3) RCW 28D.02.020 (Design and implementation plan) and 1996 c 137 s 3;
- (4) RCW 28D.02.030 (Proposed location plan of higher education delivery sites) and 1996 c 137 s 4;
- (5) RCW 28D.02.040 (Proposed location plan of public education delivery sites) and 1996 c 137 s 5; and
- (6) RCW 28D.02.050 (Network governance structure--Recommendations of the higher education coordinating board and the superintendent of public instruction) and 1996 c 137 s 6.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER,  
Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment to Engrossed Senate Bill No. 5789.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment to Engrossed Senate Bill No. 5789.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 5789.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5789, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5789, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Loveland, Rossi and Sellar - 3.

ENGROSSED SENATE BILL NO. 5789, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 23, 1999

MR. PRESIDENT:

Under suspension of the rules, ENGROSSED SUBSTITUTE SENATE BILL NO. 5988 was returned to second reading and the House adopted the following amendment(s) and passed the bill as amended by the House:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.225.020 and 1996 c 134 s 2 are each amended to read as follows:

- (1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences;

(b) Schedule a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, if available, requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence.

(2) For purposes of this chapter, an "unexcused absence" means that a child:

(a) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

(b) Has failed to meet the school district's policy for excused absences.

(3) If a child transfers from one school district to another during the school year, the receiving school or school district shall include the unexcused absences accumulated at the previous school or from the previous school district for purposes of this section, RCW 28A.225.030, and section 6 of this act.

**Sec. 2.** RCW 28A.225.030 and 1996 c 134 s 3 are each amended to read as follows:

(1) If a child is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. Except as provided in this subsection, no additional documents need be filed with the petition.

(2) The district shall not later than the fifth unexcused absence in a month:

(a) Enter into an agreement with a student and parent that establishes school attendance requirements;

(b) Refer a student to a community truancy board, if available, as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

(c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

**Sec. 3.** RCW 28A.225.035 and 1997 c 68 s 1 are each amended to read as follows:

(1) A petition for a civil action under RCW 28A.225.030 or section 6 of this act shall consist of a written notification to the court alleging that:

(a) The child has unexcused absences during the current school year;

(b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and

(c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, age, school, and residence of the child and the names and residence of the child's parents.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4) When a petition is filed under RCW 28A.225.030 or section 6 of this act, the juvenile court shall schedule a hearing at which the court shall consider the petition(~~(-However)~~), or if the court determines that a referral to an available community

truancy board would substantially reduce the child's unexcused absences, the court may refer the case to a community truancy board under the jurisdiction of the juvenile court.

(5) If a referral is made to a community truancy board, the truancy board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within thirty days of the referral. If the petition is based on section 6 of this act, the child shall not be required to attend and the agreement under this subsection shall be between the truancy board, the school district, and the child's parent. The agreement shall be presented to the juvenile court for its approval.

(6) The court shall approve the agreement by order or schedule a hearing. The court may, if the school district and community truancy board agree, permit the truancy board to provide continued supervision over the student, or parent if the petition is based on section 6 of this act, and report on compliance with the order.

(7) If the truancy board fails to reach an agreement, the truancy board shall return the case to the juvenile court for a hearing.

(8) Notwithstanding the provisions in subsection (4) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. When a juvenile court hearing is held, the court shall:

- (a) Separately notify the child, the parent of the child, and the school district of the hearing;
- (b) Notify the parent and the child of their rights to present evidence at the hearing; and
- (c) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

~~((5))~~ (9) The court may require the attendance of ~~((both))~~ the child ~~((and))~~ if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.

~~((6))~~ (10) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030 or section 6 of this act.

(11) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court ~~((may))~~ shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

~~((7))~~ (12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

~~((8))~~ (13) If the court assumes jurisdiction, the school district shall regularly report to the court any additional unexcused absences by the child.

~~((9))~~ (14) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

**Sec. 4.** RCW 28A.225.090 and 1998 c 296 s 39 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to:

(a) Attend the child's current school;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law.

(2) If the child fails to comply with the court order, the court may order the child to be ~~((punished by))~~ subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as community service. Failure by a child to comply with an order issued under this subsection shall not be ~~((punishable by))~~ subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, section 6 of this act, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community service. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1),(2), and (4) of this section shall not apply to a six or seven year-old child required to attend public school under section 6 of this act.

**Sec. 5.** RCW 28A.225.025 and 1996 c 134 s 9 are each amended to read as follows:

For purposes of this chapter, "community truancy board" means a board composed of members of the local community in which the child attends school. ~~((The local school district boards of directors))~~ Juvenile courts may establish and operate community truancy boards. If the juvenile court and the school district agree, a school district may establish and operate a community truancy board under the jurisdiction of the juvenile court. Juvenile courts may create a community truancy board or may use other ~~((boards))~~ entities that exist or are created, such as diversion ~~((boards))~~ units. However, a diversion unit or other existing ~~((board))~~ entity must agree before it is used as a truancy board. ~~((Members of the board shall be selected from representatives of the community.))~~ Duties of a community truancy board shall include, but not be limited to, recommending methods for improving school attendance such as assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences or suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program.

**NEW SECTION. Sec. 6.** A new section is added to chapter 28A.225 RCW to read as follows:

(1) If a parent enrolls a child who is six or seven years of age in a public school, the child is required to attend and that parent has the responsibility to ensure the child attends for the full time that school is in session. An exception shall be made to this requirement for children whose parents formally remove them from enrollment if the child is less than eight years old and a petition has not been filed against the parent under subsection (3) of this section. The requirement to attend school under this subsection does not apply to a child enrolled in a public school part-time for the purpose of receiving ancillary services. A child required to attend school under this subsection may be temporarily excused upon the request of his or her parent for purposes agreed upon by the school district and parent.

(2) If a six or seven year-old child is required to attend public school under subsection (1) of this section and that child has unexcused absences, the public school in which the child is enrolled shall:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year;

(b) Request a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, offering assistance in enrolling the child in available alternative schools or programs, or assisting the parent or child to obtain supplementary services that may help eliminate or ameliorate the cause or causes for the absence from school.

(3) If a child required to attend public school under subsection (1) of this section has seven unexcused absences in a month or ten unexcused absences in a school year, the school district shall file a petition for civil action as provided in RCW 28A.225.035 against the parent of the child.

(4) This section does not require a six or seven year old child to enroll in a public or private school or to receive home-based instruction. This section only applies to six or seven year old- children whose parents enroll them full time in public school and do not formally remove them from enrollment as provided in subsection (1) of this section.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall provide, to the extent funds are appropriated, start-up grants for alternative programs and services that provide instruction and learning for truant, at-risk, and expelled students. Each grant application shall contain proposed performance indicators and an evaluation plan to measure the success of the program and its impact on improved student learning. Applications shall contain the applicant's plan for maintaining the program and services after the grant period.

**NEW SECTION. Sec. 8.** If funds are appropriated by the legislature for this specific purpose, the superintendent of public instruction shall contract with the institute of public policy or a similar agency to: Evaluate the effectiveness of the petition process and community truancy boards in chapter 28A.225 RCW in reducing truancy; determine whether students who do return to school after being subject to court action create disruptions for other students in the school, establish patterns of improved attendance, and successfully complete their education program; and determine the costs imposed on school districts by the petition process and other truancy-related procedural requirements required by the legislature in 1992 and thereafter.

The cost determination shall be submitted to the legislature by December 15, 1999. The evaluation shall be submitted to the appropriate committees of the legislature by December 15, 2000.

This section expires December 31, 2000."

Correct the title., and the same are herewith transmitted.

DEAN R. FOSTER,  
Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator McAuliffe, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5988.

Debate ensued.

#### POINT OF ORDER

Senator McAuliffe: "A point of order, Mr. President. Would you ask the Senator to speak to the bill?"

#### REPLY BY THE PRESIDENT

President Owen: "Senator Swecker, would you be sure that you are speaking to the bill, please?"

Further debate ensued.

#### POINT OF INQUIRY

Senator Roach: "Senator Hargrove, I am sure you are quite knowledgeable and I wanted to ask you a couple of questions. What is the definition of an excused absence? Obviously, if you are sick--if a child is sick--but what else is an exception?"

Senator Hargrove: "Let's get our Education Chair on that, because frankly my kids never went to public school, Senator Roach."

#### POINT OF INQUIRY

Senator Roach: "Senator McAuliffe, the question is, what is the definition of, other than being sick, for a child to have an excused absence from public schools?"

Senator McAuliffe: "Thank you, Senator Roach. That is a local decision. Each school district decides what is an excused absence. Most of them have local issues that principals, teachers and parents decide what that means and many of them do not have excused absences without a very severe illness or some notification that a child can't attend school. They are very strict on that."

Senator Roach: "I realize that they are very strict, but wanted to get a definition out to make sure that I was clear on it. When a student wants to go with parents on a trip to Washington, D.C, or some place for a long duration, I would certainly hate to have any truancy issues arise. I do remember that in my own situation with five children, we had one child who was in the gifted program, so I had chosen, Senator Hargrove, to put him into public school, but that child stayed home in one year a total of thirty school days. He still didn't miss a beat in school, but rather would have spent the time with his mother at home. So, you have kind of a combination of public school and at home without being a bonafide home schooling situation, so my only fault with this approach would be that there are some parents who want to have the benefit of public schools who cannot, maybe feel comfortable keeping their child out a few days just to school them at home when they want to. If they don't fall into the home schooling application process, they would be guilty of having their child being truant."

Further debate ensued.

#### CALL FOR THE PREVIOUS QUESTION

Senators McAuliffe, Franklin and Prentice called for the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

Senator Swecker demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on shall the main question be now put.

#### ROLL CALL

The Secretary called the roll on shall the main question be now put and the motion carried by the following vote: Yeas, 29; Nays, 19; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, McDonald, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West and Wojahn - 29.

Voting nay: Senators Benton, Finkbeiner, Hargrove, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, Winsley and Zarelli - 19.

Absent: Senator Deccio - 1.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5988, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5988, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Wojahn - 43.

Voting nay: Senators Finkbeiner, Hochstatter, Johnson, Roach, Swecker and Zarelli - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5988, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 23, 1999

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5626, insists on its position and asks the Senate to concur therein, and the same are herewith transmitted.

DEAN R. FOSTER,  
Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator McAuliffe, the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5626.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5626, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5626, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 3; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 45. Voting nay: Senator Zarelli - 1. Absent: Senators Loveland, McDonald and Snyder - 3. SUBSTITUTE SENATE BILL NO. 5626, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Goings, Senators Loveland and Snyder were excused.

#### MESSAGE FROM THE HOUSE

April 23, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1192 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER,  
Co-Chief Clerk

#### MOTION

On motion of Senator Prentice, the Senate receded from its amendment(s) to House Bill No. 1192.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1192, without the Senate amendment(s).

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1192, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Loveland and Snyder - 2.

HOUSE BILL NO. 1192, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Rasmussen served notice that she would move to reconsider the vote by which House Bill No. 1192, without the Senate amendment(s), passed the Senate.

#### MESSAGE FROM THE HOUSE

April 23, 1999

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1317 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Murray, Wood, Hankins and Mitchell, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER,  
Co-Chief Clerk

#### MOTION

On motion of Senator Haugen, the Senate refuses to grant a conference on Substitute House Bill No. 1317, and the Senate amendment(s) thereto, adheres to its position and asks the House to concur therein.

#### MESSAGE FROM THE HOUSE

April 23, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1872 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER,  
Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Heavey, the Senate refuses to recede from the Senate amendment(s) to House Bill No. 1872, insists on its position and asks the House to concur therein.

#### MOTION

On motion of Senator Goings, the Senate advanced to the sixth order of business.

## SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4412, by Representatives Miloscia, Ballasiotes and O'Brien

Creating a joint select committee to address the potential uses and concerns of DNA identification.

The bill was read the second time.

## MOTION

On motion of Senator Hargrove, the rules were suspended, House Concurrent Resolution No. 4412 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Concurrent Resolution No. 4412.

## ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 4412 and the concurrent resolution passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Deccio - 1.

Excused: Senators Loveland and Snyder - 2.

HOUSE CONCURRENT RESOLUTION NO. 4412, having received the constitutional majority, was declared passed.

## MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

## MOTION

On motion of Senator Goings, the Senate returned to the fourth order of business.

## STATEMENT FOR THE JOURNAL

While negotiating a final settlement on the Transportation Budget, I missed the final vote on House Bill No. 1757, as amended by the Senate under suspension of the rules. I intended to vote 'yes.'

SENATOR DON BENTON, Seventeenth District

## MESSAGE FROM THE HOUSE

April 20, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1757 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Hargrove, the Senate receded from its amendment(s) to House Bill No. 1757.

MOTIONS

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1757 was returned to second reading and read the second time.

On motion of Senator Hargrove, the following striking amendment by Senators Hargrove, Costa, Long, Haugen and Stevens was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds it necessary to expand the current pool of convicted offenders who must have a blood sample drawn for purposes of DNA identification analysis. The legislature further finds that there is a high rate of recidivism among certain types of violent and sex offenders and that drawing blood is minimally intrusive. Creating an expanded DNA data bank bears a rational relationship to the public's interest in enabling law enforcement to better identify convicted violent and sex offenders who are involved in unsolved crimes, who escape to reoffend, and who reoffend after release.

**Sec. 2.** RCW 43.43.754 and 1994 c 271 s 402 are each amended to read as follows:

Every adult or juvenile individual convicted of a felony or adjudicated guilty of an equivalent juvenile offense defined as a sex offense under RCW 9.94A.030(~~((34))~~) (33)(a) or a violent offense as defined in RCW 9.94A.030 shall have a blood sample drawn for purposes of DNA identification analysis. For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense who are serving or who are to serve a term of confinement in a county jail or detention facility, the county shall be responsible for obtaining blood samples ~~((prior to release from))~~ either as part of the intake process into the county jail or detention facility for those persons convicted on or after the effective date of this act, or within a reasonable time after the effective date of this act for those persons incarcerated prior to the effective date of this act who have not yet had a blood sample drawn, beginning with those persons who will be released the soonest. For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a division of juvenile rehabilitation facility, the facility holding the person shall be responsible for obtaining blood samples ~~((prior to release from))~~ either as part of the intake process into such facility for those persons convicted on or after the effective date of this act, or within a reasonable time after the effective date of this act for those persons incarcerated prior to the effective date of this act who have not yet had a blood sample drawn, beginning with those persons who will be released the soonest. Any blood sample taken pursuant to RCW 43.43.752 through 43.43.758 shall be used solely for the purpose of providing DNA or other blood grouping tests for identification analysis and prosecution of a sex offense or a violent offense.

This section applies to all adults who are convicted after July 1, 1990; and to all adults who were convicted on or prior to July 1, 1990, and who are still incarcerated on or after the effective date of this act. This section applies to all juveniles who are adjudicated guilty after July 1, 1994; and to all juveniles who were adjudicated guilty on or prior to July 1, 1994, and who are still incarcerated on or after the effective date of this act.

**NEW SECTION. Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "identification;" strike the remainder of the title and insert "amending RCW 43.43.754; and creating a new section."

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1757, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1757, as amended by the Senate under suspension of the rules.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1757, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 2; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senators Finkbeiner and Hochstatter - 2.

Absent: Senators Benton and Sellar - 2.

Excused: Senators Deccio, Loveland and Snyder - 3.

HOUSE BILL NO. 1757, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## STATEMENT FOR THE JOURNAL

While negotiating a final settlement on the Transportation Budget, I missed the final vote on Substitute House Bill No. 1392, as amended by the Senate under suspension of the rules. I intended to vote 'yes.'

SENATOR DON BENTON, Seventeenth District

## MESSAGE FROM THE HOUSE

April 23, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1392 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER,  
Co-Chief Clerk

## MOTION

On motion of Senator Heavey, the Senate receded from its amendment(s) to Substitute House Bill No. 1392.

## MOTIONS

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 1392 was returned to second reading and read the second time.

On motion of Senator Heavey, the following striking amendment by Senators Heavey, Costa, Kline, Johnson and McCaslin was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 9.96 RCW to read as follows:

(1) Every person convicted of a misdemeanor or gross misdemeanor offense who has completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the tests prescribed in subsection (2) of this section, the court may in its discretion clear the record of conviction by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty

and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information or indictment against the applicant.

(2) An applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense cleared if any one of the following is present: (a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense; (c) the offense was a violation of RCW 46.61.502 (Driving while under the influence), 46.61.504 (Actual physical control while under the influence), or 9.91.020 (Operating a railroad, etc. while intoxicated); (d) the offense was any misdemeanor or gross misdemeanor attempt to commit a sex offense as defined in RCW 9.94A.030; (e) the offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 (Obscenity and pornography) or 9.68A (Sexual exploitation of children) RCW; (f) the applicant has been convicted of a new crime in this state, another state, or federal court since the date the applicant completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense; (g) the offense was a domestic violence offense as defined in RCW 10.99.020, and less than ten years have passed since the date the offender successfully completed all terms of his or her sentence, including probation. The court shall not grant the motion to vacate a domestic violence conviction if, upon review of the police report and any evidence from the prosecution or the defense, the court finds that the defendant's behavior in the commission of the crime was particularly egregious; or (h) less than five years have passed since the date the applicant completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense.

(3) Once the court vacates a record of conviction under subsection (1) of this section, the person shall be released from all penalties and disabilities resulting from the offense, except that the fact that the person had been convicted of the offense may be used in any subsequent criminal prosecution consistent with any other legal use and may be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all other purposes, including responding to questions on employment applications, a person whose conviction has been vacated may state that the person has never been convicted of that crime.

(4) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

(5) Any conviction that is vacated under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order vacating the conviction to the Washington state patrol. The Washington state patrol shall transmit the order vacating the conviction to the federal bureau of investigation.

(6) No person may seek or be granted a vacation of record of conviction for an offense committed after the date upon which the person received a vacation of record of conviction for any other offense.

**Sec. 2.** RCW 9.94A.230 and 1987 c 486 s 7 are each amended to read as follows:

(1) Every offender who has been discharged under RCW 9.94A.220 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may in its discretion clear the record of conviction by: (a)(i) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or ~~((b))~~ (ii) if the offender has been convicted after a plea of not guilty, ~~((by))~~ the court setting aside the verdict of guilty; and ~~((c-by))~~ (b) the court dismissing the information or indictment against the offender.

(2) An offender may not have the record of conviction cleared if any one of the following is present: (a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offense was a domestic violence offense as defined in RCW 10.99.020; (d) the offense was a crime against persons as defined in RCW 43.43.830; ~~((d))~~ (e) the offender has been convicted of a new crime in this state, another state, or federal court since the date of the offender's discharge under RCW 9.94A.220; ~~((e))~~ (f) the offense is a class B felony and less than ten years have passed since the date the applicant was discharged under RCW 9.94A.220; ~~(and (f))~~ or (g) the offense was a class C felony and less than five years have passed since the date the applicant was discharged under RCW 9.94A.220.

(3) Once the court vacates a record of conviction under subsection (1) of this section, ~~((the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications,))~~ an offender whose conviction has been vacated may state that the offender has never been convicted of that crime, including responses to questions when making application for employment. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(4) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

(5) Any conviction that is vacated under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order vacating the conviction to the Washington state patrol. The Washington state patrol shall transmit the order vacating the conviction to the federal bureau of investigation.

(6) No person may seek or be granted a vacation of record of conviction for an offense committed after the date upon which the person received a vacation of record of conviction for any other offense.

**Sec. 3.** RCW 9.95.240 and 1957 c 227 s 7 are each amended to read as follows:

(1) Every defendant who has fulfilled the conditions of his of her probation for the entire period thereof, or who ((shall have)) has been discharged from probation prior to the termination of the period thereof, may ((at any time prior to the expiration of the maximum period of punishment for the offense for which he has been convicted be permitted in the discretion of the court to withdraw his plea of guilty and enter a plea of not guilty, or if he has been convicted after a plea of not guilty, the court may in its discretion set aside the verdict of guilty; and in either case, the court may thereupon dismiss the information or indictment against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted. The probationer shall be informed of this right in his probation papers: PROVIDED, That in any subsequent prosecution, for any other offense, such prior conviction may be pleaded and proved, and shall have the same effect as if probation had not been granted, or the information or indictment dismissed)) apply to the sentencing court for a vacation of the defendant's record of conviction. If the court finds the defendant meets the tests prescribed in subsection (2) of this section, the court may in its discretion clear the record of conviction by: (a)(i) Permitting the defendant to withdraw the defendant's plea of guilty and to enter a plea of not guilty; or (ii) if the defendant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information or indictment against the defendant.

(2) An offender may not have the record of conviction cleared if: (a) There are any criminal charges against the defendant pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offense was a felony crime against persons as defined in RCW 43.43.830; (d) the defendant has been convicted of a new crime in this state, another state, or federal court since the date the defendant successfully completed probation; (e) the offense is a class B felony and less than ten years have passed since the date the defendant successfully completed probation; (f) the offense was a class C felony and less than five years have passed since the date the defendant successfully completed probation; (g) the offense was a misdemeanor or gross misdemeanor and less than five years have passed since the date the defendant successfully completed probation; or (h) the offense was a misdemeanor or gross misdemeanor and operated to interrupt the washout of a class B felony under RCW 9.94A.360 and less than ten years have passed since the date of the conviction for the misdemeanor or gross misdemeanor.

(3) Once the court vacates a record of conviction under subsection (1) of this section, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime, including responses to questions when making application for employment. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal case.

(4) No person may seek or be granted a vacation of record of conviction for an offense committed after the date upon which the person received a vacation of record of conviction for any other offense.

(5) Any conviction that is vacated under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order vacating the conviction to the Washington state patrol. The Washington state patrol shall transmit the order vacating the conviction to the federal bureau of investigation.

(6) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

**Sec. 4.** RCW 13.50.050 and 1997 c 338 s 40 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (((14))) (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or

case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection ~~((22))~~ (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court has the discretion to grant the motion to seal records made pursuant to subsection (10) of this section if it finds that for class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition:

(a) The person has spent five consecutive years in the community without committing another offense or crime that results in conviction in this state, another state, or federal court;

(b) There are no criminal charges against the person pending in any court of this state, another state, or federal court;

(c) Through credible evidence presented to the court that the person has a present career path that is impeded by the record of the court's order and findings;

(d) That the person is twenty-one years of age or older; and

(e) The person has lived an exemplary life since the court's order and findings.

(12) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) For class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent ten consecutive years in the community without committing any offense or crime that subsequently results in conviction. For class C offenses, gross misdemeanors, and misdemeanors, other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(c) No proceeding is pending seeking the formation of a diversion agreement with that person;

(d) The person has not been convicted of a class A or sex offense; and

(e) Full restitution has been paid.

~~((12))~~ (13) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

~~((13))~~ (14) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall, subject to subsection ~~((22))~~ (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply

to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual. Any record that is sealed under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order sealing the record to the Washington state patrol. The Washington state patrol shall transmit the order sealing the record to the federal bureau of investigation.

~~((14))~~ (15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection ~~((22))~~ (23) of this section.

~~((15))~~ (16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW.

~~((16))~~ (17) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection ~~((22))~~ (23) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

~~((17))~~ (18) If the court grants the motion to destroy records made pursuant to subsection ~~((16))~~ (17) of this section, it shall, subject to subsection ~~((22))~~ (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

~~((18))~~ (19) The person making the motion pursuant to subsection ~~((16))~~ (17) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

~~((19))~~ (20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

~~((20))~~ (21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

~~((21))~~ (22) Any juvenile justice or care agency may, subject to the limitations in subsection ~~((22))~~ (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

~~((22))~~ (23) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

~~((23))~~ (24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

(25) All costs incurred by the court and probation services shall be paid by the person making the motion to seal the record under subsection (10) of this section unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought."

## MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 1 of the title, after "conviction;" strike the remainder of the title and insert "amending RCW 9.94A.230, 9.95.240, and 13.50.050; and adding a new section to chapter 9.96 RCW."

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 1392, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1392, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1392, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 3; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 42.

Voting nay: Senators Roach and Zarelli - 2.

Absent: Senators Benton, Hale and Sellar - 3.

Excused: Senators Loveland and Snyder - 2.

SUBSTITUTE HOUSE BILL NO. 1392, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 2:48 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 5:18 p.m. by President Owen.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9132, Laurie A. Jinkins, as a member of the Board of Trustees for Tacoma Community College District No. 22, was confirmed.

#### APPOINTMENT OF LAURIE A. JINKINS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 6; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 42.

Absent: Senators Heavey, Horn, Rossi, Sellar, West and Wojahn - 6.

Excused: Senator Loveland - 1.

#### MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

#### MESSAGES FROM THE HOUSE

April 24, 1999

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE Bill No. 5364 and passed the bill without the House amendment(s), and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 24, 1999

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

ENGROSSED HOUSE BILL NO. 1007,  
SECOND SUBSTITUTE HOUSE BILL NO. 1037,  
SUBSTITUTE HOUSE BILL NO. 1282,  
SUBSTITUTE HOUSE BILL NO. 1448,  
SECOND SUBSTITUTE NO. 1681,  
SUBSTITUTE HOUSE BILL NO. 1747,  
HOUSE BILL NO. 1833,  
SUBSTITUTE HOUSE BILL NO. 2005,  
HOUSE BILL NO. 2259,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2260.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MESSAGE FROM THE HOUSE

April 24, 1999

MR. PRESIDENT:

Under suspension of the rules, SUBSTITUTE SENATE BILL NO. 5418 was returned to second reading and the House adopted the following amendment(s) and passed the bill as amended by the House:

Strike everything after the enacting clause and insert the following:

#### "INTENT

NEW SECTION. Sec. 1. INTENT. The legislature finds that the purpose of Washington's accountability system is to improve student learning and student achievement of the essential academic learning requirement standards so that each individual student will be given the opportunity to become a responsible citizen and successfully live, learn, and work in the twenty-first century. To achieve this purpose, the accountability system should be based on student achievement and continuous improvement at all levels of Washington's education system and on a fundamental principle that all public school students have access to curriculum and instruction that is aligned to the standards.

The legislature further finds that the accountability system should rely on local responsibility and leadership. Districts and schools should be expected to improve and be evaluated based on their improvement over time. Districts should recognize exceptional progress and work closely with schools needing assistance.

The legislature further finds that the accountability system must be simple to use and understand. Consequences must be predictable and fair. Differences among students, schools, and districts should be recognized and respected as the system is implemented. There should be a balance of each student's right to privacy and the public's right to know the overall levels of learning and achievement at the school, district, and state levels. In addition, the accountability system should be continuously reviewed and improved as more is learned about how schools operate to meet the learning needs of Washington's students.

**PART 1**  
**OVERSIGHT OF THE ACCOUNTABILITY SYSTEM**

**NEW SECTION. Sec. 101. COMMISSION FORMED AND MEMBERS APPOINTED.** (1) The academic achievement and accountability commission is established.

(2) The primary purpose of the commission is to provide oversight of the state's educational accountability system.

(3) The commission shall consist of nine members selected as follows:

(a) One member shall be the superintendent of public instruction or the superintendent's designee; and

(b) Eight members shall be appointed by the governor. Four of the members shall be selected as follows: Each major caucus of the house of representatives and the senate shall submit a list of three names. The lists may not include the names of members of the legislature. The governor shall select a member from each list provided by each caucus. All members appointed by the governor shall be subject to confirmation by the senate.

(4) The governor shall appoint a chair from among the commission members.

(5) Appointees shall be individuals who are supportive of educational improvement, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved. The commission shall be composed of a balance of individuals from within and outside the public education system. The commission shall include educators, business leaders, and parents.

(6) The governor shall appoint its initial commission members by July 1, 1999. The first meeting of the commission shall be convened by the superintendent of public instruction no later than July 30, 1999.

(7) Appointed members shall serve for terms of four years, with the terms expiring on June 30th of the fourth year of the term. However, in the case of the initial members, four members shall serve four-year terms, two members shall serve three-year terms, and two members shall serve two-year terms, with each of the terms expiring on June 30th of the applicable year. Appointees may be reappointed to serve more than one term.

(8) The governor shall fill any vacancy in appointments that may occur. When filling a vacancy of a member nominated by a major caucus of the legislature, the governor shall select the new member from a list of three names submitted by the same caucus that provided the list from which the retiring member was appointed.

**NEW SECTION. Sec. 102. COMMISSION'S POWERS AND DUTIES.** The powers and duties of the academic achievement and accountability commission shall include, but are not limited to the following:

(1) For purposes of state-wide accountability, the commission shall:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics by subject and grade level as the commission deems appropriate to improve student learning, once assessments in these subjects are required state-wide. The goals shall be in addition to any goals adopted in RCW 28A.630.887 (as recodified by this act). The commission may also revise any goal adopted in RCW 28A.630.887 (as recodified by this act). The commission shall adopt the goals by rule. However, before each goal is implemented, the commission shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and determine student scores that identify levels of student performance below and beyond the standard. The commission shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose;

(c) Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:

(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature under RCW 28A.630.887 (as recodified by this act) and the commission under (a) of this subsection;

(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and

(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index.

When determining the baseline year or years for recognizing individual schools, the commission may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

(d) Adopt objective, systematic criteria to identify schools and school districts in need of assistance and those in which significant numbers of students persistently fail to meet state standards. In its deliberations, the commission shall consider the use of all state-wide mandated criterion-referenced and norm-referenced standardized tests;

(e) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies, beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies. Beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies, at the request of the commission, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the commission or the superintendent of public instruction to intervene in a school or school district;

(f) Identify performance incentive systems that have improved or have the potential to improve student achievement;

(g) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system;

(h) Annually report by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission. The report may include recommendations of actions to help improve student achievement;

(i) By December 1, 2000, and by December 1st annually thereafter, report to the education committees of the house of representatives and the senate on the progress that has been made in achieving the reading goal under RCW 28A.630.887 (as recodified by this act) and any additional goals adopted by the commission;

(j) Coordinate its activities with the state board of education and the office of the superintendent of public instruction;

(k) Seek advice from the public and all interested educational organizations in the conduct of its work; and

(l) Establish advisory committees, which may include persons who are not members of the commission;

(2) Holding meetings and public hearings, which may include regional meetings and hearings;

(3) Hiring necessary staff and determining the staff's duties and compensation. However, the office of the superintendent of public instruction shall provide staff support to the commission until the commission has hired its own staff, and shall provide most of the technical assistance and logistical support needed by the commission thereafter. The office of the superintendent of public instruction shall be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations; and

(4) Receiving per diem and travel allowances as permitted under RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 103. COMMISSION'S REPORT ON ACCOUNTABILITY POLICIES.** By September 5, 2000, the academic achievement and accountability commission shall recommend accountability policies to the governor, the superintendent of public instruction, and the education and fiscal committees of the house of representatives and senate. The policies shall include, but need not be limited to:

(1) A graduated series of increasingly intensive state intervention strategies for schools and school districts in which low-performance persists over an identified period of time.

(a) The strategies shall be formulated in accordance with the assumption that school districts have primary responsibility for intervening in schools with relatively large numbers of students who are not achieving the essential academic learning requirements.

(b) The strategies shall be formulated in accordance with the assumption that continued low performance despite school district efforts shall trigger an evaluation by the commission. The evaluation is intended to identify the next steps needed to improve student performance. In its evaluation, the commission shall use multiple sources of information that may include, but need not be limited to:

(i) The results of the Washington assessment of student learning;

(ii) The results of state-mandated norm-referenced standardized tests;

(iii) Student achievement evidence from other district or school assessments;

(iv) The level of improvement in student achievement over time;

(v) Student mobility and poverty;

(vi) Attendance and dropout rates;

(vii) Graduation rates and posthigh school indicators;

- (viii) The percent of students in special programs; and
- (ix) Other factors presented by individual districts or schools.
- (c) In its deliberations, the commission shall consider issues of due process, student dropout rates, management and personnel, and educational options, including public school choice options, for students attending schools in which the state has intervened. The commission may consider intervention strategies underway in Washington and other states;
  - (2) Additional assistance measures for students and schools;
  - (3) Rewards for successful schools and school districts; and
  - (4) Any statutory changes necessary to give the superintendent of public instruction the authority to implement, in a school or school district, the state intervention strategies identified in subsection (1) of this section.

**PART 2**  
**ACCOUNTABILITY GOALS, INCLUDING GOALS IN READING AND MATHEMATICS**

**Sec. 201.** RCW 28A.630.887 and 1998 c 319 s 101 are each amended to read as follows:

- (1) ~~((By December 15, 1998,))~~ Each school district board of directors shall:
  - (a) Select the reading standard results on either the 1997 or 1998 fourth grade Washington assessment of student learning as the school district's initial baseline reading standard. Districts may select the 1997 results only if all of the elementary schools with fourth grade students administered the assessment;
  - (b) By December 15, 2001, select the mathematics standard results on the 1998, 1999, or 2000 fourth grade Washington assessment of student learning as the school district's fourth grade baseline mathematics standard, using for its baseline a year in which all of the elementary schools with fourth grade students administered the assessment;
  - ~~((c))~~ (c) Establish ((a)) three-year, district-wide goals to increase, by the end of the 2000-01 school year, the percentage of students who meet or exceed the reading standard, and by the 2003-04 school year, the percentage of students who meet or exceed the mathematics standard on the fourth grade Washington assessment of student learning. The three-year percentage increase goal in each subject may not be less than the district's total percentage of students who did not meet the baseline ((reading)) standard in each subject multiplied by twenty-five percent;
  - ~~((e))~~ (d) Specify the annual district-wide percentage improvement increments to meet the ((three-year)) goals; and
  - ~~((d))~~ (e) Direct each elementary school to establish ((a)) three-year goals for its fourth grade students, subject to approval by the board. The aggregate of the elementary school goals must meet or exceed the district-wide goals established by the board.
    - (2) ~~((Each school district board of directors shall:~~
      - ~~(a) Report biannually to parents in writing and to the community in a public meeting the following information:~~
        - ~~(i) District-wide and school-level three-year goals;~~
        - ~~(ii) Student performance relative to the goals; and~~
        - ~~(iii) District-wide and school-level plans to achieve the reading goal in kindergarten through fourth grade, including grade-level expectations, curriculum and instruction, parental or guardian involvement, and resources available to parents and guardians to help students meet the reading standard;~~
      - ~~(b) Report annually to the superintendent of public instruction and in a news release to the local media the district's progress toward meeting the district-wide and school-level goals; and~~
      - ~~(c) Include the reported information in each school's annual school performance report under RCW 28A.320.205.~~
    - ~~(3) By December 1, 2000, the superintendent of public instruction shall report to the education committees of the house of representatives and the senate on the progress that has been made in achieving the three-year reading goal, and provide recommendations to the legislature on setting reading goals for the next three years.~~
    - ~~(4) This section expires July 1, 2006))~~ By December 15, 2001, each school district board of directors shall:
      - (a) Select the mathematics standard results on the 1998, 1999, 2000, or 2001 seventh grade Washington assessment of student learning as the school district's seventh grade baseline mathematics standard;
      - (b) Establish a three-year district-wide goal to increase, by the end of the 2003-04 school year, the percentage of students who meet or exceed the mathematics standard, on the seventh grade Washington assessment of student learning. The district shall select for its baseline a year in which all of the schools with seventh grade students administered the assessment. The percentage increase goal may not be less than the district's total percentage of students who did not meet the baseline standard in mathematics multiplied by twenty-five percent;
      - (c) Specify the annual district-wide percentage improvement increments necessary to meet the goal; and

(d) Direct each middle or junior high school, as appropriate, to establish a mathematics goal for its seventh grade students, subject to approval by the board. The aggregate of the middle or junior high school goals must meet or exceed the district-wide goals established by the board in each subject.

(3) Schools and school districts in which ten or fewer students are eligible to be assessed in a grade level are not required to establish numerical improvement goals and performance relative to the goals.

### **PART 3 REPORTING RESULTS**

**Sec. 301.** RCW 28A.630.889 and 1998 c 319 s 301 are each amended to read as follows:

(1) By September 10, 1998, and by September 10th each year thereafter, the superintendent of public instruction shall(;

(a)) report to schools, school districts, and the legislature on the results of the ((fourth-grade)) Washington assessment of student learning(;- and

(b) Post individual school results of the fourth grade Washington assessment of student learning on the superintendent of public instruction's internet world-wide web site)) and state-mandated norm-referenced standardized tests.

(2) The reports shall include the assessment results by school and school district, and include changes over time. For the Washington assessment of student learning, results shall be reported as follows:

(a) The percentage of students meeting the standards;

(b) The percentage of students performing at each level of the assessment; and

(c) A learning improvement index that shows changes in student performance within the different levels of student learning reported on the Washington assessment of student learning.

(3) The reports shall contain data regarding the different characteristics of schools, such as poverty levels, percent of English as a second language students, dropout rates, attendance, percent of students in special education, and student mobility so that districts and schools can learn from the improvement efforts of other schools and districts with similar characteristics.

(4) The reports shall contain student scores on mandated tests by comparable Washington schools of similar characteristics.

(5) The reports shall contain information on public school choice options available to students, including vocational education.

(6) The reports shall be posted on the superintendent of public instruction's internet web site.

(7) To protect the privacy of students, the results of schools and districts that test fewer than ten students in a grade level shall not be reported. In addition, in order to ensure that results are reported accurately, the superintendent of public instruction shall maintain the confidentiality of state-wide data files until the superintendent determines that the data are complete and accurate.

(8) The superintendent of public instruction shall monitor the percentage and number of special education and limited English-proficient students exempted from taking the assessments by schools and school districts to ensure the exemptions are in compliance with exemption guidelines.

~~((2) This section expires July 1, 2006.)~~

**NEW SECTION. Sec. 302.** SCHOOL DISTRICT REPORTS ON PROGRESS TOWARD PERFORMANCE GOALS.

Each school district board of directors shall:

(1)(a) Annually report to parents and to the community in a public meeting and annually report in writing the following information:

(i) District-wide and school-level performance improvement goals;

(ii) Student performance relative to the goals; and

(iii) District-wide and school-level plans to achieve the goals, including curriculum and instruction, parental or guardian involvement, and resources available to parents and guardians to help students meet the state standards;

(b) Report annually in a news release to the local media the district's progress toward meeting the district-wide and school-level goals; and

(c) Include the school-level goals, student performance relative to the goals, and a summary of school-level plans to achieve the goals in each school's annual school performance report under RCW 28A.320.205 (as recodified by this act).

(2) School districts in which ten or fewer students in the district or in a school in the district are eligible to be assessed in a grade level are not required to report numerical improvement goals and performance relative to the goals, but are required to report to parents and the community their plans to improve student achievement.

**Sec. 303.** RCW 28A.320.205 and 1993 c 336 s 1006 are each amended to read as follows:

(1) Beginning with the 1994-95 school year, to provide the local community and electorate with access to information on the educational programs in the schools in the district, each school shall publish annually a school performance report and deliver the report to each parent with children enrolled in the school and make the report available to the community served by the school. The annual performance report shall be in a form that can be easily understood and be used by parents, guardians, and other members of the community who are not professional educators to make informed educational decisions. As data from the assessments in RCW 28A.630.885 (as recodified by this act) becomes available, the annual performance report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under RCW 28A.150.210, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years and shall ~~((project goals in performance categories))~~ include school level goals under RCW 28A.630.887 (as recodified by this act), student performance relative to the goals and the percentage of students performing at each level of the assessment, a comparison of student performance at each level of the assessment to the previous year's performance, and information regarding school-level plans to achieve the goals.

(2) The annual performance report shall include, but not be limited to: (a) A brief statement of the mission of the school and the school district; (b) enrollment statistics including student demographics; (c) expenditures per pupil for the school year; (d) a summary of student scores on all mandated tests; (e) a concise annual budget report; (f) student attendance, graduation, and dropout rates; (g) information regarding the use and condition of the school building or buildings; (h) a brief description of the ~~((restructuring))~~ learning improvement plans for the school; and (i) an invitation to all parents and citizens to participate in school activities.

(3) The superintendent of public instruction shall develop by June 30, 1994, and update periodically, a model report form, which shall also be adapted for computers, that schools may use to meet the requirements of subsections (1) and (2) of this section. In order to make school performance reports broadly accessible to the public, the superintendent of public instruction, to the extent feasible, shall make information on each school's report available on or through the superintendent's internet web site.

#### **PART 4 ASSISTANCE FOR SCHOOLS AND DISTRICTS**

**Sec. 401.** RCW 28A.300.130 and 1996 c 273 s 5 are each amended to read as follows:

(1) Expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, to the extent funds are appropriated, shall establish the center for the improvement of student learning. The primary purpose of the center is to provide assistance and advice to parents, school board members, educators, and the public regarding strategies for assisting students in learning the essential academic learning requirements pursuant to RCW 28A.630.885. The center shall work in conjunction with the academic achievement and accountability commission ~~((on student learning))~~, educational service districts, ~~((and))~~ institutions of higher education, and education, parent, community, and business organizations.

(2) The center, in conjunction with other staff in the office of the superintendent of public instruction, shall:

(a) Serve as a clearinghouse for the completed work and activities of the academic achievement and accountability commission ~~((on student learning))~~;

(b) Serve as a clearinghouse for information regarding successful educational ~~((restructuring))~~ improvement and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational ~~((restructuring))~~ improvement initiatives in Washington schools and districts;

(c) Provide best practices research and advice that can be used to help schools develop and implement: Programs and practices to improve ~~((reading))~~ instruction of the essential academic learning requirements under section 701 of this act; systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and every student in the school district; ((school)) comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

(d) Develop and distribute, in conjunction with the academic achievement and accountability commission ~~((on student learning))~~, parental involvement materials, including instructional guides developed to inform parents of the essential academic

learning requirements. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;

(e) Identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

(f) Develop and maintain an internet web site to increase the availability of information, research, and other materials;

(g) Take other actions to increase public awareness of the importance of parental and community involvement in education;

~~((g))~~ (h) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available ~~((under RCW 28A.305.140))~~ and the broadened school board powers under RCW 28A.320.015;

~~((h))~~ (i) Provide training and consultation services, including conducting regional summer institutes;

~~((i))~~ (j) Address methods for improving the success rates of certain ethnic and racial student groups; and

~~((j))~~ (k) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction, after consultation with the academic achievement and accountability commission ~~((on student learning))~~, shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. ~~((The superintendent shall contract out with community-based organizations to meet the provisions of subsection (2)(d) and (e) of this section.))~~ In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

~~((5) The superintendent shall report annually to the commission on student learning on the activities of the center.))~~

**NEW SECTION. Sec. 402. ACCOUNTABILITY IMPLEMENTATION FUNDS.** (1) To the extent funds are appropriated, the office of the superintendent of public instruction annually shall allocate accountability implementation funds to school districts. The purposes of the funds are to: Develop and update student learning improvement plans; implement curriculum materials and instructional strategies; provide staff professional development to implement the selected curricula and instruction; develop and implement assessment strategies and training in assessment scoring; and fund other activities intended to improve student learning for all students, including students with diverse needs. Activities funded by the allocations must be consistent with the school or district improvement plan, designed to improve the ability of teachers and other instructional certificated and classified staff to assist students in meeting the essential academic learning requirements, and designed to achieve state and local accountability goals. Activities funded by the allocations shall be designed to protect the teachers' instructional time with students and minimize the use of substitute teachers.

(2) Schools receiving funds shall develop, update as needed, and keep on file a school student learning improvement plan to achieve the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The plan shall delineate how the accountability implementation funds will be used to accomplish the requirements of this section. The plan shall be made available to the public and to others upon request.

(3) The amount of allocations shall be determined in the omnibus appropriations act.

(4) The state schools for the deaf and blind are eligible to receive allocations under this section.

(5) The superintendent of public instruction may adopt timelines and rules as necessary under chapter 34.05 RCW to administer the program, and require that schools and districts submit reports regarding the use of the funds.

**NEW SECTION. Sec. 403. HELPING CORPS.** (1) In order to increase the availability and quality of technical assistance state-wide, the superintendent of public instruction, subject to available funding, may employ school improvement coordinators and school improvement specialists to provide assistance to schools and districts. The improvement specialists shall serve on a rotating basis and shall not be permanent employees.

(2) The types of assistance provided by the improvement coordinators and specialists may include, but need not be limited to:

(a) Assistance to schools to use student performance data and develop improvement plans based on those data;

(b) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments;

(c) Consultation concerning curricula that aligns with the essential academic learning requirements and the Washington assessment of student learning and that meets the needs of diverse learners;

- (d) Assistance in the identification and implementation of research-based instructional practices;
- (e) Staff training that emphasizes effective instructional strategies and classroom-based assessment;
- (f) Assistance in developing and implementing family and community involvement programs; and
- (g) Other assistance to schools and school districts intended to improve student learning.

## **PART 5 TRANSFER OF DUTIES AND MATERIALS**

**NEW SECTION. Sec. 501.** SUPERINTENDENT OF PUBLIC INSTRUCTION'S DUTIES FOR STANDARDS AND ASSESSMENTS. (1) The superintendent of public instruction shall identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the academic achievement and accountability commission.

(2) The superintendent of public instruction shall periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements.

(3) In consultation with the academic achievement and accountability commission, the superintendent of public instruction shall maintain and continue to develop and revise a state-wide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(5) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(6) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(7) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(8) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(9) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

**NEW SECTION. Sec. 502.** COMMISSION ON STUDENT LEARNING--TRANSFER OF POWERS. (1) Beginning July 1, 1999, the powers, duties, and functions of the commission on student learning are transferred to the academic achievement and accountability commission or to the superintendent of public instruction as appropriate under the transfer of duties made from the commission on student learning to the academic achievement and accountability commission or the superintendent of public instruction under this act. All references to the commission on student learning in the Revised Code of Washington shall be construed to mean the academic achievement and accountability commission when addressing the duties, activities, or functions regarding the accountability system under this act. All references to the commission on student learning in the Revised Code of Washington shall be construed to mean the superintendent of public instruction when addressing the duties, activities, or functions regarding the essential academic learning requirements, the standards, or the assessments addressed under this act.

(2) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission on student learning shall be delivered to the custody of the academic achievement and accountability commission or the superintendent of public instruction, as appropriate. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the commission on student learning shall be made available to the academic achievement and accountability commission or the superintendent of public instruction, as appropriate.

(3) The transfer of the powers, duties, functions, and personnel of the commission on student learning shall not affect the validity of any act performed before the effective date of this section.

## **PART 6 MISCELLANEOUS**

**NEW SECTION. Sec. 601.** ANALYSIS OF FOURTH GRADE MATHEMATICS ASSESSMENT. By August 1, 2000, the superintendent of public instruction shall complete an objective analysis of the fourth grade mathematics assessment. The analysis shall include, but need not be limited to, the student developmental level required to achieve the fourth grade standard successfully and the extent to which the assessment measures a student's computational skills, problem-solving skills, math communications skills, and a breakdown of other skills assessed. The analysis shall include the percentage of items that: Require students to use computational skills without the use of technology; require the use of technology to complete an item; measure mathematics communication skills; measure problem-solving skills; and measure other skills included in the mathematics assessment. The superintendent of public instruction shall consult recognized experts with differing views on the instruction of mathematics, and report the results of the analysis to the governor and the education committees of the house of representatives and the senate by August 15, 2000.

**NEW SECTION. Sec. 602.** CONSOLIDATED PLANNING. The superintendent of public instruction, in consultation with school district personnel, shall consolidate and streamline the planning, application, and reporting requirements for major state and federal categorical and grant programs. The superintendent also shall take actions to increase the use of online electronic applications and reporting.

**NEW SECTION. Sec. 603.** SLIGS REPEALED. RCW 28A.300.138 (Student learning improvement grants) and 1994 c 245 s 1 & 1993 c 336 s 301 are each repealed.

**NEW SECTION. Sec. 604.** REPEALERS. The following acts or parts of acts are each repealed:

- (1) 1998 c 225 s 3 (uncodified);
- (2) 1995 c 209 s 3 (uncodified); and
- (3) 1995 c 209 s 2 & 1992 c 141 s 203 (uncodified).

**NEW SECTION. Sec. 605.** PART HEADINGS AND SECTION CAPTIONS NOT LAW. Part headings and section captions used in this act are not any part of the law.

**NEW SECTION. Sec. 606.** NEW ACCOUNTABILITY CHAPTER CREATED. Sections 101 through 103, 302, 402, 403, 501, 502, and 602 of this act constitute a new chapter in Title 28A RCW.

**NEW SECTION. Sec. 607.** RECODIFICATIONS. The following sections are each recodified as new sections in the chapter created in section 606 of this act:

RCW 28A.320.205  
RCW 28A.630.887  
RCW 28A.630.889  
RCW 28A.630.883  
RCW 28A.630.885  
RCW 28A.630.945  
RCW 28A.630.950  
RCW 28A.630.951  
RCW 28A.630.952  
RCW 28A.630.953  
RCW 28A.630.954

**NEW SECTION. Sec. 608.** EMERGENCY CLAUSE. (1) Section 101 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.

(2) Sections 502 and 604 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

**NEW SECTION. Sec. 609.** SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 28A.630.887, 28A.630.889, 28A.320.205, and 28A.300.130; adding a new chapter to Title 28A RCW; creating new sections; renotifying RCW 28A.320.205, 28A.630.887, 28A.630.889, 28A.630.883, 28A.630.885, 28A.630.945, 28A.630.950, 28A.630.951, 28A.630.952, 28A.630.953, and 28A.630.954; repealing RCW 28A.300.138; repealing 1998 c 225 s 3 (uncodified); repealing 1995 c 209 s 3 (uncodified); repealing 1995 c 209 s 2 and 1992 c 141 s 203 (uncodified); providing an effective date; and declaring an emergency.", and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

MOTION

On motion of Senator McAuliffe, the Senate concurred in the House amendments to Substitute Senate Bill No. 5418.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5418, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5418, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 42.

Voting nay: Senators Benton, Hochstatter, Roach, Stevens, Swecker and Zarelli - 6.

Absent: Senator Heavey - 1.

SUBSTITUTE SENATE BILL NO. 5418, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 1999

MR. PRESIDENT:

Under suspension of the rules, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5594 was returned to second reading and the House adopted the following amendment(s) and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that while Washington's economy is currently prospering, economic growth continues to be uneven, particularly as between metropolitan and rural areas. This has created in effect two Washingtons. One afflicted by inadequate infrastructure to support and attract investment, another suffering from congestion and soaring housing prices. In order to address these problems, the legislature intends to use resources strategically to build on our state's strengths while addressing threats to our prosperity.

**PART I**

**RURAL ECONOMIC DEVELOPMENT**

**Enhanced Flexibility for Use of Community Economic  
Revitalization Board Funds**

**Sec. 101.** RCW 43.160.010 and 1996 c 51 s 1 are each amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways ~~((in the vicinity of new)), county roads, or city streets~~ for industries considering locating or expanding in this state ((or existing industries that are considering significant expansion)).

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) ~~((It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development.))~~ All ~~((such))~~ transportation improvements on state highways must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280. ~~((It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.))~~

(3) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to assist development of telecommunications infrastructure that supports business development, retention, and expansion in rural natural resources impact areas and rural counties of the state.

(4) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

~~((4))~~ (5) The legislature finds that sharing economic growth state-wide is important to the welfare of the state. Rural counties and rural natural resources impact areas do not share in the economic vitality of the Puget Sound region. The ability of these communities to pursue business and job retention, expansion, and development opportunities depends on their capacity to ready necessary economic development project plans, sites, permits, and infrastructure for private investments. Project-specific planning, predevelopment, and infrastructure ((is one of several)) are critical ingredients ((that are critical)) for economic development. Rural counties and rural natural resources impact areas generally lack ((the infrastructure)) these necessary tools and resources to diversify and revitalize their economies. It is, therefore, the intent of the legislature to increase the ((availability of funds to help provide infrastructure to rural natural resource impact areas)) amount of funding available through the community economic revitalization board for rural counties and rural natural resources impact areas, and to authorize flexibility for available resources in these areas to help fund planning, predevelopment, and construction costs of infrastructure and facilities and sites that foster economic vitality and diversification.

**Sec. 102.** RCW 43.160.020 and 1997 c 367 s 8 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of community, trade, and economic development.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking

association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Public facilities" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of bridges, roads, domestic and industrial water, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications, transportation, natural gas, buildings or structures, and port facilities, all for the purpose of job creation, job retention, or job expansion.

(12) "Rural county" means a county with a population density of fewer than one hundred persons per square mile as determined by the office of financial management.

(13) "Rural natural resources impact area" means:

(a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection ~~((43))~~ (14) of this section;

(b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection ~~((43))~~ (14) of this section; or

(c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection ~~((43))~~ (14) of this section.

~~((43))~~ (14) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

(a) A lumber and wood products employment location quotient at or above the state average;

(b) A commercial salmon fishing employment location quotient at or above the state average;

(c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;

(d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

(e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.

**Sec. 103.** RCW 43.160.060 and 1996 c 51 s 5 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision and the finding by the board that ~~((unique))~~ financial circumstances ~~((exist. The board shall not obligate more than twenty percent of its biennial appropriation as grants))~~ require grant assistance to enable the project to move forward.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(2) The board shall only provide financial assistance:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, advanced technology, research and development, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste

paper; (iv) which support the relocation of businesses from nondistressed urban areas to ~~((distressed))~~ rural counties or rural natural resources impact areas; or (v) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made.

(3) The board shall prioritize each proposed project according to:

(a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located~~((-- As long as there is more demand for financial assistance than there are funds available, the board is instructed to fund projects in order of their priority))~~; and

(b) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project.

(4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any financial assistance application is approved, the political subdivision seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

**Sec. 104.** RCW 43.160.070 and 1998 c 321 s 27 (Referendum Bill No. 49) are each amended to read as follows:

Public facilities financial assistance, when authorized by the board, is subject to the following conditions:

(1) The moneys in the public facilities construction loan revolving account and the distressed county public facilities construction loan account shall be used solely to fulfill commitments arising from financial assistance authorized in this chapter or, during the 1989-91 fiscal biennium, for economic development purposes as appropriated by the legislature. The total outstanding amount which the board shall dispense at any time pursuant to this section shall not exceed the moneys available from the accounts. The total amount of outstanding financial assistance in Pierce, King, and Snohomish counties shall never exceed sixty percent of the total amount of outstanding financial assistance disbursed by the board under this chapter without reference to financial assistance provided under RCW 43.160.220.

(2) On contracts made for public facilities loans the board shall determine the interest rate which loans shall bear. The interest rate shall not exceed ten percent per annum. The board may provide reasonable terms and conditions for repayment for loans, including partial forgiveness of loan principal and interest payments on projects located in rural counties or rural natural resources impact areas, as the board determines. The loans shall not exceed twenty years in duration.

(3) Repayments of loans made from the public facilities construction loan revolving account under the contracts for public facilities construction loans shall be paid into the public facilities construction loan revolving account. Repayments of loans made from the distressed county public facilities construction loan account under the contracts for public facilities construction loans shall be paid into the distressed county public facilities construction loan account. Repayments of loans from moneys from the new appropriation from the public works assistance account for the fiscal biennium ending June 30, 1999, shall be paid into the public works assistance account.

(4) When every feasible effort has been made to provide loans and loans are not possible, the board may provide grants upon finding that unique circumstances exist.

**Sec. 105.** RCW 43.160.076 and 1998 c 321 s 28 (Referendum Bill No. 49) and 1998 c 55 s 4 are each reenacted and amended to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for financial assistance in a biennium under this chapter without reference to financial assistance provided under RCW 43.160.220, the board shall spend at least seventy-five percent for financial assistance for projects in ~~((distressed))~~ rural counties or rural natural resources impact areas. ~~((For purposes of this section, the term "distressed counties" includes any county, in which the average level of unemployment for the three years before the year in which an application for financial assistance is filed, exceeds the average state unemployment for those years by twenty percent.))~~

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in ~~((distressed))~~ rural counties or rural natural resources impact areas are clearly insufficient to use up the seventy-five percent allocation under subsection (1) of this section, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for financial assistance to projects not located in ~~((distressed))~~ rural counties or rural natural resources impact areas.

~~((3) This section expires June 30, 2000.))~~

**Sec. 106.** RCW 43.160.900 and 1993 c 320 s 8 are each amended to read as follows:

(1) The community economic revitalization board shall report to the appropriate standing committees of the legislature biennially on the implementation of this chapter. The report shall include information on the number of applications for community economic revitalization board assistance, the number and types of projects approved, the grant or loan amount awarded each project, the projected number of jobs created or retained by each project, the actual number of jobs created or retained by each project, the amount of state and local tax revenue generated by projects funded under this chapter, the number of delinquent loans, and the number of project terminations. The report may also include additional performance measures and recommendations for programmatic changes. The first report shall be submitted by December 1, 1994.

(2) The joint legislative audit and review committee shall conduct performance reviews on the effectiveness of the program administered by the board under this chapter. The committee may contract for services to conduct the performance reviews. The costs for the performance reviews shall be paid from repayments of principal and interest on loans made under this chapter. The performance reviews shall be submitted to the appropriate committees of the legislature by December 1, 2000, December 1, 2004, and December 1, 2008.

**Sec. 107.** RCW 43.160.200 and 1996 c 51 s 9 are each amended to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(~~((3))~~) (5) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in rural natural resources impact areas (~~(that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products and salmon fishing industries))~~ and rural counties.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that tourism projects have been approved by the local government. Industrial projects must be approved by the local government and the associate development organization.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for project-specific environmental, capital facilities, land use, permitting, feasibility and marketing studies and plans; project engineering, design, and site planning and analysis; and project debt and revenue impact analysis shall not exceed (~~(twenty-five))~~ fifty thousand dollars per study. Board funds for (~~(feasibility studies))~~ these purposes may be provided as a grant and require a (~~(dollar for dollar))~~ match (~~(with up to one-half in-kind match allowed))~~).

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility construction projects under this section shall not exceed (~~(five hundred thousand))~~ one million dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and (~~(feasibility studies))~~ planning and predevelopment activities.

(10) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the economic development project assisted under this section.

(11) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

(~~((14))~~) (12) The board shall establish guidelines for providing financial assistance under this section to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities.

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an analysis that establishes the project is feasible using standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(c) A method of evaluating the impact of the financial assistance on the economy of the community and whether the financial assistance achieved its purpose.

**PART II  
HOUSING  
Increasing the Housing Finance Commission's Debt Limit**

**Sec. 201.** RCW 43.180.160 and 1996 c 310 s 2 are each amended to read as follows:

The total amount of outstanding indebtedness of the commission may not exceed ~~((two))~~ three billion dollars at any time. The calculation of outstanding indebtedness shall include the initial principal amount of an issue and shall not include interest that is either currently payable or that accrues as a part of the face amount of an issue payable at maturity or earlier redemption. Outstanding indebtedness shall not include notes or bonds as to which the obligation of the commission has been satisfied and discharged by refunding or for which payment has been provided by reserves or otherwise.

NEW SECTION. **Sec. 202.** A new section is added to chapter 43.63A RCW to read as follows:

The department shall establish and administer a "one-stop clearinghouse" to coordinate state assistance for growers and nonprofit organizations in developing housing for agricultural employees. Growers, housing authorities, and nonprofit organizations shall have direct access to the one-stop clearinghouse. The department one-stop clearinghouse shall provide assistance on planning and design, building codes, temporary worker housing regulations, financing options, and management to growers and nonprofit organizations interested in farmworker construction. The department one-stop clearinghouse shall also provide educational materials and services to local government authorities on Washington state law concerning farmworker housing.

**PART III  
DISTRESSED AREA TAX INCENTIVES  
Distressed Area Sales and Use Tax Deferral**

**Sec. 301.** RCW 82.60.020 and 1996 c 290 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means(~~(: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community empowerment zone approved under RCW 43.63A.700 or a county containing such a community empowerment zone; (e) a town with a population of less than twelve hundred persons in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601; (f) a county designated by the governor as an eligible area under RCW 82.60.047; or (g) a county that is contiguous to a county that qualifies as an eligible area under (a) or (f) of this subsection)) a county with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th.~~

(4)(a) "Eligible investment project" means(~~(:~~

~~(i)) an investment project in an eligible area as defined in subsection (3)((a), (b), (c), (e), or (f)) of this section(~~(: or~~~~

~~(ii) That portion of an investment project in an eligible area as defined in subsection (3)(d) or (g) of this section which is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested in an application approved before July 1, 1994, and for each seven hundred fifty thousand dollars of investment on which a deferral is requested in an application approved after June 30, 1994)).~~

(b) The lessor/owner of a qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(c) ~~((For purposes of (a)(ii) of this subsection:~~

~~(i) The department shall consider the entire investment project, including any investment in machinery and equipment that otherwise qualifies for exemption under RCW 82.08.02565 or 82.12.02565, for purposes of determining the portion of the investment project that qualifies for deferral as an eligible investment project; and~~

~~(ii) The number of new full-time qualified employment positions created by an investment project shall be deemed to be reduced by the number of full-time employment positions maintained by the recipient in any other community in this state that are displaced as a result of the investment project.~~

~~(d))~~ "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

~~(9) ("Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.~~

~~(10))~~ "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

~~((11))~~ (10) "Recipient" means a person receiving a tax deferral under this chapter.

~~((12))~~ (11) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 302.** RCW 82.60.040 and 1997 c 156 s 5 are each amended to read as follows:

(1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project that(~~:~~

~~(a))~~ is located in an eligible area as defined in RCW 82.60.020(~~((3) (a), (b), (c), (e), or (f);~~

~~(b) is located in an eligible area as defined in RCW 82.60.020(3)(g) if seventy-five percent of the new qualified employment positions are to be filled by residents of a contiguous county that is an eligible area as defined in RCW 82.60.020(3) (a) or (f); or~~

~~(c) is located in an eligible area as defined in RCW 82.60.020(3)(d) if seventy-five percent of the new qualified employment positions are to be filled by residents of a designated community empowerment zone approved under RCW 43.63A.700 located within the county in which the eligible investment project is located)).~~

(2) The department shall keep a running total of all deferrals granted under this chapter during each fiscal biennium.

(3) This section expires July 1, 2004.

**Sec. 303.** RCW 82.60.070 and 1995 1st sp.s. c 3 s 9 are each amended to read as follows:

(1) ~~((Each recipient of a deferral granted under this chapter prior to July 1, 1994, shall submit a report to the department on December 31st of each year during the repayment period until the tax deferral is repaid.))~~ Each recipient of a deferral granted under this chapter after June 30, 1994, shall submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report shall contain information, as required by the department, from which the department may determine whether the recipient is meeting the requirements of this chapter. If the recipient fails to submit a report or submits an inadequate report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable.

(2) If, on the basis of a report under this section or other information, the department finds that an investment project is not eligible for tax deferral under this chapter (~~for reasons other than failure to create the required number of qualified employment positions~~), the amount of deferred taxes outstanding for the project shall be immediately due.

(3) (~~If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter prior to July 1, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the department shall assess interest, but not penalties, on the deferred taxes for the project. The interest shall be assessed at the rate provided for delinquent excise taxes, shall be assessed retroactively to the date of deferral, and shall accrue until the deferred taxes are repaid.~~

(4) ~~If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter after June 30, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes not eligible for deferral shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.~~

(5) ~~If, on the basis of a report under this section or other information, the department finds that an investment project qualifying for deferral under RCW 82.60.040(1) (b) or (c) has failed to comply with any requirement of RCW 82.60.045 for any calendar year for which reports are required under subsection (1) of this section, twelve and one-half percent of the amount of deferred taxes shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.~~

(6)) Notwithstanding any other subsection of this section, deferred taxes need not be repaid on machinery and equipment for lumber and wood products industries, and sales of or charges made for labor and services, of the type which qualifies for exemption under RCW 82.08.02565 or 82.12.02565 to the extent the taxes have not been repaid before July 1, 1995.

~~((7))~~ (4) Notwithstanding any other subsection of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

**NEW SECTION. Sec. 304.** A new section is added to chapter 82.60 RCW to read as follows:

(1) For the purposes of this section:

(a) "Eligible area" also means a designated community empowerment zone approved under RCW 43.63A.700 or a county containing a community empowerment zone.

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

(2) In addition to the provisions of RCW 82.60.040, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each seven hundred fifty thousand dollars of investment on which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone in which the project is located. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) If a person does not meet the requirements of this section by the end of the calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

### **Distressed Area Business and Occupation Tax Job Credit**

**Sec. 305.** RCW 82.62.010 and 1996 c 290 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means(~~:~~ (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the

year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community empowerment zone approved under RCW 43.63A.700; or (e) subcounty areas in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601)) an area as defined in RCW 82.60.020.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility, provided the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 306.** RCW 82.62.030 and 1997 c 366 s 5 are each amended to read as follows:

(1) A person shall be allowed a credit against the tax due under chapter 82.04 RCW as provided in this section. (~~For an application approved before January 1, 1996, the credit shall equal one thousand dollars for each qualified employment position directly created in an eligible business project. For an application approved on or after January 1, 1996, the credit shall equal two thousand dollars for each qualified employment position directly created in an eligible business project. For an application approved on or after July 1, 1997,)~~ The credit shall equal: (a) Four thousand dollars for each qualified employment position with wages and benefits greater than forty thousand dollars annually that is directly created in an eligible business(~~For an application approved on or after July 1, 1997, the credit shall equal~~) and (b) two thousand dollars for each qualified employment position with wages and benefits less than or equal to forty thousand dollars annually that is directly created in an eligible business.

(2) The department shall keep a running total of all credits granted under this chapter during each fiscal year. The department shall not allow any credits which would cause the tabulation to exceed (~~five million five hundred thousand dollars in fiscal year 1998 or 1999 or~~) seven million five hundred thousand dollars in any fiscal year (~~thereafter~~). If all or part of an application for credit is disallowed under this subsection, the disallowed portion shall be carried over for approval the next fiscal year. However, the applicant's carryover into the next fiscal year is only permitted if the tabulation for the next fiscal year does not exceed the cap for that fiscal year as of the date on which the department has disallowed the application.

(3) No recipient may use the tax credits to decertify a union or to displace existing jobs in any community in the state.

(4) No recipient may receive a tax credit on taxes which have not been paid during the taxable year.

**NEW SECTION. Sec. 307.** A new section is added to chapter 82.62 RCW to read as follows:

(1) For the purposes of this section "eligible area" also means a designated community empowerment zone approved under RCW 43.63A.700.

(2) An eligible business project located within an eligible area as defined in this section qualifies for a credit under this chapter for those employees who at the time of hire are residents of the community empowerment zone in which the project is located, if the fifteen percent threshold is met. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

#### PART IV

## ECONOMIC VITALITY COMMITTEE

NEW SECTION. **Sec. 401.** (1) The legislature shall establish an ad hoc economic development group to analyze potential economic development projects of state-wide significance and recommend appropriate administrative or legislative actions.

(2) The group shall include one representative each from the department of community, trade, and economic development, the department of agriculture, and the department of revenue as well as two representatives from rural economic development councils appointed by the legislature.

(3) The group shall promote economic development and business diversification throughout the state with special attention given to the economic difficulties of rural counties.

(4) In order to expedite coordinated responses, the governor may direct the group to meet on an emergency basis when projects of state-wide significance arise.

(5) The department of community, trade, and economic development shall establish criteria to determine whether a project meets the standards of a "project of state-wide significance." These criteria may include such economic indicators as local unemployment and personal income levels and project scope indicators such as the assessed value of the project in relation to the assessed value of the county.

## PART V RURAL WASHINGTON LOAN FUND

**Sec. 501.** RCW 43.168.010 and 1985 c 164 s 1 are each amended to read as follows:

The legislature finds that:

(1) The economic health and well-being of the state, particularly in areas of high unemployment, economic stagnation, and poverty, is of substantial public concern.

(2) The consequences of minimal economic activity and persistent unemployment and underemployment are serious threats to the safety, health, and welfare of residents of these areas, decreasing the value of private investments and jeopardizing the sources of public revenue.

(3) The economic and social interdependence of communities and the vitality of industrial and economic activity necessitates, and is in part dependent on preventing substantial dislocation of residents and rebuilding the diversification of the areas' economy.

(4) The ability to remedy problems in stagnant areas of the state is beyond the power and control of the regulatory process and influence of the state, and the ordinary operations of private enterprise without additional governmental assistance are insufficient to adequately remedy the problems of poverty and unemployment.

(5) The revitalization of depressed communities requires the stimulation of private investment, the development of new business ventures, the provision of capital to ventures sponsored by local organizations and capable of growth in the business markets, and assistance to viable, but under-financed, small businesses in order to create and preserve jobs that are sustainable in the local economy.

Therefore, the legislature declares there to be a substantial public purpose in providing capital to promote economic development and job creation in areas of economic stagnation, unemployment, and poverty. To accomplish this purpose, the legislature hereby creates the rural Washington ~~((state development))~~ loan fund ~~((committee))~~ and vests in the ~~((committee))~~ department of community, trade, and economic development the authority to spend federal funds to stimulate the economy of distressed areas.

**Sec. 502.** RCW 43.168.020 and 1996 c 290 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) ~~((("Committee" means the Washington state development loan fund committee.~~

~~((2)))~~ "Department" means the department of community, trade, and economic development.

~~((3)))~~ (2) "Director" means the director of community, trade, and economic development.

~~((4)))~~ (3) "Distressed area" means: (a) A rural county; (b) a county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; ~~((b)))~~ (c) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; ~~((c)))~~ (d) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; ~~((d)))~~ (e) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five

thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate; or ~~((e))~~ (f) a county designated as a rural natural resources impact area under RCW 43.31.601 if an application is filed by July 1, 1997. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

~~((5))~~ (4) "Fund" means the rural Washington ~~((state development))~~ loan fund.

~~((6))~~ (5) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

~~((7))~~ (6) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

(7) "Rural county" means a county with a population density of fewer than one hundred persons per square mile as determined by the office of financial management.

NEW SECTION. Sec. 503. A new section is added to chapter 43.168 RCW to read as follows:

In addition to the requirements of RCW 43.168.050, the department shall, subject to applicable federal funding criteria, give priority to applications that capitalize or recapitalize an existing or new local revolving fund based on criteria established by the department.

**Sec. 504.** RCW 43.168.110 and 1992 c 235 s 11 are each amended to read as follows:

There is established the rural Washington ~~((state development))~~ loan fund which shall be an account in the state treasury. All loan payments of principal and interest which are transferred under RCW 43.168.050 shall be deposited into the account. Moneys in the account may be spent only after legislative appropriation for loans under this chapter. Any expenditures of these moneys shall conform to federal law.

**Sec. 505.** RCW 43.168.120 and 1987 c 461 s 6 are each amended to read as follows:

(1) The ~~((committee))~~ department shall develop guidelines for ~~((development))~~ rural Washington loan funds to be used to fund existing economic development revolving loan funds. Consideration shall be given to the selection process for grantees, loan quality criteria, legal and regulatory issues, and ways to minimize duplication between ~~((development))~~ rural Washington loan funds and local economic development revolving loan funds.

(2) If it appears that all of the funds appropriated to the ~~((development loan))~~ fund for a biennium will not be fully granted to local governments within that biennium, the ~~((committee))~~ department may make available up to twenty percent of the eighty percent of the funds available to projects in distressed areas under RCW 43.168.050~~((9))~~ (10) for grants to local governments to assist existing economic development revolving loan funds in distressed areas. The grants to local governments shall be utilized to make loans to businesses that meet the specifications for loans under this chapter. The local governments shall, to the extent permitted under federal law, agree to convey to the ~~((development loan))~~ fund the principal and interest payments from existing loans that the local governments have made through their revolving loan funds. Under circumstances where the federal law does not permit the ~~((committee))~~ department to require such transfer, the ~~((committee))~~ department shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

## PART VI PUBLIC FACILITIES GRANTS AND LOANS

**Sec. 601.** RCW 43.17.250 and 1991 sp.s. c 32 s 25 are each amended to read as follows:

(1) Whenever a state agency is considering awarding grants or loans for a county, city, or town planning under RCW 36.70A.040 to finance public facilities, it shall consider whether the county, city, or town ~~((that is))~~ requesting the grant or loan ~~((is a party to a county-wide planning policy under RCW 36.70A.210 relating to the type of public facility for which the grant or loan is sought, and shall accord additional preference to the county, city, or town if such county-wide planning policy exists))~~ has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(2) When reviewing competing requests from counties, cities, or towns planning under RCW 36.70A.040, a state agency considering awarding grants or loans for public facilities shall accord additional preference to those counties, cities, or towns that have adopted a comprehensive plan and development regulations as required by RCW 36.70A.040. For the purposes of the preference accorded in this section, a county, city, or town planning under RCW 36.70A.040 is deemed to have satisfied the requirements for adopting a comprehensive plan and development regulations specified in RCW 36.70A.040 if the county, city, or town:

(a) Adopts or has adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040;

(b) Adopts or has adopted a comprehensive plan and development regulations before submitting a request for a grant or loan if the county, city, or town failed to adopt a comprehensive plan and/or development regulations within the time periods specified in RCW 36.70A.040; or

(c) Demonstrates substantial progress toward adopting a comprehensive plan or development regulations within the time periods specified in RCW 36.70A.040. A county, city, or town that is more than six months out of compliance with the time periods specified in RCW 36.70A.040 shall not be deemed to demonstrate substantial progress for purposes of this section.

(3) The preference specified in subsection (2) of this section applies only to competing requests for grants or loans from counties, cities, or towns planning under RCW 36.70A.040. A request from a county, city, or town planning under RCW 36.70A.040 shall be accorded no additional preference based on subsection (2) of this section over a request from a county, city, or town not planning under RCW 36.70A.040.

(4) Whenever a state agency is considering awarding grants or loans ((to a special district)) for public facilities to a special district requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town in whose planning jurisdiction the proposed facility is located ((is a party to a county-wide planning policy under RCW 36.70A.210 relating to the type of public facility for which the grant or loan is sought)) has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040 and shall apply the preference specified in subsection (2) of this section and restricted in subsection (3) of this section.

**Sec. 602.** RCW 43.155.070 and 1997 c 429 s 29 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a long-term plan for financing public works needs; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors(~~(; and)~~).

~~((d))~~ (2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town ((that is required or chooses to plan)) planning under RCW 36.70A.040 must have adopted a comprehensive plan ((in conformance with the requirements of chapter 36.70A RCW, after it is required that the comprehensive plan be adopted, and must have adopted development regulations in conformance with the requirements of chapter 36.70A RCW, after it is required that development regulations be adopted)), including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a loan or loan guarantee under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a loan or loan guarantee under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a loan or loan guarantee.

(3) In considering awarding loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

~~((2))~~ (4) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(f) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

(g) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

(h) Other criteria that the board considers advisable.

~~((3))~~ (5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

~~((4))~~ (6) Before November 1 of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection ~~((7))~~ (9) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

~~((5))~~ (7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

~~((6))~~ (8) Subsection ~~((5))~~ (7) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection ~~((7))~~ (9) of this section.

~~((7))~~ (9)(a) Loans made for the purpose of capital facilities plans shall be exempted from subsection ~~((5))~~ (7) of this section. In no case shall the total amount of funds utilized for capital facilities plans and emergency loans exceed the limitation in RCW 43.155.065.

(b) For the purposes of this section "capital facilities plans" means those plans required by the growth management act, chapter 36.70A RCW, and plans required by the public works board for local governments not subject to the growth management act.

~~((8))~~ (10) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

**Sec. 603.** RCW 70.146.070 and 1997 c 429 s 30 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

~~((1))~~ (a) The protection of water quality and public health;

~~((2))~~ (b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

~~((3))~~ (c) Actions required under federal and state permits and compliance orders;

~~((4))~~ (d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

~~((5))~~ (e) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

~~((6))~~ (f) The recommendations of the Puget Sound action team and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town ~~((that is required or chooses to plan))~~ planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan ~~((in conformance with the requirements of chapter 36.70A RCW, after it is required that the comprehensive plan be adopted, or unless it has adopted development regulations in conformance with the requirements of chapter 36.70A RCW, after it is required that development regulations be adopted)), including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.~~

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

## PART VII REPEALED SECTIONS

**Sec. 701.** RCW 43.131.386 and 1997 c 367 s 19 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2001:

- (1) RCW 43.31.601 and 1997 c 367 s 1, 1995 c 226 s 1, 1992 c 21 s 2, & 1991 c 314 s 2;
- (2) RCW 43.31.641 and 1997 c 367 s 6, 1995 c 226 s 4, 1993 c 280 s 50, & 1991 c 314 s 7;
- (3) RCW 50.22.090 and (~~(1995 c 226 s 5, 1993 c 316 s 10, 1992 c 47 s 2, & 1991 c 315 s 4)~~) 1997 c 367 s 4;
- (4) (~~(RCW 43.160.212 and 1996 c 168 s 4, 1995 c 226 s 6, & 1993 c 316 s 5;~~
- ~~(5))~~) RCW 43.63A.021 and 1997 c 367 s 5 & 1995 c 226 s 11;
- ~~((6))~~) (5) RCW 43.63A.600 and 1995 c 226 s 12, 1994 c 114 s 1, 1993 c 280 s 77, & 1991 c 315 s 23;
- ~~((7))~~) (6) RCW 43.63A.440 and 1997 c 367 s 7, 1995 c 226 s 13, 1993 c 280 s 74, & 1989 c 424 s 7;
- ~~((8)~~) RCW 43.160.200 and 1995 c 226 s 16, 1993 c 320 s 7, 1993 c 316 s 4, & 1991 c 314 s 23;
- ~~(9))~~) (7) RCW 28B.50.258 and 1995 c 226 s 18 & 1991 c 315 s 16;
- ~~((10))~~) (8) RCW 28B.50.262 and 1995 c 226 s 19 & 1994 c 282 s 3;
- ~~((11))~~) (9) RCW 28B.80.570 and 1997 c 367 s 14, 1995 c 226 s 20, 1992 c 21 s 6, & 1991 c 315 s 18;
- ~~((12))~~) (10) RCW 28B.80.575 and 1995 c 269 s 1001, 1995 c 226 s 21, & 1991 c 315 s 19;
- ~~((13))~~) (11) RCW 28B.80.580 and 1997 c 367 s 15, 1995 c 226 s 22, 1993 sp.s. c 18 s 34, 1992 c 231 s 31, & 1991 c 315 s 20;
- ~~((14))~~) (12) RCW 28B.80.585 and 1995 c 226 s 23 & 1991 c 315 s 21;
- ~~((15))~~) (13) RCW 43.17.065 and 1995 c 226 s 24, 1993 c 280 s 37, 1991 c 314 s 28, & 1990 1st ex.s. c 17 s 77;
- ~~((16))~~) (14) RCW 43.20A.750 and (~~(1995 c 226 s 25, 1993 c 280 s 38, 1992 c 21 s 4, & 1991 c 153 s 28)~~) 1997 c 367 s 16;
- ~~((17))~~) (15) RCW 43.168.140 and 1995 c 226 s 28 & 1991 c 314 s 20;
- ~~((18))~~) (16) RCW 50.12.270 and 1997 c 367 s 17, 1995 c 226 s 30, & 1991 c 315 s 3;
- ~~((19))~~) (17) RCW 50.70.010 and 1995 c 226 s 31, 1992 c 21 s 1, & 1991 c 315 s 5; and
- ~~((20))~~) (18) RCW 50.70.020 and 1995 c 226 s 32 & 1991 c 315 s 6.

NEW SECTION. Sec. 702. RCW 43.160.212 (Rural natural resources impact areas--Loans for public works facilities) and 1996 c 168 s 4, 1995 c 226 s 6, 1993 c 316 s 5, 1992 c 21 s 8, & 1991 c 314 s 26 are each repealed.

NEW SECTION. Sec. 703. 1997 c 367 s 11, 1995 c 226 s 8, 1993 c 316 s 7, & 1991 c 314 s 33 (uncodified) are each repealed.

## PART VIII MISCELLANEOUS

NEW SECTION. Sec. 801. Part headings and subheadings used in this act are not any part of the law.

NEW SECTION. Sec. 802. This act takes effect August 1, 1999.

NEW SECTION. Sec. 803. Sections 301 through 303, 305, 306, and 601 through 603 of this act do not affect any existing right acquired or liability or obligation under the sections amended or repealed in those sections or any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. Sec. 804. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "vitality;" strike the remainder of the title and insert "amending RCW 43.160.010, 43.160.020, 43.160.060, 43.160.070, 43.160.900, 43.180.160, 82.60.020, 82.60.040, 82.60.070, 82.62.010, 82.62.030, 43.168.010, 43.168.020, 43.168.110, 43.168.120, 43.17.250, 43.155.070, 70.146.070, and 43.131.386; reenacting and amending RCW 43.160.076; adding a new section to chapter 43.63A RCW; adding a new section to chapter 82.60 RCW; adding a new section to chapter 82.62 RCW; adding a new section to chapter 43.168 RCW; creating new sections; repealing RCW 43.160.212; repealing 1997 c 367 s 11, 1995 c 226 s 8, 1993 c 316 s 7, and 1991 c 314 s 33 (uncodified); providing an effective date; and providing an expiration date.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Patterson, the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 5594.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5594, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5594, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Absent: Senator Heavey - 1. ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5594, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 24, 1999

MR. PRESIDENT:

Under suspension of the rules, SUBSTITUTE SENATE BILL NO. 5640 was returned to second reading and the House adopted the following amendment(s) and passed the bill as amended by the House:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that:

- (1) The current statute relating to the timing of the primary election may not allow adequate time for absentee voters, especially military personnel living overseas, to review the candidates and issues appearing on the general election ballot before casting their votes;
- (2) The proliferation of permanent absentee voters presents increasing difficulties for county auditors to canvass ballots in a timely way, which in turn may adversely affect the general election campaign of a candidate involved in a close primary race; and
- (3) A delay in counting votes and processing ballots negatively impacts the public's right to timely election results and thus harms our electoral process.

Therefore, the mission of the task force established by section 2 of this act includes, but is not limited to, a review of issues relating to the timing of the primary election, the canvassing of ballots, and the certification of election results. The task force shall consider alternates to the current statutes that relate to these issues, and shall provide recommendations accordingly.

**NEW SECTION. Sec. 2.** A task force to study and make recommendations regarding the date for primary elections is established. The task force membership consists of the following thirteen members:

- (1) Three citizen members from across the state, appointed jointly by the secretary of state, the president of the senate, and the co-speakers of the house of representatives;
- (2) Two members of the senate, one from each of the largest two caucuses, appointed by the president of the senate, and two members of the house of representatives, one from each of the largest two caucuses, appointed by the co-speakers of the house of representatives;
- (3) The secretary of state or the secretary's designee;
- (4) Three county elections officials designated by the Washington Association of County Officials; and
- (5) A representative of each major political party in the state, appointed by the chair of the state central committee for the party.

**NEW SECTION. Sec. 3.** The task force shall report its recommendations to the governor, the secretary of state, and the appropriate standing committees of the senate and house of representatives no later than December 1, 1999. The task force terminates on December 31, 1999.

**Sec. 4.** RCW 29.62.020 and 1995 c 139 s 2 are each amended to read as follows:

(1) ~~((No later than the tenth day after a special election or primary and no later than the fifteenth day after a general election, the county auditor shall convene the county canvassing board to process the absentee ballots and canvass the votes cast at that primary or election.))~~ At least every third day after a special election, primary, or general election and before certification of the election results, except Sundays and legal holidays, the county auditor shall convene the county canvassing board or their designees to process absentee ballots and canvass the votes cast at that special election, primary, or general election, if the county auditor is in possession of more than twenty-five ballots that have yet to be canvassed. The county auditor may use his or her discretion in determining when to convene the canvassing board or their designees during the final four days before the certification of election results in order to protect the secrecy of any ballot.

Each absentee ballot previously not canvassed that was received by the county auditor two days or more before the convening of the canvassing board or their designees and that either was received by the county auditor before the closing of the polls on the day of the special election, primary, or general election for which it was issued, or that bears a date of mailing on or before the special election, primary, or general election for which it was issued, must be processed at that time. The tabulation of votes that results from that day's canvass must be made available to the general public immediately upon completion of the canvass.

(2) On the tenth day after a special election or a primary and on the fifteenth day after a general election, the canvassing board shall complete the canvass and certify the results. Each absentee ballot that was returned before the closing of the polls on the date of the primary or election for which it was issued, and each absentee ballot with a date of mailing on or before the date of the primary or election for which it was issued and received on or before the date on which the primary or election is certified, shall be included in the canvass report.

~~((2))~~ (3) At the request of any caucus of the state legislature, the county auditor shall transmit copies of all unofficial returns of state and legislative primaries or elections prepared by or for the county canvassing board to either the secretary of the senate or the chief clerk of the house.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Patterson, the Senate concurred in the House amendment to Substitute Senate Bill No. 5640.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5640, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5640, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 39.

Voting nay: Senators Benton, Finkbeiner, Hochstatter, Johnson, McCaslin, Morton, Roach, Stevens and Zarelli - 9.

Absent: Senator Heavey - 1.

SUBSTITUTE SENATE BILL NO. 5640, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Eide, Senator Fairley was excused.

MESSAGE FROM THE HOUSE

April 24, 1999

MR. PRESIDENT:

Under suspension of the rules, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5931 was returned to second reading and the House adopted the following amendment(s) and passed the bill as amended by the House:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 42.17 RCW to read as follows:

It is the intent of the legislature to ensure that the commission provide the general public timely access to all contribution and expenditure reports submitted by candidates, continuing political committees, bona fide political parties, lobbyists, and lobbyists' employers. The legislature finds that failure to meet goals for full and timely disclosure threatens to undermine our electoral process.

Furthermore, the legislature intends for the commission to consult with the department of information services as it seeks to implement this act, and that the commission follow the standards and procedures established by the department of information services in chapter 43.105 RCW as they relate to information technology.

**NEW SECTION. Sec. 2.** A new section is added to chapter 42.17 RCW to read as follows:

(1) The commission shall establish goals that all reports, copies of reports, or copies of the data or information included in reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180, that are:

(a) Submitted using the commission's electronic filing system shall be accessible in the commission's office within two business days of the commission's receipt of the report and shall be accessible on the commission's web site within seven business days of the commission's receipt of the report; and

(b) Submitted in any format or using any method other than as described in (a) of this subsection, shall be accessible in the commission's office within four business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420, and shall be accessible on the commission's web site within fourteen business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420, as specified in rule adopted by the commission.

(2) On January 1, 2001, or shortly thereafter, the commission shall revise these goals to reflect that all reports, copies of reports, or copies of the data or information included in reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180, that are:

(a) Submitted using the commission's electronic filing system shall be accessible in the commission's office and on the commission's web site within two business days of the commission's receipt of the report; and

(b) Submitted in any format or using any method other than as described in (a) of this subsection, shall be accessible in the commission's office and on the commission's web site within four business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420, as specified in rule adopted by the commission.

**NEW SECTION. Sec. 3.** A new section is added to chapter 42.17 RCW to read as follows:

By July 1st of each year beginning in 2000, the commission shall calculate the following performance measures, provide a copy of the performance measures to the governor and appropriate legislative committees, and make the performance measures available to the public:

(1) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.040, 42.17.065, 42.17.080, and 42.17.100 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(2) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.105 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(3) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.150, 42.17.170, 42.17.175, and 42.17.180 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(4) The percentage of candidates, categorized as state-wide, state legislative, or local, that have used each of the following methods to file reports under RCW 42.17.080 or 42.17.105: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method;

(5) The percentage of continuing political committees that have used each of the following methods to file reports under RCW 42.17.065 or 42.17.105: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method; and

(6) The percentage of lobbyists and lobbyists' employers that have used each of the following methods to file reports under RCW 42.17.150, 42.17.170, 42.17.175, or 42.17.180: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method.

**NEW SECTION. Sec. 4.** A new section is added to chapter 42.17 RCW to read as follows:

(1) The commission shall develop an information technology plan consistent with plans or portfolios required by chapter 43.105 RCW.

(2) The plan must include, but not be limited to, the following:

(a) A baseline assessment of the agency's information technology resources and capabilities that will serve as the benchmark for subsequent planning and performance measures;

(b) A statement of the agency's mission, goals, and objectives for information technology, including goals and objectives for achieving electronic access to agency records, information, and services for at least the next five years;

(c) An explanation of how the agency's mission, goals, and objectives for information technology support and conform to the state strategic information technology plan;

(d) An implementation strategy to enhance electronic access to public records and information required to be filed with and disclosed by the commission. This implementation strategy must be assembled to include:

(i) Adequate public notice and opportunity for comment;

(ii) Consideration of a variety of electronic technologies, including those that help to transcend geographic locations, standard business hours, economic conditions of users, and disabilities;

(iii) Methods to educate agency employees, the public, and the news media in the effective use of agency technology;

(iv) Ways to simplify and improve public access to information held by the commission through electronic means;

(e) Projects and resources required to meet the objectives of the plan; and

(f) If feasible, estimated schedules and funding required to implement identified projects.

**NEW SECTION. Sec. 5.** A new section is added to chapter 42.17 RCW to read as follows:

In preparing the information technology plan, the commission shall consult with affected state agencies, the department of information services, and stakeholders in the commission's work, including representatives of political committees, bona fide political parties, news media, and the general public.

**NEW SECTION. Sec. 6.** A new section is added to chapter 42.17 RCW to read as follows:

The commission shall submit the information technology plan to the senate and house of representatives fiscal committees, the governor, the senate state and local government committee, the house of representatives state government committee, and the department of information services by February 1, 2000. It is the intent of the legislature that the commission thereafter comply with the requirements of chapter 43.105 RCW with respect to preparation and submission of biennial performance reports on the commission's information technology.

**NEW SECTION. Sec. 7.** A new section is added to chapter 42.17 RCW to read as follows:

The commission shall prepare and submit to the department of information services a biennial performance report in accordance with chapter 43.105 RCW.

The report must include:

(1) An evaluation of the agency's performance relating to information technology;

(2) An assessment of progress made toward implementing the agency information technology plan;

(3) An analysis of the commission's performance measures, set forth in section 3 of this act, that relate to the electronic filing of reports and timely public access to those reports via the commission's web site;

(4) A comprehensive description of the methods by which citizens may interact with the agency in order to obtain information and services from the commission; and

(5) An inventory of agency information services, equipment, and proprietary software.

**Sec. 8.** RCW 42.17.365 and 1993 c 2 s 29 are each amended to read as follows:

The commission shall conduct a sufficient number of audits and field investigations so as to provide a statistically valid finding regarding the degree of compliance with the provisions of this chapter by all required filers. Any documents, records, reports, computer files, papers, or materials provided to the commission for use in conducting audits and investigations must be returned to the candidate, campaign, or political committee from which they were received within one week of the commission's completion of an audit or field investigation.

**Sec. 9.** RCW 42.17.367 and 1994 c 40 s 2 are each amended to read as follows:

By ~~((January 1, 1995))~~ February 1, 2000, the ~~((public disclosure))~~ commission shall ~~((design a program for electronic access to public documents filed with the commission. The program may include on-line access to the commission's magic and electronic bulletin board systems, providing information for the internet system, fax request service, automated telephone service, electronic filing of reports, and other service delivery options. Documents available in the program shall include, but are not limited to, public documents filed with the public disclosure commission, including, but not limited to, commission meeting schedules, financial affairs reports, contribution reports, expenditure reports, and gift reports. Implementation of the program is contingent on the availability of funds))~~ operate a web site or contract for the operation of a web site that allows access to reports, copies of reports, or copies of data and information submitted in reports, filed with the commission under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, and 42.17.105. By January 1, 2001, the web site shall allow access to reports, copies of reports, or copies of data and information submitted in reports, filed with the commission under RCW 42.17.150, 42.17.170, 42.17.175, and 42.17.180. In addition, the commission shall attempt to make available via the web site other public records submitted to or generated by the commission that are required by this chapter to be available for public use or inspection.

**Sec. 10.** RCW 42.17.420 and 1995 c 397 s 18 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, when any application, report, statement, notice, or payment required to be made under the provisions of this chapter has been deposited postpaid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the envelope is the date of mailing. The provisions of this section do not apply to reports required to be delivered under RCW 42.17.105 and 42.17.175.

(2) When a report is filed electronically with the commission, it is deemed to have been received on the file transfer date. The commission shall notify the filer of receipt of the electronically filed report. Such notification may be sent by mail, facsimile, or electronic mail. If the notification of receipt of the electronically filed report is not received by the filer, the filer may offer his or her own proof of sending the report, and such proof shall be treated as if it were a receipt sent by the commission. Electronic filing may be used for purposes of filing the special reports required to be delivered under RCW 42.17.105 and 42.17.175.

**NEW SECTION. Sec. 11.** A new section is added to chapter 42.17 RCW to read as follows:

(1) By July 1, 1999, the commission shall offer every candidate, public official, political committee, and party organization that is required to file reports under this chapter the option of filing financial affairs reports, contribution reports, and expenditure reports electronically by diskette or via modem, satellite, or the Internet.

(2) By January 1, 2001, the commission shall offer all lobbyists and lobbyists' employers required to file reports under RCW 42.17.150, 42.17.170, 42.17.175, or 42.17.180 the option of filing these reports electronically by diskette or via modem, satellite, or the Internet.

(3) The commission shall make available to each candidate, public official, political committee, lobbyist, lobbyist employer, and party organization an electronic copy of the appropriate reporting forms at no charge.

**NEW SECTION. Sec. 12.** A new section is added to chapter 42.17 RCW to read as follows:

Beginning January 1, 2001, each continuing political committee, that expended ten thousand dollars or more in the preceding year or expects to expend ten thousand dollars or more in expenditures in the current year, shall file all contribution reports and expenditure reports required by this chapter electronically by diskette or via modem, satellite, or the Internet. Failure by a continuing political committee to comply with this section is a violation of this chapter.

**Sec. 13.** RCW 42.17.080 and 1995 c 397 s 2 are each amended to read as follows:

(1) On the day the treasurer is designated, each candidate or political committee shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the treasurer resides, in addition to any statement of organization required under RCW 42.17.040 or 42.17.050, a report of all contributions received and expenditures made prior to that date, if any.

(2) At the following intervals each treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the committee maintains its office or headquarters, and if there is no office or headquarters then in the county in which the treasurer resides, a report containing the information required by RCW 42.17.090:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election: PROVIDED, That this report shall not be required following a primary election from:

(i) A candidate whose name will appear on the subsequent general election ballot; or

(ii) Any continuing political committee; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section: PROVIDED, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar

month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

When there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there shall be no obligation to make any further reports.

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of the fifth business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of the one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date on which the special or general election is held and ending on the date of that election, each Friday the treasurer shall file with the commission and the appropriate county elections officer a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds so deposited and the amount contributed by each person. However, contributions of no more than twenty-five dollars in the aggregate from any one person may be deposited without identifying the contributor. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer for his or her records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit.

(4) The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day ~~((and shall))~~. As specified in the committee's statement of organization filed under RCW 42.17.040, the books of account must be open for public inspection as follows:

(a) For at least two consecutive hours ~~((Monday through Friday, excluding legal holidays))~~ on the eighth day immediately before the election, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission; and

(b) By appointment for inspections to be conducted at the designated place for inspections between 8:00 a.m. and 8:00 p.m. on any other day from the seventh day through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days in the week prior to the election. The appointment must be allowed at an authorized time and day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection.

~~(5)~~ (5) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

~~((5))~~ (6) All reports filed pursuant to subsections (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

~~((6))~~ (7) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission.

~~((7))~~ (8) The commission shall adopt administrative rules establishing requirements for filer participation in any system designed and implemented by the commission for the electronic filing of reports.

NEW SECTION. Sec. 14. By December 1, 2000, the joint legislative audit and review committee shall have completed a performance audit of the duties and staffing of the public disclosure commission."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

MOTION

On motion of Senator Patterson, the Senate concurred in the House amendment to Engrossed Second Substitute Senate Bill No. 5931.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5931, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5931, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47. Absent: Senator Heavey - 1. Excused: Senator Fairley - 1. ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5931, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 24, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1392 and again asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER,  
Co-Chief Clerk

#### MOTION

On motion of Senator Kline, the Senate receded from its amendment(s) to Substitute House Bill No. 1392.

#### MOTIONS

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1392 was returned to second reading and read the second time.

On motion of Senator Kline, the following striking amendment by Senators Heavey, Costa, Kline and Honeyford was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 9.96 RCW to read as follows:

(1) Every person convicted of a misdemeanor or gross misdemeanor offense who has completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the tests prescribed in subsection (2) of this section, the court may in its discretion clear the record of conviction by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information or indictment against the applicant.

(2) An applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense cleared if any one of the following is present: (a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense; (c) the offense was a violation of RCW 46.61.502 (Driving while under the influence), 46.61.504 (Actual physical control while under the influence), or 9.91.020 (Operating a railroad, etc. while intoxicated); (d) the offense was any misdemeanor or gross misdemeanor attempt to commit a sex offense as defined in RCW 9.94A.030; (e) the offense was any misdemeanor or

gross misdemeanor violation, including attempt, of chapter 9.68 (Obscenity and pornography) or 9.68A (Sexual exploitation of children) RCW; (f) the applicant has been convicted of a new crime in this state, another state, or federal court since the date the applicant completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense; (g) the offense was a domestic violence offense as defined in RCW 10.99.020, and less than ten years have passed since the date the offender successfully completed all terms of his or her sentence, including probation. The court shall not grant the motion to vacate a domestic violence conviction if, upon review of the police report and any evidence from the prosecution or the defense, the court finds that the defendant's behavior in the commission of the crime was particularly egregious; or (h) less than five years have passed since the date the applicant completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense.

(3) Once the court vacates a record of conviction under subsection (1) of this section, the person shall be released from all penalties and disabilities resulting from the offense, except that the fact that the person had been convicted of the offense may be used in any subsequent criminal prosecution consistent with any other legal use and may be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all other purposes, including responding to questions on employment applications, a person whose conviction has been vacated may state that the person has never been convicted of that crime.

(4) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

(5) Any conviction that is vacated under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order vacating the conviction to the Washington state patrol. The Washington state patrol shall transmit the order vacating the conviction to the federal bureau of investigation.

(6) No person may seek or be granted a vacation of record of conviction for an offense committed after the date upon which the person received a vacation of record of conviction for any other offense.

**Sec. 2.** RCW 9.94A.230 and 1987 c 486 s 7 are each amended to read as follows:

(1) Every offender who has been discharged under RCW 9.94A.220 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may in its discretion clear the record of conviction by: (a)(i) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or ~~((b))~~ (ii) if the offender has been convicted after a plea of not guilty, ~~((by))~~ the court setting aside the verdict of guilty; and ~~((e-by))~~ (b) the court dismissing the information or indictment against the offender.

(2) An offender may not have the record of conviction cleared if any one of the following is present: (a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offense was a domestic violence offense as defined in RCW 10.99.020, and less than ten years have passed since the date the applicant was discharged under RCW 9.94A.220. The court shall not grant the motion to vacate a domestic violence conviction if, upon review of the police report and any evidence from the prosecution or the defense, the court finds that the defendant's behavior in the commission of the crime was particularly egregious; (d) the offense was a crime against persons as defined in RCW 43.43.830; ~~((d))~~ (e) the offender has been convicted of a new crime in this state, another state, or federal court since the date of the offender's discharge under RCW 9.94A.220; ~~((e))~~ (f) the offense is a class B felony and less than ten years have passed since the date the applicant was discharged under RCW 9.94A.220; ~~(and (f))~~ or (g) the offense was a class C felony and less than five years have passed since the date the applicant was discharged under RCW 9.94A.220.

(3) Once the court vacates a record of conviction under subsection (1) of this section, ~~((the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications,))~~ an offender whose conviction has been vacated may state that the offender has never been convicted of that crime, including responses to questions when making application for employment. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(4) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

(5) Any conviction that is vacated under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order vacating the conviction to the Washington state patrol. The Washington state patrol shall transmit the order vacating the conviction to the federal bureau of investigation.

(6) No person may seek or be granted a vacation of record of conviction for an offense committed after the date upon which the person received a vacation of record of conviction for any other offense.

**Sec. 3.** RCW 9.95.240 and 1957 c 227 s 7 are each amended to read as follows:

(1) Every defendant who has fulfilled the conditions of his ~~or her~~ probation for the entire period thereof, or who ((shall have)) ~~has~~ been discharged from probation prior to the termination of the period thereof, may ((at any time prior to the expiration of the maximum period of punishment for the offense for which he has been convicted be permitted in the discretion of the court to withdraw his plea of guilty and enter a plea of not guilty, or if he has been convicted after a plea of not guilty, the court may in its discretion set aside the verdict of guilty; and in either case, the court may thereupon dismiss the information or indictment against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted. The probationer shall be informed of this right in his probation papers: PROVIDED, That in any subsequent prosecution, for any other offense, such prior conviction may be pleaded and proved, and shall have the same effect as if probation had not been granted, or the information or indictment dismissed)) ~~apply to the sentencing court for a vacation of the defendant's record of conviction. If the court finds the defendant meets the tests prescribed in subsection (2) of this section, the court may in its discretion clear the record of conviction by:~~ (a)(i) Permitting the defendant to withdraw the defendant's plea of guilty and to enter a plea of not guilty; or (ii) if the defendant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information or indictment against the defendant.

(2) An offender may not have the record of conviction cleared if: (a) There are any criminal charges against the defendant pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offense was a felony crime against persons as defined in RCW 43.43.830; (d) the defendant has been convicted of a new crime in this state, another state, or federal court since the date the defendant successfully completed probation; (e) the offense is a class B felony and less than ten years have passed since the date the defendant successfully completed probation; (f) the offense was a class C felony and less than five years have passed since the date the defendant successfully completed probation; (g) the offense was a misdemeanor or gross misdemeanor and less than five years have passed since the date the defendant successfully completed probation; or (h) the offense was a misdemeanor or gross misdemeanor and operated to interrupt the washout of a class B felony under RCW 9.94A.360 and less than ten years have passed since the date of the conviction for the misdemeanor or gross misdemeanor.

(3) Once the court vacates a record of conviction under subsection (1) of this section, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime, including responses to questions when making application for employment. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal case.

(4) No person may seek or be granted a vacation of record of conviction for an offense committed after the date upon which the person received a vacation of record of conviction for any other offense.

(5) Any conviction that is vacated under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order vacating the conviction to the Washington state patrol. The Washington state patrol shall transmit the order vacating the conviction to the federal bureau of investigation.

(6) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

**Sec. 4.** RCW 13.50.050 and 1997 c 338 s 40 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection ~~((41))~~ (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection ~~((22))~~ (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court has the discretion to grant the motion to seal records made pursuant to subsection (10) of this section if it finds that for class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition:

(a) The person has spent five consecutive years in the community without committing another offense or crime that results in conviction in this state, another state, or federal court;

(b) There are no criminal charges against the person pending in any court of this state, another state, or federal court;

(c) Through credible evidence presented to the court that the person has a present career path that is impeded by the record of the court's order and findings;

(d) That the person is twenty-one years of age or older; and

(e) The person has lived an exemplary life since the court's order and findings.

(12) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) For class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent ten consecutive years in the community without committing any offense or crime that subsequently results in conviction. For class C offenses, gross misdemeanors, and misdemeanors, other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(c) No proceeding is pending seeking the formation of a diversion agreement with that person;

(d) The person has not been convicted of a class A or sex offense; and

(e) Full restitution has been paid.

~~((12))~~ (13) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

~~((13))~~ (14) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall, subject to subsection ~~((22))~~ (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or

nonexistence of records concerning an individual. Any record that is sealed under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the

motion is brought shall transmit the order sealing the record to the Washington state patrol. The Washington state patrol shall transmit the order sealing the record to the federal bureau of investigation.

~~((14))~~ (15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection ~~((22))~~ (23) of this section.

~~((15))~~ (16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW.

~~((16))~~ (17) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection ~~((22))~~ (23) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

~~((17))~~ (18) If the court grants the motion to destroy records made pursuant to subsection ~~((16))~~ (17) of this section, it shall, subject to subsection ~~((22))~~ (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

~~((18))~~ (19) The person making the motion pursuant to subsection ~~((16))~~ (17) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

~~((19))~~ (20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

~~((20))~~ (21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

~~((21))~~ (22) Any juvenile justice or care agency may, subject to the limitations in subsection ~~((22))~~ (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

~~((22))~~ (23) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

~~((23))~~ (24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

(25) All costs incurred by the court and probation services shall be paid by the person making the motion to seal the record under subsection (10) of this section unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought."

## MOTIONS

On motion of Senator Kline, the following title amendment was adopted:

On page 1, line 1 of the title, after "conviction;" strike the remainder of the title and insert "amending RCW 9.94A.230, 9.95.240, and 13.50.050; and adding a new section to chapter 9.96 RCW."

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1392, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1392, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House No. 1392, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 42. Voting nay: Senators Benton, Roach, Rossi, Stevens, Swecker and Zarelli - 6. Absent: Senator Heavey - 1. SUBSTITUTE HOUSE BILL NO. 1392, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 20, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1493 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER,  
Co-Chief Clerk

#### MOTION

On motion of Senator Hargrove, the Senate receded from its amendment(s) to Engrossed Second Substitute House Bill No. 1493.

#### MOTIONS

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute House Bill No. 1493 was returned to second reading and read the second time.

On motion of Senator Hargrove, the following striking amendment by Senators Hargrove, Costa, Long, Zarelli and Brown was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that homelessness for families with children is a serious, widespread problem that has a devastating effect on children, including significant adverse effects upon their growth and development. Planning for and serving the shelter and housing needs of homeless families with children has been and continues to be a responsibility of the department of community, trade, and economic development. The legislature further finds that the department of social and health services also plays an important role in addressing the service needs of homeless families with children. In order to adequately and effectively address the complex issues confronting homeless families with children, planning for, implementing, and evaluating such services must be a collaborative effort between the department of community, trade, and economic development and the department of social and health services, other local, state, and federal agencies, and community organizations. It is the intent of the legislature that the department of community, trade, and economic development and the department of social and health services jointly present the plan to the appropriate committees of the legislature as required in section 3 of this act. It is the intent of the legislature that children should not be placed or retained in the foster care system if family homelessness is the primary reason for placement or the continuation of their placement. It is the further intent of the legislature that services to homeless families with children shall be provided within funds appropriated for that specific purpose by the legislature in the operating and capital budgets. Nothing in this act is intended to prevent the court's review of the plan developed by the department of social and health services and the department of community, trade, and economic development under *Washington State Coalition for the Homeless v. Department of Social and Health Services*, King County Superior Court No.

91-2-15889-4. However, it is the intent of the legislature that the court's review in that proceeding be confined solely to review of the plan submitted under the order of February 4, 1998. Nothing in sections 1 through 10 of this act is intended to grant the court in this proceeding continuing review over the department of social and health services after the effective date of this act.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.20A RCW to read as follows:

(1) The department shall collaborate with the department of community, trade, and economic development in the development of the coordinated and comprehensive plan for homeless families with children required under RCW 43.63A.650, which designates the department of community, trade, and economic development as the state agency with primary responsibility for providing shelter and housing services to homeless families with children. In fulfilling its responsibilities to collaborate with the department of community, trade, and economic development pursuant to RCW 43.63A.650, the department shall develop, administer, supervise, and monitor its portion of the plan. The department's portion of the plan shall contain at least the following elements:

(a) Coordination or linkage of services with shelter and housing;

(b) Accommodation and addressing the needs of homeless families in the design and administration of department programs;

(c) Participation of the department's local offices in the identification, assistance, and referral of homeless families; and

(d) Ongoing monitoring of the efficiency and effectiveness of the plan's design and implementation.

(2) The department shall include community organizations involved in the delivery of services to homeless families with children, and experts in the development and ongoing evaluation of the plan.

(3) The duties under this section shall be implemented within amounts appropriated for that specific purpose by the legislature in the operating and capital budgets.

**Sec. 3.** RCW 43.63A.650 and 1993 c 478 s 13 are each amended to read as follows:

(1) The department shall be the principal state department responsible for coordinating federal and state resources and activities in housing, except for programs administered by the Washington state housing finance commission under chapter 43.180 RCW, and for evaluating the operations and accomplishments of other state departments and agencies as they affect housing.

(2) The department shall work with local governments, tribal organizations, local housing authorities, nonprofit community or neighborhood-based organizations, and regional or state-wide nonprofit housing assistance organizations, for the purpose of coordinating federal and state resources with local resources for housing.

(3) The department shall be the principal state department responsible for providing shelter and housing services to homeless families with children. The department shall have the principal responsibility to coordinate, plan, and oversee the state's activities for developing a coordinated and comprehensive plan to serve homeless families with children. The plan shall be developed collaboratively with the department of social and health services. The department shall include community organizations involved in the delivery of services to homeless families with children, and experts in the development and ongoing evaluation of the plan. The department shall follow professionally recognized standards and procedures. The plan shall be implemented within amounts appropriated by the legislature for that specific purpose in the operating and capital budgets. The department shall submit the plan to the appropriate committees of the senate and house of representatives no later than September 1, 1999, and shall update the plan and submit it to the appropriate committees of the legislature by January 1st of every odd-numbered year through 2007. The plan shall address at least the following: (a) The need for prevention assistance; (b) the need for emergency shelter; (c) the need for transitional assistance to aid families into permanent housing; (d) the need for linking services with shelter or housing; and (e) the need for ongoing monitoring of the efficiency and effectiveness of the plan's design and implementation.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.63A RCW to read as follows:

(1) In order to improve services for the homeless, the department, within amounts appropriated by the legislature for this specific purpose, shall implement a system for the ongoing collection and analysis of data about the extent and nature of homelessness in Washington state, giving emphasis to information about extent and nature of homelessness in Washington state families with children. The system may be merged with other data gathering and reporting systems and shall:

(a) Protect the right of privacy of individuals;

(b) Provide for consultation and collaboration with state agencies including the department of social and health services, experts, and community organizations involved in the delivery of services to homeless persons; and

(c) Include related information held or gathered by other state agencies.

(2) Within amounts appropriated by the legislature, for this specific purpose, the department shall evaluate the information gathered and disseminate the analysis and the evaluation broadly, using appropriate computer networks as well as written reports.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.63A RCW to read as follows:

The department shall, by rule, establish program standards, eligibility standards, eligibility criteria, and administrative rules for emergency housing programs and specify other benefits that may arise in consultation with providers.

**Sec. 6.** RCW 13.34.030 and 1998 c 130 s 1 are each amended to read as follows:

For purposes of this chapter:

- (1) "Child" and "juvenile" means any individual under the age of eighteen years.
- (2) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until the child returns home, an adoption decree, a permanent custody order, or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. If the most recent date of removal occurred prior to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode.
- (3) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency.
- (4) "Dependent child" means any child:
  - (a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has expressed either by statement or conduct, an intent to forego, for an extended period, parental rights or parental responsibilities despite an ability to do so. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon;
  - (b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or
  - (c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.
- (5) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.
- (6) "Guardian ad litem" means a person, appointed by the court to represent the best interest of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.
- (7) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.
- (8) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.
- (9) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing services, capable of preventing the need for out-of-home placement while protecting the child. Housing services may include, but are not limited to, referrals to federal, state, local, or private agencies or organizations, assistance with forms and applications, or financial subsidies for housing.

**Sec. 7.** RCW 74.13.020 and 1979 c 155 s 76 are each amended to read as follows:

As used in Title 74 RCW, child welfare services shall be defined as public social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

- (1) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;
- (2) Protecting and caring for ((homeless,)) dependent((,)) or neglected children;
- (3) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children with services designed to resolve such conflicts;
- (4) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;
- (5) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

As used in this chapter, child means a person less than eighteen years of age.

The department's duty to provide services to homeless families with children is set forth in section 2 of this act and in appropriations provided by the legislature for implementation of the plan.

**Sec. 8.** RCW 74.13.031 and 1998 c 314 s 10 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of (~~homeless,~~) runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.

(11) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(12) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

**Sec. 9.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030; after consideration of the predisposition report prepared pursuant to

RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services, including housing assistance, that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is related to the child as defined in RCW 74.15.020((4)(a)) (2)(a) and with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(i) There is no parent or guardian available to care for such child;

(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iii) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds: (a) Termination is recommended by the supervising agency; (b) termination is in the best interests of the child; and (c) that because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interest of the child. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(i) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(ii) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(iii) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(iv) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(v) Conviction of the parent of attempting, soliciting, or conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of this subsection;

(vi) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(vii) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. ((Sec.)) Sec. 1903), the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;

(viii) An infant under three years of age has been abandoned as defined in RCW 13.34.030(4)(a);

(ix) The mother has given birth to three or more drug-affected infants, resulting in the department filing a petition under section 23 of this act.

(3) If reasonable efforts are not ordered under subsection (2) of this section a permanency (~~(plan [planning])~~) planning hearing shall be held within thirty days. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

(4) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; ~~((or))~~ long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; and independent living, if appropriate and if the child is age sixteen or older; or a responsible living skills program. Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(5) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(7) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the

child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(8) The court's ability to order housing assistance under this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

**NEW SECTION. Sec. 10.** Sections 10 through 26 of this act may be referred to as the homeless youth prevention, protection, and education act, or the HOPE act. Every day many youth in this state seek shelter out on the street. A nurturing nuclear family does not exist for them, and state-sponsored alternatives such as foster homes do not meet the demand and isolate youth, who feel like outsiders in families not their own. The legislature recognizes the need to develop placement alternatives for dependent youth ages sixteen to eighteen, who are living on the street. The HOPE act is an effort to engage youth and provide them access to services through development of life skills in a setting that supports them. Nothing in sections 10 through 26 of this act shall constitute an entitlement.

**Sec. 11.** RCW 74.15.020 and 1998 c 269 s 3 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(d) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(e) "Family day-care provider" means a child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;

(f) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(g) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(h) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(i) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

~~((#))~~ (j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated; or

(v) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where: (i) The person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or (ii) the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(f) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(g) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(h) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(i) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(j) Licensed physicians or lawyers;

(k) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(l) Facilities approved and certified under chapter 71A.22 RCW;

(m) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(n) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(o) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(p) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(6) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(7) "Secretary" means the secretary of social and health services.

(8) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(9) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

**NEW SECTION. Sec. 12.** A new section is added to chapter 74.15 RCW to read as follows:

The secretary shall establish HOPE centers that provide no more than seventy-five beds across the state and may establish HOPE centers by contract, within funds appropriated by the legislature specifically for this purpose. HOPE centers shall be operated in a manner to reasonably assure that street youth placed there will not run away. Street youth may leave a HOPE center during the course of the day to attend school or other necessary appointments, but the street youth must be accompanied by an administrator or an administrator's designee. The street youth must provide the administration with specific information regarding his or her destination and expected time of return to the HOPE center. Any street youth who runs away from a HOPE center shall not be readmitted unless specifically authorized by the street youth's placement and liaison specialist, and the placement and liaison specialist shall document with specific factual findings an appropriate basis for readmitting any street youth to a HOPE center. HOPE centers are required to have the following:

(1) A license issued by the secretary;

(2) A professional with a master's degree in counseling, social work, or related field and at least one year of experience working with street youth or a bachelor of arts degree in social work or a related field and five years of experience working with street youth. This professional staff person may be contractual or a part-time employee, but must be available to work with street youth in a HOPE center at a ratio of one to every fifteen youth staying in a HOPE center. This professional shall be known as a placement and liaison specialist. Preference shall be given to those professionals cross-credentialed in mental health and chemical dependency. The placement and liaison specialist shall:

(a) Conduct an assessment of the street youth that includes a determination of the street youth's legal status regarding residential placement;

(b) Facilitate the street youth's return to his or her legally authorized residence at the earliest possible date or initiate processes to arrange legally authorized appropriate placement. Any street youth who may meet the definition of dependent child under RCW 13.34.030 must be referred to the department. The department shall determine whether a dependency petition should be filed under chapter 13.34 RCW. A shelter care hearing must be held within seventy-two hours to authorize out-of-home placement for any youth the department determines is appropriate for out-of-home placement under chapter 13.34 RCW. All of the provisions of chapter 13.32A RCW must be followed for children in need of services or at-risk youth;

(c) Interface with other relevant resources and system representatives to secure long-term residential placement and other needed services for the street youth;

(d) Be assigned immediately to each youth and meet with the youth within eight hours of the youth receiving HOPE center services;

(e) Facilitate a physical examination of any street youth who has not seen a physician within one year prior to residence at a HOPE center and facilitate evaluation by a county-designated mental health professional, a chemical dependency specialist, or both if appropriate; and

(f) Arrange an educational assessment to measure the street youth's competency level in reading, writing, and basic mathematics, and that will measure learning disabilities or special needs;

(3) Staff trained in development needs of street youth as determined by the secretary, including an administrator who is a professional with a master's degree in counseling, social work, or a related field and at least one year of experience working with street youth, or a bachelor of arts degree in social work or a related field and five years of experience working with street youth, who must work with the placement and liaison specialist to provide appropriate services on site;

(4) A data collection system that measures outcomes for the population served, and enables research and evaluation that can be used for future program development and service delivery. Data collection systems must have confidentiality rules and protocols developed by the secretary;

(5) Notification requirements that meet the notification requirements of chapter 13.32A RCW. The youth's arrival date and time must be logged at intake by HOPE center staff. The staff must immediately notify law enforcement and dependency caseworkers if a street youth runs away from a HOPE center. A child may be transferred to a secure facility as defined in RCW 13.32A.030 whenever the staff reasonably believes that a street youth is likely to leave the HOPE center and not return after full consideration of the factors set forth in RCW 13.32A.130(2)(a) (i) and (ii). The street youth's temporary placement in the HOPE center must be authorized by the court or the secretary if the youth is a dependent of the state under chapter 13.34 RCW or the department is responsible for the youth under chapter 13.32A RCW, or by the youth's parent or legal custodian, until such time as the parent can retrieve the youth who is returning to home;

(6) HOPE centers must identify to the department any street youth it serves who is not returning promptly to home. The department then must contact the missing children's clearinghouse identified in chapter 13.60 RCW and either report the youth's location or report that the youth is the subject of a dependency action and the parent should receive notice from the department;

(7) Services that provide counseling and education to the street youth; and

(8) The department shall only award contracts for the operation of HOPE center beds and responsible living skills programs in departmental regions: (a) With operating secure crisis residential centers; or (b) in which the secretary finds significant progress is made toward opening a secure crisis residential center.

**NEW SECTION. Sec. 13.** A new section is added to chapter 74.15 RCW to read as follows:

The secretary shall establish responsible living skills programs that provide no more than seventy-five beds across the state and may establish responsible living skills programs by contract, within funds appropriated by the legislature specifically for this purpose. Responsible living skills programs shall have the following:

(1) A license issued by the secretary;

(2) A professional with a master's degree in counseling, social work, or related field and at least one year of experience working with street youth available to serve residents or a bachelor of arts degree in social work or a related field and five years of experience working with street youth. The professional shall provide counseling services and interface with other relevant resources and systems to prepare the minor for adult living. Preference shall be given to those professionals cross-credentialed in mental health and chemical dependency;

(3) Staff trained in development needs of older adolescents eligible to participate in responsible living skills programs as determined by the secretary;

(4) Transitional living services and a therapeutic model of service delivery that provides necessary program supervision of residents and at the same time includes a philosophy, program structure, and treatment planning that emphasizes achievement of competency in independent living skills. Independent living skills include achieving basic educational requirements such as a GED, enrollment in vocational and technical training programs offered at the community and vocational colleges, obtaining and maintaining employment; accomplishing basic life skills such as money management, nutrition, preparing meals, and cleaning house. A baseline skill level in ability to function productively and independently shall be determined at entry. Performance shall be measured and must demonstrate improvement from involvement in the program. Each resident shall have a plan for achieving independent living skills by the time the resident leaves the placement. The plan shall be written within the first thirty days of placement and reviewed every ninety days. A resident who fails to consistently adhere to the elements of the plan shall be subject to reassessment by the professional staff of the program and may be placed outside the program; and

(5) A data collection system that measures outcomes for the population served, and enables research and evaluation that can be used for future program development and service delivery. Data collection systems must have confidentiality rules and protocols developed by the secretary.

(6) The department shall not award contracts for the operation of responsible living skills programs until HOPE center beds are operational.

**NEW SECTION. Sec. 14.** A new section is added to chapter 74.15 RCW to read as follows:

To be eligible for placement in a responsible living skills program, the minor must be dependent under chapter 13.34 RCW and must have lived in a HOPE center or in a secure crisis residential center. Responsible living skills centers are intended as a placement alternative for dependent youth that the department chooses for the youth because no other services or alternative placements have been successful. Responsible living skills centers are not for dependent youth whose permanency plan includes return to home or family reunification.

**NEW SECTION. Sec. 15.** A new section is added to chapter 74.15 RCW to read as follows:

The secretary is authorized to license HOPE centers and responsible living skills programs that meet statutory and rule requirements created by the secretary. The secretary is authorized to develop rules necessary to carry out the provisions of sections 10 through 26 of this act. The secretary may rely upon existing licensing provisions in development of licensing requirements for HOPE centers and responsible living skills programs, as are appropriate to carry out the intent of sections 10 through 26 of this act. HOPE centers and responsible living skills programs shall be required to adhere to departmental regulations prohibiting the use of alcohol, tobacco, controlled substances, violence, and sexual activity between residents.

**Sec. 16.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is related to the child as defined in RCW 74.15.020((4)) (2)(a) and with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(i) There is no parent or guardian available to care for such child;

(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iii) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds: (a) Termination is recommended by the supervising agency; (b) termination is in the best interests of the child; and (c) that because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interest of the child. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(i) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(ii) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(iii) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(iv) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(v) Conviction of the parent of attempting, soliciting, or conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of this subsection;

(vi) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(vii) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. (~~Sec.~~) Sec. 1903), the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;

(viii) An infant under three years of age has been abandoned as defined in RCW 13.34.030(4)(a);

(ix) The mother has given birth to three or more drug-affected infants, resulting in the department filing a petition under section 23 (~~of this act~~), chapter 314, Laws of 1998.

(3) If reasonable efforts are not ordered under subsection (2) of this section a permanency (~~plan~~ ~~planning~~) planning hearing shall be held within thirty days. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

(4) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; (~~or~~) long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; a responsible living skills program; and independent living, if appropriate and if the child is age sixteen or older. Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(5) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child,

reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(7) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

**Sec. 17.** RCW 13.34.145 and 1998 c 314 s 3 and 1998 c 130 s 3 are each reenacted and amended to read as follows:

(1) A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(a) Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; ~~((or))~~ long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; a responsible living skills program; and independent living, if appropriate and if the child is age sixteen or older and the provisions of subsection (2) of this section are met.

(b) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(d) For purposes related to permanency planning:

(i) "Guardianship" means a dependency guardianship pursuant to this chapter, a legal guardianship pursuant to chapter 11.88 RCW, or equivalent laws of another state or a federally recognized Indian tribe.

(ii) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(iii) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or of a federally recognized Indian tribe.

(2) Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(3) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(4) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in subsection (3) of this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or permanent custody order is entered, or the dependency is dismissed.

(5) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(6) At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130(7) and shall review the permanency plan prepared by the agency. If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 and 13.34.130(7). If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not yet been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. In all cases, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.130(7), and the court shall determine the need for continued intervention.

(8) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when, (a) the court has ordered implementation of a permanency plan that includes legal guardianship or permanent legal custody, and (b) the party pursuing the legal guardianship or permanent legal custody is the party identified in the permanency plan as the prospective legal guardian or custodian. During the pendency of such proceeding, juvenile court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(10) Except as otherwise provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with RCW 13.34.130(7), until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(11) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(12) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights.

(13) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

**NEW SECTION. Sec. 18.** A new section is added to chapter 13.60 RCW to read as follows:

The department of social and health services shall develop a procedure for reporting missing children information to the missing children clearinghouse on children who are receiving departmental services in each of its administrative regions. The purpose of this procedure is to link parents to missing children. When the department has obtained information that a minor child has been located at a facility funded by the department, the department shall notify the clearinghouse and the child's legal custodian, advising the custodian of the child's whereabouts or that the child is subject to a dependency action. The department shall inform the clearinghouse when reunification occurs.

**NEW SECTION. Sec. 19.** The Washington institute for public policy shall review the effectiveness of the procedures established in section 18 of this act. The study shall include: (1) The number of legal custodians who utilize the clearinghouse; (2) the number of children who are located after the department's procedures are operational; (3) the impediments to effective utilization of the procedures and what steps may be taken to reduce or eliminate the impediments; (4) the methods of public education regarding the availability of the program and how to increase public awareness of the program.

The review shall be submitted to the legislature and the governor not later than December 1, 2001.

**Sec. 20.** RCW 26.44.030 and 1998 c 328 s 5 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child or adult dependent or developmentally disabled person, has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) The reporting requirement shall also apply to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(c) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child or adult dependent or developmentally disabled person, who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(d) The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect. The report shall include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children, dependent adults, or developmentally disabled persons are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section shall apply.

(3) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall provide annual reports to the legislature on the effectiveness of the risk assessment process.

(14) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(15) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

**NEW SECTION. Sec. 21.** A new section is added to chapter 74.15 RCW to read as follows:

The department shall provide technical assistance in preparation of grant proposals for HOPE centers and responsible living skills programs to nonprofit organizations unfamiliar with and inexperienced in submission of requests for proposals to the department.

**NEW SECTION. Sec. 22.** A new section is added to chapter 74.15 RCW to read as follows:

The department shall consider prioritizing, on an ongoing basis, the awarding of contracts for HOPE centers and responsible living skills programs to providers who have not traditionally been awarded contracts with the department.

**NEW SECTION. Sec. 23.** The department of social and health services shall seek any necessary federal waivers for federal funding of the programs created under sections 10 through 26 of this act. The department shall pursue federal funding sources for the programs created under sections 10 through 26 of this act, and report to the legislature any statutory barriers to federal funding.

**NEW SECTION. Sec. 24.** The Washington state institute for public policy shall review the effectiveness of the HOPE centers and the responsible living skills programs. The study shall include the characteristics of the youth being served, the services offered to participating youth, the success of permanent placement of youth, the number of youth participating in each program, the number of youth who successfully complete the responsible living skills program, educational achievement of participants, employment history of participants, the outcomes for youth who have progressed through the programs, and other measures that the institute deems helpful in determining the measurable outcomes of sections 10 through 26 of this act.

The review shall be submitted to the legislature and the governor not later than December 1, 2001.

**NEW SECTION. Sec. 25.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 26.** Within funds specifically appropriated by the legislature, HOPE center beds referenced in section 12 of this act and responsible living skills program beds referenced in section 13 of this act shall be phased in at the rate of twenty-five percent each year beginning January 1, 2000, until the maximum is attained.

**NEW SECTION. Sec. 27.** Sections 12 and 13 of this act take effect January 1, 2000."

## MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "families;" strike the remainder of the title and insert "amending RCW 43.63A.650, 13.34.030, 74.13.020, 74.13.031, 74.15.020, and 26.44.030; reenacting and amending RCW 13.34.130, 13.34.130, and 13.34.145; adding a new section to chapter 43.20A RCW; adding new sections to chapter 43.63A RCW; adding new sections to chapter 74.15 RCW; adding a new section to chapter 13.60 RCW; creating new sections; and providing an effective date."

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute House Bill No. 1493, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1493, as amended by the Senate under suspension of the rules.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House No. 1493, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Absent: Senator Heavey - 1. ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1493, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 5:59 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 7:30 p.m.

The Senate was called to order at 7:30 p.m. by President Owen.

## SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5364.  
SUBSTITUTE SENATE BILL NO. 5626,  
ENGROSSED SENATE BILL NO. 5789,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5988.

## MESSAGE FROM THE HOUSE

April 24, 1999

MR. PRESIDENT:

The House receded from its amendment on page 23, after line 21 (amending RCW 46.20.120) to SENATE BILL NO. 5374, and passed the bill with the remaining amendments on page 1, line 6, striking section 1; page 23, after line 21 (amending RCW 46.20.500); and page 23, after line 21 (amending RCW 46.20.041); and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5374, as amended by the House, but without the amendment on page 23, after line 21 (amending RCW 46.20.120).

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5374, as amended by the House, but without the amendment on page 23, after line 21, (amending RCW 46.20.120), and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 5; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 44. Absent:

Senators Eide, Finkbeiner, McAuliffe, Winsley and Wojahn - 5. SENATE BILL NO. 5374, as amended by the House, but without the amendment on page 23, after line 21 (amending RCW 46.20.120), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6067, by Senator Thibaudeau

Establishing principles for affordable health insurance coverage.

MOTION

On motion of Senator Thibaudeau, Substitute Senate Bill No. 6067 was substituted for Senate Bill No. 6067 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following amendments by Senators Kohl-Welles, Fairley, Franklin and Costa be considered simultaneously and be adopted:

On page 2, beginning with "**Sec. 2.**" on line 28, strike all material through "RCW 48.14.0201." on page 5, line 38

On page 37, beginning with "**Sec. 28.**" on line 15, strike all material through "RCW 48.14.0201." on page 41, line 21

On page 43, beginning with "**Sec. 31.**" on line 21, strike all material through "RCW 48.14.0201." on page on page 47,  
line 37

On page 30, after line 3, insert the following:

NEW SECTION. Sec. 21. A new section is added to chapter 48.43 RCW to read as follows:

On January 1 of each year, the insurance commissioner shall submit to the legislature a report including the following: a listing of all individual insurance market rate filings; the date of each filing; the date of disapproval, if any, and any other information relevant to the timeliness of such filings; a comparison of the rate requested and the rate granted in any case where a full rate request was disapproved; and a listing of the number and disposition of any hearings regarding these rate requests made pursuant to RCW 48.040.010."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments on pages 2, 37, 43 and 30, to Substitute Senate Bill No. 6067.

The motion by Senator Kohl-Welles failed and the amendments were not adopted.

MOTION

Senator Deccio moved that the following amendment be adopted:

On page 12, line 28, after "Designate" strike ", in its plan of operation,"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Deccio on page 12, line 28, to Substitute Senate Bill No. 6067.

The motion by Senator Deccio carried and the amendment was adopted.

MOTION

Senator Costa moved that the following amendment by Senators Costa, Kohl-Welles and Eide be adopted:

On page 16, line 26, after "board")" insert: "if a substantially equivalent individual health benefit plan at a rate less than or equal to that rate charged by the pool under RCW 48.21.200 is unavailable in the county where he or she resides. If such a plan is available, then a person is eligible for pool coverage"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Costa, Kohl-Welles and Eide on page 16, line 26, to Substitute Senate Bill No. 6067.

The motion by Senator Costa failed and the amendment was not adopted.

#### MOTION

Senator Kohl-Welles moved that the following amendments by Senators Kohl-Welles, Patterson, Franklin, Costa, Fairley and Brown be considered simultaneously and be adopted:

On page 19, line 35, after "coverage." insert "Treatment of a non-life threatening viral or bacterial infection which occurs in a person on a periodic, limited basis and has been treated with antiviral or antibiotic medications shall not be subject to any preexisting condition waiting period."

On page 31, after line 14, insert the following:

"(5) In no event shall treatment of a non-life threatening viral or bacterial infection which occurs on a periodic, limited basis and which has been treated with antiviral or antibiotic medications be subject to any preexisting condition waiting period in an individual health benefit plan."

Debate ensued.

Senator Kline demanded a roll call and the demand was not sustained.

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Kohl-Welles, Patterson, Franklin, Costa, Fairley and Brown on page 19, line 35, and page 31, after line 14, to Substitute Senate Bill No. 6067.

The motion by Senator Costa failed and the amendments were not adopted.

#### MOTION

Senator Deccio moved that the following amendment be adopted:

On page 19, beginning with "The" on line 35, strike all material through "period." on line 38.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Deccio on page 19, line 35, to Substitute Senate Bill No. 6067.

The motion by Senator Deccio carried and the amendment was adopted.

#### MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles, Fairley, Franklin and Costa be adopted:

On page 23, beginning with "(a)" on line 25, strike all material through "section" on line 37, and insert the following:

"(d) The rate for any person with a gross family income of less than four hundred percent of the federal poverty level shall be no more than fifteen percent of the person's gross family income."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles, Fairley, Franklin and Costa on page 23, line 25, to Substitute Senate Bill No. 6067.

The motion by Senator Kohl-Welles failed and the amendment was not adopted.

#### MOTION

Senator Costa moved that the following striking amendment by Senators Costa, Fairley, Kohl-Welles, Franklin, Eide and Kline be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 48.41.100 and 1995 c 34 s 5 are each amended to read as follows:

(1) Any individual person who is a resident of this state is eligible for coverage ~~((upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on health insurance, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk, by at least one member within six months of the date of application. Evidence of rejection may be waived in accordance with rules adopted by the board))~~ if a substantially equivalent individual health benefit plan at a rate less than or equal to that rate charged by the pool under RCW 48.21.200 is unavailable in the county where he or she resides.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums;

(b) Any person on whose behalf the pool has paid out five hundred thousand dollars in benefits;

(c) Inmates of public institutions and persons whose benefits are duplicated under public programs.

(3) Any person whose health insurance coverage is involuntarily terminated for any reason other than nonpayment of premium may apply for coverage under the plan.

**Sec. 2.** RCW 70.47.010 and 1993 c 492 s 208 are each amended to read as follows:

(1)(a) The legislature finds that limitations on access to health care services for enrollees in the state, such as in rural and underserved areas, are particularly challenging for the basic health plan. Statutory restrictions have reduced the options available to the administrator to address the access needs of basic health plan enrollees. It is the intent of the legislature to authorize the administrator to develop alternative purchasing strategies to ensure access to basic health plan enrollees in all areas of the state, including: (i) The use of differential rating for managed health care systems based on geographic differences in costs; and (ii) until January 1, 2004, limited use of self-insurance in areas where adequate access cannot be assured through other options.

(b) In developing alternative purchasing strategies to address health care access needs, the administrator shall consult with interested persons including health carriers, health care providers, and health facilities, and with other appropriate state agencies including the office of the insurance commissioner and the office of community and rural health. In pursuing such alternatives, the administrator shall continue to give priority to prepaid managed care as the preferred method of assuring access to basic health plan enrollees.

(2) The legislature further finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women, and at-risk children and adolescents who need greater access to managed health care.

~~((2))~~ (3) The purpose of this chapter is to provide or make more readily available necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents not eligible for medicare who share in a portion of the cost or who pay the full cost of receiving basic health care services from a managed health care system.

~~((3))~~ (4) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. However, the legislature recognizes that cost-effective and affordable health plans may not always be available to small business employers. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

~~((4))~~ (5)(a) It is the purpose of this chapter to acknowledge the initial success of this program that has (i) assisted thousands of families in their search for affordable health care; (ii) demonstrated that low-income, uninsured families are willing to pay for their own health care coverage to the extent of their ability to pay; and (iii) proved that local health care providers are willing to enter into a public-private partnership as a managed care system.

(b) As a consequence, the legislature intends to extend an option to enroll to certain citizens above two hundred percent of the federal poverty guidelines within the state who reside in communities where the plan is operational and who collectively or individually wish to exercise the opportunity to purchase health care coverage through the basic health plan if the purchase is done at no cost to the state. It is also the intent of the legislature to allow employers and other financial sponsors to financially

assist such individuals to purchase health care through the program so long as such purchase does not result in a lower standard of coverage for employees.

(c) The legislature intends that, to the extent of available funds, the program be available throughout Washington state to subsidized and nonsubsidized enrollees. It is also the intent of the legislature to enroll subsidized enrollees first, to the maximum extent feasible.

(d) The legislature directs that the basic health plan administrator identify enrollees who are likely to be eligible for medical assistance and assist these individuals in applying for and receiving medical assistance. The administrator and the department of social and health services shall implement a seamless system to coordinate eligibility determinations and benefit coverage for enrollees of the basic health plan and medical assistance recipients.

**Sec. 3.** RCW 70.47.020 and 1997 c 335 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment (~~(on a prepaid capitated basis)~~) for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Managed health care system" means: (a) Any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, (on a prepaid capitated basis) to a defined patient population enrolled in the plan and in the managed health care system; or (b) until January 1, 2004, a self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under RCW 41.05.140 and subject to the limitations under RCW 70.47.100(6).

(4) "Subsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who resides in an area of the state served by a managed health care system participating in the plan; (d) whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and (e) who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan.

(5) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who resides in an area of the state served by a managed health care system participating in the plan; (d) who chooses to obtain basic health care coverage from a particular managed health care system; and (e) who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

(6) "Subsidy" means the difference between the amount of periodic payment the administrator makes to a managed health care system on behalf of a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

(7) "Premium" means a periodic payment, based upon gross family income which an individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee or a nonsubsidized enrollee.

(8) "Rate" means the (~~per capita~~) amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized and nonsubsidized enrollees in the plan and in that system.

**Sec. 4.** RCW 70.47.060 and 1998 c 314 s 17 and 1998 c 148 s 1 are each reenacted and amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for groups of subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such

services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.47.030, and such other factors as the administrator deems appropriate.

However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that the services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

(c) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator.

(d) To develop, as an offering by every health carrier providing coverage identical to the basic health plan, as configured on January 1, 1996, a basic health plan model plan with uniformity in enrollee cost-sharing requirements.

(3) To design and implement a structure of enrollee cost sharing due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(5) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(8) To receive periodic premiums from or on behalf of subsidized and nonsubsidized enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of this chapter. When an enrollee fails to report income or income changes accurately, the administrator shall have the

authority either to bill the enrollee for the amounts overpaid by the state or to impose civil penalties of up to two hundred percent of the amount of subsidy overpaid due to the enrollee incorrectly reporting income. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan.

(10) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same or actuarially equivalent for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(15) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

(16) In consultation with appropriate state and local government agencies, to establish criteria defining eligibility for persons confined or residing in government-operated institutions.

**Sec. 5.** RCW 70.47.100 and 1987 1st ex.s. c 5 s 12 are each amended to read as follows:

(1) A managed health care systems participating in the plan shall do so by contract with the administrator and shall provide, directly or by contract with other health care providers, covered basic health care services to each enrollee covered by its contract with the administrator as long as payments from the administrator on behalf of the enrollee are current. A participating managed health care system may offer, without additional cost, health care benefits or services not included in the schedule of covered services under the plan. A participating managed health care system shall not give preference in enrollment to enrollees who accept such additional health care benefits or services. Managed health care systems participating in the plan shall not discriminate against any potential or current enrollee based upon health status, sex, race, ethnicity, or religion. The administrator may receive and act upon complaints from enrollees regarding failure to provide covered services or efforts to obtain payment, other than authorized copayments, for covered services directly from enrollees, but nothing in this chapter empowers the administrator to impose any sanctions under Title 18 RCW or any other professional or facility licensing statute.

(2) The plan shall allow, at least annually, an opportunity for enrollees to transfer their enrollments among participating managed health care systems serving their respective areas. The administrator shall establish a period of at least twenty days in a given year when this opportunity is afforded enrollees, and in those areas served by more than one participating managed health care system the administrator shall endeavor to establish a uniform period for such opportunity. The plan shall allow

enrollees to transfer their enrollment to another participating managed health care system at any time upon a showing of good cause for the transfer.

~~((Any contract between a hospital and a participating managed health care system under this chapter is subject to the requirements of RCW 70.39.140(1) regarding negotiated rates.))~~

~~(3)~~ Prior to negotiating with any managed health care system, the administrator shall determine, on an actuarially sound basis, the reasonable cost of providing the schedule of basic health care services, expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different areas of the state.

~~(4)~~ In negotiating with managed health care systems for participation in the plan, the administrator shall adopt a uniform procedure that includes at least the following:

~~((1))~~ ~~(a)~~ The administrator shall issue a request for proposals, including standards regarding the quality of services to be provided; financial integrity of the responding systems; and responsiveness to the unmet health care needs of the local communities or populations that may be served;

~~((2))~~ ~~(b)~~ The administrator shall then review responsive proposals and may negotiate with respondents to the extent necessary to refine any proposals;

~~((3))~~ ~~(c)~~ The administrator may then select one or more systems to provide the covered services within a local area; and

~~((4))~~ ~~(d)~~ The administrator may adopt a policy that gives preference to respondents, such as nonprofit community health clinics, that have a history of providing quality health care services to low-income persons.

~~(5)~~ The administrator may establish procedures and policies to further negotiate and contract with managed health care systems following completion of the request for proposal process in subsection (4) of this section, upon a determination by the administrator that it is necessary to provide access to covered basic health care services for enrollees.

~~(6)~~ Until January 1, 2004, the administrator may utilize a self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under RCW 41.05.140 if: (a) It is necessary to provide access to covered basic health care services for subsidized enrollees; (b) funding for adequate reserves is available in the basic health plan self-insurance reserve account; and (c) other options for providing access to covered basic health care services for subsidized enrollees are not feasible.

**Sec. 6.** RCW 41.05.140 and 1994 c 153 s 10 are each amended to read as follows:

(1) Except for property and casualty insurance, the authority may self-fund, self-insure, or enter into other methods of providing insurance coverage for insurance programs under its jurisdiction ~~((except property and casualty insurance)), including the basic health plan as provided in chapter 70.47 RCW.~~ The authority shall contract for payment of claims or other administrative services for programs under its jurisdiction. If a program does not require the prepayment of reserves, the authority shall establish such reserves within a reasonable period of time for the payment of claims as are normally required for that type of insurance under an insured program.

(2) Reserves established by the authority for employee and retiree benefit programs shall be held in a separate trust fund by the state treasurer and shall be known as the public employees' and retirees' insurance reserve fund. The state investment board shall act as the investor for the funds and, except as provided in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the public employees' and retirees' insurance reserve fund.

(3) Any savings realized as a result of a program created for employees and retirees under this section shall not be used to increase benefits unless such use is authorized by statute.

(4) Reserves established by the authority to provide insurance coverage for the basic health plan under chapter 70.47 RCW shall be held in a separate trust account in the custody of the state treasurer and shall be known as the basic health plan self-insurance reserve account. The state investment board shall act as the investor for the funds and, except as provided in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the basic health plan self-insurance reserve account.

(5) Any program created under this section shall be subject to the examination requirements of chapter 48.03 RCW as if the program were a domestic insurer. In conducting an examination, the commissioner shall determine the adequacy of the reserves established for the program.

~~((5))~~ (6) The authority shall keep full and adequate accounts and records of the assets, obligations, transactions, and affairs of any program created under this section.

~~((6))~~ (7) The authority shall file a quarterly statement of the financial condition, transactions, and affairs of any program created under this section in a form and manner prescribed by the insurance commissioner. The statement shall contain information as required by the commissioner for the type of insurance being offered under the program. A copy of the annual statement shall be filed with the speaker of the house of representatives and the president of the senate.

**Sec. 7.** RCW 43.79A.040 and 1998 c 268 s 1 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington international exchange scholarship endowment fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility grant account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 8.** (1) The task force on health insurance market stabilization is created, to be composed of seven members. Three members shall be appointed by the governor, including: (1) the chair of the Washington state health insurance pool; (2) a representative of a statewide health care consumer organization; and (3) a representative of a statewide health care provider organization. Two members shall be appointed by the president of the senate, including one member of each Senate caucus. The co-speakers of the House of Representatives shall each appoint a member from his respective caucus. The chair shall be elected by the task force from among its members.

(2) The task force shall:

(a) Monitor the provisions of this act regarding its effect on:

(i) Carrier participation in the individual market, especially in areas where coverage is currently minimal;

(ii) Affordability and availability of private health plan coverage;

(iii) Washington state health insurance pool operations; and

(iv) The Washington basic health plan operations;

(b) After studying the feasibility of reinsurance and other methods of health insurance market stability, develop a market stabilization reinsurance system implementation plan as appropriate; and

(c) Seek participation from interested parties, including but not limited to consumer, carriers, health care providers, health care purchasers, and insurance brokers and agents, in an effective manner.

(3) In the conduct of its business, the task force shall have access to all health data available by statute to health-related state agencies and may, to the extent that funds are available, purchase necessary analytical and staff support.

(4) Task force members will receive no compensation for their service.

(5) The task force shall submit an interim report to the governor and the legislature in January 2000 and a final report no later than December 1, 2000.

(6) The task force expires December 31, 2000.

**NEW SECTION. Sec. 9.** (1) The sum of seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2000, from the general fund to the office of financial management for the task force on health insurance market stabilization created in section 8 of this act.

(2) The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2001, from the general fund to the office of financial management for the task force on health care reinsurance created in section 8 of this act.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 11. Sections 6 and 7 of this act expire January 1, 2004."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Costa, Fairley, Kohl-Welles, Franklin, Eide and Kline to Substitute Senate Bill No. 6067.

The motion by Senator Costa failed and the striking amendment was not adopted.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute Senate Bill No. 6067 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6067.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6067 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Deccio, Fraser, Gardner, Goings, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, McCaslin, Morton, Oke, Prentice, Rasmussen, Sellar, Sheahan, Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 26.

Voting nay: Senators Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Hale, Haugen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Patterson, Roach, Rossi, Sheldon, B., Sheldon, T., Stevens and Zarelli - 23.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Snyder, Engrossed Substitute Senate Bill No. 6067 was immediately transmitted to the House of Representatives.

#### MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 24, 1999

MR. PRESIDENT:

The Co-Speakers have signed:

SUBSTITUTE HOUSE BILL NO. 1113,  
SECOND SUBSTITUTE HOUSE BILL NO. 1140,  
ENGROSSED HOUSE BILL NO. 1151,  
SUBSTITUTE HOUSE BILL NO. 1153,  
SUBSTITUTE HOUSE BILL NO. 1183,  
HOUSE BILL NO. 1194,  
SUBSTITUTE HOUSE BILL NO. 1222,  
ENGROSSED HOUSE BILL NO. 1232,  
HOUSE BILL NO. 1261,  
SUBSTITUTE HOUSE BILL NO. 1291,  
SUBSTITUTE HOUSE BILL NO. 1304,  
ENGROSSED HOUSE BILL NO. 1313,  
HOUSE BILL NO. 1432,

SUBSTITUTE HOUSE BILL NO. 1494,  
HOUSE BILL NO. 1524,  
SUBSTITUTE HOUSE BILL NO. 1525,  
HOUSE BILL NO. 1550,  
SUBSTITUTE HOUSE BILL NO. 1623,  
SUBSTITUTE HOUSE BILL NO. 1701,  
HOUSE BILL NO. 1741,  
HOUSE BILL NO. 1827,  
HOUSE BILL NO. 1831,  
ENGROSSED HOUSE BILL NO. 1832,  
HOUSE BILL NO. 1863,  
SUBSTITUTE HOUSE BILL NO. 1864,  
SECOND SUBSTITUTE HOUSE BILL NO. 1871,  
SUBSTITUTE HOUSE BILL NO. 1935,  
SUBSTITUTE HOUSE BILL NO. 1992,  
SECOND SUBSTITUTE HOUSE BILL NO. 2061,  
HOUSE JOINT MEMORIAL NO. 4015, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5418,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5594,  
SUBSTITUTE SENATE BILL NO. 5640,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5931.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1113,  
SECOND SUBSTITUTE HOUSE BILL NO. 1140,  
ENGROSSED HOUSE BILL NO. 1151,  
SUBSTITUTE HOUSE BILL NO. 1153,  
SUBSTITUTE HOUSE BILL NO. 1183,  
HOUSE BILL NO. 1194,  
SUBSTITUTE HOUSE BILL NO. 1222,  
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HOUSE BILL NO. 1827,  
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ENGROSSED HOUSE BILL NO. 1832,  
HOUSE BILL NO. 1863,  
SUBSTITUTE HOUSE BILL NO. 1864,  
SECOND SUBSTITUTE HOUSE BILL NO. 1871,  
SUBSTITUTE HOUSE BILL NO. 1935,  
SUBSTITUTE HOUSE BILL NO. 1992,  
SECOND SUBSTITUTE HOUSE BILL NO. 2061,  
HOUSE JOINT MEMORIAL NO. 4015.

MESSAGE FROM THE HOUSE

April 24, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1774 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER,  
Co-Chief Clerk

MOTION

On motion of Senator Heavey, the Senate receded from its amendment(s) to Substitute House Bill No. 1774.

MOTIONS

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 1774 was returned to second reading and read the second time.

On motion of Senator Heavey, the Senate will reconsider the Committee on Judiciary striking amendment, as amended, which passed the Senate April 14, 1999.

MOTIONS

On motion of Senator Heavey, the following amendments by Senators Heavey and Morton to the Committee on Judiciary striking amendments were considered simultaneously and were adopted on reconsideration:

On page 2, after line 30 of the amendment, insert the following:

"(e) The department shall not issue an occupational driver's license under (a)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (a)(iv) of this subsection."

On page 3, line 26 of the amendment, after "(a)" strike "(iii)" and insert "(iv)"

The President declared the question before the Senate to be the adoption of the Committee on Judiciary striking amendment, as amended on reconsideration, to Substitute House Bill No. 1774.

The committee amendment, as amended on reconsideration, was adopted.

MOTION

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 1774, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1774, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1774, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 46. Voting nay: Senators Benton, Roach and Zarelli - 3.- SUBSTITUTE HOUSE BILL NO. 1774, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Goings: "A point of personal privilege, Mr. President. Today my family is back at home in Puyallup celebrating my mother's birthday and I believe they are watching on TVW right now. I just want to wish her a happy birthday--a happy twenty-nine--to my mother who is watching right now and to let them know that this is the last bill we are doing and I'll be home shortly, just in time for the bunko game."

#### MESSAGES FROM THE HOUSE

April 24, 1999

MR. PRESIDENT:

The Co-Speakers have signed:

ENGROSSED SENATE BILL NO. 5109,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5175,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5208,  
SUBSTITUTE SENATE BILL NO. 5312,  
SENATE BILL NO. 5382,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5421,  
SUBSTITUTE SENATE BILL NO. 5672,  
SUBSTITUTE SENATE BILL NO. 5744,  
SUBSTITUTE SENATE BILL NO. 5781,  
SECOND SUBSTITUTE SENATE BILL NO. 5821,  
SENATE BILL NO. 5837,  
SUBSTITUTE SENATE BILL NO. 5864,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5866,  
SENATE BILL NO. 5915,  
SUBSTITUTE SENATE BILL NO. 6001,  
SENATE BILL NO. 6065,  
SUBSTITUTE SENATE BILL NO. 6090,  
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8406, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 24, 1999

MR. PRESIDENT:

The Co-Speakers have signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1006,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143,  
SECOND SUBSTITUTE HOUSE BILL NO. 1176,  
HOUSE BILL NO. 1233,  
HOUSE BILL NO. 1544,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562,  
SUBSTITUTE HOUSE BILL NO. 1663,  
SUBSTITUTE HOUSE BILL NO. 1673,  
ENGROSSED HOUSE BILL NO. 2015, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5364,  
SUBSTITUTE SENATE BILL NO. 5626,  
ENGROSSED SENATE BILL NO. 5789,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5988.

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1006,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143,  
SECOND SUBSTITUTE HOUSE BILL NO. 1176,  
HOUSE BILL NO. 1233,  
HOUSE BILL NO. 1544,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562,  
SUBSTITUTE HOUSE BILL NO. 1663,  
SUBSTITUTE HOUSE BILL NO. 1673,  
ENGROSSED HOUSE BILL NO. 2015.

MOTION

At 8:59 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Sunday, April 25, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRD DAY, JANUARY 14, 1998

JOURNAL OF THE SENATE

ONE HUNDRED-FOURTH DAY, APRIL 24, 1999

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**ONE HUNDRED-FIFTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Sunday, April 25, 1999

The Senate was called to order at 12:00 noon by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Gardner, Hargrove, Heavey, Horn, McCaslin, Oke, Sellar, Snyder, Thibaudeau and West. On motion of Senator Franklin, Senator Thibaudeau was excused.

The Sergeant at Arms Color Guard consisting of Pages Robin Joy and Aaron Wilkinson, presented the Colors. Reverend Jerry Gafney, pastor of the First Assembly of God Church in Centralia, and a guest of Senator Dan Swecker, offered the prayer.

**MOTION**

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

**SIGNED BY THE PRESIDENT**

The President signed:  
SENATE BILL NO. 5374.

**SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

**MOTION**

On motion of Senator Wojahn, Gubernatorial Appointment No. 9193, George Masten, as a member of the State Investment Board, was confirmed.

**APPOINTMENT OF GEORGE MASTEN**

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 11; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Goings, Hale, Haugen, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley, Wojahn and Zarelli - 37.

Absent: Senators Finkbeiner, Gardner, Hargrove, Heavey, Horn, McAuliffe, McCaslin, Oke, Sellar, Snyder and West - 11.

Excused: Senator Thibaudeau - 1.

**MOTION**

On motion of Senator Franklin, Senators Hargrove, Heavey, Loveland, McAuliffe, Patterson and Snyder were excused.

**MOTION**

On motion of Senator Goings, Gubernatorial Appointment No. 9150, Judge Thomas Metzger, as a member of the Sentencing Guidelines Commission, was confirmed.

MOTION

On motion of Senator Honeyford, Senators Finkbeiner, McCaslin, Oke and West were excused.

APPOINTMENT OF JUDGE THOMAS METZGER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 1; Excused, 11.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Goings, Hale, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McDonald, Morton, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley, Wojahn and Zarelli - 37.

Absent: Senator Gardner - 1.

Excused: Senators Finkbeiner, Hargrove, Heavey, Loveland, McAuliffe, McCaslin, Oke, Patterson, Snyder, Thibaudeau and West - 11.

MOTION

At 12:19 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:54 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MOTION

On motion of Senator Franklin, Senator Haugen was excused.

MOTION

On motion of Senator Johnson, Senator Sellar was excused.

MESSAGES FROM THE HOUSE

April 24, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5277, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

April 24, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5825, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 1999

MR. PRESIDENT:

The Speakers have signed:

SUBSTITUTE SENATE BILL NO. 5364,  
SUBSTITUTE SENATE BILL NO. 5418,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5594,  
SUBSTITUTE SENATE BILL NO. 5626,  
SUBSTITUTE SENATE BILL NO. 5640,  
ENGROSSED SENATE BILL NO. 5789,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5931,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5988, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5277,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5825.

MESSAGE FROM THE HOUSE

April 23, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to House Bill No. 1539 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Thibaudeau, the Senate receded from the Senate amendment(s) to House Bill No. 1539.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1539, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1539, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 42.

Absent: Senator Roach - 1.

Excused: Senators Haugen, Loveland, McCaslin, Sellar, Snyder and West - 6.

HOUSE BILL NO. 1539, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to House Bill No. 1810 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Hargrove, the Senate receded from the Senate amendment(s) to House Bill No. 1810.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1810, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1810, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Loveland - 1.

HOUSE BILL NO. 1810, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 1999

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to House Bill No. 1378 and again asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Prentice, the Senate receded from the Senate amendment(s) to House Bill No. 1378.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1378, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1378, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 31; Nays, 11; Absent, 6; Excused, 1.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Shin, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 31. Voting nay: Senators Hargrove, Hochstatter, Honeyford, Johnson, Long, Morton, Oke, Roach, Sheldon, T., Stevens and Zarelli - 11. Absent: Senators Bauer, McDonald, Rossi, Sellar, Snyder and West - 6. Excused: Senator Loveland - 1. HOUSE BILL NO. 1378, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 2:08 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 5:46 p.m. by President Owen.

#### MESSAGE FROM THE HOUSE

April 25, 1999

MR. PRESIDENT:

The Speakers have signed:

SUBSTITUTE HOUSE BILL NO. 1250,

HOUSE CONCURRENT RESOLUTION NO. 4412, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1250,

HOUSE CONCURRENT RESOLUTION NO. 4412.

#### MESSAGE FROM THE HOUSE

April 24, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5670 with the following amendment(s):

On page 3, after line 18, insert the following:

"Sec. 2. RCW 90.48.010 and 1973 c 155 s 1 are each amended to read as follows:

(1) It is declared to be the public policy of the state of Washington to maintain the highest possible standards to insure the purity of all waters of the state consistent with public health and public enjoyment thereof, the propagation and protection of ~~((wild life, birds, game,))~~ fish and ~~((other aquatic life))~~ wildlife, and the ~~((industrial))~~ economic development of the state, and to that end require the use of all known available and reasonable methods by industries and others to prevent and control the pollution of the waters of the state of Washington. Consistent with this policy, the state of Washington will exercise its powers, as fully and as effectively as possible, to retain and secure high quality for all waters of the state. Consistent with this policy, the experimental use of herbicides when appropriate for controlling aquatic noxious weeds such as spartina will help maintain current beneficial uses of water without degrading water quality. The state of Washington in recognition of the federal government's interest in the quality of the navigable waters of the United States, of which certain portions thereof are within the jurisdictional limits of this state, proclaims a public policy of working cooperatively with the federal government in a joint effort to extinguish the sources of water quality degradation, while at the same time preserving and vigorously exercising state powers to insure that present and future

standards of water quality within the state shall be determined by the citizenry, through and by the efforts of state government, of the state of Washington.

(2) The legislature finds that while existing federal and state water pollution control laws have resulted in cleaner water for citizens of Washington state, too many water bodies still exceed existing water quality standards. Such exceedances are caused both by point and nonpoint sources of pollution. It is the policy of the state of Washington to ensure the attainment of water quality standards that protect and restore the ability of the state's waters to provide multiple benefits as defined in RCW 90.54.020.

(3) Water quality standards should be attained through a variety of means, including the development and implementation of total maximum daily loads as provided under the federal clean water act, and the implementation of other pollution controls. The legislature believes that such flexibility must be available if the state is to attain water quality standards as efficiently and effectively as possible. The legislature also believes that many activities and programs are currently being implemented in watersheds across the state that will result in substantial water quality improvement, and that such activities and programs should have an opportunity to demonstrate success before the imposition of a total maximum daily load requirement.

(4) The burden of changing existing practices and obtaining pollutant discharge reductions as needed to attain water quality standards should be shared among the various contributors to water quality impairment in proportion to their contribution and in consideration of other equitable factors and natural background conditions. For water quality limited segments in waters that are shared with, or are upstream or downstream of waters subject to the jurisdiction of another state or Canada, the legislature intends that the department coordinate the development of total maximum daily loads with the United States environmental protection agency and with water quality regulatory agencies in other jurisdictions to ensure equity for dischargers in Washington.

(5) The legislature finds that a watershed approach to water quality improvement allows the consideration of multiple factors and of their interactions. It also provides a means for bringing together those persons who will need to implement necessary measures to improve water quality, as well as others who may be interested in water quality.

(6) Water quality monitoring is becoming increasingly important as the state makes commitments to attain water quality standards, recover aquatic species, and evaluate the effectiveness of actions taken to attain those goals. As a result, the legislature believes it is important to enhance the quality of existing water quality monitoring programs.

(7) While the legislature believes the state is the best manager of the state's water quality, it recognizes that the federal government has ultimate authority over any state total maximum daily load program under the federal clean water act. Therefore, it is the intent of the legislature that the department have no authority to implement or enforce this act if and when the federal government assumes direct responsibility for implementation of the total maximum daily load program by providing written notice to the department that this act, taken as a whole, is inconsistent with federal law. However, this subsection does not affect the ability of the state to continue implementing other programs that improve water quality.

**Sec. 3.** RCW 90.48.020 and 1995 c 255 s 7 are each amended to read as follows:

((Whenever the word)) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Characteristic uses" means the uses for which a water body has been classified by the department under state law and the federal clean water act.

(2) "Person" ((is used in this chapter, it shall be construed to)) includes any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual or any other entity whatsoever.

((Wherever the words)) (3) "Waters of the state" ((shall be used in this chapter, they shall be construed to)) includes lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington.

((Whenever the word)) (4) "Pollution" ((is used in this chapter, it shall be construed to)) means such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

((Wherever the word)) (5) "Department" ((is used in this chapter it shall)) means the department of ecology.

((Whenever the word)) (6) "Director" ((is used in this chapter it shall)) means the director of ecology.

((Whenever the words)) (7) "Clean water act" means the federal water pollution control act of 1972, as amended (86 Stat. 896; 33 U.S.C. Sec. 1251 et seq.).

(8) "Aquatic noxious weed" ((are used in this chapter, they have)) has the meaning prescribed under RCW 17.26.020.

(9) "Listing cycle" means the period, as determined by the federal environmental protection agency, between publication of a list of water quality limited segments by the department and the publication of the next list of such segments by the department.

(10) "Load" means an amount of matter or thermal energy that is introduced into a receiving water.

(11) "Loading capacity" means the greatest amount of loading that a water can receive without violating water quality standards.

(12) "Load allocation" means that portion of a receiving water's loading capacity that is attributed either to one of its existing or future nonpoint sources of pollution, or to natural background sources. Load allocations are best estimates of the loading, which may range from reasonably accurate estimates to gross allotments, depending on the availability of data and appropriate techniques for predicting loading. Wherever possible, natural background conditions and nonpoint sources shall be distinguished. Wherever possible, loads shall be allocated to categories of like sources, rather than to aggregates of different categories of sources.

(13) "Wasteload allocation" means that portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. Wasteload allocations constitute a type of water quality-based effluent limitation.

(14) "Total maximum daily loads" means the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background conditions. Such loads shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety, and may contain a reserve for growth. Total maximum daily loads may be expressed in terms other than mass per volume.

(15) "Other pollution controls" include, but are not limited to, the following list of laws, rules, regulations, programs, or activities:

(a) Provisions related to the federal conservation reserve enhancement program;

(b) Approved farm plans based on current field office technical guides;

(c) The dairy nutrient management act under chapter 90.64 RCW;

(d) The forest practices act under chapter 76.09 RCW;

(e) Irrigation district water quality management plans that meet the requirements of (k) of this subsection;

(f) Habitat conservation plans for aquatic species prepared under section 10 of the federal endangered species act (16 U.S.C. 1531 et seq.);

(g) Reasonable and prudent conditions established under a biological opinion under section 7 of the federal endangered species act;

(h) Watershed plans that implement best management practices approved by the conservation commission and the department;

(i) Implementation of cleanup of contaminated sediments under the federal comprehensive environmental response, compensation, and liability act of 1980 (42 U.S.C. 9601 et seq.); the model toxics control act, chapter 70.105D RCW; or other statutory authorities;

(j) Cooperative resource management plans administered by the department of natural resources that meet the requirements of (k) of this subsection; or

(k) Any other programs, measures, and activities that include:

(i) Specific methods and approaches intended to lead to water quality improvement and attainment of water quality standards;

(ii) Water quality improvement goals or milestones for identified water quality limited segments;

(iii) Monitoring provisions that enable the department to measure progress toward attainment of water quality standards;

and

(iv) Enforcement mechanisms or feedback and modification strategies to ensure or promote compliance with the measures and goals identified in this subsection.

This definition shall not be construed as expanding the reach of existing regulatory controls.

(16) "Wastewater discharge permit" means an individual, model, or general permit issued by the department that specifies treatment, monitoring, and reporting requirements for the discharge of wastewater, and that is intended to satisfy the requirements of the clean water act and of this chapter.

(17) "Water quality limited segment" means any surface water segment, as defined by the department, where it is known that water quality does not meet applicable water quality standards, or is not expected to meet applicable water quality standards by the next listing cycle, even after the application of technology-based effluent limitations required by the federal clean water act.

(18) "Effluent trading" means a method to attain or maintain water quality standards by allowing sources of pollution that can achieve greater pollutant reduction than is otherwise required to sell or trade the credits for their excess reduction to another source.

(19) "Adaptive management" means the processes and principles designed to modify rules adopted under the forest practices act, and their application based on cooperative research, monitoring, and evaluation, and set out in Appendix L to the forestry module memorandum of agreement, also known as the Forests and Fish Report (1999).

**NEW SECTION. Sec. 4.** A new section is added to chapter 90.48 RCW to read as follows:

**WATER QUALITY LIMITED SEGMENTS--DATA RELIABILITY FOR DECISIONS TO LIST.** (1) The list of water quality limited segments that is required to be submitted to the federal environmental protection agency under the clean water act shall be based upon data that are accurate and reflective of current conditions and that comply with high standards of quality assurance and quality control guidance as prescribed by the department under this section. A water segment may be listed as water quality limited under section 6 of this act only when:

(a) Documentation is provided showing the submitted data have met the data quality objectives and other requirements of an approved quality assurance program plan; or

(b) The department independently samples the water body segment in compliance with its data quality objectives and other requirements of an approved quality assurance program plan to verify the suspected water quality exceedance.

(2) The department shall coordinate a state-wide water quality monitoring network that relies upon existing water quality data collected by the department and others in compliance with the data quality objectives and the data quality assurance and quality control guidelines prescribed by the department under this section. To the extent possible and appropriate, the water quality monitoring network shall include other state agencies, tribes, counties, cities, federal agencies, sewer and water districts, and special purpose districts, as well as private entities that wish to provide such data. The network shall provide data for both ambient water quality monitoring and development of the list of water quality limited segments. The department shall coordinate the collection of water quality data among state agencies to ensure that monitoring for the purposes of this section is comprehensive without being duplicative, and that state monitoring resources are directed toward filling the most critical information gaps. In coordinating this network, the department shall ensure state-wide consistency, provide calibration of local monitoring efforts, provide data verification and validation, and assess long-term water quality trends.

(3) By September 1, 1999, the department shall appoint an advisory committee comprised of one representative selected by each of the following agencies and interests: The department, the Northwest Indian fisheries commission, the United States environmental protection agency, the United States geological survey, the department of health, the department of fish and wildlife, the department of transportation, the Puget Sound action team, the Washington state association of counties, the association of Washington cities, the Washington association of sewer and water districts, the conservation commission, the University of Washington, Washington State University, the association of Washington business, the Washington state farm bureau, the Washington state water resources association, and the Washington state office of the national Audubon society. Each of these representatives shall have experience in the collection, analysis, and interpretation of environmental data. The committee shall also consist of a state senator from each of the two major caucuses appointed by the president of the senate, and a state representative from each of the two major caucuses appointed by the speaker of the house of representatives. The committee shall have the following purposes:

(a) Development of data quality objectives regarding the precision, bias, representativeness, completeness, and comparability required for water quality monitoring data to serve program purposes;

(b) Development of data interpretation guidelines regarding the quantity and representativeness of data required to determine whether water quality standards are being met, and whether a water quality condition is caused by natural background or human factors;

(c) Development of quality assurance and quality control guidelines for the collection, analysis, and interpretation of water quality data for freshwater; and

(d) Comparison of the proposed use-based water quality standards with the current classification system in terms of the protection provided to characteristic uses, and the regulatory and economic impacts on point and nonpoint sources.

(4) The committee identified in subsection (3) of this section shall provide its recommendations on subsection (3)(a) through (c) of this section to the legislature by December 31, 2000. The committee shall provide its recommendations on subsection (3)(d) of this section to the legislature by December 31, 1999.

(5) The department shall develop a system of water quality standards, data quality objectives, data interpretation guidelines, and data quality assurance and quality control guidelines based upon the recommendations of the committee identified in subsection (3) of this section. The water quality standards shall be adopted by rule under RCW 90.48.035 and the administrative procedure act, chapter 34.05 RCW. After issuance, the data quality objectives, data interpretation guidelines, and data quality assurance and quality control guidelines shall be updated periodically to reflect new methods and instrumentation.

(6) After July 1, 2001, the department shall require that any water quality data submitted to the state for purposes of ambient monitoring or compiling a list of water quality limited segments comply with the department's data quality objectives and data quality assurance and quality control guidelines.

**NEW SECTION. Sec. 5.** A new section is added to chapter 90.48 RCW to read as follows:

**ACCESS TO PRIVATE PROPERTY.** (1) Except as provided in subsection (2) of this section, and before collecting water quality samples that can only be obtained by entering upon private property, the department or its designee must receive permission from either:

(a) The owner of the property to be entered;  
(b) The lessee or operator of the property to be entered; or  
(c) A superior court of the state of Washington. The superior courts of the state may issue administrative search warrants to the department to carry out the provisions of this chapter.

(2) If the department believes there is an imminent and substantial threat to human health or the environment from pollution of an acute or emergency nature, the department may collect such samples after first having made a reasonable attempt to obtain permission from the owner, lessee, or operator. The department shall subsequently inform the owner, lessee, or operator of such sampling and the results thereof.

(3) The department or its designee shall offer to divide any water sample and provide a portion to the property owner, lessee, or operator in sufficient quantity that he or she may have a separate analysis conducted at his or her expense.

**NEW SECTION. Sec. 6.** A new section is added to chapter 90.48 RCW to read as follows:

**LISTING OF WATER QUALITY LIMITED SEGMENTS.** (1) After July 1, 2001, the department shall prepare a revised list of water quality limited segments, as required under section 303(d) of the clean water act, that is based upon data that are collected and analyzed in compliance with the department's data quality objectives and quality assurance and quality control guidelines. The list shall include all surface water segments that do not meet water quality standards, or are not expected to meet water quality standards by the next listing cycle, even after the application of technology-based effluent limitations required by the federal clean water act. The list shall not include:

(a) Surface water segments that are expected to meet water quality standards before the next listing cycle;  
(b) Surface water segments for which natural background conditions are the reason for not meeting the standards; or  
(c) Ground waters.

(2) Surface water segments shall remain on the list until they meet water quality standards and shall be removed from the list when they are found to meet water quality standards. Deletions from the list shall be based on monitoring data of the same quality and rigor as data used for additions to the list. Additions to, and deletions from, the list of water quality limited segments shall be recorded when the list is updated in the next listing cycle. The list shall be submitted to the federal environmental protection agency at a frequency determined by the environmental protection agency.

(3) To ensure an opportunity for public participation in the process of listing water quality limited segments, the department shall:

(a) Provide notice in the Washington State Register that it is beginning a new cycle for listing of water quality limited segments;

(b) Develop a proposed list of water quality limited segments, and compare the proposed list to the previous list approved by the environmental protection agency to identify water quality trends;

(c) Submit the proposed list to the environmental protection agency and the general public for review;

(d) Develop responses to the comments received, and provide those responses to those persons who have requested them;

(e) Develop a final list of water quality limited segments and publish a notice of the availability of the final list in the Washington State Register; and

(f) Submit the final list to the environmental protection agency for approval.

(4) Publication of a notice of the availability of the final list of water quality limited segments in the Washington State Register is an agency action that may be appealed to the Thurston county superior court under RCW 34.05.570(4) within thirty days of the date of publication.

(5) Listing of water quality limited segments as required under this chapter is not subject to the state environmental policy act, chapter 43.21C RCW.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.21C RCW to read as follows:

This chapter does not apply to:

(1) Publication by the department of a list of water quality limited segments;

(2) The authorization of other pollution controls in lieu of total maximum daily loads; and

(3) The development of total maximum daily loads.

**NEW SECTION. Sec. 8.** A new section is added to chapter 90.48 RCW to read as follows:

**EFFECT OF LISTING.** (1) No permit may be issued to a new source or to a new discharger, as these terms are defined in section 306 of the federal clean water act and in 40 C.F.R. 122.2 and 40 C.F.R. 122.29 as of the effective date of this section, if the discharge would cause or contribute to a violation of water quality standards.

(2) This chapter shall not prevent any existing point source discharge, or any activity that may lead to a nonpoint source discharge conducted in compliance with all applicable federal, state, or local laws, rules, regulations, and requirements affecting water quality, solely because a total maximum daily load has not been completed.

(3) This chapter shall not prevent any new or expanded activity that may lead to a nonpoint source discharge conducted in compliance with all applicable federal, state, or local laws, rules, regulations, and requirements that protect water quality, solely because a total maximum daily load has not been completed.

**NEW SECTION. Sec. 9.** A new section is added to chapter 90.48 RCW to read as follows:

**WATER QUALITY LIMITED SEGMENTS--LIST--MANAGEMENT.** (1) After a list of water quality limited segments has been submitted to the federal environmental protection agency, the department shall sort the list of water quality limited segments by WRIA as defined in RCW 90.82.020 for management purposes.

(2) By June 30, 2001, the department shall determine:

(a) Whether other pollution controls exist in each WRIA that address the causes of the problems that led to the listing of segments as water quality limited in 1996 and in 1998;

(b) Whether such measures are being implemented; and

(c) Whether such measures are expected to result in attainment of water quality standards within a reasonable period of time based upon the nature of the problem.

(3) For water quality limited segments on lists approved after January 1, 2000, the department shall make the determinations identified under subsection (2) of this section within two years of the approval of the list by the environmental protection agency.

(4) To make the determinations under subsections (2) and (3) of this section, the department:

(a) May request information and recommendations from other state and federal agencies, local governments, tribes, conservation districts, and other sources; and

(b) Shall gather available data and information on the other pollution controls being used to address water quality in the relevant WRIs. If entities implementing other pollution controls collect water quality data, they shall provide such data to the department. The department shall conduct independent sampling to obtain any additional data or information necessary to make its determination.

(5) Where a planning group has chosen to address water quality under RCW 90.82.090, the group shall perform a preliminary evaluation as described in subsection (2) of this section within one year of receiving the first grant to conduct watershed assessments under RCW 90.82.040(2)(b), or within one year of the effective date of this section, whichever is later, and shall forward its findings and recommendations to the department. The department shall consider the planning group's findings and recommendations, if any, in making its initial determinations as to the existence and adequacy of the proposed other pollution controls.

(6) The department shall obtain public comment on its draft initial determinations, and shall finalize its determinations after considering the available information and comments received.

(7) If the department determines that other pollution controls in a WRIA are expected to result in attainment of water quality standards within a reasonable period of time, the department shall allow the use of those other pollution controls and shall not establish total maximum daily loads, except as provided under subsection (11) of this section.

(8) The department shall refer those dischargers who may not have fully implemented other pollution controls to appropriate agencies for technical assistance, or shall offer such assistance directly. The department's goal shall be to encourage the broad use of other pollution controls.

(9) For waters where the department determines that other pollution controls are available and are expected to attain water quality standards within a reasonable period of time, the department shall evaluate ambient water quality data at no greater than five-year intervals to determine whether substantial progress in water quality improvement has been achieved relative to specific listed segments, except that other pollution controls approved under subsection (7) of this section shall be allowed to perform for at least five years before their effectiveness is evaluated. The department may use its watershed approach to water quality management to focus and rotate its resources through succeeding areas of the state. Entities implementing other pollution controls shall provide any available monitoring data to the department so that it may determine the effectiveness of the controls in correcting the water quality problem. The department shall conduct independent sampling to obtain any additional information needed to determine the effectiveness of the other pollution controls.

(10) If the evaluation of ambient water quality data in a given WRIA as provided under subsection (9) of this section demonstrates other pollution controls have not made substantial progress toward the attainment of water quality standards within a reasonable period of time, the department shall enter into discussions with representatives selected by users of other pollution controls in that WRIA to revise the controls so that their implementation results in substantial progress toward the attainment of water quality standards. Such proposed revisions shall be submitted to the department within ninety days of the start of discussions under this subsection.

(11) The department shall develop total maximum daily loads for those water segments where:

(a) Other pollution controls do not exist, have not been implemented, or are not expected to attain water quality standards within a reasonable period of time based upon the nature of the problem;

(b) Discussions under subsection (10) of this section to revise other pollution controls are not successful within ninety days;

(c) Substantial progress toward meeting water quality standards has not been made five years after other pollution controls have been revised through discussions initiated under subsection (10) of this section; or

(d) The complexity of the problems and sources precludes a determination under subsection (2) of this section.

(12) Notwithstanding any other provisions of this chapter:

(a) Total maximum daily loads for water quality limited segments impaired by sediment, habitat degradation, flow, turbidity, or temperature caused by forest practices subject to regulation under the forest practices act, chapter 76.09 RCW, or covered in the forestry module memorandum of agreement, also known as the Forests and Fish Report (1999), are a lower priority for the department and need not be initiated before July 1, 2009;

(b) The department shall not require more stringent forest practices in a total maximum daily load or its implementation before July 1, 2009, except through adaptive management as defined in this act; and

(c) If the achievement of the total maximum daily load allocations cannot be met through forest practices rules, the adjustment of those management practices shall be through adaptive management as defined in this act.

(13) This section does not prohibit the department from completing the total maximum daily loads already in development upon the effective date of this section. Nothing in this act authorizes a shift in emphasis to point sources that would be inconsistent with the priorities established under this section.

**Sec. 10.** RCW 90.82.090 and 1998 c 247 s 5 are each amended to read as follows:

If the initiating governments choose to include a water quality component, the watershed plan shall include the following elements:

(1) An examination based on existing studies conducted by federal, state, and local agencies of the degree to which legally established water quality standards are being met in the management area;

(2) An examination based on existing studies conducted by federal, state, and local agencies of the causes of water quality violations in the management area, including an examination of information regarding pollutants, point and nonpoint sources of pollution, and pollution-carrying capacities of water bodies in the management area. The analysis shall take into account seasonal stream flow or level variations, natural events, and pollution from natural sources that occurs independent of human activities;

(3) An identification and evaluation of the existence of other pollution controls as defined in chapter 90.48 RCW in use in the management area, of the extent of implementation of such measures, and of the effectiveness of such measures in attaining water quality standards within a reasonable period of time, as well as any recommendations for improving the effectiveness of other pollution controls in the management area;

(4) An examination of the legally established characteristic uses of each of the nonmarine bodies of water in the management area;

~~((4))~~ (5) An examination of any total maximum daily load established for nonmarine bodies of water in the management area, unless a total maximum daily load process has begun in the management area as of the date the watershed planning process is initiated under RCW 90.82.060;

~~((5))~~ (6) An examination of existing data related to the impact of fresh water on marine water quality;

~~((6))~~ (7) A recommended approach for implementing the total maximum daily load established for achieving compliance with water quality standards for the nonmarine bodies of water in the management area, unless a total maximum daily load process has begun in the management area as of the date the watershed planning process is initiated under RCW 90.82.060; and

~~((7))~~ (8) Recommended means of monitoring by appropriate government agencies whether actions taken to implement the approach to bring about improvements in water quality are sufficient to achieve compliance with water quality standards.

This chapter does not obligate the state to undertake analysis or to develop strategies required under the federal clean water act (33 U.S.C. Sec. 1251 et seq.). This chapter does not authorize any planning unit, lead agency, or local government to adopt water quality standards or total maximum daily loads under the federal clean water act.

**NEW SECTION. Sec. 11.** A new section is added to chapter 90.48 RCW to read as follows:

**TOTAL MAXIMUM DAILY LOADS.** (1) Total maximum daily loads shall only be established for surface waters and shall include the following elements:

(a) A determination of the pollutant of concern and a quantification of the target or desired end point of the total maximum daily load process that indicates compliance with water quality standards taking into account the assimilative capacity of the water segment;

(b) A quantification of the reduction in total pollutant load that must be achieved to meet water quality standards;

(c) Identification of the responsible sources, or categories of sources, of the pollutant that causes water quality standards not to be met, and a quantification of the degree to which each source or source category contributes to the failure to meet water quality standards; and

(d) Establishment of the wasteload and load allocations for identified sources, including categories of nonpoint sources, along with a quantified margin of safety, and any allocations for natural background and future growth.

(2) The department shall control sources of pollution to ground water as otherwise provided for in this chapter or under other state and federal programs and authorities. In identifying the responsible source or categories of sources, as set forth in subsection (1)(c) of this section, and in establishing wasteload and load allocations for identified sources, as set forth in subsection (1)(d) of this section, the department shall not attempt to identify sources of pollutants within ground water, nor shall the department allocate loads or wasteloads to ground water.

(3) Each total maximum daily load shall be implemented through a plan that includes the following elements:

(a) Identification and quantification of control actions and implementation tools, methods, and authorities that will be used to achieve the allocations, in addition to schedules, milestones, and funding options for implementing the identified actions;

(b) A determination of the degree to which uses are being supported, remaining variance from the target, compliance with implementation plans, and the accuracy of sources and source contributions identified in the total maximum daily load; and

(c) A description of how the implementation plan will be modified or revised to ensure water quality standards are met in response to follow-up monitoring and evaluation results.

(4) Department hearings and other public proceedings to initiate total maximum daily loads shall be held in the town or city nearest to the location of the water quality limited segment in order to facilitate participation by affected persons. Those persons who would be affected by an allocation of loads must be given an opportunity to be involved in the total maximum daily load development process from the outset.

(5) Allocations should be developed through consensus among those discharging or releasing pollutants into the relevant watershed. If consensus is not achievable, a mediator may be retained at the dischargers' expense to negotiate an allocation. If an agreement on allocations has not been developed within one hundred eighty days from the start of negotiations on allocations, the department shall allocate loads.

(6) To encourage public participation in the process of developing total maximum daily loads, the department shall provide an opportunity for public comment on any total maximum daily load that meets all of the requirements of this section before its adoption by the department.

(7) A notice and summary of a total maximum daily load that meets all of the requirements of this section shall be published in the Washington State Register. A total maximum daily load may be implemented only through wastewater discharge permits or through regulatory and nonregulatory programs that address nonpoint sources.

(8) Publication of a notice and summary of a total maximum daily load in the Washington State Register is an agency action that may be appealed to Thurston county superior court pursuant to RCW 34.05.570(4) within thirty days of the date of publication in the Washington State Register.

(9) Publications of total maximum daily loads as required under this chapter are not subject to the state environmental policy act, chapter 43.21C RCW.

(10) When information is available, load allocations for those nonpoint sources that have not made substantial progress toward water quality improvement as described in section 9 of this act shall be based on the following considerations:

(a) Loads shall first be reduced in proportion to the reductions made by others in the same source category for those sources that have not made expected reductions in their loads, either because they have failed to implement other pollution controls, or because the measures are not effective in making such reductions;

(b) Loads shall next be reduced proportionally, or as the department deems appropriate, across all sources in order to achieve the pollutant reductions necessary to achieve water quality standards.

(11) The department shall provide a report to the legislature by December 31, 2001, regarding the implementation of this act and its effects on the attainment of water quality standards for surface waters.

**NEW SECTION. Sec. 12.** A new section is added to chapter 90.48 RCW to read as follows:

**EFFLUENT TRADING.** (1) By July 1, 2001, the department shall investigate, develop, and implement a procedure for effluent trading. The procedure shall enable persons discharging or releasing pollutants to enter into contracts or other enforceable agreements with each other, appropriately overseen and administered by the department, to offset or trade quantifiable amounts of pollutants so as to efficiently and effectively attain or maintain water quality standards.

(2) Reductions in pollutant units from amounts or quantities authorized under a total maximum daily load as implemented through a federal clean water act discharge permit or a state wastewater discharge permit, or through nonpoint sources, may be freely exchanged with other persons within the same receiving watershed subject to the procedures and rules of the department.

(3) In developing the mechanisms and procedures required by this section, the department shall not:

(a) Compel or require any person to engage in effluent trading as an alternative to other means or mechanisms to attain or maintain water quality standards; or

(b) Set or determine the price or payment made, if any, in any effluent trade.

(4) The department shall seek any approvals, waivers, or authorizations from the environmental protection agency or other state and federal agencies needed to implement or to facilitate effluent trading to its fullest extent. However, such effluent trading shall not affect or restrict the authority of the department to implement categorical effluent limits or treatment requirements adopted by the department or the federal environmental protection agency, nor shall any effluent trade create any property rights of any sort.

(5) The department shall adopt rules as necessary implementing effluent trading. Such rules shall allow pollutant trading and other procedures to receive any necessary approvals with the minimum of administrative processing consistent with federal and state laws and rules.

**NEW SECTION. Sec. 13.** A new section is added to chapter 90.48 RCW to read as follows:

**MARINE WATERS--TOTAL MAXIMUM DAILY LOADS.** Because of their location downstream of most human activities, marine sediments tend to be the final repository of many pollutants generated by human activity. Sediment cleanup alone, however, may be insufficient to attain water quality standards, unless the record of decision issued under a cleanup under the federal comprehensive environmental response, compensation, and liability act of 1980, or chapter 70.105D RCW, or other cleanup authority also includes a plan for controlling ongoing pollutant sources.

For water quality limited segments caused by contaminated sediments in marine waters where a sediment cleanup has been planned or completed, but no source control plan has been adopted; a total maximum daily load shall be developed and implemented.

**NEW SECTION. Sec. 14.** A new section is added to chapter 90.48 RCW to read as follows:

**LIMITATIONS ON COMPLIANCE ACTIONS.** (1) Except as provided in subsections (2) and (3) of this section, the department shall not take compliance actions against persons causing exceedances of water quality standards identified as limiting for salmonids, other aquatic life, or other water-dependent wildlife that are listed as threatened or endangered under the federal endangered species act, or that are candidates for such listing, if such persons have entered into binding agreements with the national marine fisheries service or the United States fish and wildlife service to implement mechanisms that:

(a) Have been designed to meet water quality standards as identified in this subsection (1);

(b) Have been designed to conserve listed species; and

(c) Contain provisions for monitoring and adaptive management.

Such mechanisms may include, but are not limited to, the pollution controls identified in RCW 90.48.020.

(2) The immunity provided under subsection (1) of this section shall be provided:

(a) Only as long as substantial measurable progress toward attainment of water quality standards can be demonstrated at five-year intervals after adoption of the mechanisms described under subsection (2) of this section for up to fifteen years;

(b) Only for activities and facilities that are specifically addressed in the mechanisms described under subsection (1) of this section; and

(c) Only for pollutants that are specifically addressed in the mechanisms described in subsection (1) of this section.

(3) The immunity provided under subsection (1) of this section shall lapse:

(a) If substantial measurable progress cannot be demonstrated in each five-year period for up to fifteen years; or

(b) Following any violation of or failure to implement any of the terms of the binding agreements identified in subsection (1) of this section.

(4) Except as provided in subsections (1), (2), and (3) of this section, the authority of any regulatory agency to take any enforcement action authorized by law shall not be limited. This section shall not limit a regulatory agency's authority to take any compliance actions as authorized by law based upon a person's failure to comply with specific terms and conditions of any permit or license issued by the agency to that person, failure to obtain a permit for discharges requiring a permit under the federal clean water act, or knowing or willful violations of this chapter and implementing rules.

**NEW SECTION. Sec. 15. STORM WATER ADVISORY COMMITTEE.**

(1) The department of ecology shall convene a storm water advisory committee for the purpose of updating the department's storm water management plan and the Puget Sound storm water management manual. The advisory committee shall include, but not be limited to, one representative selected by each of the following agencies and associations: The department of ecology; the department of natural resources; the department of community, trade, and economic development; the department of fish and wildlife; the department of transportation; the Puget Sound action team; the Washington state association of counties; the association of Washington cities; the Washington association of sewer and water districts; the American public works association; the national association of industrial and office properties; the American society of civil engineers; the association of Washington business; the Washington state farm bureau; people for Puget Sound; and the Washington environmental council.

(2) The advisory committee shall be appointed no later than September 1, 1999, and shall complete its work by June 30, 2001. The department of ecology shall provide a progress report to the legislature on storm water management issues and the approach to these issues taken by the advisory committee no later than December 31, 1999.

(3) This section expires December 31, 2001.

**NEW SECTION. Sec. 16 A new section is added to chapter 90.48 RCW to read as follows:**

**CONFLICT WITH FEDERAL LAW--RESOLUTION.** If notified by responsible officials of any conflict of this chapter with federal law or program requirements or with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the regulatory agency notified of the conflict shall actively seek to resolve the conflict. If the agency determines that the conflict cannot be resolved without the loss of benefits or authority to the state, the agency shall notify the governor, the president of the senate, and the speaker of the house of representatives in writing within thirty days of making that determination.

**NEW SECTION. Sec. 17. CAPTIONS NOT LAW.** Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 18.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 19.** If specific funding for the purposes of sections 2 through 18 of this act, referencing this act by bill or chapter and section numbers, is not provided by June 30, 1999, in the omnibus appropriations act, sections 2 through 18 of this act are null and void."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 3, beginning on line 19, strike all of section 2 and insert the following:

**"NEW SECTION. Sec. 20.** Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

On page 1, line 11, after "as" strike "defined in 40 C.F.R. Sec. 172.3" and insert "described in 40 C.F.R. Sec. 172.3(c)(2)"

On page 2, line 23, after "as" strike "defined in 40 C.F.R. Sec. 172.3" and insert "described in 40 C.F.R. Sec. 172.3(c)(2)"

On page 3, line 14, after "as" strike "defined in 40 C.F.R. Sec. 172.3" and insert "described in 40 C.F.R. Sec. 172.3(c)(2)", and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

POINT OF ORDER

Senator Fraser: "A point of order, Mr. President. I believe that the House amendments to Senate Bill No. 5670 exceed the scope and object of the bill."

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Fraser to the scope and object of the House amendments on page 3, after line 18 and beginning on line 19; page 1, line 11; page 2, line 23; and page 3, line 14; to Senate Bill No. 5670, the President finds that Senate Bill No. 5670 is a measure which does only two things: (1) Authorizes the Director of Ecology to permit the experimental use of herbicides to treat aquatic noxious weeds, and (2) Creates special conditions on the use of herbicides to treat Spartina.

"The House amendments would create several and various new provisions concerning the control of water pollution generally, including (1) Requiring the Department of Ecology to develop a system of water quality standards; (2) Requiring the department to convene an advisory committee on water quality standards; (3) Requiring the department to convene a storm water advisory committee; (4) Requiring the department to implement a procedure for effluent trading; (5) Requiring the department to prepare a revised list of water quality limited segments; (6) Prohibiting the department from issuing discharge permits in certain instances; and many other provisions of various kinds.

"The President, therefore, finds that the amendments do change the scope and object of the bill and the point of order is well taken."

The House amendments on page 3, after line 18 and beginning on line 19; page 1, line 11; page 2, line 23; and page 3, line 14; to Senate Bill No. 5670 were ruled out of order.

#### MOTION

Senator Fraser moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5670 and asks the House to recede therefrom.

#### POINT OF ORDER

Senator Swecker: "A point of order, Mr. President. Is it in order to concur in the amendments --is a motion to concur in the amendments in order at this time?"

#### REPLY BY THE PRESIDENT

President Owen: "The President has ruled the amendments beyond the scope and object of the bill, Senator Swecker. Therefore, a motion would not be in order."

Senator Swecker: "Thank you, Mr. President."

The President declared the question before the Senate to be the motion by Senator Fraser that the Senate do not concur in the House amendments to Senate Bill No. 5670 and asks the House to recede therefrom.

The motion by Senator Fraser carried on a rising vote and the Senate refuses to concur in the House amendments to Senate Bill No. 5670 and asks the House to recede therefrom.

#### POINT OF ORDER

Senator Swecker: "I think it is a point of order, Mr. President. Is it proper to request a scope--a scoping decision by the President when a bill is not properly before us?"

#### REPLY BY THE PRESIDENT

President Owen: "I think that any member can ask the President to rule on an issue if they so desire."

Senator Swecker: "I understand; thank you."

President Owen: "Senator Swecker, in this case, the message was read and the bill was before us."

## MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

## PERSONAL PRIVILEGE

Senator Kline: "Mr. President before moving the bill or the amendments, I would like to have a point of personal privilege. This is emotionally difficult and I hope you will understand. I would like to bring your attention to the loss of one of our most beloved members, Senator Jeralita Costa. Senator Costa has been a good colleague and has been a very wonderful person to work with, but she is gone. She is gone, but not forgotten. I am sure, like all of you, I feel her presence still among us and even the sound of her gentle laughter, from over here in the side. I wonder if maybe we may dispense with the moment of silence, however, and instead continue her work for the poor, the disenfranchised and those who have suffered grievous crimes. Thank you all."

Debate ensued.

## PERSONAL PRIVILEGE

Senator Kohl-Welles: "I rise for a point of personal privilege. I've noticed that one of my floral arrangements is gone and I demand to have it returned immediately."

## REPLY BY THE PRESIDENT

President Owen: "Touche."

## SECOND READING

SENATE BILL NO. 5693, by Senators Wojahn, McDonald, Deccio, Thibaudeau, Roach, Winsley, Oke, Rasmussen, Prentice and Costa

Establishing the developmental disabilities endowment trust fund.

## MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 5693 was substituted for Senate Bill No. 5693 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the following striking amendment by Senators Wojahn, McDonald, Thibaudeau and Deccio was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. LEGISLATIVE INTENT.** The legislature recognizes that the main and most enduring support for persons with developmental disabilities, along with public resources, is their immediate and extended families. The legislature recognizes that these families are searching for ways to provide for the long-term continuing care of their disabled family member when the family can no longer provide that care. It is the intent of the legislature to encourage and assist families to engage in long-range financial planning and to contribute to the lifetime care of their disabled family member. To further these objectives, this chapter is enacted to finance long-term care for persons with developmental disabilities through an endowment funded jointly by the investment of public funds and dedicated family contributions.

The establishment of this endowment is not intended to diminish the state's responsibility for funding services currently available to future endowment participants, subject to available funding, nor is it the intent of the legislature, by the creation of this public/private endowment, to impose additional, unintended financial liabilities on the public.

**NEW SECTION. Sec. 2. DEVELOPMENTAL DISABILITIES ENDOWMENT TRUST FUND.** (1) The developmental disabilities endowment trust fund is created in the custody of the state treasurer. Expenditures from the fund may be used only for the purposes of the developmental disabilities endowment established under this chapter. Only the developmental disabilities endowment governing board or the board's designee may authorize expenditures from the fund. The fund shall retain its interest earnings in accordance with RCW 43.79A.040.

(2) The developmental disabilities endowment governing board shall deposit in the fund all money received for the program, including state appropriations and private matching contributions. With the exception of investment and operating costs associated with the investment of money by the state treasurer and the investment board paid under RCW 43.08.190, 43.79A.040, 43.33A.160, and 43.84.160, the fund shall be credited with all investment income earned by the fund. Disbursements from the fund are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. However, money used for program administration is subject to the allotment and budgetary controls of chapter 43.88 RCW, and an appropriation is required for these expenditures.

**NEW SECTION. Sec. 3. INVESTMENT OF FUNDS.** (1) The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the developmental disabilities endowment trust fund. All investment and operating costs associated with the investment of money shall be paid under RCW 43.08.190, 49.79A.040, 43.33A.160, and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the fund.

(2) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care under RCW 43.33A.140 and the investment policy established by the state investment board.

(3) As deemed appropriate by the investment board, money in the fund may be commingled for investment with other funds subject to investment by the board.

(4) The authority to establish all policies relating to the fund, other than the investment policies as set forth in subsections (1) through (3) of this section, resides with the developmental disabilities endowment governing board acting in accordance with the principles set forth in section 5 of this act. With the exception of expenses of the state treasurer and the investment board set forth in subsection (1) of this section, disbursements from the fund shall be made only on the authorization of the developmental disabilities endowment governing board or the board's designee, and money in the fund may be spent only for the purposes of the developmental disabilities endowment program as specified in this chapter.

(5) The investment board shall routinely consult and communicate with the developmental disabilities endowment governing board on the investment policy, earnings of the trust, and related needs of the program.

**NEW SECTION. Sec. 4. DEVELOPMENTAL DISABILITIES ENDOWMENT GOVERNING BOARD.** The developmental disabilities endowment governing board is established to design and administer the developmental disabilities endowment. To the extent funds are appropriated for this purpose, the director of the department of community, trade, and economic development shall provide staff and administrative support to the governing board.

(1) The governing board shall consist of seven members as follows: (a) Three of the members, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as finance, actuarial science, management, business, or public policy.

(b) Three members of the board, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as business, developmental disabilities service design, management, or public policy, and shall be family members of persons with developmental disabilities.

(c) The seventh member of the board, who shall serve as chair of the board, shall be appointed by the remaining six members of the board.

(2) Members of the board shall serve terms of four years and may be appointed for successive terms of four years at the discretion of the appointing authority. However, the governor may stagger the terms of the initial six members of the board so that approximately one-fourth of the members' terms expire each year.

(3) Members of the board shall be compensated for their service under RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall meet periodically as specified by the call of the chair, or a majority of the board.

**NEW SECTION. Sec. 5. ENDOWMENT PRINCIPLES.** The design, implementation, and administration of the developmental disabilities endowment shall be governed by the following principles:

(1) The design and operation of the endowment should reward families who set aside resources for their child's future care and provide incentives for continued caregiving by the family.

(2) The endowment should encourage financial planning and reward caregiving by a broad range of families, not just those who have substantial financial resources.

(3) Families should not feel compelled to contribute to the endowment in order to meet the needs of continuing care for their child.

(4) All families should have equal access to developmental disabilities services not funded through the endowment regardless of whether they contribute to the endowment.

(5) Services funded through the endowment should be stable, ongoing, of reasonable quality, and respectful of individual and family preferences.

(6) Endowment resources should be expended economically in order to benefit as many families as possible.

(7) Endowment resources should be managed prudently so that families can be confident that their agreement with the endowment on behalf of their child will be honored.

(8) The private financial contribution on behalf of each person receiving services from the endowment shall be at least equal to the state's contribution to the endowment.

(9) In order to be matched with funding from the state's contribution to the endowment, the private contribution on behalf of a beneficiary must be sufficient to support the beneficiary's approved service plan for a significant portion of the beneficiary's anticipated remaining lifetime.

(10) The rate that state appropriations to the endowment are used to match private contributions shall be such that each legislative appropriation to the developmental disabilities endowment trust fund, including principal and investment income, is not depleted in a period of less than five years.

(11) Private contributions made on behalf of a particular individual, and the associated state match, shall only be used for services provided upon that person's behalf.

**NEW SECTION. Sec. 6. PROPOSED OPERATING PLAN.** To the extent funds are appropriated for this purpose, the developmental disabilities endowment governing board shall contract with an appropriate organization for the development of a proposed operating plan for the developmental disabilities endowment program. The proposed operating plan shall be consistent with the endowment principles specified in section 5 of this act. The plan shall address at least the following elements:

(1) The recommended types of services to be available through the endowment program and their projected average costs per beneficiary;

(2) An assessment of the number of people likely to apply for participation in the endowment under alternative rates of matching funds, minimum service year requirements, and contribution timing approaches;

(3) An actuarial analysis of the number of disabled beneficiaries who are likely to be supported under alternative levels of public contribution to the endowment, and the length of time the beneficiaries are likely to be served, under alternative rates of matching funds, minimum service year requirements, and contribution timing approaches;

(4) Recommended eligibility criteria for participation in the endowment program;

(5) Recommended policies regarding withdrawal of private contributions from the endowment in cases of movement out of state, death of the beneficiary, or other circumstances;

(6) Recommended matching rate of public and private contributions and, for each beneficiary, the maximum annual and lifetime amount of private contributions eligible for public matching funds;

(7) The recommended minimum years of service on behalf of a beneficiary that must be supported by private contributions in order for the contributions to qualify for public matching funds from the endowment;

(8) The recommended schedule according to which lump sum or periodic private contributions should be made to the endowment in order to qualify for public matching funds;

(9) A recommended program for educating families about the endowment, and about planning for their child's long-term future; and

(10) Recommended criteria and procedure for selecting an organization or organizations to administer the developmental disabilities endowment program, and projected administrative costs.

**NEW SECTION. Sec. 7. PROGRAM IMPLEMENTATION AND ADMINISTRATION.** Based on the proposed operating plan under section 6 of this act, and to the extent funds are appropriated for this purpose, the developmental disabilities endowment governing board shall implement and administer, or contract for the administration of, the developmental disabilities endowment program under the principles specified in section 5 of this act. By October 1, 2000, and prior to implementation, the final program design shall be submitted to the appropriate committees of the legislature.

The secretary of the department of social and health services shall seek to maximize federal reimbursement and matching funds for expenditures made under the endowment program, and shall seek waivers from federal requirements as necessary for the receipt of federal funds.

The governing board may receive gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the endowment program and may expend the gifts, grants, and endowments according to their terms.

**Sec. 8.** RCW 43.79A.040 and 1998 c 268 s 1 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The

investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility grant account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 9.** CAPTIONS NOT LAW. Captions used in this chapter are not any part of the law.

NEW SECTION. **Sec. 10.** Sections 1 through 7 and 9 of this act are each added to chapter 43.330 RCW."

## MOTIONS

On motion of Senator Wojahn, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 43.79A.040; and adding new sections to chapter 43.330 RCW."

On motion of Senator Wojahn, the rules were suspended, Engrossed Substitute Senate Bill No. 5693 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5693.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5693 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5693, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 25, 1999

MR. PRESIDENT:

The House has passed

SECOND ENGROSSED HOUSE BILL NO. 2073, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 1999

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2285, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6106 by Senators McCaslin and Patterson

AN ACT Relating to incapacity of members of the legislature; and adding a new section to chapter 44.04 RCW.

Referred to Committee on State and Local Government.

SB 6107 by Senators Kline, Roach and T. Sheldon

AN ACT Relating to actions and proceedings for damages brought against law enforcement officers; and amending RCW 4.96.041.

Referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2EHB 2073 by Representatives Conway, Cairnes, O'Brien, McDonald, Delvin, DeBolt, Kastama, Miloscia, Campbell, Sullivan, D. Schmidt, Cooper, Mielke, Pennington, Kenney, Bush, Lovick, Hurst, Wood, Clements, Reardon, Barlean, Haigh, Linville, Fisher, Fortunato, Dunshee, Mulliken, Keiser, G. Chandler, Eickmeyer, Lantz, Hatfield, Benson, Romero, Morris, Koster, Quall, Esser, Buck, Kessler, Dickerson, Scott, Anderson, Poulsen, Rockefeller, Veloria, Cody, Constantine, K. Schmidt, Murray, Schindler, Stensen, Edmonds, Schual-Berke, Kagi, Tokuda, Ruderman, Edwards, Skinner, Santos and McIntire

Retiring under the law enforcement officers' and fire fighters' retirement system, plan 2.

HOLD.

HB 2285 by Representatives Van Luven, Veloria, Ballasiotes, Morris, Kenney, H. Sommers, Radcliff, Dunn, D. Schmidt, McDonald, O'Brien, Skinner, Hankins, Campbell and Esser (by request of Governor Locke)

Creating the department of community development and the department of trade and economic development.

## MOTIONS

On motion of Senator Betti Sheldon, Second Engrossed House Bill No. 2073 was held at the desk.

On motion of Senator Betti Sheldon, the rules were suspended and House Bill No. 2285 was advanced to second reading and placed on the second reading calendar.

## MOTION

At 6:06 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 7:36 p.m. by President Owen.

## MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 25, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5180 with the following amendment(s):

On page 3, line 29, strike "1,539,000" and insert "1,604,000"

On page 3, line 30, strike "1,596,000" and insert "1,661,000"

On page 3, line 31, strike "3,135,000" and insert "3,265,000"

On page 3, line 33, strike "\$150,000" and insert "\$280,000"

On page 13, after line 1, insert the following:

"The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$420,000 of the general fund appropriation for fiscal year 2000 and \$420,000 of the general fund appropriation for fiscal year 2001 are provided solely for staff and related costs to audit special education programs that exhibit unusual rates of growth, extraordinarily high costs, or other characteristics requiring attention of the state safety net committee, and other school districts for baseline purposes and to determine if there are common errors. The auditor shall consult with the superintendent of public instruction regarding training and other staffing assistance needed to provide expertise to the audit staff.

(3) \$490,000 of the general fund fiscal year 2000 appropriation and \$490,000 of the general fund fiscal year 2001 appropriation are provided solely for staff and related costs to: Verify the accuracy of reported school district data submitted for state funding purposes or program audits of state funded public school programs; and establish the specific amount of funds to be recovered whenever the amount is not firmly established in the course of any public school audits conducted by the state auditor's office. The results of the audits shall be submitted to the superintendent of public instruction for corrections of data and adjustments of funds.

On page 34, beginning on line 29, strike all of subsection (10)

Re-number remaining subsections consecutively and correct any internal references.

On page 35, strike all material on lines 1 and 2 and insert "or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills is enacted by June 30, 1999, the amounts provided in this subsection shall lapse."

On page 35, line 6, strike "32,800,000" and insert "32,816,000"

On page 35, line 7, strike "34,078,000" and insert "34,094,000"

On page 35, line 14, strike "101,791,000" and insert "101,823,000"

On page 37, after line 13, insert the following:

"(k) \$16,000 of the general fund--state appropriation for fiscal year 2000 and \$16,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5214 (firearms on school property). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse. The amounts provided

in this subsection are intended to provide funding for county impacts associated with the implementation of Substitute Senate Bill No. 5214 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula."

On page 40, line 9, strike "166,224,000" and insert "166,271,000"

On page 40, line 10, strike "174,494,000" and insert "174,541,000"

On page 40, line 13, strike "649,092,000" and insert "649,186,000"

On page 41, after line 26, insert the following:

(g) \$47,000 of the general fund--state appropriation for fiscal year 2000 and \$47,000 of the general fund--state appropriation for fiscal year 2001 are provided for implementation of Substitute Senate Bill No. 5214 (firearms on school premises). If the bill is not enacted by June 30, 1999, the amounts provided shall lapse."

On page 47, line 10, strike "2000" and insert "2001"

On page 47, beginning on line 15, strike all of subsection (4)

Renumber remaining subsections consecutively and correct any internal references.

On page 51, line 17, after "for" strike all material through "lapse." on line 20 and insert "activities related to chemical dependency services under subsection 202(1) of this act. If that subsection is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse."

On page 52, line 34, after "(b)" strike everything through "program" on line 38, and insert "a net profitability factor shall be included with other factors to determine LI-DSH payments. The net profitability factor shall inversely relate hospital percent net operating income to payment under the program."

On page 53, line 37, after "(13)" strike everything through "year." on page 54, line 2, and insert: "Except in the case of rural hospitals and Harborview medical center, weighted average payments under the ratio-of-cost-to-charges hospital payment system shall increase by no more than 175 percent of the DRI HCFA hospital reimbursement market basket index."

On page 57, line 36, after "1692" strike all material through "lapse." on line 38 and insert "or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills is enacted by June 30, 1999, the amount provided in this subsection shall lapse."

On page 61, line 8, strike "550,151,000" and insert "550,139,000"

On page 61, line 29, strike "reclamation" and insert "conservation"

On page 61, line 29, after "reuse." strike all material through "this" on line 33 and insert: "\$339,000 of the general fund--federal"

Renumber remaining sections consecutively and correct any internal references.

On page 66, line 21, strike "54,227,000" and insert "54,371,000"

On page 66, line 23, strike "115,548,000" and insert "115,692,000"

On page 67, line 5, strike "\$75,000" and insert "\$219,000"

On page 71, line 25, after "provided" strike all material through "lapse." on line 28 and insert "to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources."

On page 72, line 34, after "solely" insert "to implement Substitute Senate Bill No. 5670 (noxious weed herbicide)"

On page 72, line 37, after "DOE-2." insert "If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse."

On page 75, line 16, after "provided" strike all material through "lapse." on line 18 and insert "to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources."

On page 77, line 20, strike "4,432,000" and insert "6,432,000"

On page 78, strike all material on lines 5 through 8

On page 78, line 9, strike "271,161,000" and insert "272,931,000"

On page 79, line 22, after "provided" strike all material through "lapse." on line 24 and insert "to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources."

On page 80, line 14, after "steelhead." insert "Within these funds, the department shall provide support to the department of health to enforce state shellfish harvest laws."

On page 80, line 24, after "hatchery" insert "to implement House Bill No. 1716 (warm water fish culture). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse"

On page 81, after line 34, insert the following:

"(23) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Senate Bill No. 5508 (crab fishery catch records). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(24) \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects."

On page 82, line 38, after "provided" strike all material through "lapse." on page 83, line 2, and insert "to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources."

On page 85, after line 18, insert the following:

"Washington Real Estate Research Account Appropriation . . . . . \$

368,000

On page 85, line 19, strike "33,323,000" and insert "33,691,000"

On page 85, line 21, after "limitations:" insert "(1)"

On page 85, after line 27, insert:

"(2) \$368,000 of the Washington real estate research account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5720 (real estate research). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse."

On page 87, line 7, after "under" strike everything through "sections are" on line 8 and insert "subsection 202(1) of this act. If that subsection is"

On page 130, line 26, after "offered" strike "faculty"

On page 130, line 27, after "adjustments" insert "for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015"

On page 131, line 36, strike "\$7,145,000" and insert "\$6,702,000"

On page 131, line 37, strike "\$8,718,000" and insert "\$7,980,000"

On page 132, line 13, after "offered" strike "faculty"

On page 132, line 14, after "adjustments" insert "for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015"

On page 133, line 11, after "offered" strike "faculty"

On page 133, line 12, after "adjustments" insert "for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015"

On page 133, line 25, after "offered" strike "faculty"

On page 133, line 26, after "adjustments" insert "for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015"

On page 134, line 5, after "offered" strike "faculty"

On page 134, line 6, after "adjustments" insert "for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015"

On page 134, line 15, after "described in" strike everything through "subsections are" on line 16 and insert "subsection 202(1) of this act. If that subsection is"

On page 134, line 21, after "1692" strike all material through "lapse." on line 22 and insert "or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills are enacted by June 30, 1999, the amount provided in this subsection shall lapse."

On page 134, line 31, after "offered" strike "faculty"

On page 134, line 32, after "adjustments" insert "for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015"

On page 144, line 6, strike "614,672,000" and insert "604,672,000"

On page 144, line 7, strike "445,689,000" and insert "455,689,000"

On page 147, line 19, strike "2,475,000" and insert "475,000"

On page 147, line 21, strike "24,538,000" and insert "22,538,000"

On page 151, line 4, after "2001," insert "solely"

On page 151, line 17, after "(g)" strike all material through "section." on line 22 and insert: "The health care authority shall use funds accruing to the public employees' and retirees' insurance account in fiscal year 1999 from payments made by the standard insurance company to the state of Washington related to the state's basic long-term disability plan, for insurance costs in the 1999-2001 biennium."

On page 152, line 1, strike "\$21.54" and insert "\$22.03"

On page 152, line 2, strike "\$24.15" and insert "\$25.06"

On page 152, line 6, strike "\$21.54" and insert "\$22.03"

On page 152, line 7, strike "\$24.15" and insert "\$25.06"

On page 161, line 22, strike "105,245,700" and insert "83,423,000"

On page 351, after line 18, insert the following:

"(3) If this section is enacted after the state treasurer transmits the April 1999 distribution data to the banks, then the state treasurer shall adjust the amount distributed based on subsection (2) of this section by June 30, 1999.", and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Loveland, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5180.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5180, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5180, as amended by the House, and the bill passed the Senate by the following vote: Passed Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Morton, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 34.

Voting nay: Senators Benton, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Oke, Rossi, Sheahan, Stevens, West and Zarelli - 15.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5180, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Heavey was excused.

#### MOTIONS

On motion of Senator Snyder, the Senate advanced to the ninth order of business.

On motion of Senator Snyder, the Committee on Rules was relieved of further consideration of House Bill No. 2201.

#### MOTION

On motion of Senator Snyder, the rules were suspended and House Bill No. 2201 was advanced to second reading and placed on the second reading calendar.

MOTION

Senator Snyder moved that the Senate return to the fourth order of business.

MOTION

Senator Benton moved that the Committee on Ways and Means be relieved of further consideration of Senate Bill No. 6021.

The President declared the question before the Senate to be the motion by Senator Snyder to return to the fourth order of business.

The motion by Senator Snyder carried and the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 20, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to Substitute House Bill No. 1125 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Haugen, the Senate receded from the Senate amendment(s) to Substitute House Bill No. 1125.

MOTIONS

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1125 was returned to second reading and read the second time.

Senator Haugen moved that the following striking amendment by Senators Haugen and Benton be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2001.

(2) Legislation with fiscal impacts enacted in the 1997 or 1998 legislative session not assumed in this act are not funded in the 1997-99 transportation budget.

(3) Legislation with fiscal impacts enacted in the 1999 legislative session not assumed in this act are not funded in the 1999-01 transportation budget.

(4) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2000" or "FY 2000" means the fiscal year ending June 30, 2000.

(b) "Fiscal year 2001" or "FY 2001" means the fiscal year ending June 30, 2001.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

(f) "Performance-based budgeting" means a budget that bases resource needs on quantified outcomes and results expected from use of the total appropriation. "Performance-based budgeting" does not mean incremental budgeting that focuses on justifying changes from the historic budget or to line-item input-driven budgets.

(g) "Goals" means the statements of purpose that identify a desired result or outcome. The statements shall be realistic, achievable, directive, assignable, evaluative, and logically linked to the agency's mission and statutory mandate.

(h) "Strategic plan" means the strategies agencies create for investment choices in the future. All agency strategic plans shall present alternative investment strategies for providing services.

(i) "Enacted in the form passed by the legislature" means the referenced bill, as identified by a four-digit number, was:

(i) Passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto; or

(ii) Attached in full onto another bill as an amendment and the entire bill, including the amendment, was passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto.

**NEW SECTION. Sec. 2.** The legislature recognizes that the 1999 endangered species act listing or proposed listing of salmonid species throughout the state of Washington may require increased operational and capital expenditures for transportation. As the state's fiscal obligations pursuant to the listing or proposed listing become clearer over time, it may be necessary to revisit funding decisions reflected in this act in order to shift resources to meet those obligations. The department of transportation, the transportation improvement board, and the county road administration board shall report to the legislature on December 1, 1999, on capital project delay impacts due to the endangered species act listing or proposed listing.

## **PART I GENERAL GOVERNMENT AGENCIES--OPERATING**

### **NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account--State Appropriation \$

327,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The entire appropriation is provided solely for costs associated with the motor fuel quality program.

### **NEW SECTION. Sec. 102. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**

Motor Vehicle Account--State Appropriation \$

900,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$103,000 of the appropriation is provided solely for the local government finance reporting system project. This amount shall lapse unless \$207,000 is appropriated for this project from the state general fund; and

(2) \$202,000 of the appropriation is provided solely for the transportation infrastructure needs data base project. This amount shall lapse unless \$405,000 is appropriated for this project in the omnibus operations appropriations act.

(3) \$325,000 of the appropriation is provided solely for contracting with the office of the state auditor for the collection of local government fiscal data associated with the local government finance reporting system. In implementing the reporting system, the legislative evaluation and accountability program shall work with the local government finance study technical advisory committee. The committee shall include, but not be limited to, one member from the senate and one member from the house of representatives. An alternate legislator shall also be picked for each designated legislator to serve in the event that the designated legislator is unable to fulfill his or her duties on the committee. This amount shall lapse unless the legislature appropriates \$325,000 for the same purpose by June 30, 1999, in the omnibus appropriations act.

### **NEW SECTION. Sec. 103. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account--

State Appropriation \$

222,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The utilities and transportation commission shall develop a competitive rail grade crossing safety grant program which will fully fund selected safety projects to the extent allowable under chapter 81.53 RCW.

(2) Beginning on the effective date of this act through May 1, 2000, the utilities and transportation commission may not grant any new certificates under chapter 81.68 RCW in any areas where a public transportation system has been formed.

### **NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account--State Appropriation \$

931,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: A report of actual expenditures and descriptions of the expenditures from the motor vehicle fund will be submitted to the legislature with the governor's 2001-2003 biennial budget request.

**GENERAL GOVERNMENT AGENCIES--CAPITAL**

**NEW SECTION. Sec. 105. FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS**

Motor Vehicle Account--State Appropriation	\$	4,990,000
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The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$900,000 is a reappropriation provided to complete the Cama Beach project and the Damon point project funded in section 110, chapter 457, Laws of 1997. The projects shall be completed by June 30, 2001. Upon completion of these projects any surplus funding may be used for the projects listed in subsection (2) of this section.

(2) \$4,090,000 is a one-time appropriation provided solely for the following projects, apportioned as follows:

- (a) St. Edwards State Park, \$1,500,000;
- (b) Ike Kinswa State Park, \$300,000;
- (c) Mt. Spokane State Park, \$1,500,000;
- (d) Beacon Rock State Park, \$300,000;
- (e) Cama Beach State Park, \$90,000; and
- (f) Lake Sammamish State Park, \$400,000.

These projects shall be completed by June 30, 2001. Progress reports shall be submitted to the senate transportation committee and the house of representatives transportation committee in January 2000 and January 2001.

(3) The agency shall prepare and present a project status report to the senate transportation committee and the house of representatives transportation committee by December 31, 2000.

**PART II  
TRANSPORTATION AGENCIES**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account--State Appropriation	\$	1,577,000
Highway Safety Account--Federal Appropriation	\$	9,038,000
School Zone Safety Account--State Appropriation	\$	1,004,000
<b>TOTAL APPROPRIATION</b>		<b>\$ 11,619,000</b>

**NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account--State Appropriation	\$	290,000
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**NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation	\$	72,510,000
Motor Vehicle Account--State Appropriation	\$	11,546,000
Motor Vehicle Account--Private/Local Appropriation	\$	376,000
County Arterial Preservation Account-- State Appropriation	\$	28,612,000
<b>TOTAL APPROPRIATION</b>		<b>\$ 113,044,000</b>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$5,000,000 of the motor vehicle account--state appropriation is provided solely for projects for freight and goods systems on county roads.

**NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Urban Arterial Trust Account--State Appropriation \$	104,508,000
Transportation Improvement Account-- State Appropriation \$	99,414,000
Public Transportation Systems Account-- State Appropriation \$	33,496,000
TOTAL APPROPRIATION \$	237,418,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: To the extent practicable, the board shall give preference, for amounts which would otherwise be granted to cities, to those projects which complement projects funded under the county corridor congestion relief program contained in section 232(8) of this act.

**NEW SECTION. Sec. 205. FOR THE SENATE**

Motor Vehicle Account--State Appropriation \$	2,378,000
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The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) The appropriation in this section is provided solely to fund the activities of the senate transportation committee.
- (2) The senate transportation committee shall work during the 1999 interim with members of the senate ways and means committee to assess funding options for aviation.
- (3) The senate transportation committee shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.
- (4) A legislative task force consisting of one member from each caucus of the senate and one member from each caucus of the house of representatives shall conduct a road jurisdiction study. The legislative task force shall appoint a technical advisory panel consisting of representatives of cities, counties, and the department of transportation. The study shall include but not be limited to an examination of the following issues:
  - (a) Whether changed conditions merit redesignation of certain local roadways as state routes and the return of certain state routes to local jurisdictions;
  - (b) Alternatives to current revenue distribution methodologies for funding roadway and highway needs;
  - (c) Determine roadway responsibilities, authorities, and practices by jurisdictional level; and
  - (d) Evaluate governance issues associated with road jurisdiction.
- (5) \$400,000 of the appropriation is provided solely for program accountability reviews of department of transportation, department of licensing, and Washington state patrol programs selected by the senate transportation committee.

**NEW SECTION. Sec. 206. FOR THE HOUSE OF REPRESENTATIVES**

Motor Vehicle Account--State Appropriation \$	2,378,000
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The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) The appropriation in this section is provided solely to fund the activities of the house of representatives transportation committee.
- (2) The house of representatives transportation committee shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.

**NEW SECTION. Sec. 207. FOR THE BLUE RIBBON COMMISSION ON TRANSPORTATION**

Motor Vehicle Account--State Appropriation \$	1,500,000
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The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The \$1,000,000 motor vehicle account--state appropriation is provided solely for the purpose of enabling the blue ribbon commission on transportation to fulfill its mission. The funds are to be administered by the senate transportation committee and the house of representatives transportation committee on behalf of the blue ribbon commission on transportation.

**NEW SECTION. Sec. 208. FOR THE MARINE EMPLOYEES COMMISSION**

Puget Sound Ferry Operations Account--  
 State Appropriation \$ 475,000

**NEW SECTION. Sec. 209. FOR THE TRANSPORTATION COMMISSION**

Transportation Account--State Appropriation \$ 807,000

**NEW SECTION. Sec. 210. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Transportation Account--State Appropriation \$ 600,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: When approving projects, the freight mobility strategic investment board shall:

- (1) Emphasize funding projects according to their order on the prioritization list developed by the board;
- (2) Not allow the program's share of total project cost to exceed sixty-five percent unless the board grants a special exception;
- (3) Set a \$50,000,000 cap on the amount it will authorize for any one project; and
- (4) Give a project a higher priority designation if project partners increase their funding and the board deems the reprioritization is appropriate.

**NEW SECTION. Sec. 211. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

State Patrol Highway Account--  
 State Appropriation \$ 153,054,000

State Patrol Highway Account--  
 Federal Appropriation \$ 5,703,000

State Patrol Highway Account--  
 Private/Local Appropriation \$ 169,000

TOTAL APPROPRIATION \$ 158,926,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) The following amounts are provided solely for administration of the field operations group subprogram: \$118,095,000 of the state patrol highway account--state appropriation; \$2,404,000 of the state patrol highway account--federal appropriation; and \$83,000 of the state patrol highway account--private/local appropriation.
- (2) The following amounts are provided solely for the administration of the commercial vehicle division subprogram: \$26,367,000 of the state patrol highway account--state appropriation; \$3,299,000 of the state patrol highway account--federal appropriation; and \$86,000 of the state patrol highway account--private/local appropriation.
- (3) \$7,799,000 of the state patrol highway account--state appropriation is provided solely for the administration of the traffic investigation division subprogram.
- (4) \$793,000 of the state patrol highway account--state appropriation is provided to the investigation division subprogram to implement Senate Bill No. 5706 or House Bill No. 1789 enacted in the form passed by the legislature. If neither Senate Bill No. 5706 nor House Bill No. 1789 is enacted in the form passed by the legislature the amount provided in this subsection shall lapse.
- (5) \$1,400,000 of the state patrol highway account--state appropriation is provided solely to the field operations group subprogram as a one-time appropriation to begin funding phase III of the Washington state patrol's upgrade to the state-wide emergency communication system. The Washington state patrol shall provide a full analysis of the costs, benefits, and requirements for completing all phases of the upgrade to the state-wide emergency communication system to the senate transportation committee and the house of representatives transportation committee by December 1, 1999.

(6) The Washington state patrol is authorized to use the federal community-oriented policing program (COPS) for 18 COPS troopers to begin in July 2000. The troopers must be used on the state's highways and up to six may be utilized in the Vancouver, Washington area.

**NEW SECTION. Sec. 212. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

State Patrol Highway Account-- State Appropriation \$	67,015,000
State Patrol Highway Account-- Federal Appropriation \$	104,000
State Patrol Highway Account-- Private/Local Appropriation \$	743,000
TOTAL APPROPRIATION \$	67,862,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$877,000 of the state patrol highway account--state appropriation is provided solely to maintain pursuit vehicles and provide for replacement of the vehicles at 110,000 miles. The agency may purchase a total of 354 pursuit vehicles during the biennium ending June 30, 2001. The appropriation in this section reflects carry forward and new funding due to the consolidation of gasoline, maintenance, parts, and pursuit vehicles into the fleet section of the support services bureau.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**

Motorcycle Safety Education Account-- State Appropriation \$	118,000
Wildlife Account--State Appropriation \$	50,000
Highway Safety Account--State Appropriation \$	6,021,000
Motor Vehicle Account--State Appropriation \$	4,595,000
Transportation Account--State Appropriation \$	613,000
TOTAL APPROPRIATION \$	11,397,000

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

Motorcycle Safety Education Account-- State Appropriation \$	102,000
Wildlife Account--State Appropriation \$	46,000
Highway Safety Account--State Appropriation \$	5,197,000
Motor Vehicle Account--State Appropriation \$	3,641,000
Transportation Account--State Appropriation \$	513,000
TOTAL APPROPRIATION \$	9,499,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$745,000 of the highway safety fund--state appropriation is a reappropriation of funds originally appropriated for the document scanner project in the 1997-99 biennium.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

Marine Fuel Tax Refund Account-- State Appropriation \$
--

Wildlife Account--State Appropriation \$	26,000
Motor Vehicle Account--State Appropriation \$	556,000
DOL Services Account--State Appropriation \$	56,212,000
TOTAL APPROPRIATION \$	2,907,000
	59,701,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$81,138 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5000 enacted in the form passed by the legislature. If Senate Bill No. 5000 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(2) \$272,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5280 enacted in the form passed by the legislature. If Senate Bill No. 5280 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$82,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5641 enacted in the form passed by the legislature. If Senate Bill No. 5641 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) \$300,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 6009 enacted in the form passed by the legislature. If Senate Bill No. 6009 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Motorcycle Safety Education Account-- State Appropriation \$	1,960,000
Highway Safety Account--State Appropriation \$	77,765,000
TOTAL APPROPRIATION \$	79,725,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,880,000 of the highway safety account--state appropriation is provided solely for the department to enter into a contract for the implementation of an improved state driver's license and identicard. The contract with the vendor providing the improved license and identicard shall state that the license and the identicard shall not contain: (a) The driver's social security number in either visible or machine readable form; or (b) the driver's fingerprint or thumbprint. Consistent with RCW 42.17.260(9) the department shall not sell or otherwise make available any information that it gathers from citizens of the state of Washington in administering the driver's licensing program except as already authorized by RCW 46.20.118.

(2) \$5,140,000 of the highway safety account--state appropriation shall lapse if neither Senate Bill No. 6068 nor House Bill No. 2259 is enacted in the form passed by the legislature by June 30, 1999.

(3) In September of 1999 the department of licensing shall report to the senate transportation committee and the house of representatives transportation committee on:

(a) The controls implemented by the department to ensure the integrity and credibility of the written driver's license test administered by the department; and

(b) The policies and procedures implemented by the department to ensure that the driver's manuals produced and distributed by the department contain correct data based on current federal, state, and local statutes, ordinances, and rules.

(4) \$610,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1147 enacted in the form passed by the legislature. If House Bill No. 1147 is not enacted in the form passed by the legislature by June 30, 1999, the amount provided in this subsection shall lapse.

(5) \$15,000 of the highway safety fund--state appropriation is provided solely to implement Senate Bill No. 6068 enacted in the form passed by the legislature. If Senate Bill No. 6068 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(6) \$17,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1774 enacted in the form passed by the legislature. If House Bill No. 1774 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(7) \$77,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 2259 or Senate Bill No. 5374 enacted in the form passed by the legislature. If neither House Bill No. 2259 nor Senate Bill No. 5373 is enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(8) \$3,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1212 enacted in the form passed by the legislature. If House Bill No. 1212 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(9) \$28,000 of the highway safety fund--state appropriation is provided solely to implement Senate Bill No. 5260 enacted in the form passed by the legislature. If Senate Bill No. 5260 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(10) \$34,000 of the highway safety fund--state appropriation is provided solely to implement Senate Bill No. 5374 enacted in the form passed by the legislature. If Senate Bill No. 5374 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(11) If Senate Bill No. 6009 is enacted in the form passed by the legislature \$335,000 of the highway safety fund--state appropriation shall lapse.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Transportation Account--State Appropriation \$ 5,140,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall lapse if Senate Bill No. 6068 or House Bill No. 2259 is enacted in the form passed by the legislature by June 30, 1999.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Account--State Appropriation \$ 44,508,000

Motor Vehicle Account--Federal Appropriation \$ 400,000

TOTAL APPROPRIATION \$ 44,908,000

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation \$ 4,010,000

Aircraft Search and Rescue Safety and Education Account--State Appropriation \$ 159,000

Transportation Account--State Appropriation \$ 247,000

TOTAL APPROPRIATION \$ 4,416,000

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Motor Vehicle Account--State Appropriation \$ 638,810,000

Motor Vehicle Account--Federal Appropriation \$ 234,939,000

Motor Vehicle Account--Private/Local Appropriation \$ 43,344,000

High Capacity Transportation Account--State Appropriation \$ 110,000

Special Category C Account--State Appropriation \$ 55,220,000

Transportation Account--State Appropriation \$

Transportation Account--Federal Appropriation \$	189,284,000
Puyallup Tribal Settlement Account-- State Appropriation \$	56,808,000
Transportation Infrastructure Account--State Appropriation \$	8,662,000
Transportation Infrastructure Account-- Private/Local Appropriation \$	1,750,000
TOTAL APPROPRIATION \$	1,750,000
	1,230,677,000

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of \$55,220,000 includes \$40,500,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5060 or House Bill No. 1203 enacted in the form passed by the legislature. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--state appropriation includes \$1,285,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report December 1st and June 1st of each year to the senate transportation committee and the house of representatives transportation committee and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(4) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

(5) The north Sumner interchange project shall be funded entirely from the motor vehicle account appropriation. The project shall no longer receive a portion of its funding from the economic development account.

(6) \$34,920,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(7) The motor vehicle account--state appropriation includes \$478,579,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(8) \$500,000 of the motor vehicle account--state appropriation is provided solely for analysis and design of congestion solutions at the intersections of the South Lake Union/Mercer corridor with Interstate 5 and SR 99. The department's authority to expend the amount referenced in this subsection is contingent on the city of Seattle appropriating \$500,000 or more toward the project.

(9) \$10,000,000 of the motor vehicle account--state appropriation and \$40,000,000 of the transportation account--state appropriation are provided as a cash contribution for the development of the public private initiatives project at Tacoma Narrows. State funds shall be used initially for the acquisition of right of way and the forensic studies of the existing bridge including purchase of equipment necessary to conduct the studies. The balance of state funds not required for acquisition of right of way and forensic studies shall be placed with the designated bond trustee at the same time the privately secured debt proceeds are deposited.

(10)(a) \$3,992,000 of the motor vehicle account--state appropriation is provided solely for the following two highway projects on SR 16 except as set forth under (b) of this subsection: Union to Sixth avenue/Pearl street and Sixth avenue/Pearl street to Jackson avenue. These projects are part of a coordinated approach that, along with construction of the Tacoma Narrows bridge project, will provide congestion relief on the SR 16 corridor.

(b) If the Tacoma Narrows bridge project is delayed, the transportation commission may reprioritize projects on SR 16.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K**

Transportation Account--State Appropriation \$	1,212,000
Motor Vehicle Account--State Appropriation \$	
	10,162,000
TOTAL APPROPRIATION \$	11,374,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The motor vehicle fund--state appropriation includes \$10,162,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW; and for support costs of the public-private transportation initiatives program.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Account--State Appropriation \$	251,827,000
Motor Vehicle Account--Federal Appropriation \$	486,000
Motor Vehicle Account--Private/Local Appropriation \$	3,417,000
TOTAL APPROPRIATION \$	255,730,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Motor Vehicle Account--State Appropriation \$	318,691,000
Motor Vehicle Account--Federal Appropriation \$	284,587,000
Motor Vehicle Account--Private/Local Appropriation \$	3,117,000
Transportation Account--State Appropriation \$	121,000
TOTAL APPROPRIATION \$	606,516,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$6,650,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q**

State Patrol Highway Account--State Appropriation \$	221,000
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Motor Vehicle Account--State Appropriation \$	37,085,000
Motor Vehicle Account--Federal Appropriation \$	1,662,000
Motor Vehicle Account--Private/Local Appropriation \$	122,000
TOTAL APPROPRIATION \$	39,090,000

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity:

(1) The motor vehicle account--state appropriation includes \$4,324,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than commercial vehicle information system and network (CVISN). These moneys shall be placed into reserve status until such time as federal funds are secured and a state match is required. If matching federal funds are not obtained by September 30, 2000, the amount provided in this subsection shall lapse.

(2) The motor vehicle account--state appropriation includes \$600,000 for a two-year pilot program for contracted roving service patrols. The department shall provide a progress report on this pilot program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee on December 1, 2000. The pilot program will be evaluated with future direction and funding to be determined by the documented results and benefits of the pilot program.

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Puget Sound Capital Construction Account-- State Appropriation \$	4,464,000
Motor Vehicle Account--State Appropriation \$	98,450,000
Motor Vehicle Account--Federal Appropriation \$	125,000
Puget Sound Ferry Operations Account-- State Appropriation \$	6,308,000
Transportation Account--State Appropriation \$	1,517,000
TOTAL APPROPRIATION \$	110,864,000

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity: \$586,000 of the motor vehicle account--state appropriation is provided solely to enable the secretary of transportation to implement a leadership training program at the department of transportation. The program shall include a mentoring component. The department shall develop performance measures to evaluate the effectiveness of the program, including but not limited to a performance measure to determine the effect of the program on employee retention. The department shall provide a progress report on the training program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee by December 1, 2000.

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

Motor Vehicle Account--State Appropriation \$	12,609,000
Motor Vehicle Account--Federal Appropriation \$	17,000,000
Transportation Account--State Appropriation \$	1,371,000
TOTAL APPROPRIATION \$	30,980,000

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT	
Transportation Account--State Appropriation \$	2,595,000
Puget Sound Ferry Operations--State Appropriation \$	1,155,000
(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR	
Motor Vehicle Account--State Appropriation \$	907,000
(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES	
Motor Vehicle Account--State Appropriation \$	3,743,000
(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL	
Motor Vehicle Account--State Appropriation \$	2,240,000
(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION	
Transportation Account--State Appropriation \$	12,039,000
(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION	
Motor Vehicle Fund--Puget Sound Ferry Operations Account-- State Appropriation \$	3,462,000
(7) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES	
Motor Vehicle Account--State Appropriation \$	315,000
(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES	
Motor Vehicle Account--State Appropriation \$	90,000
(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE	
Motor Vehicle Account--State Appropriation \$	1,100,000
(10) FOR ARCHIVES AND RECORDS MANAGEMENT	
Motor Vehicle Account--State Appropriation \$	392,000
<b><u>NEW SECTION.</u> Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V</b>	
High Capacity Transportation Account-- State Appropriation \$	6,601,000
Air Pollution Control Account--State Appropriation \$	5,253,000
Transportation Account--State Appropriation \$	7,437,000
Transportation Account--Federal Appropriation \$	2,445,000
Transportation Account--Private/Local Appropriation \$	105,000
Public Transportation Systems Account-- State Appropriation \$	2,800,000
TOTAL APPROPRIATION \$	

24,641,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$1,000,000 of the transportation account--state appropriation is provided solely for grants and activities relating to coordinating special needs transportation among state and local providers. When selecting grant recipients, the agency council on coordinated transportation shall give priority to projects and programs that can be accomplished in the 1999-2001 biennium.

(2) \$50,000 of the public transportation systems account--state appropriation is provided solely to continue and enhance an existing pilot project between a public transit provider and a school district expanding public transit service to high school students in order to reduce the use of single occupancy vehicles.

(3) The department shall assess its commute trip reduction program. The assessment shall include an evaluation of tax credits or other incentives to employers who reduce commute trips to their work sites by encouraging employees to telecommute. Up to \$50,000 of the air pollution control account--state appropriation is provided for a pilot project implementing telecommuting as part of the commute trip reduction program. The pilot project may include use of tax credits or other financial incentives.

(4) In evaluating applications for rural mobility grants to public transportation agencies, the department shall give added weight to projects that improve connectivity among transit providers and across jurisdictional boundaries.

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

Puget Sound Capital Construction Account-- State Appropriation \$	140,135,000
Puget Sound Capital Construction Account-- Federal Appropriation \$	29,575,000
Passenger Ferry Account--State Appropriation \$	789,000
Motor Vehicle Account--State Appropriation \$	116,221,000
<b>TOTAL APPROPRIATION \$</b>	<b>286,720,000</b>

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section, unless otherwise specified, are provided to carry out only the projects in the Washington state ferries capital program plan - version 3. The department shall reconcile the 1997-99 capital expenditures within ninety days of the end of the biennium and submit a final report to the senate transportation committee, the house of representatives transportation committee, and the office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$27,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) \$1,500,000 of the motor vehicle account--state appropriation is provided solely for preliminary engineering activities to develop a new class of auto/passenger ferries. The design specifications for the vessels shall require that the vessels deliver optimal performance in terms of vessel speed, safety, reliability, and minimization of environmental impacts including damage on the shoreline from the wake of the vessels. The vessels are intended to ensure Washington state ferries compliance with applicable international and domestic vessel safety standards and the Americans with disabilities act on identified routes. This class of ferries should have a single adaptable design able to operate efficiently and effectively on different ferry routes, each of which has specific vessel capacity and handling requirements.

(a) Washington state ferries shall prepare:

(i) A conceptual design outlining the owner's functional requirements;

(ii) A design report that includes a budget estimate and outline of specifications and plans;

(iii) Specific contractual requirements and specifications;

(iv) An evaluation of using the request for proposals process in accordance with RCW 47.56.030;

(v) A request for interest to provide a propulsion system for this vessel class; and  
 (vi) An exploration of a public private partnership between Washington state ferries, shipbuilders, and their supporting engineering firms for design and construction of the vessel or vessels.

(b) Washington state ferries shall report to the legislature by December 1, 1999, on the conceptual design criteria and budget estimates for preferred hull design and propulsion system/engine alternatives. The report shall include recommended statutory changes that the legislature would need to enact in order to proceed with acquisition of this class of vessels.

(4) The motor vehicle account--state appropriation includes \$110,729,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) The department shall structure the request for proposal for the purchase of passenger-only ferries authorized under RCW 47.60.652 to include the purchase of a fifth back-up ferry to support maintenance schedules, emergency service needs, and provide continuity of service on all passenger-only ferry routes. The purchase of a fifth passenger-only ferry is subject to subsequent legislative appropriation.

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Marine Operating Account--State Appropriation \$ 303,158,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$29,104,000 for vessel operating fuel in the 1999-2001 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1999-2001 biennium may not exceed \$205,759,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$341.75 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1999-2001 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1999, and thereafter, as established in the 1999-2001 general fund operating budget.

(3) Up to \$2,770,000 of the marine operating account--state appropriation may be used for leasing and operating an appropriate passenger only ferry vessel for the purpose of supporting existing, or testing new, passenger only service while testing alternative vessel technologies.

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--PROGRAM Y**

Essential Rail Assistance Account--  
 State Appropriation \$ 85,000

High Capacity Transportation Account--  
 State Appropriation \$ 13,094,000

Transportation Account--State Appropriation \$ 106,715,000

Transportation Account--Federal Appropriation \$ 5,000,000

Public Transportation Systems Account--  
 State Appropriation \$ 5,000,000

TOTAL APPROPRIATION \$ 129,894,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) No appropriation in this section may be used to fund rail passenger service south of Portland, Oregon.

(2) \$5,000,000 of the transportation account--state appropriation and \$2,000,000 of the high capacity transportation account--state appropriation are provided solely for the freight rail assistance program to provide grants and loans for light density rail lines.

(3) \$4,000,000 of the high capacity transportation account--state appropriation is provided solely for acquisition of an additional advanced technology train set for delivery in the 2001-2003 biennium. The purchase of the train set is predicated on the condition that the manufacturer of the train set has the obligation of establishing or maintaining a corporate office in Washington state. The manufacturer is also obligated to spend a minimum of twenty-five percent of the total purchase price of the train set on the assembly and manufacture of parts of the train set in Washington state.

(4) \$6,298,000 of the high capacity transportation account--state appropriation is provided to fund the operation of a second train set providing additional roundtrip service from Seattle to Vancouver, British Columbia. The department's authority to expend the appropriation referenced in this subsection for service north of Blaine is conditioned upon Canada, the province of British Columbia, and/or private sources undertaking the capital expenditures necessary to make the rail capital improvements required to facilitate improved round trip rail service between Seattle and Vancouver, B.C.

(5) \$15,000,000 of the transportation account--state appropriation is provided solely for the King street maintenance facility to be built in partnership with Amtrak. The amount referenced in this subsection is conditioned on the execution of agreements between the department of transportation, Amtrak, sound transit, and other participating parties which will assure that the maintenance and operation of the maintenance facility will not require state funding, except for billings for maintenance of state owned passenger trains.

(6) To the greatest extent practicable, expenditure of funds shall maximize funds from partnerships and coordinate with other agencies investing in track improvements.

**NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

Motor Vehicle Account--State Appropriation \$	124,886,000
Motor Vehicle Account--Federal Appropriation \$	8,040,000
Transportation Account--State Appropriation \$	10,817,000
Transportation Infrastructure Account--State Appropriation \$	3,250,000
Transportation Infrastructure Account-- Private/Local Appropriation \$	1,750,000
High Capacity Transportation Account--State Appropriation \$	150,000
Highway Infrastructure Account--Federal Appropriation \$	1,500,000
Highway Infrastructure Account--State Appropriation \$	234,000
<b>TOTAL APPROPRIATION \$</b>	<b>150,627,000</b>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$300,000 of the transportation account--state appropriation is provided solely to establish alternatives for flood management and flood hazard reduction projects in the Chehalis basin.

(a) The department of transportation shall convene a technical committee to develop watershed-based solutions to flooding within the Chehalis basin. The technical committee shall be comprised of representatives of the department of transportation, department of ecology, department of fish and wildlife, the department of community, trade, and economic

development, the military department's emergency management division, and affected counties and tribes. The department of transportation shall also seek the participation of the United States army corps of engineers, federal emergency management administration, the United States geological survey, the United States fish and wildlife service, the United States environmental protection agency, and other entities with critical knowledge related to the structural or nonstructural flood hazard reduction projects in the Chehalis basin. Funds shall be distributed by the department of transportation for alternative analysis, mapping, and model testing projects as recommended by the technical committee. The solutions considered by the technical committee shall be consistent with fish and habitat recovery efforts and avoid additional flood hazard to downstream communities. The department of transportation shall present a report to the senate transportation committee and the house of representatives transportation committee by December 1, 1999, regarding findings and progress made by funded projects.

(b) If the federal government makes funds available to accomplish the project described in (a) of this subsection, the department of transportation shall place the appropriation identified in this section in reserve.

(2) \$85,121,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(3) \$400,000 of the transportation account--state appropriation is provided solely for a study by the senate transportation committee and the house of representatives transportation committee in cooperation with the port of Benton developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

(4) The motor vehicle account--state appropriation includes \$110,121,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) \$10,000,000 of the transportation account--state appropriation is provided solely to fund a cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section without first reaching an agreement with affected stakeholders on where the dredge spoils will be deposited. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(6) The motor vehicle account--state appropriation includes \$1,167,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(7) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for a small city pavement preservation program, to be administered by the department's TransAid division. The department, in consultation with stakeholders, shall establish program guidelines. The guidelines should include but not be limited to a provision limiting program eligibility to cities with a population of 2,500.

(8) \$20,000,000 of the motor vehicle account--state appropriation is provided solely for a county corridor congestion relief program, to be administered by the department's TransAid division. The purpose of the program is to provide funding for congested urban corridors, as defined and selected by the department of transportation in consultation with counties, regional transportation planning organizations, and the transportation improvement board. At a minimum, project selection criteria should include: Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; systemic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.

(9) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for improving traffic and pedestrian safety near schools. The TransAid division within the department of transportation shall administer this program. Funds should be used for traffic and pedestrian improvements near schools, including roadway channelization and signalization.

(10) The TransAid division within the department of transportation shall develop a prequalification procedure for potential bidders on projects administered or approved by the transportation improvement board. The board shall work with other interested parties including but not limited to associations representing general contractors and the office of minority and women's business enterprises. The prequalification procedure's goal is to ascertain that bidders are qualified by experience, financing, equipment, and organization to do the work called for in the contract documents. The prequalification procedure may require a bidder to (1) satisfy threshold requirements established by the board prior to being furnished a proposal form on any contract; or (2) complete a preaward survey of the bidder's qualification prior to award.

(11) Up to \$100,000 of the motor vehicle account--state appropriation is provided solely for audits of city and county transportation funding to determine whether any city or county has supplanted its local transportation funding with state funding provided under sections 408 and 409 of this act. The department shall report the results of this audit to the senate transportation committee, the house of representatives transportation committee, and the office of financial management by December 31, 2000.

### PART III

**TRANSPORTATION AGENCIES CAPITAL FACILITIES**

**NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL**

Appropriation:

State Patrol Highway Account--State Appropriation \$

2,328,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$508,000 of the state patrol highway account--state appropriation funds minor works which include communication tower maintenance, Spokane district headquarters HVAC, Morton HVAC replacement, emergency repairs, and Anacortes scale repairs.

(2) \$500,000 of the state patrol highway account--state appropriation is provided for the Naselle detachment office.

(3) \$615,000 of the state patrol highway account--state appropriation is provided for repaving the academy drive course.

(4) \$275,000 of the state patrol highway account--state appropriation is provided for the squawk mountain communication tower.

(5) \$380,000 of the state patrol highway account--state appropriation is provided for the replacement of two traffic control aircraft.

(6) \$50,000 of the state patrol highway account--state appropriation is provided for the ridgefield expansion design and the academy hookup fee for waste treatment.

**NEW SECTION. Sec. 302.** The Washington state patrol is authorized to continue with the exchange of the Olympia, Washington Martin Way property for a light industrial land complex to be used to consolidate existing separately located state activities and functions. The agency will work with the office of financial management, department of general administration, the senate transportation committee, and the house of representatives transportation committee in the exchange and approval processes.

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Account--State Appropriation \$

27,547,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Before any funds are expended for the transportation facility to be located in Tumwater, Washington, the director of general administration shall conduct an evaluation of the planned facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement as required under RCW 43.82.010(10). Furthermore, the director shall present the findings of the evaluation to the fiscal committees of the house of representatives and the senate by December 31, 1999.

(2) Up to \$100,000 of the motor vehicle account--state appropriation may be expended by the department of general administration to conduct an analysis of future transportation-related facility office space needs in Thurston county, by agency, for the next ten years. The analysis shall consult with state agencies, private developers, and building owners to determine the inventory of space available and planned over the next ten years in government and nongovernment buildings, and the impact on current office space. The predesign must be completed by January 31, 2000.

(3) The department of transportation is authorized to enter into a financing contract using certificate of participation in the amount of \$14,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire and remodel a regional complex in the department's southwest region.

**PART IV  
TRANSFERS AND DISTRIBUTIONS**

**NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account Appropriation \$

219,968,000

Ferry Bond Retirement Account Appropriation \$

53,353,000

Transportation Improvement Board Bond Retirement Account--State Appropriation \$	35,158,000
Puget Sound Capital Construction Account--State Appropriation \$	270,000
Motor Vehicle Account--State Appropriation \$	6,543,000
Special Category C Account--State Appropriation \$	405,000
TOTAL APPROPRIATION \$	315,697,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity. If Senate Bill No. 5283 or House Bill No. 1304 is enacted in the form passed by the legislature by June 30, 1999, then \$35,158,000 of the highway bond retirement account appropriation shall lapse. If neither Senate Bill No. 5283 nor House Bill No. 1304 is enacted in the form passed by the legislature by June 30, 1999, then the appropriation for the transportation improvement board bond retirement account shall lapse.

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Fund--Puget Sound Capital Construction Account Appropriation \$	36,000
Motor Vehicle Account--State Appropriation \$	811,000
Special Category C Account Appropriation \$	53,000
TOTAL APPROPRIATION \$	900,000

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$	492,721,000
Transportation Fund Appropriation for motor vehicle excise tax distribution \$	491,606,000

**NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**

Motor Vehicle Fund--State Patrol Highway Account: For transfer to the Department of Retirement Systems Expense Fund \$	171,000
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**NEW SECTION. Sec. 405. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 406.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

**NEW SECTION. Sec. 407. FOR THE STATE TREASURER--TRANSFERS**

(1) RV Account--State Appropriation: For transfer to the Motor Vehicle Fund--State \$	
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1,590,000

(2) Transportation Account--State Appropriation:  
For transfer to the Transportation Infrastructure  
Account--State \$

5,000,000

**NEW SECTION. Sec. 408. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**  
Motor Vehicle Fund--State Appropriation  
for distribution to the cities \$

21,500,000

Motor Vehicle Fund--State Appropriation  
for distribution to the counties \$

12,500,000

The distributions in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation for distribution to cities is provided solely to be distributed to cities with a population of over two thousand five hundred in a manner consistent with RCW 46.68.110(4) in one distribution on March 1, 2000.

(2) The motor vehicle fund--state appropriation for distribution to the counties is provided solely to be distributed in a manner consistent with RCW 46.68.122 in one distribution on March 1, 2000.

(3) The amounts provided in this section may not be used to supplant any existing local government funding for transportation projects or programs. Any local government in violation of this requirement shall immediately forfeit its eligibility for future distributions provided under this section.

**NEW SECTION. Sec. 409. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**  
Motor Vehicle Fund--State Appropriation \$  
for distribution to the cities

21,500,000

Motor Vehicle Fund--State Appropriation  
for distribution to the counties \$

12,500,000

The distributions in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation for distribution to cities is provided solely to be distributed to cities with a population of over two thousand five hundred in a manner consistent with RCW 46.68.110(4) in one distribution on March 1, 2001.

(2) The motor vehicle fund--state appropriation for distribution to the counties is provided solely to be distributed in a manner consistent with RCW 46.68.122 in one distribution on March 1, 2001.

(3) The amounts provided in this section may not be used to supplant any existing local government funding for transportation projects or programs. Any local government in violation of this requirement shall immediately forfeit its eligibility for future distributions provided under this section.

**NEW SECTION. Sec. 410.** The office of the state treasurer is authorized to transfer any transportation improvement account and urban arterial trust account balances available in the highway bond retirement account into the transportation improvement board bond retirement account following a cooperative agreement by the department of transportation and the transportation improvement board on the exact amount of the transfer.

**NEW SECTION. Sec. 411.** The motor vehicle account revenues are received at a relatively even flow throughout the year. Expenditures may exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

**NEW SECTION. Sec. 412.** In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective transportation funds and accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 413. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS.** The department of transportation shall make the following transfers contingent on passage of the bills referenced in each proviso as identified by bill number in the form passed by the legislature:

(1) If Senate Bill No. 5615 or House Bill No. 1588 is enacted in the form passed by the legislature the department of transportation shall transfer:

(a) The balances remaining at the close of the 1997-99 biennium in the economic development account and the transportation capital facilities account to the motor vehicle account--state; and

(b) The balance remaining at the close of fiscal year 2000 in the marine operating account to the Puget Sound ferry operations account.

(2) If neither Senate Bill No. 5615 nor House Bill No. 1588 is enacted in the form passed by the legislature the department of transportation is authorized to transfer any balances available in the highway construction stabilization account to the motor vehicle account to fund the appropriations contained in this act.

**NEW SECTION. Sec. 414. FOR THE TRANSPORTATION IMPROVEMENT BOARD--TRANSFERS.** The transportation improvement board shall make the following transfers contingent on passage of the bills referenced in each proviso as enacted in the form passed by the legislature:

(1) If Senate Bill No. 5360 or House Bill No. 1053 is enacted in the form passed by the legislature the transportation improvement board shall transfer the balances remaining at the close of the 1997-99 biennium in the small city account and the city hardship assistance account to the urban arterial trust account.

(2) If Senate Bill No. 5615 or House Bill No. 1588 is enacted in the form passed by the legislature the transportation improvement board shall transfer:

(a) The balances remaining at the close of the 1997-99 biennium in the small city account and the city hardship assistance account to the urban arterial trust account; and

(b) The balance remaining at the close of the 1997-99 biennium in the central Puget Sound public transportation systems account to the public transportation systems account.

(3) If Senate Bill No. 5283 is enacted in the form passed by the legislature the transportation improvement board shall agree upon what amount of the balance remaining in the highway bond retirement account at the close of the 1997-99 biennium is apportioned to the transportation improvement board. That amount shall be transferred from the highway bond retirement account to the transportation improvement board bond retirement account.

**PART V**  
**1997-99 SUPPLEMENTAL APPROPRIATIONS**  
**General Government Agencies--Capital**

**Sec. 501.** 1997 c 457 s 110 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS**

Motor Vehicle Fund--State Appropriation \$

3,500,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The entire appropriation is for the repaving of roadways in the following state parks in the 1997-99 biennium:

(a) Moran state park, \$1,800,000;

(b) Cama Beach state park, \$300,000;

(c) Riverside state park, \$640,000;

(d) Steamboat Rock state park, \$225,000;

(e) Damon Point state park, \$485,000; and

(f) Deception Pass state park, \$50,000.

(2) (~~This is a one time appropriation with the repaving efforts to be completed in the parks by June 30, 1999.~~) The repaving contracts will be awarded by competitive bid using department of transportation standards. Progress reports will be prepared and presented to the legislative transportation committees in January 1999. Upon completion of the contracts for the parks listed in subsection (1)(a), (c), (d), and (f) of this section, unspent moneys from those contracts may be used for design of paving projects on the agency's 1999-01 biennium pavement project list.

(3) If any of the parks listed in subsection (1) of this section are closed during the 1997-99 biennium, the amount provided for the park under subsection (1)(a) through (f) of this section shall lapse and return to the motor vehicle fund.

**Transportation Agencies**

**Sec. 502.** 1997 c 457 s 204 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Motor Vehicle Fund--Urban Arterial Trust Account--State Appropriation \$	57,159,000
Motor Vehicle Fund--Transportation Improvement Account--State Appropriation \$	122,014,000
Motor Vehicle Fund--City Hardship Assistance Account--State Appropriation \$	2,649,000
Motor Vehicle Fund--Small City Account-- State Appropriation \$	<u>(7,921,000)</u>
	<u>9,921,000</u>
Central Puget Sound Public Transportation Account--State Appropriation \$	27,360,000
Public Transportation Systems Account-- State Appropriation \$	3,928,000
TOTAL APPROPRIATION \$	<u>(221,031,000)</u>
	<u>223,031,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation improvement account--state appropriation includes \$40,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. However, the transportation improvement board may authorize the use of current revenues available in lieu of bond proceeds.

**Sec. 503.** 1998 c 348 s 203 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

Motor Vehicle Fund--State Patrol Highway Account--State Appropriation \$	<u>((163,789,000))</u>
	<u>166,035,000</u>
Motor Vehicle Fund--State Patrol Highway Account--Federal Appropriation \$	<u>((4,374,000))</u>
	<u>4,688,000</u>
Motor Vehicle Fund--State Patrol Highway Account--Local Appropriation \$	170,000
Transportation Fund--State Appropriation \$	4,522,000
TOTAL APPROPRIATION \$	<u>((172,855,000))</u>
	<u>175,415,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The Washington state patrol is authorized to use the federal community oriented policing program (COPS) for 54 troopers with 18 COPS troopers to begin in July 1998 and 36 COPS troopers to begin in January 1999.

(2) \$4,463,000 of the transportation fund--state appropriation and \$3,737,000 of the motor vehicle fund--state patrol highway account--state appropriation are provided for an equalization salary adjustment of three percent on July 1, 1997, and six percent on July 1, 1998, for commissioned officers (entry level trooper through captain), commercial vehicle enforcement officers, and communication officers of the Washington state patrol. The salary adjustments are intended to bring the existing salary levels into the fiftieth percentile of other Washington state law enforcement compensation plans. This is in addition to the salary increase contained in the omnibus appropriation bill or bills. The total of the two increases, in the transportation budget and omnibus appropriation bill or bills, may not exceed twelve percent.

(3) The Washington state patrol will develop a vehicle replacement plan for the next six years. The plan will include an analysis of the current 100,000 miles replacement policy and agency assignment policy. Projected future budget requirements will include forecasts of vehicle replacement costs, vehicle equipment costs, and estimated surplus vehicle values when sold at auction.

(4) The Washington state patrol vessel and terminal security (VATS) program will be funded by the state patrol highway fund beginning July 1, 1997, and into future biennia.

(5) A personnel data base will be maintained of the 801 commissioned traffic law enforcement officers, with a reconciliation at all times to the patrol allocation model and a vehicle assignment and replacement plan.

(6) \$150,000 of the state patrol highway account appropriation is to fund the Washington state patrol's portion of the drug recognition expert training program previously funded by the traffic safety commission.

(7) The Washington state patrol with legislative transportation committee staff will perform an interim study of the Washington state patrol's commercial vehicle enforcement program with a report to be presented to the legislature and office of financial management in January 1998 with a developed business plan and program recommendations which includes, but is not limited to, weigh in motion technologies.

(8)(a) The Washington state patrol, in consultation with the Washington traffic safety commission, shall conduct an analysis of the most effective safety devices for preventing accidents while delivery trucks are operating in reverse gear. The analysis shall focus on trucks equipped with cube-style, walk-in cargo boxes, up to eighteen feet long, that are most commonly used in the commercial delivery of goods and services.

(b) The state patrol shall incorporate research and analysis currently being conducted by the national highway traffic safety administration.

(c) Upon completion of the analysis, the state patrol shall forward its recommendations to the legislative transportation committee and office of financial management.

(9) \$381,000 of the transportation fund--state appropriation is provided for the following traditional general fund purposes: The governor's air travel, the license fraud program, and the special services unit. This transportation fund--state appropriation is not a permanent funding source for these purposes.

(10) \$461,000 of the state patrol highway account appropriation is provided solely for monitoring and stopping fuel tax evasion. The Washington state patrol will report on December 1, 1998, to the legislative transportation committee on the activities and revenue collected associated with fuel tax evasion.

(11) \$289,000 of the state patrol highway account appropriation is provided solely for vehicle license fraud investigation. A report will be presented each session to the legislature on the activities and revenue collected by the vehicle license fraud unit.

(12) \$268,000 of the motor vehicle fund--state patrol highway account is provided solely to cover the employer's share of medicare premiums for commissioned officers hired prior to 1986. If a referendum of these officers does not receive majority support this appropriation shall not be expended by the state patrol.

(13) \$105,000 of the motor vehicle fund--state patrol highway account--state appropriation and \$314,000 of the motor vehicle fund--state patrol highway account--federal appropriation are provided solely for laptop personal computers, peripheral equipment, and necessary software for existing community oriented policing program (COPS) troopers.

(14) \$2,300,000 of the motor vehicle fund--state patrol highway account--state appropriation is provided solely to purchase 100 equipped pursuit vehicles. If the transportation fund--state appropriation reduction described in section 504(9) of this act does not take place, the amount provided in this subsection shall lapse. If the state patrol does not purchase the vehicles prior to June 30, 1999, the amount provided in this subsection shall lapse.

**Sec. 504.** 1998 c 348 s 205 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

Motor Vehicle Fund--State Patrol Highway  
Account--State Appropriation \$

52,926,000

Motor Vehicle Fund--State Patrol Highway

Account--Federal Appropriation	\$	104,000
Transportation Fund--State Appropriation	\$	((2,513,000))
		<u>214,000</u>
TOTAL APPROPRIATION	\$	((55,543,000))
		<u>53,244,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$1,017,000 for the state patrol highway account--state appropriation is provided solely for year 2000 conversions of transportation automated systems. For purposes of this subsection, transportation automated systems does not include WASIS and WACIS.

(2) \$50,000 of the state patrol highway account--state appropriation is provided solely for a feasibility study to assess the effect of mobile computers on trooper productivity by type of service and measurement of the productivity gains achieved through reduction in administrative time and paperwork processing. The agency shall submit a copy of the proposed study workplan to the office of financial management, the department of information services, and the legislative transportation committee no later than October 1, 1997. A final report shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services no later than January 31, 1998. This project is subject to the provisions of section 502 of this act.

(3) \$50,000 of the state patrol highway account--state appropriation is provided solely for a review of the feasibility of improving the patrol's computer-aided dispatch system to permit tracking of trooper availability and response time to calls for service. The agency shall submit a copy of the proposed study workplan to the office of financial management, the department of information services, and the legislative transportation committee no later than October 1, 1997. A final report shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services no later than January 31, 1998. This project is subject to the provisions of section 502 of this act.

(4) These appropriations maintain current level funding for the Washington state patrol service center and have no budget savings included for a consolidation of service centers based on the study conducted by the technology management group. During the 1997 interim, the costs for current level will be reviewed by the office of financial management and department of information services with a formal data center recommendation, that has been approved by the information services board, to the legislature in January 1998. Current level funding will be split between fiscal year 1998 and fiscal year 1999 with consideration of funding adjustments based on the review and the formal policy and budget recommendations.

(5) \$2,513,000 of the transportation fund--state appropriation is for the following traditional general fund purposes: The executive protection unit, revolving fund charges, budget and fiscal services, computer services, personnel, human resources, administrative services, and property management. This appropriation is not a permanent funding source for these purposes.

(6) \$22,000 of the motor vehicle fund--state patrol highway account appropriation is provided solely to cover the employer's share of medicare premiums for commissioned officers hired prior to 1986. If a referendum of these officers does not receive majority support this appropriation shall not be expended by the state patrol.

(7) The 1998 Washington state patrol interim working group shall review the data center, electronic services division, communications division, and strategic planning and shall provide recommendations on increasing the effectiveness and efficiencies of the programs under review and audit.

(8) \$1,580,000 of the state patrol highway account--state appropriation is provided solely for the transition of the Washington state patrol mainframe data processing functions to the Washington state department of information services data center in Olympia, Washington. The Washington state patrol and the department of information services shall work cooperatively to ensure the transition to the department of information services is completed successfully.

(9) The transportation fund--state appropriation is reduced by \$2,299,000 to correct a double appropriation.

**Sec. 505.** 1998 c 348 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

Highway Safety Fund--Motorcycle Safety Education

Account--State Appropriation \$

94,000

General Fund--Wildlife Account--State

Appropriation	\$	42,000
Highway Safety Fund--State Appropriation	\$	((10,732,000))
		<u>8,218,000</u>
Motor Vehicle Fund--State Appropriation	\$	((5,610,000))
		<u>4,735,000</u>
Transportation Fund--State Appropriation	\$	441,000
TOTAL APPROPRIATION	\$	((16,919,000))
		<u>13,530,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: (((4))) \$2,498,000 of the highway safety fund--state appropriation and \$793,000 of the motor vehicle fund--state appropriation are provided for the following activities: (1) Identify business objectives and needs relating to technology improvements and integration of the drivers' licensing and vehicle title and registrations systems; (2) converting the drivers' licensing software applications to achieve Year 2000 compliance; (3) convert the drivers' field network from a uniscope to a frame-relay network; (4) develop an interface between the unisys system and the CRASH system; and (5) operate and maintain the highways-licensing building network and the drivers' field network.

**Sec. 506.** 1998 c 348 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

General Fund--Marine Fuel Tax Refund Account-- State Appropriation	\$	26,000
General Fund--Wildlife Account--State Appropriation	\$	549,000
Motor Vehicle Fund--State Appropriation	\$	((49,630,000))
		<u>49,615,000</u>
Department of Licensing Services Account-- State Appropriation	\$	2,944,000
TOTAL APPROPRIATION	\$	((53,149,000))
		<u>53,134,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$600,000 of the licensing service account--state appropriation is provided for replacement of printers for county auditors and subagents.

(2) The department of licensing, in cooperation with the fuel tax advisory committee, shall prepare and submit a report to the legislative transportation committee containing recommendations for special fuel and motor vehicle fuel recordkeeping and reporting requirements, including but not limited to recommendations regarding the form and manner in which records and tax reports must be maintained and made available to the department; which persons engaged in the business of selling, purchasing, distributing, storing, transporting, or delivering fuel should be required to submit periodic reports regarding the disposition of such fuel; and the feasibility of implementing an automated fuel tracking system. The report is due no later than October 31, 1997.

(3) The department of licensing, in cooperation with representatives of local governments and the department of revenue shall analyze the collection of the local option fuel tax under RCW 82.80.010. Based on that analysis the department of

licensing shall offer recommendations regarding the appropriate government entity to collect the local option fuel tax and the best method to accomplish that collection. The department of licensing shall report its findings and recommendations to the legislative transportation committee and the office of financial management by December 1, 1998.

(4) The department of licensing, in conjunction with the interagency commission on outdoor recreation, the department of transportation, and other affected entities, shall conduct a study and make recommendations regarding:

(a) Whether the study required by RCW 43.99.030 to determine what portion of the motor vehicle fuel tax collected is tax on marine fuel is an effective and efficient mechanism for determining what portion of fuel tax revenues should be refunded to the marine fuel tax refund account;

(b) Other possible methodologies for determining the appropriate amount of tax revenue to refund from the motor vehicle fund to the marine tax refund account; and

(c) Whether the tax on fuel used by illegally nonregistered boats should be refunded to the marine tax refund account.

The department of licensing shall make a report of its findings and recommendations to the legislative transportation committee and the office of financial management by December 1, 1998.

(5) \$382,000 of the motor vehicle fund--state appropriation is provided solely to implement Substitute House Bill No. 2659. If Substitute House Bill No. 2659 is not enacted by June 30, 1998, this amount shall lapse.

**Sec. 507.** 1998 c 348 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Highway Safety Fund--Motorcycle Safety Education

Account--State Appropriation \$

1,411,000

Highway Safety Fund--State Appropriation \$

((61,087,000))

59,869,000

Transportation Fund--State Appropriation \$

4,985,000

TOTAL APPROPRIATION \$

((64,112,000))

66,265,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$225,000 of the highway safety account--state appropriation is provided solely to implement Substitute House Bill No. 2442 or Senate Bill No. 6190. If neither bill is enacted by June 30, 1998, this amount shall lapse.

(2) \$480,000 of the highway safety account--state appropriation is provided solely to implement Senate Bill No. 6165. If Senate Bill No. 6165 is not enacted by June 30, 1998, this amount shall lapse.

((6)) (3) \$1,000,000 of the highway safety account--state appropriation is provided solely to implement 1998 legislation that changes statutes relating to driving under the influence. If legislation changing the DUI statutes is not enacted by June 30, 1998, this amount shall lapse.

**Sec. 508.** 1997 c 457 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Fund--State Appropriation \$

((24,703,000))

24,436,000

Motor Vehicle Fund--Federal Appropriation \$

400,000

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$

((24,338,000))

24,330,000

TOTAL APPROPRIATION \$

((49,441,000))

	<u>49,166,000</u>
<b>Sec. 509.</b> 1998 c 348 s 211 (uncodified) is amended to read as follows:	
<b>FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I</b>	
Motor Vehicle Fund--Economic Development Account-- State Appropriation \$	2,434,000
Motor Vehicle Fund--State Appropriation \$	((163,275,000))
	<u>123,575,000</u>
Motor Vehicle Fund--Federal Appropriation \$	155,485,000
Motor Vehicle Fund--Private/Local Appropriation \$	40,000,000
Special Category C Account--State Appropriation \$	((73,271,000))
	<u>65,471,000</u>
Transportation Fund--State Appropriation \$	((230,546,000))
	<u>225,546,000</u>
Puyallup Tribal Settlement Account--State Appropriation \$	5,000,000
Puyallup Tribal Settlement Account--Private/Local Appropriation \$	200,000
High Capacity Transportation Account--State Appropriation \$	1,401,000
TOTAL APPROPRIATION \$	((671,612,000))
	<u>619,112,000</u>

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of ~~((73,271,000))~~ \$65,471,000 includes \$26,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817 ~~((and includes \$12,000,000 in proceeds from the sale of bonds authorized by House Bill No. 1012)).~~ The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. ~~((If House Bill No. 1012 is not enacted by June 30, 1998, \$7,800,000 of the special category C account--state appropriation shall lapse.))~~

(2) The motor vehicle fund--state appropriation includes \$2,685,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year.

(4) The motor vehicle fund--state appropriation in this section includes \$600,000 solely for a rest area and information facility in the Nisqually gateway area to Mt. Rainier, provided that at least forty percent of the total project costs are provided from federal, local, or private sources. The contributions from the nonstate sources may be in the form of in-kind contributions including, but not limited to, donations of property and services.

(5) The appropriations in this section contain \$118,247,000 reappropriation from the 1995-97 biennium.

(6) The motor vehicle fund--state appropriation in this section includes \$250,000 to establish a wetland mitigation pilot project. This appropriation may only be expended if the department of transportation establishes a technical committee to better implement the department's strategic plan. The technical committee shall include, but is not limited to, cities, counties, environmental groups, business groups, tribes, the Puget Sound action team, and the state departments of ecology, fish and wildlife, and community, trade, and economic development, and appropriate federal agencies. The committee shall assist the department in implementing its wetland strategic plan, including working to eliminate barriers to improved wetland and watershed management. To this end, the technical committee shall: (a) Work to facilitate sharing of agency environmental data, including evaluation of off-site and out-of-kind mitigation options; (b) develop agreed-upon guidance that will enable the preservation of wetlands that are under imminent threat from development for use as an acceptable mitigation option; (c) develop strategies that will facilitate the implementation of mitigation banking, including developing mechanisms for valuing and transferring credits; (d) provide input in the development of wetland functions assessment protocols related to transportation projects; (e) develop incentives for interagency participation in joint mitigation projects within watersheds; and (f) explore options for funding environmental mitigation strategies. The department shall prepare an annual report to the legislative transportation committee and legislative natural resources committees on recommendations developed by the technical committee.

(7) The department shall report January 1st and July 1st of each year, to the legislative transportation committee and the office of financial management of the timing and the scope of work being performed for the regional transit authority. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(8) The translake study funded in this section shall include recommendations to address methods for mitigating traffic noise in the study area.

(9) Funding for the SR 509 project extending south and east from south 188th street in King county is contingent on the development of a proposal linking the project to other freight corridors and a funding plan with participation from partners of the state that are agreed to by the legislative transportation committee and the governor.

(10) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

(11) \$2,000,000 of the motor vehicle fund--state appropriation is provided solely for transfer to the advanced environmental mitigation revolving account--state.

~~((14))~~ (12) \$13,000,000 of the motor vehicle fund--state appropriation and \$12,000,000 of the transportation fund--state appropriation are provided solely for preliminary engineering and purchase of right of way for highway construction.

~~((15)) \$35,000,000 of the motor vehicle fund--state appropriation is conditioned upon voter approval of a referendum on a state-wide ballot that provides funding for transportation purposes. If the voters approve such a referendum, \$35,000,000 of the motor vehicle fund--state appropriation is put in reserve solely to be used for the purposes of preliminary engineering and purchase of right of way for highway construction. These moneys may only be expended upon approval of both the legislative transportation committee and the office of financial management.)~~

(13) The department may advertise and award certain specified projects prior to June 30, 1999. This authority extends to the 10 projects listed in the transportation executive information system document titled "1999 Supplemental Budget — Spring Start Projects (Rev.)" dated March 13, 1999.

**Sec. 510.** 1998 c 348 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K**

Transportation Fund--State Appropriation	\$		
			((4,280,000))
			<u>1,255,000</u>
Motor Vehicle Fund--State Appropriation	\$		
			16,235,000
TOTAL APPROPRIATION	\$		
			((17,515,000))
			<u>17,490,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$16,235,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of only the SR 16 corridor improvements and park and ride projects selected under the public-

private transportation initiative program authorized under chapter 47.46 RCW; and support costs of the public-private transportation initiatives program.

(2) The appropriations in this section contain \$16,235,000 reappropriated from the 1995-97 biennium.

**Sec. 511.** 1998 c 348 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Fund--State Appropriation \$	((239,200,000))
	<u>237,013,000</u>
Motor Vehicle Fund--Federal Appropriation \$	465,000
Motor Vehicle Fund--Private/Local Appropriation \$	3,335,000
TOTAL APPROPRIATION \$	((243,000,000))
	<u>240,813,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall deliver the highway maintenance program according to the plans for each major maintenance group to the extent practical. However, snow and ice expenditures are highly variable depending on actual weather conditions encountered. If extraordinary winter needs result in increased winter maintenance expenditures, the department shall, after prior consultation with the transportation commission, the office of financial management, and the legislative transportation committee adopt one or both of the following courses of action: (a) Reduce planned maintenance activities in other groups to offset the necessary increases for snow and ice control; or (b) continue delivery as planned within other major maintenance groups and request a supplemental appropriation in the following legislative session to fund the additional snow and ice control expenditures.

(3) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(4) Funding appropriated for local storm water charges assessed under RCW 90.03.525, which is allocated for, but not paid to, a local storm water utility because the utility did not meet the conditions provided under RCW 90.03.525, may be transferred by the department to program Z of the department to be distributed as grants under the storm water grant program.

**Sec. 512.** 1998 c 348 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Motor Vehicle Fund--State Appropriation \$	((288,720,000))
	<u>285,220,000</u>
Motor Vehicle Fund--Federal Appropriation \$	274,259,000
Motor Vehicle Fund--Private/Local Appropriation \$	2,400,000
TOTAL APPROPRIATION \$	((568,379,000))
	<u>561,879,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$6,800,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The appropriations in this section contain \$27,552,000 reappropriated from the 1995-97 biennium.

(3) If the Oregon state legislature enacts a public/private partnership program and the Washington state transportation commission, in consultation with the legislative transportation committee, negotiates and enters into an agreement between Washington and Oregon to place the Lewis and Clark bridge into Oregon's public/private partnership program, up to \$3,000,000 of the motor vehicle fund--state appropriation may be used as Washington's contribution toward the design of the project pursuant to the agreement between Washington and Oregon. Any additional contributions shall be subject to Washington state legislative appropriations and approvals. The department shall provide a status report on this project to the legislative transportation committee by June 30, 1998.

((6)) (4) \$630,000 of the motor vehicle fund--state appropriation is provided for slope stabilization along state route 166 in the Ross Point vicinity. This amount is intended to fund preliminary engineering, right of way acquisition, and to begin construction.

**Sec. 513.** 1998 c 348 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q**

State Patrol Highway Account--State

Appropriation \$

153,000

Motor Vehicle Fund--State Appropriation \$

((30,412,000))

29,982,000

Motor Vehicle Fund--Federal Appropriation \$

1,000,000

Motor Vehicle Fund--Private/Local

Appropriation \$

275,000

TOTAL APPROPRIATION \$

((31,840,000))

31,410,000

The appropriation in this section is subject to the following conditions and limitations and specified amount is provided solely for that activity:

(1) The department, in cooperation with the Washington state patrol and the tow truck industry, shall develop and submit to the legislative transportation committee by October 31, 1997, a recommendation for implementing new tow truck services during peak hours on the Puget Sound freeway system.

(2) The department, in cooperation with the Washington state patrol, the department of licensing, the state of Oregon, and the United States department of transportation, shall install and operate the commercial vehicle information systems and network (CVISN) at a selected pilot site. If the state department of transportation receives additional federal funding for this project that is eligible to supplant state funding, the appropriation in this section shall be reduced by the amount of the state funds supplanted.

**Sec. 514.** 1998 c 348 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Motor Vehicle Fund--Puget Sound Capital

Construction Account--State Appropriation \$

777,000

Motor Vehicle Fund--State Appropriation \$

((70,032,000))

69,685,000

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$

1,093,000

Transportation Fund--State Appropriation \$

1,158,000

TOTAL APPROPRIATION \$

((73,060,000))

72,713,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1)(a) The motor vehicle fund--state appropriation includes \$14,300,000 provided solely for programming activities and other efforts needed to bring the department's information systems, and devices with computers built into them, into compliance with the year 2000 requirements of the department of information services. The department is directed to expend the moneys internally reallocated for this purpose before spending from this appropriation. The department is directed to provide quarterly reports on this effort to the legislative transportation committee and the office of financial management beginning October 1, 1997.

(b) Up to \$2,900,000 of the amount provided in (a) of this subsection may be expended for testing and required modifications to electronic devices and other equipment and specialized software that are essential for department operations to ensure they are year 2000 compliant. Before expending any of this amount for these purposes, the department shall consult with the legislative transportation committee and the office of financial management.

(2) The legislative transportation committee shall review and analyze freight mobility issues affecting eastern and southeastern Washington as recommended by the freight mobility advisory committee and report back to the legislature by November 1, 1997. \$500,000 of the motor vehicle fund--state appropriation is provided for this review and analysis. The funding conditioned in this subsection shall be from revenues provided for interjurisdictional studies.

(3) In order to increase visibility for decision making, the department shall review its budgeting and accounting methods for management information systems. The review shall include, but not be limited to, the cost-benefit analysis of existing processes and evaluation of less complex alternatives such as direct appropriations. The results of the review shall be reported to the legislative transportation committee and the office of financial management by July 1, 1998.

**Sec. 515.** 1997 c 457 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

Motor Vehicle Fund--State Appropriation \$	((16,098,000))
	<u>15,884,000</u>
Motor Vehicle Fund--Federal Appropriation \$	10,466,000
Transportation Fund--State Appropriation \$	((4,384,000))
	<u>1,379,000</u>
TOTAL APPROPRIATION \$	((27,948,000))
	<u>27,729,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: Up to \$2,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations, with allocations for participating counties maintained at the 1995-1997 biennium levels for those counties not having metropolitan planning organizations within their boundaries.

**Sec. 516.** 1998 c 348 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT

((Motor Vehicle Fund--State App--\$

	2,515,000))
--	-------------

Transportation Fund--State Appropriation \$

	<u>3,715,000</u>
--	------------------

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR

Motor Vehicle Fund--State Appropriation \$

	840,000
--	---------

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES

Motor Vehicle Fund--State Appropriation \$ 3,391,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL

Motor Vehicle Fund--State Appropriation \$ ((2,240,000))

2,140,000

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Fund--State Appropriation \$ 12,535,000

(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Fund--Puget Sound Ferry Operations  
Account--State Appropriation On motion of \$ 2,928,000

(7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Fund--State Appropriation \$ 536,000

(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES

Motor Vehicle Fund--State Appropriation \$ 90,000

(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

Motor Vehicle Fund--State Appropriation \$ 735,000

(10) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Fund--State Appropriation \$ 355,000

**Sec. 517.** 1998 c 348 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

Motor Vehicle Fund--Puget Sound Capital  
Construction Account--State Appropriation \$ ((209,886,000))

192,886,000

Motor Vehicle Fund--Puget Sound Capital  
Construction Account--Federal  
Appropriation \$ 30,165,000

Motor Vehicle Fund--Puget Sound Capital  
Construction Account--Private/Local  
Appropriation \$ 765,000

Transportation Fund--Passenger Ferry Account--  
State Appropriation \$ 640,000

TOTAL APPROPRIATION \$ ((241,456,000))

224,456,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are provided to carry out only the projects (version ((3)) 2) adjusted by the legislature for the 1997-99 budget. The department shall reconcile the 1995-97 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$100,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries, including construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

(4) Washington state ferries is authorized to reimburse up to \$3,000,000 from the Puget Sound capital construction account--state appropriation or Puget Sound capital construction account--federal appropriation to the city of Bremerton and the port of Bremerton for Washington state ferries' financial participation in the development of a Bremerton multimodal transportation terminal, port of Bremerton passenger-only terminal expansion, and ferry vehicular connections to downtown traffic circulation improvements. The reimbursement shall specifically support the construction of the following components: Appropriate passenger-only ferry terminal linkages to accommodate bow-loading catamaran type vessels and the needed transit connections; and the Washington state ferries' component of the Bremerton multimodal transportation terminal as part of the downtown Bremerton redevelopment project, including appropriate access to the new downtown traffic circulation road network.

(5) The Puget Sound capital construction account--state appropriation includes funding for capital improvements on vessels to meet United States Coast Guard Subchapter W regulation revisions impacting SOLAS (safety of life at sea) requirements for ferry operations on the Anacortes to Sidney, B.C. ferry route.

(6) The Puget Sound capital construction account--state appropriation, the Puget Sound capital construction account--federal appropriation, and the passenger ferry account--state appropriation include funding for the construction of one new passenger-only vessel and the department's exercise of the option to build a second passenger-only vessel. In accordance with chapter 166, Laws of 1998, Washington state ferries shall accelerate activities to ensure the acquisition of five additional passenger-only vessels and the construction of related terminal facilities, including maintenance facilities for the Southworth and Kingston to Seattle passenger-only ferry routes.

(7) The Puget Sound capital construction account--state appropriation includes funding for the exploration and acquisition of a design for constructing a millennium class ferry vessel.

(8) The Puget Sound capital construction account--state appropriation includes \$90,000 for the purchase of defibrillators. At least one defibrillator shall be placed on each vessel in the ferry fleet.

(9) The appropriations in this section contain \$46,962,000 reappropriated from the 1995-97 biennium.

**Sec. 518.** 1998 c 348 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Marine Operating Fund--State Appropriation \$

((270,522,000))

270,473,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of ((~~\$28,696,000~~)) \$27,076,000 for vessel operating fuel in the 1997-99 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1997-99 biennium may not exceed ((~~\$179,095,000~~)) \$180,715,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$313.95 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1997-99 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase

or decrease compensation costs, effective July 1, 1997, and thereafter, as established in the 1997-99 general fund operating budget.

(3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

(4) The appropriation in this section includes up to \$1,566,000 for additional operating expenses required to comply with United States Coast Guard Subchapter W regulation revisions for vessels operating on the Anacortes to Sidney, B.C. ferry route. The department shall explore methods to minimize the cost of meeting United States Coast Guard requirements and shall report the results to the legislative transportation committee and office of financial management by September 1, 1997.

(5) The department shall request a reduction of the costs associated with the use of the terminal leased from the Port of Anacortes and costs associated with use of the Sidney, British Columbia terminal.

(6) Agreements between Washington state ferries and concessionaires for automatic teller machines on ferry terminals or vessels shall provide for and include banks and credit unions that primarily serve the west side of Puget Sound.

(7) In the event federal funding is provided for one or more passenger-only ferry vessels for the purpose of transporting United States naval personnel, the department of transportation is authorized to acquire and construct such vessels in accordance with the authority provided in RCW 47.56.030, and the department shall establish a temporary advisory committee comprised of representatives of the Washington state ferries, transportation commission, legislative transportation committee, office of financial management, and the United States Navy to analyze and make recommendations on, at a minimum, vessel performance criteria, docking, vessel deployment, and operating issues.

(8) The appropriation provides funding for House Bill No. 2165 (paying interest on retroactive raises for ferry workers).

(9) The commission is authorized to increase Washington state ferry tariffs in excess of the fiscal growth factor, established under chapter 43.135 RCW, in fiscal year 1998 and fiscal year 1999.

(10) Funding for Anacortes to Sidney advertising is contingent upon partners meeting their commitment. In no event may the state share exceed fifty percent of the cash contribution toward the project.

(11) \$1,370,000 of this appropriation is provided solely for the Hiyu operation for Southworth/Vashon 5 days per week for 16 hours per day. Prior to placing the Hiyu in permanent service on a route between Vashon and Southworth, the Washington state ferries shall conduct a study of the impact of additional service on Vashon and Southworth and report back to the legislative transportation committee by May 15, 1998.

(12) \$446,000 of this appropriation is provided solely to provide an additional crew member on Jumbo Mark 2 ferries as required by emergency evacuation regulations adopted by the United States Coast Guard. If the Coast Guard requirement can be met without the hiring of additional staff, the portion of this appropriation provided to meet that requirement shall not be expended.

**Sec. 519.** 1998 c 348 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION AND RAIL--PROGRAM Y**

Essential Rail Assistance Account--State

Appropriation	\$	256,000
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High Capacity Transportation Account--State

Appropriation	\$	((13,225,000))
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13,185,000

Air Pollution Control Account--State

Appropriation	\$	6,290,000
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Transportation Fund--State Appropriation \$

((55,029,000))

46,858,000

Transportation Fund--Federal Appropriation \$

3,947,000

Transportation Fund--Private/Local

Appropriation	\$	105,000
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Central Puget Sound Public Transportation  
Account--State Appropriation \$

((4,250,000))

250,000

TOTAL APPROPRIATION \$

((83,102,000))

70,891,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$46,180,000 of the transportation fund--state appropriation is provided for intercity rail passenger service including up to \$8,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000; up to \$1,000,000 for one spare advanced technology train power-car and other spare parts, subsidies for operating costs not to exceed \$12,000,000, to maintain service of two state contracted round trips between Seattle and Portland and one state contracted round trip between Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours.

(2) Up to \$3,000,000 of the transportation fund--state appropriation is provided for the rural mobility program administered by the department of transportation. Priority for grants provided from this account shall be given to projects and programs that can be accomplished in the 1997-99 biennium.

(3) Up to \$600,000 of the high capacity transportation account--state appropriation is provided for rail freight coordination, technical assistance, and planning.

(4) The department shall provide biannual reports to the legislative transportation committee and office of financial management regarding the department's rail freight program. The department shall also notify the committee for project expenditures from all fund sources prior to making those expenditures. The department shall examine the ownership of grain cars and the potential for divestiture of those cars and other similar assets and report those findings to the committee prior to the 1998 legislative session.

(5) Up to \$750,000 of the transportation fund--state appropriation and up to \$250,000 of the central Puget Sound public transportation account--state appropriation are provided to fund activities relating to coordinating special needs transportation among state and local providers. These activities may include demonstration projects, assessments of resources available versus needs, and identification of barriers to coordinating special needs transportation. The department will consult with the superintendent of public instruction, the secretary of the department of social and health services, the office of financial management, the fiscal committees of the house of representatives and senate, special needs consumers, and specialized transportation providers in meeting the goals of this subsection.

(6) The appropriations in this section contain \$4,599,000 reappropriated from the 1995-97 biennium.

(7) The high capacity transportation account--state appropriation includes \$75,000 for the department to develop a strategy and to identify how the agency would expend additional moneys to enhance the commute trip reduction program. The report would include recommendations for grant programs for employers and jurisdictions to reduce SOV usage and to provide transit incentives to meet future commute trip reduction requirements. The report is due to the legislative transportation committee by January 1, 1998.

(8) In addition to the appropriations contained in this section, the office of financial management shall release the \$2,000,000 transportation fund--state funds appropriated for the intercity rail passenger program in the 1995-97 biennium but held in reserve pursuant to section 502, chapter 165, Laws of 1996.

(9) Up to \$150,000 of the transportation fund--state appropriation is provided for the management and control of the transportation corridor known as the Milwaukee Road corridor owned by the state between Ellensburg and Lind, and to take actions necessary to allow the department to be in a position, with further legislative authorization, to begin to negotiate a franchise with a rail carrier to establish and maintain a rail line over portions of the corridor by July 1, 1999.

~~((14))~~ (10) \$4,000,000 of the high capacity transportation account--state appropriation for passenger rail infrastructure improvement is provided solely for rail improvements to add rail passenger service north of Seattle. These funds are conditioned on match of at least equal amounts from both Burlington Northern Sante Fe and Amtrak for rail line improvements and upon Amtrak purchasing an additional train set for operation in the corridor. These funds shall not be expended until authorized by the legislative transportation committee and the office of financial management; and the participation of international partners in service provided in the corridor shall be considered in such a decision.

**Sec. 520.** 1998 c 348 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

Motor Vehicle Fund--State Appropriation \$

	((9,802,000))
	<u>9,862,000</u>
Motor Vehicle Fund--Federal Appropriation \$	33,726,000
High Capacity Transportation Account-- State Appropriation \$	((650,000))
	<u>450,000</u>
Transportation Account--State Appropriation \$	1,175,000
TOTAL APPROPRIATION \$	((45,353,000))
	<u>45,213,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$1,785,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) As a condition of receiving the full state subsidy in support of the Puget Island ferry, Wahkiakum county must, by December 31, 1997, increase ferry fares for passengers and vehicles by at least ten percent. If the fares are not increased to meet this requirement, the department, in determining the state subsidy after December 31, 1997, shall reduce the operating deficit by the amount that would have been generated if the ten percent fare increase had been implemented.

(3) The appropriations in this section contain \$1,750,000 reappropriated from the 1995-97 biennium.

(4) Up to \$500,000 of the high capacity transportation account--state appropriation is provided for implementation of the recommendations of the freight mobility advisory committee, and any legislation enacted resulting from those recommendations.

(5) \$175,000 of the transportation fund--state appropriation is provided solely to fund the freight mobility strategic investment board. If Second Substitute House Bill No. 2180 is not enacted by June 30, 1998, this amount shall lapse.

(6) The transportation account--state appropriation includes \$600,000 to establish alternatives for flood management and flood hazard reduction projects in the Chehalis Basin. A technical committee comprised of the department of transportation, department of ecology, the United States army corps of engineers, federal emergency management administration, United States geological survey, affected counties and tribes, and other entities with critical knowledge related to flood hazard reduction projects in the Chehalis Basin shall be formed. Funds shall be distributed to counties within the Chehalis Basin by the department of transportation for projects that further understanding of the causes of flooding and options for flood hazard reduction. Alternatives shall be consistent with fish and habitat recovery efforts. Projects funded shall be coordinated with the technical committee. The department of transportation shall present a report to the legislative transportation committee and other appropriate legislative committees regarding findings and/or progress made by funded projects by December 1, 1998.

~~((8))~~ (7) \$750,000 of the motor vehicle fund--state appropriation is provided solely for a median barrier upon the Spokane street viaduct. Use of this funding is contingent upon a commitment of funding from other partners for the remainder of the project cost.

~~((9))~~ (8) Up to \$150,000 of the high capacity transportation account--state appropriation is provided for the installation of active railroad crossing warning devices at the Sunnyside beach park entrance in Steilacoom.

~~((10))~~ (9) \$400,000 of the transportation fund--state appropriation is provided solely for a study by the legislative transportation committee, in cooperation with the port of Benton, developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

#### Transportation Agencies Capital Facilities

**Sec. 521.** 1997 c 457 s 303 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Fund--Transportation Capital  
 Facilities Account--State Appropriation \$ ((21,696,000))

21,261,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The department of transportation shall provide to the legislative transportation committee prior notice and the latest project information at least two weeks in advance of the bid process for transportation capital facilities projects going to bid in the 1997-99 biennium.

(2) Construction of the Mount Rainier storage facility shall not commence until the department has secured an operational lease that would allow the placement of the facility on United States forest service lands near the entrance to the Mather memorial parkway.

(3) The appropriation in this section contains \$7,719,000 reappropriated from the 1995-97 biennium.

**Transfers and Distributions**

**Sec. 522.** 1998 c 348 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Fund--Puget Sound Capital Construction Account Appropriation \$	500,000
Motor Vehicle Fund Appropriation \$	130,000
Transportation Improvement Account Appropriation \$	200,000
Special Category C Account Appropriation \$	190,000
Transportation Capital Facilities Account Appropriation \$	1,000
Urban Arterial Account Appropriation \$	5,000
TOTAL APPROPRIATION \$	((4,995,000))
	<u>1,026,000</u>

**Sec. 523.** 1998 c 348 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

(1) R V Account--State Appropriation: For transfer to the Motor Vehicle Fund--State \$	1,176,000
(2) Motor Vehicle Fund--State Appropriation: For transfer to the Transportation Capital Facilities Account--State \$	42,569,000
(3) ((Small City Account--State Appropriation: For transfer to the Transportation Improvement Account--State ---\$	7,500,000))

Motor Vehicle Fund--State Appropriation:  
For transfer to the Highway Infrastructure

Account--State \$

234,000

**Sec. 524.** 1997 c 457 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

City Hardship Account Appropriation \$

200,000

Motor Vehicle Fund Appropriation for motor  
vehicle fuel tax and overload penalties  
distribution \$

471,937,000

Transportation Fund Appropriation for motor vehicle  
excise tax distribution \$

((3,744,000))

118,747,000

TOTAL APPROPRIATION \$

((475,881,000))

590,884,000

**Miscellaneous**

NEW SECTION. Sec. 525. A new section is added to 1997 c 457 (uncodified) to read as follows:

**INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative state-wide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

(a) System refurbishment, acquisitions, and development efforts;

(b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;

(c) Assessment of overall information processing performance, resources, and capabilities;

(d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and

(e) Progress toward enabling electronic access to public information.

(3) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and state-wide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(4) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(5) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality

assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(6) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(7) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

**NEW SECTION. Sec. 526.** The following acts or parts of acts are each repealed:

- (1) 1997 c 457 s 502;
- (2) 1997 c 457 s 514; and
- (3) 1997 c 457 s 515.

## **PART VI PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS**

**NEW SECTION. Sec. 601.** As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems, in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation and retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, and temporary separation for development purposes.

Agency plans and offers shall be reviewed and monitored jointly by the department of personnel, office of financial management, and the department of retirement systems. The senate transportation committee and the house of representatives transportation committee shall also review and monitor the plans of agencies that receive funds appropriated under this act.

**NEW SECTION. Sec. 602.** It is the intent of the legislature that agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such program is approved by the director of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2001, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state and the projected or actual net dollar and staff savings over the 1999-2001 biennium.

**NEW SECTION. Sec. 603. PERFORMANCE BASED BUDGETING.** (1) The department of licensing, the department of transportation, the Washington state patrol, and the Washington traffic safety commission, in cooperation with the office of financial management, the senate transportation committee, and the house of representatives transportation committee will continue the implementation of performance based budgeting. The performance based budgeting process will provide a measurable link between agency objectives, service levels, and budget. The agencies shall:

(a) Continue to develop, enhance, validate, and test indicators of performance, stated in achieving the agencies' goals; and

(b) Refine performance based budgeting and investment levels in the following programs:

(i) Department of transportation: Maintenance program M, preservation program P, traffic operations program Q, and marine program X;

(ii) Department of licensing: Driver's services and vehicle services;

(iii) Washington state patrol: Field operations bureau; and

(iv) Washington traffic safety commission; and

(c) Submit and implement a plan to provide program managers with the training and technical assistance necessary to extend the practices of performance measurement and performance based budgeting throughout agency programs.

(2) The transportation agencies shall submit a strategic plan and activity summary with their agency request budgets and tie the plan's strategies together with the 2001-2003 budget requests. The strategic plan must include a six-year outlook and define and clarify the agency mission and vision, provide the basis for budget development, and outline and prioritize the agency's

goals and strategies. The agencies will continue to improve agency infrastructures to capture and report performance data for use by agency management, the office of financial management, the senate transportation committee, and the house of representatives transportation committee in the decision making process.

(3)(a) The agencies shall input monthly their financial information and quarterly program performance measurements into the transportation executive information system and will utilize the transportation executive information system investment system in the development of their agency policy request budgets.

(b) The department of licensing and the Washington state patrol shall submit budgets to the legislature at the subprogram level.

**NEW SECTION. Sec. 604. PROGRAM ACCOUNTABILITY REVIEWS.** The senate transportation committee, the house of representatives transportation committee, the office of financial management, and the transportation agencies shall establish the means of conducting program accountability reviews of all transportation programs. The reviews shall include:

(1) Review and analysis of existing programs to determine any program changes required to meet established criteria along with the list of programs to be reviewed as determined by the program accountability review steering committee made up of the senate transportation committee, the house of representatives transportation committee, the office of financial management, and agency personnel. Each review will have a plan with timelines, deliverables, and milestones to ensure it is completed on time with anticipated deliverables. Each review will have a review accountability report presented to the senate transportation committee and the house of representatives transportation committee with recommendations and implementation schedule agreed to by the reviewers and the agency program being reviewed.

(2) A concentration on:

(a) Appropriateness of service objectives used to determine service levels;

(b) Effectiveness of current management systems;

(c) Development or improvement of existing outcome, output, efficiency, and effectiveness performance measures;

(d) The effectiveness of communication and decision making within the program;

(e) Staffing levels and organizational structure, including changes to roles and responsibilities;

(f) The existence and effectiveness of oversight and control measures within the program;

(g) The process of distributing funds and staff among activities;

(h) Methods for making trade off decisions within and between programs and activities;

(i) Development of tools that assist policymakers and managers in using performance measures and investment tradeoff methods;

(j) Development of long-term investment strategies; and

(k) Other program items that would be beneficial to include in the program accountability review.

(3) The recommendations will be considered in future biennium transportation budgets in determining whether to enhance, streamline, retain, reduce, or eliminate programs based on value and benefits provided to the state.

**NEW SECTION. Sec. 605.** (1) Twenty-two percent of the funds available for flexible purposes provided under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are for transportation improvements necessary for rural economic development in counties with a population density of less than 100 persons per square mile, and in urban community empowerment zones. The community economic revitalization board will select eligible projects, with staff support, as appropriate, from the department of transportation to facilitate distribution of the funds. In the event that eligible economic development projects do not materialize by the time the funds must be obligated each year, the remaining funds will revert to eligible rural counties for other regional transportation needs. Project selection for reverted funds will be by the appropriate body in each county for selecting projects funded with regional surface transportation funds, typically the metropolitan planning organization or regional transportation planning organization.

(2) Twenty-two percent of the funds available for flexible purposes provided under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are for the state-wide competitive program. The transportation improvement board will select projects under this program.

(3) Twenty-two percent of the funds available for flexible purposes provided under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are for distribution by the appropriate body in each county that is responsible for selecting projects funded with regional surface transportation funds, typically the metropolitan planning organization or regional transportation planning organization.

(4) Thirty-four percent of the funds available for flexible purposes provided under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are for the Washington state department of transportation.

**NEW SECTION. Sec. 606.** (1) Notwithstanding RCW 79.91.100, between July 1, 1999, and June 30, 2001, the department of natural resources shall grant easements to cities, towns, and counties for roadway purposes, including the right to

make necessary fills, on, over, or across the beds of navigable waters if those easements are necessary to facilitate the construction of projects funded in this act.

(a) For purposes of this section, a project is funded in this act if it is specifically identified for full or partial funding in this act or is referenced for funding in whole or in part in the budget notes or projects lists produced as supporting documentation for this act

(b) The department of natural resources shall not charge the city, town, or county for the easement except as necessary to recover reasonable administrative costs.

(2) If a city, town, or county requests an easement under this section, the department of natural resources shall execute and deliver an instrument granting the easement to the requesting city, town, or county.

**Sec. 607.** RCW 43.19.1906 and 1995 c 269 s 1404 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the thirty-five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes. Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars, if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases by institutions of higher education not exceeding thirty-five thousand dollars: PROVIDED, That for purchases between two thousand five hundred dollars and thirty-five thousand dollars quotations shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. For purchases between two thousand five hundred dollars and thirty-five thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to

perform such work. A record of competition for all such purchases made from two thousand five hundred to thirty-five thousand dollars shall be documented for audit purposes; and

(8) Negotiation of a contract by the department of transportation, valid until June 30, 2001, with registered tow truck operators to provide roving service patrols in one or more Washington state patrol tow zones whereby those registered tow truck operators wishing to participate would cooperatively, with the department of transportation, develop a demonstration project upon terms and conditions negotiated by the parties.

Beginning on July 1, 1995, and on July 1 of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

**Sec. 608.** RCW 88.16.090 and 1995 c 175 s 1 are each amended to read as follows:

(1) A person may pilot any vessel subject to the provisions of this chapter on waters covered by this chapter only if appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) A person is eligible to be appointed a pilot if the person is a citizen of the United States, over the age of twenty-five years and under the age of seventy years, a resident of the state of Washington at the time of appointment and only if the pilot applicant holds as a minimum, a United States government license as a master of ocean or near coastal steam or motor vessels of not more than one thousand six hundred gross tons or as a master of inland steam or motor vessels of not more than one thousand six hundred gross tons, such license to have been held by the applicant for a period of at least two years prior to taking the Washington state pilotage examination and a first class United States endorsement without restrictions on that license to pilot in the pilotage districts for which the pilot applicant desires to be licensed, and if the pilot applicant meets such other qualifications as may be required by the board. A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee as follows: For the period beginning July 1, 1995, through June 30, ~~((1999))~~ 2001, the fee shall be two thousand five hundred dollars; and for the period beginning July 1, ~~((1999))~~ 2001, the fee shall be three thousand dollars. The fees shall be deposited in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications. The board shall hold examinations at such times as will, in the judgment of the board, ensure the maintenance of an efficient and competent pilotage service. An examination shall be scheduled for the Puget Sound pilotage district if there are three or fewer successful candidates from the previous examination who are waiting to become pilots in that district.

(5) The board shall develop an examination and grading sheet for each pilotage district, for the testing and grading of pilot applicants. The examinations shall be administered to pilot applicants and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same compensation and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who willfully gives advance knowledge of information contained on a pilot examination is guilty of a gross misdemeanor.

(6) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or candidate is fully able to carry out the duties of a pilot under this chapter. The board may in its discretion check with the appropriate authority for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months.

(7) The board shall prescribe, pursuant to chapter 34.05 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

(8) The board may require vessel simulator training for a pilot applicant and shall require vessel simulator training for a pilot subject to RCW 88.16.105. The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(9) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims, and records of familiarization trips of pilot candidates. Willful misrepresentation of such required information by a pilot candidate shall result in disqualification of the candidate.

(10) The board shall adopt rules to establish time periods and procedures for additional training trips and retesting as necessary for pilots who at the time of their licensing are unable to become active pilots.

**NEW SECTION. Sec. 609.** The following bills, as enacted in the form passed by the legislature, are necessary to implement portions of this act: House Bill Nos. 1053, 1147, 1304, 1466, 1588, 2201, 2245, and 2259 and Senate Bill Nos. 5060, 5283, 5360, 5605, 5615, 5955, 6030, and 6068.

**NEW SECTION. Sec. 610.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 611.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen and Benton to Substitute House Bill No. 1125.

The motion by Senator Haugen carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 43.19.1906 and 88.16.090; amending 1997 c 457 ss 110, 204, 215, 223, 303, and 403 (uncodified); amending 1998 c 348 ss 203, 205, 207, 208, 209, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 402, and 404 (uncodified); adding a new section to 1997 c 457 (uncodified); creating new sections; repealing 1997 c 457 s 502 (uncodified); repealing 1997 c 457 s 514 (uncodified); repealing 1997 c 457 s 515 (uncodified); making appropriations; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1125, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1125, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1125, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Excused: Senator Heavey - 1. SUBSTITUTE HOUSE BILL NO. 1125, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Snyder, Substitute House Bill No. 1125, as amended by the Senate under suspension of the rules, was immediately transmitted to the House of Representatives.

#### PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. I would like to suggest that all the flowers on the member's desks be delivered over to the House for the funeral of all the bills that are going to die over there. Thank you!"

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

#### SECOND READING

HOUSE BILL NO. 2201, by Representatives Fisher, Hankins, Ogden, K. Schmidt, Erickson, Skinner, Radcliff and Mielke

Imposing a surcharge on trip permit fees.

The bill was read the second time.

#### MOTION

Senator Haugen moved that the following Committee on Transportation amendment not be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.16.160 and 1996 c 184 s 2 are each amended to read as follows:

(1) The owner of a vehicle which under reciprocal relations with another jurisdiction would be required to obtain a license registration in this state or an unlicensed vehicle which would be required to obtain a license registration for operation on public highways of this state may, as an alternative to such license registration, secure and operate such vehicle under authority of a trip permit issued by this state in lieu of a Washington certificate of license registration, and licensed gross weight if applicable. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles. Trip permits may also be issued for movement of mobile homes pursuant to RCW 46.44.170. For the purpose of this section, a vehicle is considered unlicensed if the licensed gross weight currently in effect for the vehicle or combination of vehicles is not adequate for the load being carried. Vehicles registered under RCW 46.16.135 shall not be operated under authority of trip permits in lieu of further registration within the same registration year.

(2) Each trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for such vehicle for a period of three consecutive days commencing with the day of first use. No more than three such permits may be used for any one vehicle in any period of thirty consecutive days, except that in the case of a recreational vehicle as defined in RCW 43.22.335, no more than two trip permits may be used for any one vehicle in a one-year period. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(3) Vehicles operating under authority of trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(4) Prorate operators operating commercial vehicles on trip permits in Washington shall retain the customer copy of such permit for four years.

(5) Trip permits may be obtained from field offices of the department of transportation, Washington state patrol, department of licensing, or other agents appointed by the department. For each permit issued, there shall be collected a filing fee as provided by RCW 46.01.140, an administrative fee of eight dollars, and an excise tax of one dollar. If the filing fee amount of one dollar prescribed by RCW 46.01.140 is increased or decreased after January 1, 1981, the administrative fee shall be adjusted to compensate for such change to insure that the total amount collected for the filing fee, administrative fee, and excise tax remain at ten dollars. These fees and taxes are in lieu of all other vehicle license fees and taxes. No exchange, credits, or refunds may be given for trip permits after they have been purchased.

(6) The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(7) A violation of or a failure to comply with any provision of this section is a gross misdemeanor.

(8) The department of licensing may adopt rules as it deems necessary to administer this section.

(9) A surcharge of five dollars is imposed on the issuance of a trip permit to a motor carrier. The surcharge must be deposited in the motor vehicle fund for the purpose of supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program. All other administrative fees and excise taxes collected under the provisions of this chapter shall be forwarded by the department with proper identifying detailed report to the state treasurer who shall deposit the administrative fees to the credit of the motor vehicle fund and the excise taxes to the credit of the general fund. Filing fees will be forwarded and reported to the state treasurer by the department as prescribed in RCW 46.01.140.

**Sec. 2.** RCW 82.38.100 and 1998 c 176 s 62 are each amended to read as follows:

(1) Any special fuel user operating a motor vehicle into this state for commercial purposes may make application for a trip permit that shall be good for a period of three consecutive days beginning and ending on the dates specified on the face of the permit issued, and only for the vehicle for which it is issued.

(2) Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety, signed, and dated by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, vehicle license number, or vehicle identification number invalidates the permit. A violation of, or a failure to comply with, this subsection is a gross misdemeanor.

(3) For each permit issued, there shall be collected a filing fee of one dollar, an administrative fee of ten dollars, and an excise tax of nine dollars. Such fees and tax shall be in lieu of the special fuel tax otherwise assessable against the permit holder for importing and using special fuel in a motor vehicle on the public highways of this state, and no report of mileage shall be required with respect to such vehicle. Trip permits will not be issued if the applicant has outstanding fuel taxes, penalties, or interest owing to the state or has had a special fuel license revoked for cause and the cause has not been removed.

(4) Blank permits may be obtained from field offices of the department of transportation, Washington state patrol, department of licensing, or other agents appointed by the department. The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(5) A surcharge of five dollars is imposed on the issuance of a trip permit to a motor carrier. The surcharge must be deposited in the motor vehicle fund for the purpose of supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program. All other fees and excise taxes collected by the department for trip permits shall be credited and deposited in the same manner as the special fuel tax collected under this chapter and shall not be subject to exchange, refund, or credit."

The President declared the question before the Senate to be the motion by Senator Haugen to not adopt the Committee on Transportation striking amendment to House Bill No. 2201.

The motion by Senator Haugen carried and the committee striking amendment was not adopted.

## MOTION

On motion of Senator Haugen, the following striking amendment by Senators Haugen, Benton, Gardner and Sellar was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.16.160 and 1996 c 184 s 2 are each amended to read as follows:

(1) The owner of a vehicle which under reciprocal relations with another jurisdiction would be required to obtain a license registration in this state or an unlicensed vehicle which would be required to obtain a license registration for operation on public highways of this state may, as an alternative to such license registration, secure and operate such vehicle under authority of a trip permit issued by this state in lieu of a Washington certificate of license registration, and licensed gross weight if applicable. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles. Trip permits may also be issued for movement of mobile homes pursuant to RCW 46.44.170. For the purpose of this section, a vehicle is considered unlicensed if the licensed gross weight currently in effect for the vehicle or combination of vehicles is not adequate for the load being carried. Vehicles registered under RCW 46.16.135 shall not be operated under authority of trip permits in lieu of further registration within the same registration year.

(2) Each trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for such vehicle for a period of three consecutive days commencing with the day of first use. No more than three such permits may be used for

any one vehicle in any period of thirty consecutive days, except that in the case of a recreational vehicle as defined in RCW 43.22.335, no more than two trip permits may be used for any one vehicle in a one-year period. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(3) Vehicles operating under authority of trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(4) Prorate operators operating commercial vehicles on trip permits in Washington shall retain the customer copy of such permit for four years.

(5) Trip permits may be obtained from field offices of the department of transportation, Washington state patrol, department of licensing, or other agents appointed by the department. For each permit issued, there shall be collected a filing fee as provided by RCW 46.01.140, an administrative fee of eight dollars, and an excise tax of one dollar. If the filing fee amount of one dollar prescribed by RCW 46.01.140 is increased or decreased after January 1, 1981, the administrative fee shall be adjusted to compensate for such change to insure that the total amount collected for the filing fee, administrative fee, and excise tax remain at ten dollars. These fees and taxes are in lieu of all other vehicle license fees and taxes. No exchange, credits, or refunds may be given for trip permits after they have been purchased.

(6) The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(7) A violation of or a failure to comply with any provision of this section is a gross misdemeanor.

(8) The department of licensing may adopt rules as it deems necessary to administer this section.

(9) A surcharge of five dollars is imposed on the issuance of trip permits. The portion of the surcharge paid by motor carriers must be deposited in the motor vehicle fund for the purpose of supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program. The remaining portion of the surcharge must be deposited in the motor vehicle fund for the purpose of supporting congestion relief programs. All other administrative fees and excise taxes collected under the provisions of this chapter shall be forwarded by the department with proper identifying detailed report to the state treasurer who shall deposit the administrative fees to the credit of the motor vehicle fund and the excise taxes to the credit of the general fund. Filing fees will be forwarded and reported to the state treasurer by the department as prescribed in RCW 46.01.140.

**Sec. 2.** RCW 82.38.100 and 1998 c 176 s 62 are each amended to read as follows:

(1) Any special fuel user operating a motor vehicle into this state for commercial purposes may make application for a trip permit that shall be good for a period of three consecutive days beginning and ending on the dates specified on the face of the permit issued, and only for the vehicle for which it is issued.

(2) Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety, signed, and dated by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, vehicle license number, or vehicle identification number invalidates the permit. A violation of, or a failure to comply with, this subsection is a gross misdemeanor.

(3) For each permit issued, there shall be collected a filing fee of one dollar, an administrative fee of ten dollars, and an excise tax of nine dollars. Such fees and tax shall be in lieu of the special fuel tax otherwise assessable against the permit holder for importing and using special fuel in a motor vehicle on the public highways of this state, and no report of mileage shall be required with respect to such vehicle. Trip permits will not be issued if the applicant has outstanding fuel taxes, penalties, or interest owing to the state or has had a special fuel license revoked for cause and the cause has not been removed.

(4) Blank permits may be obtained from field offices of the department of transportation, Washington state patrol, department of licensing, or other agents appointed by the department. The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(5) A surcharge of five dollars is imposed on the issuance of trip permits. The portion of the surcharge paid by motor carriers must be deposited in the motor vehicle fund for the purpose of supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program. The remaining portion of the surcharge must be deposited in the motor vehicle fund for the purpose of supporting congestion relief programs. All other fees and excise taxes collected by the department for trip permits shall be credited and deposited in the same manner as the special fuel tax collected under this chapter and shall not be subject to exchange, refund, or credit."

## MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On line 1 of the title, after "surcharges;" strike the remainder of the title and insert "and amending RCW 46.16.160 and 82.38.100."

On motion of Senator Haugen, the rules were suspended, House Bill No. 2201, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2201, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2201, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Sellar, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Wojahn - 34.

Voting nay: Senators Benton, Finkbeiner, Hochstatter, Honeyford, Johnson, McDonald, Morton, Roach, Rossi, Sheahan, Sheldon, T., Stevens, West and Zarelli - 14.

Absent: Senator Hargrove - 1.

HOUSE BILL NO. 2201, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act

## MOTION

On motion of Senator Snyder, House Bill No. 2201, as amended by the Senate, was immediately transmitted to the House of Representatives.

## MOTION

At 8:20 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 8:29 p.m. by President Owen.

## MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 25, 1999

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House Bills and passed the bills as amended by the Senate:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1493,  
HOUSE BILL NO. 1757,  
SUBSTITUTE HOUSE BILL NO. 1774.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

MESSAGE FROM THE HOUSE

April 17, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to Substitute House Bill No. 1165 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTIONS

On motion of Senator Bauer, the rules were suspended and Substitute House Bill No. 1165 was returned to second reading and read the second time.

On motion of Senator Bauer, the Senate will reconsider the vote by which the Committee on Ways and Means striking amendment to Substitute House Bill No. 1165 was adopted on April 14, 1999.

Senator Bauer moved that the following amendments by Senators Bauer and Rossi to the Committee on Ways and Means striking amendment be considered simultaneously and be adopted:

Beginning on page 1, line 29 of the amendment, strike all material down to and including line 30 on page 3.

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 212, after line 11 of the amendment, insert the following:

**"NEW SECTION. Sec. 923. FOR THE OFFICE OF THE GOVERNOR**

Salmon Recovery Grants Program (00-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire \$111,875,000 appropriation is provided solely to the salmon recovery funding board within the office of the governor to provide grants to local governments, state agencies, tribes, conservation districts, and nonprofit entities for salmon recovery activities pursuant to House Bill No. 2079 or Senate Bill No. 5595. If neither House Bill No. 2079 nor Senate Bill No. 5595 are enacted by June 30, 1999, the amount provided in this section shall lapse.

(2) Up to \$14,000,000 of the general fund--federal appropriation is provided for grants to local governments for salmon recovery in accordance with a grant from the department of interior, United States fish and wildlife service received in December 1998.

(3) The remaining appropriations in this section shall be distributed by the salmon recovery funding board within the following categories:

(a) A minimum of thirty percent of the appropriation shall be provided for fish passage barrier correction projects;

(b) A minimum of thirty percent of the appropriation shall be provided for habitat enhancement projects, which may include but are not limited to: Purchase of riparian easements; stream restoration; stream flow augmentation; water quality improvement; water conservation; and storm water mitigation;

(c) A minimum of twenty percent of the appropriation for planning activities related to salmon recovery, which may include, but is not limited to: Regional salmon recovery planning; shoreline master program amendment; critical areas ordinance updates; lead entity administration and development of project lists; and project planning; and

(d) The remaining twenty percent of the appropriation may be distributed among the categories for highest priority projects as determined by the salmon recovery funding board.

(4) In developing project lists for funding, the salmon recovery funding board shall give priority consideration to:

(a) Proposals that support the recovery of salmon or steelhead runs listed as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.);

(b) Projects supported by a limiting factors analysis conducted according to RCW 75.46.070(2);

(c) Projects sponsored by a lead entity formed according to 75.46 RCW;

(d) Projects supporting a watershed plan developed according to chapter 90.82 RCW;

(e) Projects that create market wage jobs for displaced workers in rural natural resource impact areas, as defined under RCW 43.31.601(2);

(f) Projects with a local funding match, which may include a match of volunteer labor;

(g) Projects that include provisions for long-term maintenance and monitoring; and

(h) Other priorities identified by the salmon recovery funding board.

(5) For the 1999-2001 biennium, proposals shall be ranked by the interagency review team, for review, approval, and funding by the salmon recovery funding board. A final list of projects funded with appropriation from this section shall be submitted to the office of financial management and the legislature by June 30th of each year.

(6) The salmon recovery funding board shall develop a list of projects in each of the categories identified in subsection (3) of this section proposed for funding in the 2001-2003 biennium, for submittal to the office of financial management and the legislature by December 1, 2000.

Appropriation:

General Fund--Federal	\$	74,835,000
State Building Construction Account-- State	\$	6,200,000
Salmon Recovery Account	\$	30,840,000
		-----
Subtotal Appropriation	\$	111,875,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	111,875,000

**Sec. 924.** 1999 c ... (SHB 1165) s 112 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing Assistance, Weatherization, and Affordable Housing (88-5-015) (00-2-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the new appropriation from the state building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(2) (~~(\$1,800,000)~~) \$800,000 of the reappropriation from the state building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$1,000,000 of the new appropriation from the state building construction account is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

Reappropriation:

State Building Construction Account--State	\$	22,000,000
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Appropriation:

State Building Construction Account--State	\$	57,500,000
Washington Housing Trust Account--State	\$	4,300,000
		-----

Subtotal Appropriation \$

		61,800,000
Prior Biennia (Expenditures)	\$	
		43,790,503
Future Biennia (Projected Costs)	\$	
		200,000,000
		-----
TOTAL	\$	327,590,503

**Sec. 925.** 1999 c ... (SHB 1165) s 139 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Administration Building: Preservation (00-1-004)

Appropriation:

State Building Construction Account--State	\$	
		((2,275,000))
		<u>1,000,000</u>

Prior Biennia (Expenditures)	\$	
		0
Future Biennia (Projected Costs)	\$	
		5,900,000
		-----
TOTAL	\$	((8,175,000))
		<u>6,900,000</u>

**Sec. 926.** 1999 c ... (SHB 1165) s 144 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Americans with Disabilities Act: Pool (00-1-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be solely allocated to agencies and institutions(~~(, except for the state community and technical colleges,))~~ for improvements to state-owned facilities for program access enhancements.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the department of general administration has reviewed and approved the cost estimates for the project. The department of general administration shall implement an agency request and evaluation procedure similar to the one adopted in the 1997-99 biennium for distribution of funds.

(3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

Appropriation:

State Building Construction Account--State	\$	
		3,000,000
Prior Biennia (Expenditures)	\$	
		0
Future Biennia (Projected Costs)	\$	
		14,000,000

TOTAL	\$	-----
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17,000,000

**Sec. 927.** 1999 c ... (SHB 1165) s 148 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Legislative Buildings: Safety and infrastructure (98-1-005)

(1) The appropriations shall support the detailed list of projects maintained by the office of financial management.

(2) \$270,000 of the new appropriation is provided to complete heating, ventilation, and air conditioning repair and improvements in the Newhouse building.

Reappropriation:

State Building Construction Account--State \$ 179,454

Thurston County Capital Facilities Account--  
State \$ 475,000

Subtotal Reappropriation \$ -----  
654,454

Appropriation:

Capitol Building Construction Account--State \$ 4,250,000

Thurston County Capital Facilities Account--  
State \$ 585,000

State Building Construction Account--State \$ ((270,000))  
495,000

Subtotal Appropriation \$ -----  
((5,105,000))

Prior Biennia (Expenditures) \$ 1,415,546

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
((7,175,000))

7,400,000

**Sec. 928.** 1999 c ... (SHB 1165) s 162 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

Yakima National Guard Armory and Readiness Center: Design and utilities (98-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

Funds expended on this project for off-site utility infrastructure, and facility construction and design, which may include the provision of electricity, natural gas service, water service, ((or)) sewer service, or facility construction and design shall be for

the benefit of the state. Entities that subsequently connect or use this off-site utility infrastructure shall reimburse the state at a rate proportional to their use. The military department shall develop policies and procedures to ensure that this reimbursement occurs.

Reappropriation:

State Building Construction Account--State	\$	2,725,000
General Fund--Federal	\$	8,275,000
		-----
Subtotal Reappropriation	\$	11,000,000
Prior Biennia (Expenditures)	\$	2,573,000
Future Biennia (Projected Costs)	\$	3,288,000
		-----
TOTAL	\$	16,861,000

**Sec. 929.** 1999 c ... (SHB 1165) s 267 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

McNeil Island Corrections Center (~~(-200-bed)~~); Department of social and health services-Special Commitment Center (00-2-005)

The appropriation is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State	\$	2,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	37,100,000
		-----
TOTAL	\$	39,600,000

**Sec. 930.** 1999 c ... (SHB 1165) s 331 (uncodified) is amended to read as follows:

**FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Washington Wildlife and Recreation Program (98-2-003)

The appropriations in this section for the wildlife and recreation program under chapter 43.98A RCW and RCW 43.98A.040 are subject to the following condition and limitation:

(1) The new appropriations in this section are provided for the approved list of projects included in LEAP capital document No. (~~(99-4)~~) 1999-W3, as developed on April (~~(8)~~) 23, 1999.

(2) Any funding provided in this section for the Mt. Spokane - Quartz Mountain acquisition by the state parks and recreation commission shall not exceed fair market value as determined by an evaluation of three independent appraisals.

Reappropriation:

State Building Construction Account--State	\$	6,475,416
Outdoor Recreation Account--State	\$	

Habitat Conservation Account--State	\$	23,733,311
		25,872,718
		-----
Subtotal Reappropriation	\$	56,081,445
Appropriation:		
Outdoor Recreation Account--State	\$	23,000,000
Habitat Conservation Account--State	\$	25,000,000
		-----
Subtotal Appropriation	\$	48,000,000
Prior Biennia (Expenditures)	\$	213,018,555
Future Biennia (Projected Costs)	\$	190,000,000
		-----
TOTAL	\$	507,100,000

**Sec. 931.** 1999 c ... (SHB 1165) s 393 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Aquatic Lands Enhancement Grants (00-2-014)

The appropriation in this section is provided for a list of projects in LEAP capital document No. ((99-2)) 1999-A1, as developed on April ((8)) 23, 1999.

The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2001-03 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community support for the project; and a state-wide geographic distribution of projects. The list of projects shall be submitted to the office of financial management by September 15, 2000.

Reappropriation:

Aquatic Lands Enhancement Account--State	\$	2,340,000
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Appropriation:

Aquatic Lands Enhancement Account--State	\$	<del>(5,800,000)</del>
--	----	------------------------

		<u>5,550,000</u>
Prior Biennia (Expenditures)	\$	9,716,817
Future Biennia (Projected Costs)	\$	24,000,000
		-----

TOTAL \$

((41,856,817))

41,606,817

**Sec. 932.** 1999 c ... (SHB 1165) s 503 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

Boarding Home Fire Safety Program

The appropriation in this section is provided solely for grants for the installation or retrofit of fire sprinklers in ~~((adult))~~ licensed boarding homes. The appropriation in this section is subject to the following conditions and limitations:

(1) The state fire marshal in consultation with the department of social and health services may develop rules to implement the grant program.

(2) The amount of the grant for an existing ~~((adult))~~ licensed boarding home shall not be greater than the difference between the cost of retrofitting and the cost of installing sprinklers during original construction of a comparable ~~((adult))~~ licensed boarding home with fire sprinklers.

(3) To be eligible for a grant under this section, the ~~((adult group))~~ boarding home shall be licensed and accredited with the department of social and health services. To be eligible for a grant under this section, at least fifteen percent of the ~~((adult group))~~ boarding home's residents must be department of social and health services clients. The ~~((adult group))~~ boarding home must maintain the department of social and health services client ratio level for a period of no less than five years. If the department of social and health services client ratio level is not maintained, then the ~~((adult group))~~ boarding home shall reimburse the state for the amount of the grant plus appropriate interest.

(4) Any licensed boarding home receiving a grant shall complete the installation of the fire sprinklers by June 30, 2001.

Appropriation:

State Building Construction Account--State	\$	2,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		2,500,000

**Sec. 933.** 1999 c ... (SHB 1165) s 639 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

UW Bothell and Cascadia Community College Phase I (98-2-899)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) The reappropriation in this section is to be combined with the appropriations shown in sections 617, ~~((639, 768, and 824))~~ 640, 769, and 823 of this act and shall be managed by the department of general administration to construct a campus to serve at least 2,000 student full-time equivalents with approximately 1,200 for the University of Washington and 800 for Cascadia Community College.

Reappropriation:

State Building Construction Account--State	\$	40,000,000
Prior Biennia (Expenditures)	\$	7,970,000
Future Biennia (Projected Costs)	\$	0
TOTAL		\$
		47,970,000

TOTAL \$

47,970,000

**Sec. 934.** 1999 c ... (SHB 1165) s 640 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

UW Bothell and Cascadia Community College Future Phases (98-2-999)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) The reappropriation in this section is to be combined with the appropriations shown in sections 617, (~~638, 768, and 824~~) 639, 769, and 823 of this act and shall be managed by the department of general administration.

(4) The predesign for phase II to serve at least 2,000 additional University of Washington and community college student full-time equivalents included in this reappropriation shall be conducted in accordance with the predesign manual published by the office of financial management.

(5) Design of phase IIA to serve at least 1,000 total University of Washington and Cascadia Community College student full-time equivalents shall not proceed until the completed predesign requirements in subsection (4) of this section have been reviewed and approved by the office of financial management.

Reappropriation:

State Building Construction Account--State	\$	2,069,063
Prior Biennia (Expenditures)	\$	930,937
Future Biennia (Projected Costs)	\$	0

TOTAL \$

3,000,000

**Sec. 935.** 1999 c ... (SHB 1165) s 769 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Cascadia Community College: Development (00-2-501)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) \$7,500,000 of this appropriation is provided solely for equipment and completion of phase I of the colocated campus.

(3) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(4) The appropriation in this section is to be combined with the appropriations shown in sections 617, (~~638,~~) 639, 640, and (~~824~~) 823 of this act and shall be managed by the department of general administration.

(5) \$42,600,000 of this appropriation is provided solely for the completion of construction of phase IIA of the campus. The appropriation represents the total state contribution for all costs including design, construction, and equipping of phase IIA of the campus.

(6) Phase IIA shall accommodate 1,000 additional full-time equivalent students when completed.

Appropriation:

State Building Construction Account--State	\$	50,100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	105,000,000

TOTAL \$

-----  
155,100,000

**Sec. 936.** 1999 c ... (SHB 1165) s 798 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clover Park Technical College - Transportation Trades: Design (96-2-662)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--  
State \$

25,000

Appropriation:

State Building Construction Account--  
State \$

((1,200,000))

1,240,000

Prior Biennia (Expenditures) \$

25,000

Future Biennia (Projected Costs) \$

16,230,000

TOTAL \$

-----  
((17,480,000))

17,520,000

**Sec. 937.** 1999 c ... (SHB 1165) s 817 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Highline Community College - Classroom/Laboratory Building: Construction (98-2-660)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$

310,000

Appropriation:

State Building Construction Account--State \$

((5,700,000))

5,900,000

Prior Biennia (Expenditures) \$

79,717

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
((6,089,717))

6,289,717

**Sec. 938.** 1999 c ... (SHB 1165) s 821 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Renton Technical College - Technology Resource Center: Design (98-2-674)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

State Building Construction Account--  
State \$

67,064

Appropriation:

State Building Construction Account--  
State \$

((1,010,000))

1,045,000

Prior Biennia (Expenditures) \$

67,936

Future Biennia (Projected Costs) \$

10,760,000

TOTAL \$

-----  
((11,905,000))

11,940,000

**Sec. 939.** 1999 c ... (SHB 1165) s 822 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Skagit Valley College Higher Education Center (98-2-675)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

(3) The project shall be coordinated with Western Washington University in order to incorporate a distance education classroom and additional classroom, lab, and office space for use by the university.

Reappropriation:

State Building Construction Account--State \$

17,942

Appropriation:

State Building Construction Account--State \$

((660,000))

685,000

Prior Biennia (Expenditures) \$

32,058

Future Biennia (Projected Costs) \$

9,175,000

-----

TOTAL \$

((9,885,000))

9,910,000

**Sec. 940.** 1999 c ... (SHB 1165) s 923 (uncodified) is amended to read as follows:

~~((The state treasurer shall transfer))~~ \$2,500,000 is appropriated from the state ~~((convention and trade center account))~~ building construction account for fiscal year 2000. The appropriation in this section shall be deposited to the Washington housing trust account.

**Sec. 941.** RCW 43.98A.050 and 1999 c ... (SHB 1165) s 920 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the outdoor recreation account shall be distributed in the following way:

(a) Not less than twenty-five percent to the state parks and recreation commission for the acquisition and development of state parks, with at least seventy-five percent of this money for acquisition costs. However, during the 1999-2001 biennium, distributions for acquisition and development of state parks shall not exceed four million two hundred fifty thousand dollars, and the proportion for acquisition costs shall be determined by the commission;

(b) Not less than twenty-five percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(c) Not less than fifteen percent for the acquisition and development of trails;

(d) Not less than ten percent for the acquisition and development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(e) The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high priority acquisition and development needs for parks, trails, and water access sites ~~((, except that for the 1999-2001 biennium, unallocated funds may not be distributed to projects in the state parks category))~~.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for state and local parks, trails, and water access sites, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only local agencies may apply for acquisition, development, or renovation funds for local parks under subsection (1)(b) of this section.

(4) State and local agencies may apply for funds for trails under subsection (1)(c) of this section.

(5) State and local agencies may apply for funds for water access sites under subsection (1)(d) of this section.

NEW SECTION. Sec. 942. A new section is added to 1999 c ... (SHB 1165) to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Thurston County Office Space Study

The appropriation in this section is subject to the following condition and limitation: The appropriation in this section is provided to conduct an analysis of future state office space needs in Thurston county, by agency, for the next ten years. The department shall consult with state agencies, private developers, and building owners to determine the inventory of space available and planned over the next ten years in government and nongovernment buildings. Planning for state office expansion shall consider the impact on current office space.

Appropriation:

State Building Construction Account--		
State	\$	100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL \$

-----  
100,000

NEW SECTION. Sec. 943. A new section is added to 1999 c ... (SHB 1165) to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Sand Point Shoreline Restoration

The appropriation in this section is provided to the city of Seattle for shoreline improvements and wetland restoration at Sand Point.

Appropriation:

State Building Construction Account--		
State	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	500,000

**NEW SECTION. Sec. 944.** A new section is added to 1999 c ... (SHB 1165) to read as follows:

For the purposes of section 905 of this act, "operating revenues" shall include, but not be limited to, any funds of an agency, appropriated or nonappropriated.

**NEW SECTION. Sec. 945.** A new section is added to 1999 c ... (SHB 1165) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

\$6,400,000 of the State Building Construction Account--State is reappropriated for allocation to the University of Washington for the following projects:

- Old Physics Hall: (Mary Gates Hall) Design and Construction (92-2-008)
- Minor Repairs: Preservation (94-1-003)
- Minor Works: Utility Infrastructure (96-1-004)
- Health Sciences Center D-Wing Dent Student Lab (96-1-016)
- Fisheries Science - Oceanography Science Buildings (96-2-006)
- Social Work Third Floor Addition (96-2-010)
- Southwest Campus Utilities Phase I (96-2-027)
- Minor Works: Safety (98-1-001)
- Minor Works: Preservation (98-1-004)
- Underground Storage Tanks, Motor Pool (98-1-999)
- Nuclear Reactor: Decommissioning (99-2-009)

**NEW SECTION. Sec. 946.** A new section is added to 1999 c ... (SHB 1165) to read as follows:

**FOR THE STATE CONVENTION AND TRADE CENTER**

Seattle - Convention Center: Replacement housing (00-2-002)

\$5,000,000 of the appropriation in this section is provided solely for additional low-income and affordable housing associated with the expansion of the convention center. The housing division of the department of community, trade, and economic development shall select the low-income and affordable housing projects, which shall be distributed throughout King county.

Appropriation:

State Convention and Trade Center		
Account--State	\$	5,000,000
Prior Biennia (Expenditures)	\$	
Future Biennia (Projected Costs)	\$	0
		-----
TOTAL	\$	5,000,000

**NEW SECTION. Sec. 947.** A new section is added to 1999 c ... (ESSB 5180) to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2000) \$

3,000,000

The appropriation in this section is provided for emergency services readiness centers in Bremerton, Yakima, and Spokane."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued

The President declared the question before the Senate to be the adoption of the amendments by Senators Bauer and Rossi on page 1, line 29, and page 212, after line 11, to the Committee on Ways and Means striking amendment.

The motion by Senator Bauer carried and the amendments to the committee striking amendment were adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended under suspension of the rules.

The committee striking amendment, as amended under suspension of the rules, was adopted.

#### MOTIONS

On motion of Senator Bauer, the following title amendment was adopted:

On page 214, beginning on line 6 of the title amendment, after "43.98A.070," strike the remainder of the title amendment and insert "43.98A.050, and 43.98A.050; amending 1999 c ... (SHB 1165) ss 112, 139, 144, 148, 162, 267, 331, 393, 503, 639, 640, 769, 798, 817, 821, 822, and 923 (uncodified); adding a new section to chapter 43.83B RCW; adding new sections to 1999 c ... (SHB 1165); adding a new section to 1999 c ... (ESSB 5180); creating new sections; and declaring an emergency."

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 1165, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### CALL FOR THE PREVIOUS QUESTION

Senators Snyder, Prentice and Franklin called for the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The motion carried and the call for the previous question carried.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1165, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1165, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47. Voting nay: Senators Hargrove and Morton - 2. SUBSTITUTE HOUSE BILL NO. 1165, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Snyder, Substitute House Bill No. 1165, as amended by the Senate under suspension of the rules, was immediately transmitted to the House of Representatives.

#### MESSAGE FROM THE HOUSE

April 25, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to Substitute House Bill No. 1392 and again asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Heavey, the Senate receded from the Senate amendment(s) to Substitute House Bill No. 1392.

#### MOTIONS

On motion of Senator Heavey, the rules were suspended and Substitute House Bill No. 1392 was returned to second reading and read the second time.

On motion of Senator Heavey, the following striking amendment by Senators Heavey, Kline, McCaslin, Costa and Honeyford was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 9.96 RCW to read as follows:

(1) Every person convicted of a misdemeanor or gross misdemeanor offense who has completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the tests prescribed in subsection (2) of this section, the court may in its discretion clear the record of conviction by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information or indictment against the applicant.

(2) An applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense cleared if any one of the following is present: (a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense; (c) the offense was a violation of RCW 46.61.502 (Driving while under the influence), 46.61.504 (Actual physical control while under the influence), or 9.91.020 (Operating a railroad, etc. while intoxicated); (d) the offense was any misdemeanor or gross misdemeanor attempt to commit a sex offense as defined in RCW 9.94A.030; (e) the offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 (Obscenity and pornography) or 9.68A (Sexual exploitation of children) RCW; (f) the applicant has been convicted of a new crime in this state, another state, or federal court since the date the applicant completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense; (g) the offense was a domestic violence offense as defined in RCW 10.99.020, and less than five years have passed since the date the offender successfully completed all terms of his or her sentence, including probation. After the applicable time limit, the court may only grant the motion to vacate a domestic violence conviction if, upon review of the police report, any evidence from the prosecution or the defense, a statement from the victim, and a review of the defendant's behavior since the commission of the crime, the court finds that the defendant is no longer a danger to the public and has been rehabilitated; or (h) less than five years have passed since the date the applicant completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense.

(3) Once the court vacates a record of conviction under subsection (1) of this section, the person shall be released from all penalties and disabilities resulting from the offense, except that the fact that the person had been convicted of the offense may be used in any subsequent criminal prosecution consistent with any other legal use and may be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all other purposes, including responding to questions on employment applications, a person whose conviction has been vacated may state that the person has never been convicted of that crime.

(4) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made that the person making the motion is indigent at the time the motion is brought.

(5) Any conviction that is vacated under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order vacating the conviction to the Washington state patrol. The Washington state patrol shall transmit the order vacating the conviction to the federal bureau of investigation.

(6) No person may seek or be granted a vacation of record of conviction for an offense committed after the date upon which the person received a vacation of record of conviction for any other offense.

**Sec. 2.** RCW 9.94A.230 and 1987 c 486 s 7 are each amended to read as follows:

(1) Every offender who has been discharged under RCW 9.94A.220 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may in its discretion clear the record of conviction by: (a)(i) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or ~~((b))~~ (ii) if the offender has been convicted after a plea of not guilty, ~~((by))~~ the court setting aside the verdict of guilty; and ~~((c-by))~~ (b) the court dismissing the information or indictment against the offender.

(2) An offender may not have the record of conviction cleared if any one of the following is present: (a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offense was a class C felony domestic violence offense as defined in RCW 10.99.020, and less than five years have passed since the date the applicant was discharged under RCW 9.94A.220 or the offense was a class B felony domestic violence offense as defined in RCW 10.99.020, and less than ten years have passed since the date the applicant was discharged under RCW 9.94A.220. After the applicable time limit, the court may only grant the motion to vacate a domestic violence conviction if, upon review of the police report, any evidence from the prosecution or the defense, a statement from the victim, and a review of the defendant's behavior since the commission of the crime, the court finds that the defendant is no longer a danger to the public and has been rehabilitated and the offense is not otherwise excluded by (b) or (d) of this subsection; (d) the offense was a crime against persons as defined in RCW 43.43.830; ~~((d))~~ (e) the offender has been convicted of a new crime in this state, another state, or federal court since the date of the offender's discharge under RCW 9.94A.220; ~~((e))~~ (f) the offense is a class B felony and less than ten years have passed since the date the applicant was discharged under RCW 9.94A.220; ~~((and (f)))~~ or (g) the offense was a class C felony and less than five years have passed since the date the applicant was discharged under RCW 9.94A.220.

(3) Once the court vacates a record of conviction under subsection (1) of this section, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, ~~((including responding to questions on employment applications.))~~ an offender whose conviction has been vacated may state that the offender has never been convicted of that crime, including responses to questions when making application for employment. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(4) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made that the person making the motion is indigent at the time the motion is brought.

(5) Any conviction that is vacated under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order vacating the conviction to the Washington state patrol. The Washington state patrol shall transmit the order vacating the conviction to the federal bureau of investigation.

(6) No person may seek or be granted a vacation of record of conviction for an offense committed after the date upon which the person received a vacation of record of conviction for any other offense.

**Sec. 3.** RCW 9.95.240 and 1957 c 227 s 7 are each amended to read as follows:

(1) Every defendant who has fulfilled the conditions of his or her probation for the entire period thereof, or who ~~((shall have))~~ has been discharged from probation prior to the termination of the period thereof, may ~~((at any time prior to the expiration of the maximum period of punishment for the offense for which he has been convicted be permitted in the discretion of the court to withdraw his plea of guilty and enter a plea of not guilty, or if he has been convicted after a plea of not guilty, the court may in its discretion set aside the verdict of guilty; and in either case, the court may thereupon dismiss the information or indictment against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted. The probationer shall be informed of this right in his probation papers: PROVIDED, That in any subsequent prosecution, for any other offense, such prior conviction may be pleaded and proved, and shall have the same effect as if probation had not been granted, or the information or indictment dismissed))~~ apply to the sentencing court for a vacation of the defendant's record of conviction. If the court finds the defendant meets the tests prescribed in subsection (2) of this section, the court may in its discretion clear the record of conviction by: (a)(i) Permitting the defendant to withdraw the defendant's plea of guilty and to enter a plea of not guilty; or (ii) if the defendant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information or indictment against the defendant.

(2) An offender may not have the record of conviction cleared if: (a) There are any criminal charges against the defendant pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offense was a felony crime against persons as defined in RCW 43.43.830; (d) the defendant has been convicted of a new crime in this state, another state, or federal court since the date the defendant successfully

completed probation; (e) the offense is a class B felony and less than ten years have passed since the date the defendant successfully completed probation; (f) the offense was a class C felony and less than five years have passed since the date the defendant successfully completed probation; (g) the offense was a misdemeanor or gross misdemeanor and less than five years have passed since the date the defendant successfully completed probation; or (h) the offense was a misdemeanor or gross misdemeanor and operated to interrupt the washout of a class B felony under RCW 9.94A.360 and less than ten years have passed since the date of the conviction for the misdemeanor or gross misdemeanor.

(3) Once the court vacates a record of conviction under subsection (1) of this section, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime, including responses to questions when making application for employment. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal case.

(4) No person may seek or be granted a vacation of record of conviction for an offense committed after the date upon which the person received a vacation of record of conviction for any other offense.

(5) Any conviction that is vacated under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order vacating the conviction to the Washington state patrol. The Washington state patrol shall transmit the order vacating the conviction to the federal bureau of investigation.

(6) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made that the person making the motion is indigent at the time the motion is brought.

**Sec. 4.** RCW 13.50.050 and 1997 c 338 s 40 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection ~~((41))~~ (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection ~~((22))~~ (23) of this

section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court has the discretion to grant the motion to seal records made pursuant to subsection (10) of this section if it finds that for class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition:

(a) The person has spent five consecutive years in the community without committing another offense or crime that results in conviction in this state, another state, or federal court;

(b) There are no criminal charges against the person pending in any court of this state, another state, or federal court;

(c) Through credible evidence presented to the court that the person has a present career path that is impeded by the record of the courts order and findings;

(d) That the person is twenty-one years of age or older; and

(e) The person has lived an exemplary life since the court's order and findings.

(12) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) For class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent ten consecutive years in the community without committing any offense or crime that subsequently results in conviction. For class C offenses, gross misdemeanors, and misdemeanors, other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(c) No proceeding is pending seeking the formation of a diversion agreement with that person;

(d) The person has not been convicted of a class A or sex offense; and

(e) Full restitution has been paid.

~~((12))~~ (13) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

~~((13))~~ (14) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall, subject to subsection ~~((22))~~ (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual. Any record that is sealed under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order sealing the record to the Washington state patrol. The Washington state patrol shall transmit the order sealing the record to the federal bureau of investigation.

~~((14))~~ (15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection ~~((22))~~ (23) of this section.

~~((15))~~ (16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW.

~~((16))~~ (17) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection ~~((22))~~ (23) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

~~((17))~~ (18) If the court grants the motion to destroy records made pursuant to subsection ~~((16))~~ (17) of this section, it shall, subject to subsection ~~((22))~~ (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

~~((18))~~ (19) The person making the motion pursuant to subsection ~~((16))~~ (17) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

~~((19))~~ (20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

~~((20))~~ (21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

~~((24))~~ (22) Any juvenile justice or care agency may, subject to the limitations in subsection ~~((22))~~ (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

~~((22))~~ (23) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

~~((23))~~ (24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

(25) All costs incurred by the court and probation services shall be paid by the person making the motion to seal the record under subsection (10) of this section unless a determination is made that the person making the motion is indigent at the time the motion is brought."

## MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 1 of the title, after "conviction;" strike the remainder of the title and insert "amending RCW 9.94A.230, 9.95.240, and 13.50.050; and adding a new section to chapter 9.96 RCW."

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 1392, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1392, as amended by the Senate under suspension of the rules.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1392, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 3; Excused, 0.

Voting yea: Senators Bauer, Brown, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 40.

Voting nay: Senators Benton, Roach, Rossi, Stevens, Swecker and Zarelli - 6.

Absent: Senators Costa, Hargrove and McDonald - 3.

SUBSTITUTE HOUSE BILL NO. 1392, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 25, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5967 with the following amendment(s):

On page 2, after line 23, insert the following:

"Sec. 3. 1999 c ... (ESSB 5180) s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 2000) \$	((451,758,000))
	<u>452,044,000</u>
General Fund--State Appropriation (FY 2001) \$	((476,187,000))
	<u>476,761,000</u>
General Fund--Federal Appropriation \$	((1,000,701,000))
	<u>1,001,629,000</u>
General Fund--Private/Local Appropriation \$	4,274,000
Health Services Account--State Appropriation \$	2,104,000
TOTAL APPROPRIATION \$	((1,935,024,000))
	<u>1,936,812,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$2,118,000 of the general fund--federal appropriation, \$923,000 of the general fund--state appropriation for fiscal year 2000, and \$958,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,640,000 of the general fund--state appropriation for fiscal year 2000 and \$1,640,000 of the general fund--state appropriation for fiscal year 2001, plus the associated vendor rate increase for each year, are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing Engrossed Second Substitute House Bill No. 1484 (nursing home payment rates), the weighted average nursing facility payment rate for fiscal year 2000 shall be no more than \$10.36 for the capital portion of the rate and no more than \$108.20 for the noncapital portion of the rate. For fiscal year ~~((2000))~~ 2001, the weighted average nursing facility payment rate shall be no more than \$10.57 for the capital portion of the rate and no more than \$110.91 for the noncapital portion of the rate. These rates include vendor rate increases, but exclude nurse's aide training.

(4) ~~((If Engrossed Second Substitute House Bill No. 1484 is not enacted by June 30, 1999, for purposes of implementing chapter 322, Laws of 1998 (nursing home payment rates), the weighted average nursing home payment rate shall be no more than \$118.39 for fiscal year 2000 and no more than \$120.36 for fiscal year 2001, including vendor rate increases but excluding nurse's aide training. The appropriations in this section include \$69,173,000 for fiscal year 2000 and \$68,123,000 for fiscal year 2001 for the department of social and health services to include a property component, a financing allowance component, and a variable return component in the rate it pays to nursing facilities. By July 1, 1999, the department shall adopt rules on an emergency basis pursuant to RCW 34.05.350 under which each nursing facility contractor shall continue to be paid the property, the financing allowance, and the variable return rate which it was paid on June 30, 1999. Each nursing facility contractor's June 30, 1999, variable return rate shall be increased by 1 percent effective July 1, 1999. Each nursing facility contractor's June 30, 2000 variable return rate shall be increased by 1 percent effective July 1, 2000. With respect to a nursing facility which enters the medicaid program for the first time on or after July 1, 1999, the department shall pay the lesser of (a) the property, the financing allowance, and the variable return rate for which the facility would qualify under chapter 388-96 WAC; or (b) the state-wide average rate for each of those rate components, weighted by medicaid patient days. With respect to a nursing facility which makes a capitalized addition or replacement which requires a certificate of need and which is approved by the department of health on or after July 1, 1999, the department shall pay the lesser of (a) the property, the financing allowance, and the variable return rate for which the facility would qualify under chapter 388-96 WAC; or (b) the state-wide average rate for each of those rate components, weighted by medicaid patient days.))~~In addition to the rates set forth in subsection (3), \$286,000 of the general fund--state appropriation for fiscal year 2000, \$574,000 of the general fund--state appropriation for fiscal year 2001, and \$928,000 of the general fund--federal appropriation are provided solely for supplemental rate adjustments for certain nursing facilities. In accordance with RCW 74.46.431, the department shall use these funds to apply an additional economic trends and

conditions adjustment factor to the rate of any facility whose total rate allocation would otherwise be less than its April 1, 1999, total rate, adjusted for case-mix changes. This supplemental adjustment factor shall be the percentage by which the facility's April 1, 1999, rate would otherwise exceed the rate calculated in accordance with chapter 74.46 RCW and sub-section (3) of this section, except that (a) no adjustment shall be provided for any amounts by which a facility's rate is lower due to a reduction in its facility-average medicaid case-mix score; and (b) the adjustment factor shall be reduced proportionately for all facilities by the percentage by which total supplemental payments would otherwise exceed the funds provided for such payments in this sub-section.

(5) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(6) \$6,264,000 of the general fund--state appropriation for fiscal year 2000, \$13,860,000 of the general fund--state appropriation for fiscal year 2001, and \$21,795,000 of the general fund--federal appropriation are provided solely to increase compensation for individual and for agency home care providers. Payments to individual home care providers are to be increased from \$6.18 per hour to \$6.68 per hour on July 1, 1999, and to \$7.18 per hour on July 1, 2000. Payments to agency providers are to increase to \$11.97 per hour on July 1, 1999, and to \$12.62 per hour on July 1, 2000. All but 14 cents per hour of the July 1, 1999, increase to agency providers, and all but 15 cents per hour of the additional July 1, 2000, increase is to be used to increase wages for direct care workers. The appropriations in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$200,000 of the general fund--state appropriation for fiscal year 2000, \$80,000 of the general fund--state appropriation for fiscal year 2001, and \$280,000 of the general fund--federal appropriation are provided solely for enhancement and integration of existing management information systems to (a) provide data at the local office level on service utilization, costs, and recipient characteristics; and (b) reduce the staff time devoted to data entry.

(8) The department of social and health services shall provide access and choice to consumers of adult day health services for the purposes of nursing services, physical therapy, occupational therapy, and psychosocial therapy. Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(9) \$1,452,000 of the general fund--state appropriation for fiscal year 2000, \$1,528,000 of the general fund--state appropriation for fiscal year 2001, and \$2,980,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1546 (in-home care services). If Second Substitute House Bill No. 1546 is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.", and the same are herewith transmitted

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Loveland, the Senate concurred in the House amendment to Substitute Senate Bill No. 5967.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5967, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5967, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin,

Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senators Costa, Hargrove and McDonald - 3.

SUBSTITUTE SENATE BILL NO. 5967, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 20, 1999

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to Engrossed House Bill No. 1773 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Heavey, the Senate receded from the Senate amendment(s) to Engrossed House Bill No. 1773.

#### MOTIONS

On motion of Senator Heavey, the rules were suspended and Engrossed House Bill No. 1773 was returned to second reading and read the second time.

Senator Heavey moved that the following striking amendment by Senators Heavey, Brown and McCaslin be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.09.240 and 1996 c 177 s 1 are each amended to read as follows:

(1) A person other than a parent, if the person is related to a child through consanguinity, marriage, or adoption, may petition the court for visitation with ((a)) the child at any time or may intervene in a pending dissolution, legal separation, or modification of parenting plan proceeding. ((A)) The person ((~~other than a parent~~)) may not petition for visitation under this section unless the child's parent or parents have commenced an action under this chapter.

(2) ((A)) The petition for visitation ((~~with a child by a person other than a parent~~)) must be filed in the county in which the child resides.

(3) ((~~A petition for visitation or a motion to intervene pursuant to this section shall be dismissed unless the petitioner or intervenor can demonstrate by clear and convincing evidence that a significant relationship exists with the child with whom visitation is sought. If the petition or motion is dismissed for failure to establish the existence of a significant relationship, the petitioner or intervenor shall be ordered to pay reasonable attorney's fees and costs to the parent, parents, other custodian, or representative of the child who responds to this petition or motion.~~

(4)) The court may order visitation between the petitioner or intervenor and the child ((~~between whom a significant relationship exists upon a finding supported by the evidence that the visitation is in the child's best interests.~~

(5)(a) ~~Visitation with a grandparent shall be presumed to be in the child's best interests when a significant relationship has been shown to exist. This presumption may be rebutted by a preponderance of evidence showing that visitation would endanger the child's physical, mental, or emotional health.~~

(b) ~~If the court finds that reasonable visitation by a grandparent would be in the child's best interest except for hostilities that exist between the grandparent and one or both of the parents or person with whom the child lives, the court may set the matter for mediation under RCW 26.09.015.~~

(6)) if the petitioner or intervenor has demonstrated by clear, cogent, and convincing evidence that:

(a) A significant relationship exists with the child with whom visitation is sought;

(b) Denial of visitation would result in a substantial likelihood of harm to the child's physical, mental, or emotional well-being; and

(c) Visitation is in the child's best interests.

If the petition or motion is dismissed, the petitioner or intervenor shall be ordered to pay reasonable attorneys' fees and costs to the parent, parents, other custodian, or representative of the child who responds to the petition or motion.

(4) The court may consider the following factors when making a determination of the child's best interests:

(a) The strength of the relationship between the child and the petitioner or intervenor;

(b) The relationship between each of the child's parents or the person with whom the child is residing and the petitioner or intervenor;

(c) The nature and reason for either parent's objection to granting the petitioner or intervenor visitation;

(d) The effect that granting visitation will have on the relationship between the child and the child's parents or the person with whom the child is residing;

(e) The residential time-sharing arrangements between the parents;

(f) The good faith of the petitioner or intervenor;

(g) Any criminal history or history of physical, emotional, or sexual abuse or neglect by the petitioner or intervenor; and

(h) Any other factor relevant to the child's best interest.

~~((7))~~ (5) The restrictions of RCW 26.09.191 that apply to parents shall be applied to a petitioner or intervenor who is not a parent, but who is related to the child through consanguinity, marriage, or adoption. The nature and extent of visitation, subject to these restrictions, is in the discretion of the court.

~~((8))~~ (6) The court may order an investigation and report concerning the proposed visitation or may appoint a guardian ad litem as provided in RCW 26.09.220.

~~((9))~~ (7) Visitation granted ~~((pursuant to))~~ under this section shall be incorporated into the parenting plan for the child.

~~((10))~~ (8) The court may modify or terminate an order granting visitation ~~((rights granted pursuant to))~~ under this section in any subsequent modification action upon a showing that the visitation is no longer in the best interest of the child.

**Sec. 2.** RCW 26.10.160 and 1996 c 303 s 2 are each amended to read as follows:

(1) A parent not granted custody of the child is entitled to reasonable visitation rights except as provided in subsection (2) of this section.

(2)(a) Visitation with the child shall be limited if it is found that the parent seeking visitation has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's visitation with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises visitation in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the parent requesting visitation, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting visitation, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making

progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have visitation with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised visitation has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of visitation between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised visitation has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the

child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of visitation between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting visitation. If the court expressly finds based on the evidence that limitations on visitation with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting visitation, the court shall restrain the person seeking visitation from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits visitation under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

(3)(a) Any person who is related to a child through consanguinity, marriage, or adoption may petition the court for visitation ((rights)) with the child at any time including, but not limited to, custody proceedings. The court may order visitation ((rights for any person when visitation may serve the best interest of the child)) between the petitioner and the child whether or not there has been any change of circumstances if the petitioner has demonstrated by clear, cogent, and convincing evidence that:

(i) A significant relationship exists with the child with whom visitation is sought;

(ii) Denial of visitation would result in a substantial likelihood of harm to the child's physical, mental, or emotional well-being; and

(iii) Visitation is in the child's best interests.

If the petition is dismissed, the petitioner shall be ordered to pay reasonable attorneys' fees and costs to the parent, parents, other custodian, or representative of the child who responds to the petition.

((4)) (b) The court may consider the following factors when making a determination of the child's best interests:

(i) The strength of the relationship between the child and the petitioner;

(ii) The relationship between each of the child's parents or the person with whom the child is residing and the petitioner;

(iii) The nature and reason for either parent's objection to granting the petitioner visitation;

(iv) The effect that granting visitation will have on the relationship between the child and the child's parents or the person with whom the child is residing;

(v) The residential time-sharing arrangements between the parents;

(vi) The good faith of the petitioner;

(vii) Any criminal history or history of physical, emotional, or sexual abuse or neglect by the petitioner; and

(viii) Any other factor relevant to the child's best interest.

(c) The restrictions of RCW 26.09.191 that apply to parents shall be applied to a petitioner or intervenor who is not a parent, but who is related to the child through consanguinity, marriage, or adoption. The nature and extent of visitation, subject to these restrictions, is in the discretion of the court.

(4) Visitation granted under this section shall be incorporated into the parenting plan for the child.

(5) The court may modify or terminate an order granting ((or denying)) visitation rights whenever modification or termination would serve the best interests of the child. Modification of a parent's visitation rights shall be subject to the requirements of subsection (2) of this section.

((5)) (6) For the purposes of this section, a parent's child means that parent's natural child, adopted child, or stepchild.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

#### MOTION

Senator Johnson moved that the following amendments by Senators Johnson and Zarelli to the striking amendment by Senators Heavey, Brown and McCaslin be considered simultaneously and be adopted:

On page 2, on line 14, after "intervenor" strike "shall" and insert "may, in the court's discretion pursuant to RCW 26.09.140."

On page 11, on line 16, after "petitioner" strike "shall" and insert "may, in the court's discretion pursuant to RCW 26.10.080."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Johnson and Zarelli on page 2, line 14, and page 11, line 16, to the striking amendment by Senators Heavey, Brown and McCaslin to Engrossed House Bill No. 1773.

The motion by Senator Johnson failed and the amendments to the striking amendment were not adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Heavey, Brown and McCaslin to Engrossed House Bill No. 1773.

The motion by Senator Heavey carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 2 of the title, after "custody;" strike the remainder of the title and insert "amending RCW 26.09.240 and 26.10.160; and declaring an emergency."

On motion of Senator Heavey, the rules were suspended, Engrossed House Bill No. 1773, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### CALL FOR THE PREVIOUS QUESTION

Senators Snyder, Prentice and Spanel called for the previous question and the demand was not sustained. Further debate ensued.

#### MOTION

On motion of Senator Franklin, Senator Snyder was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1773, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1773, as amended by the Senate under suspension of the rules, and the bill failed to pass the Senate by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Costa, Franklin, Fraser, Gardner, Goings, Haugen, Heavey, Horn, Jacobsen, Kline, Long, McAuliffe, McCaslin, Prentice, Rasmussen, Sheahan, Sheldon, T., Spanel, Thibaudeau, Winsley and Wojahn - 22.

Voting nay: Senators Benton, Brown, Deccio, Eide, Fairley, Finkbeiner, Hale, Hargrove, Hochstatter, Honeyford, Johnson, Kohl-Welles, Loveland, McDonald, Morton, Oke, Patterson, Roach, Rossi, Sellar, Sheldon, B., Shin, Stevens, Swecker, West and Zarelli - 26.

Excused: Senator Snyder - 1.

ENGROSSED HOUSE BILL NO. 1773, as amended by the Senate under suspension of the rules, having failed to receive the constitutional majority, was declared lost.

#### MESSAGE FROM THE HOUSE

April 25, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5968 with the following amendment(s):

On page 1, after line 17, insert the following:

"Sec. 2. 1999 c ... (ESSB 5180) s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2000) \$	722,863,000
General Fund--State Appropriation (FY 2001) \$	784,657,000
General Fund--Federal Appropriation \$	<del>((2,345,803,000))</del>
	<u>2,401,804,000</u>
General Fund--Private/Local Appropriation \$	261,534,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation \$	9,200,000
Health Services Account--State Appropriation \$	<del>((339,535,000))</del>
	<u>391,582,000</u>
TOTAL APPROPRIATION \$	<del>((4,463,592,000))</del>
	<u>4,571,641,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994.

(2) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(3) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(4) \$1,647,000 of the general fund--state appropriation for fiscal year 2000 and \$1,672,000 of the general fund--state appropriation for fiscal year 2001 are provided for treatment of low-income kidney dialysis patients.

(5) \$80,000 of the general fund--state appropriation for fiscal year 2000, \$80,000 of the general fund--state appropriation for fiscal year 2001, and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(6) The department shall adopt a new formula for distributing funds under the low-income disproportionate share hospital (LI-DSH) program. Under this new formula, (a) the state's Level 1 trauma center shall continue to receive the same amount of LI-DSH payments as in fiscal year 1999; and (b) ~~((in addition to other factors, the amount of a hospital's LI-DSH payment shall be inversely related to its net operating income as a percentage of total expenditures, such that more profitable hospitals receive a relatively smaller payment under the program))~~ a net profitability factor shall be included with other factors to determine LI-DSH payments. The net profitability factor shall inversely relate hospital percent net operating income to payment under the program.

(7) The department shall report to the fiscal committees of the legislature by September 15, 1999, and again by December 15, 1999, on (a) actions it has taken and proposes to take to increase the share of medicare part B premium payments upon which it is collecting medicaid matching funds; (b) the percentage of such premium payments for each month of service subsequent to June 1998 which have been paid with unmatched, state-only funds; and (c) why matching funds could not be collected on those payments.

(8) The department shall report to the fiscal committees of the legislature by December 1, 1999, and again by October 1, 2000, on the amount which has been recovered from third-party payers as a result of its efforts to improve coordination of benefits on behalf of "basic health plan-plus" enrollees.

(9) The department shall report to the health care and fiscal committees of the legislature by December 1, 1999, on options for controlling the growth in medicaid prescription drug expenditures through strategies such as but not limited to volume purchasing, selective contracting, supplemental drug discounts, and improved care coordination for high utilizers.

(10) \$3,992,000 of the health services account appropriation and \$7,651,000 of the general fund--federal appropriation are provided solely for health insurance coverage for children with family incomes between 200 percent and 250 percent of the federal poverty level, as provided in Substitute Senate Bill No. 5416 (children's health insurance program). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(11) \$191,000 of the general fund--state appropriation for fiscal year 2000 and \$391,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for implementation of Substitute Senate Bill No. 5587 (patient bill of rights). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(12) Upon approval from the federal health care financing administration, the department shall implement the section 1115 family planning waiver to provide family planning services to persons with family incomes at or below two hundred percent of the federal poverty level.

(13) Except in the case of rural hospitals and Harborview medical center, weighted average payments ~~((rates))~~ under the ratio-of-cost-to-charges hospital payment system shall increase by no more than ~~((4.7))~~ 175 percent ((per-year)) of the DRI HCFA hospital reimbursement market basket index.

(14) From the funds appropriated in this section, the department shall provide chiropractic services for persons qualifying for medical assistance services under chapter 74.09 RCW.

(15) In accordance with Substitute Senate Bill No. 5968, \$25,978,000 of the health services account appropriation for fiscal year 2000, \$26,069,000 of the health services account appropriation for fiscal year 2001, and \$56,002,000 of the general fund--federal appropriation, or so much thereof as may be expended without exceeding the medicare upper payment limit, are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. Such payments shall be distributed among the participating rural public hospital districts proportional to the number of days of medicaid-funded nursing home care provided by each district during the preceding calendar year, relative to the total number of such days of care provided by all participating rural public hospital districts. Prior to making any supplemental payments, the department shall first obtain federal approval for such payments under the medicaid state plan. The payments shall further be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least 82 percent of the supplemental payment amount; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting."

Correct the title., and the same are herewith transmitted

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Loveland, the Senate concurred in the House amendment to Substitute Senate Bill No. 5968.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5968, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5968, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.

Absent: Senator Horn - 1.

SUBSTITUTE SENATE BILL NO. 5968, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 9:29 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 10:00 p.m.  
The Senate was called to order at 10:00 p.m. by President Owen.

#### MOTION

At 10:00 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 10:20 p.m.

The Senate was called to order at 11:23 p.m. by President Owen.

#### MESSAGES FROM THE HOUSE

April 25, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
SUBSTITUTE SENATE BILL NO. 5277,  
SENATE BILL NO. 5374,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5825,  
SUBSTITUTE SENATE BILL NO. 5864, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 25, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
ENGROSSED HOUSE BILL NO. 1007,  
HOUSE BILL NO. 1192,  
HOUSE BILL NO. 1378,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1484,  
SUBSTITUTE HOUSE BILL NO. 1747,  
HOUSE BILL NO. 2259, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 25, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
HOUSE BILL NO. 1539,  
HOUSE BILL NO. 1810,  
HOUSE CONCURRENT RESOLUTION NO. 4410, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED HOUSE BILL NO. 1007,  
HOUSE BILL NO. 1192,  
HOUSE BILL NO. 1378,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1484,  
SUBSTITUTE HOUSE BILL NO. 1747,  
HOUSE BILL NO. 2259.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1539,  
HOUSE BILL NO. 1810.

MESSAGE FROM THE HOUSE

April 25, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5255 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 43.220.020 and 1994 c 264 s 32 are each amended to read as follows:

The Washington conservation corps is hereby created, to be implemented by the following state departments: The employment security department, the department of ecology, the department of fish and wildlife, the department of natural resources, ~~((the department of agriculture,))~~ and the state parks and recreation commission.

**Sec. 2.** RCW 43.220.030 and 1987 c 367 s 1 are each amended to read as follows:

Program goals of the Washington conservation corps include:

(1) Conservation, rehabilitation, and enhancement of the state's natural, historic, environmental, and recreational resources with emphasis given to projects which address the following state-wide priorities:

(a) Timber, fish and wildlife management plan;

(b) Watershed management plan;

(c) ~~((1989 centennial celebration and))~~ Eco-tourism and heritage tourism;

(d) ~~((Puget Sound))~~ State-wide water quality;

(e) United States-Canada fisheries treaty;

(f) Public access to and environmental education about stewardship of natural resources ~~((through recreational facilities))~~ on state lands;

(g) Recreational trails;

(h) Salmon recovery and volunteer initiatives;

(2) Development of the state's youth resources through meaningful work experiences;

- (3) Making outdoor and historic resources of the state available for public enjoyment;
- (4) Teaching of the workings of natural, environmental, and biological systems, as well as basic employment skills;
- (5) Assisting agencies in carrying out statutory assignments with limited funding resources; and
- (6) Providing needed public services in both urban and rural settings with emphasis in a distressed area or areas.

**Sec. 3.** RCW 43.220.040 and 1987 c 367 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Public lands" means any lands or waters, or interests therein, owned or administered by any agency or instrumentality of the state, federal, or local government.

(2) "Corps" means the Washington conservation corps.

(3) "Corps member" means an individual enrolled in the Washington conservation corps.

(4) "Corps member leaders" or "specialists" means members of the corps who serve in leadership or training capacities or who provide specialized services other than or in addition to the types of work and services that are performed by the corps members in general.

(5) "Council" means the Washington conservation corps coordinating council.

(6) "Crew supervisor" means temporary, project, or permanent state employees who supervise corps members and coordinate work project design and completion.

(7) "Distressed area" has the meaning as defined in RCW 43.168.020.

**Sec. 4.** RCW 43.220.060 and 1987 c 505 s 44 are each amended to read as follows:

(1) Each state department identified in RCW 43.220.020 shall have the following powers and duties to carry out its functions relative to the Washington conservation corps:

(a) Recruiting and employing staff ~~((and))~~, corps members, corps member leaders, and specialists;

(b) ~~((Adopting criteria for the selection of applicants to the program from among the enrollees of the youth employment exchange program;~~

~~((e)))~~ Executing agreements for furnishing the services of the ~~((employment conservation program))~~ corps to carry out conservation corps programs to any federal, state, or local public agency, any local organization as specified in this chapter in concern with the overall objectives of the conservation corps;

~~((d)))~~ (c) Applying for and accepting grants or contributions of funds from any private source;

~~((e)))~~ (d) Determining a preference for those projects which will provide long-term benefits to the public, will provide productive training and work experiences to the members involved, will be labor-intensive, may result in payments to the state for services performed, and can be promptly completed; and

~~((f)))~~ (e) Entering into agreements with community colleges within the state's community and technical college system and other educational institutions or independent nonprofit agencies to provide special education in basic skills, including reading, writing, and mathematics for those conservation corps members who may benefit by participation in such classes. Classes shall be scheduled after corps working hours. Participation by members is not mandatory but shall be strongly encouraged. The participation shall be a primary factor in determining whether the opportunity for corps membership beyond one year shall be offered. Instruction related to the specific role of the department in resource conservation shall also be offered, either in a classroom setting or as is otherwise appropriate.

(2) The assignment of corps members shall not result in the displacement of currently employed workers, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits. Supervising agencies that participate in the program may not terminate, lay-off, or reduce the working hours of any employee for the purpose of using a corps member with available funds. In circumstances where substantial efficiencies or a public purpose may result, supervising agencies may use corps members to carry out essential agency work or contractual functions without displacing current employees.

(3) Facilities, supplies, instruments, and tools of the supervising agency shall be made available for use by the conservation corps to the extent that such use does not conflict with the normal duties of the agency. The agency may purchase, rent, or otherwise acquire other necessary tools, facilities, supplies, and instruments.

**Sec. 5.** RCW 43.220.070 and 1995 c 399 s 112 are each amended to read as follows:

(1) Conservation corps members shall be unemployed residents of the state between eighteen and twenty-five years of age at the time of enrollment who are citizens or lawful permanent residents of the United States. The age requirements may be waived for corps leaders and specialists with special leadership or occupational skills; such members shall be given special responsibility for providing leadership, character development, and sense of community responsibility to the corps members, groups, and work crews to which they are assigned. The upper age requirement may be waived for residents who have a sensory or mental handicap. Special effort shall be made to recruit minority and disadvantaged youth who meet selection criteria of the

conservation corps. Preference shall be given to youths residing in areas, both urban and rural, in which there exists substantial unemployment exceeding the state average unemployment rate.

(2) The legislature finds that people with developmental disabilities would benefit from experiencing a meaningful work experience, and learning the value of labor and of membership in a productive society.

The legislature urges state agencies that are participating in the Washington conservation corps program to consider for enrollment in the program people who have developmental disabilities, as defined in RCW 71A.10.020.

If an agency chooses to enroll people with developmental disabilities in its Washington conservation corps program, the agency may apply to the United States department of labor, employment standards administration for a special subminimum wage certificate in order to be allowed to pay enrollees with developmental disabilities according to their individual levels of productivity.

(3) Corps members shall not be considered state employees. Other provisions of law relating to civil service, hours of work, rate of compensation, sick leave, unemployment compensation, state retirement plans, and vacation leave do not apply to the Washington conservation corps except for the crew (~~(leaders)~~) supervisors, who shall be project employees, and the administrative and supervisory personnel.

(4) Enrollment shall be for a period of six months which may be extended for (~~(an)~~) additional (~~(six months)~~) six-month periods by mutual agreement of the corps and the corps member, not to exceed two years. Corps members shall be reimbursed at the minimum wage rate established by state or federal law, whichever is higher, which may be increased by up to five percent for each additional six-month period worked: PROVIDED, That if agencies elect to run a residential program, the appropriate costs for room and board shall be deducted from the corps member's paycheck as provided in chapter 43.220 RCW.

(5) Corps members are to be available at all times for emergency response services coordinated through the department of community, trade, and economic development or other public agency. Duties may include sandbagging and flood cleanup, search and rescue, and other functions in response to emergencies.

**Sec. 6.** RCW 43.220.120 and 1994 c 264 s 34 are each amended to read as follows:

(1) There is established a conservation corps within the department of fish and wildlife.

(2) Specific work project areas of the (~~(game)~~) fish and wildlife conservation corps may include the following:

(a) Habitat development;

(b) Land clearing;

(c) Construction projects;

(d) Noxious weed control;

(e) Brush cutting;

(f) Reader board construction;

(g) Painting;

(h) Cleaning and repair of rearing ponds;

(i) Fishtrap construction;

(j) Brush clearance;

(k) Spawning channel restoration;

(l) Log removal;

(m) Nest box maintenance and cleaning;

(n) Fence building;

(o) Winter game feeding and herding;

(p) Stream rehabilitation;

(q) Fish hatchery operation and maintenance;

(r) Fish tagging; and

(s) Such other projects as the director of fish and wildlife may determine. If appropriate facilities are available, the director of fish and wildlife may authorize carrying out projects which involve overnight stays.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.220 RCW to read as follows:

(1) An amount not to exceed five percent of the funds available for the Washington conservation corps may be expended on agency administrative costs. Agency administrative costs are indirect expenses such as personnel, payroll, contract administration, fiscal services, and other overhead costs.

(2) An amount not to exceed twenty percent of the funds available for the Washington conservation corps may be expended for costs included in subsection (1) of this section and program support costs. Program support costs include, but are not limited to, program planning, development of reports, job and career training, uniforms and equipment, and standard office space and utilities. Program support costs do not include direct scheduling and supervision of corps members.

(3) A minimum of eighty percent of the funds available for the Washington conservation corps shall be expended for corps member salaries and benefits and for direct supervision of corps members.

**NEW SECTION. Sec. 8.** The following acts or parts of acts are each repealed:

- (1) RCW 43.220.050 (Coordination by youth employment exchange--Powers and duties) and 1983 1st ex.s. c 40 s 5;
- (2) RCW 43.220.220 (Use of funds for enrollees and members from distressed areas--Youth employment exchange--Evaluation of projects--Training plan) and 1985 c 230 s 2;
- (3) RCW 43.220.240 (Staff support--Administration) and 1985 c 230 s 4;
- (4) RCW 43.131.383 (Conservation corps--Termination) and 1993 c 516 s 13;
- (5) RCW 43.131.384 (Conservation corps--Repeal) and 1993 c 516 s 14;
- (6) RCW 43.220.150 (Conservation corps established in department of agriculture--Work project areas) and 1983 1st ex.s. c 40 s 15; and
- (7) RCW 43.220.230 (Limitation on use of funds) and 1990 c 71 s 3 & 1985 c 230 s 3.

**NEW SECTION. Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Jacobsen, the Senate concurred in the House amendment to Senate Bill No. 5255.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5255, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5255, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

SENATE BILL NO. 5255, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1166, by House Committee on Capital Budget (originally sponsored by Representatives Murray, Mitchell, Hankins and O'Brien) (by request of Governor Locke)

Issuing general obligation bonds.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 1166 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1166.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1166 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47. Voting nay: Senators Hargrove and Morton - 2. SUBSTITUTE HOUSE BILL NO. 1166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Bauer, Substitute House Bill No. 1166 was immediately transmitted to the House of Representatives.

#### SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4410, by Representatives Mitchell, Murray, Esser, Edmonds, Alexander, Lambert, Stensen and Bush

Creating a commission on legislative building renovation.

The concurrent resolution was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, House Concurrent Resolution No. 4410 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Concurrent Resolution No. 4410.

#### ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 4410 and the concurrent resolution was adopted by the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 49.

HOUSE CONCURRENT RESOLUTION NO. 4410, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8411, by Senators Kline and Heavey

Establishing a joint task force on equal access to justice.

The concurrent resolution was read the second time.

#### MOTION

Senator Kline moves that the rules be suspended and Senate Concurrent Resolution No. 8411 be advanced to third reading, the second reading considered the third and the concurrent resolution be placed on final passage.

Senator Johnson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Kline to suspend the rules and advance House Concurrent Resolution No. 8411 to third reading and final passage.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Kline to suspend the rules and advance Senate Concurrent Resolution No. 8411 to third reading and final passage carried by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 29. Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West and Zarelli - 20.

#### MOTION

Senator Roach moved that Second Engrossed House Bill No. 2073 be made a special order of business at 11:59 p.m.

#### POINT OF ORDER

Senator Betti Sheldon: "Thank you, Mr. President, I raise a point of order that this bill is outside the cutoff resolution--House Concurrent Resolution No. 4404, as amended by Senate Concurrent Resolution No. 8410."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Sheldon's point is well taken."

#### PARLIAMENTARY INQUIRY

Senator Deccio: "A parliamentary inquiry, Mr. President. Is this the official time clock that we are using?"

#### REPLY BY THE PRESIDENT

President Owen: "The official time clock is in front of me ."

Senator Deccio: "Can I inquire as to what time it is right now?"

President Owen: "It is twenty-three hundred hours, fifty-eight minutes, and twenty-nine seconds, thirty seconds, thirty-one seconds--." Senator Deccio: "I think Senator Roach said 11:59. Are we passed that point?"

President Owen: "No, we have not, but it is irrelevant. The motion was out of order."

Senator Deccio: "Thank you."

#### MOTION

Senator Finkbeiner moved that Senate Concurrent Resolution No. 8411 be referred to the Committee on Judiciary.

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Snyder: "A point of parliamentary inquiry, please. It is now after midnight and I want to inquire whether House and Senate Concurrent Resolutions are still alive?"

## REPLY BY THE PRESIDENT

President Owen: "Senator Snyder, the President believes that on previous rulings by both Lieutenant Governor Cherberg and Lieutenant Governor Pritchard that we are still within the one hundred-fifth day and we may complete the business that we were on."

Senator Finkbeiner demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Finkbeiner to refer Senate Concurrent Resolution No. 8411 to the Committee on Judiciary.

## ROLL CALL

The Secretary called the roll and the motion by Senator Finkbeiner to refer Senate Concurrent Resolution No. 8411 to the Committee on Judiciary failed by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West and Zarelli - 20.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 29.

The President declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8411.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8411 and the concurrent resolution was adopted by the Senate by the following vote: 32; Nays, 16; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn - 32.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Oke, Rossi, Sellar, Stevens, Swecker and Zarelli - 16.

Absent: Senator Hochstatter - 1.

SENATE CONCURRENT RESOLUTION NO. 8411, having received the constitutional majority, was declared passed.

## APPOINTMENT OF INTERIM COMMITTEES

JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE: Senators Bauer, Gardner, Horn, Loveland, Oke, Stevens, West and Wojahn

COMMITTEE ON ENERGY AND UTILITIES: Senators Brown, Hochstatter, Jacobsen and Rossi

LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE: Senators Fraser, Horn, Kohl-Welles and Winsley

\*LEGISLATIVE TRANSPORTATION COMMITTEE: Senators Benton, Horn, Morton, Oke and Sellar

EDITOR'S NOTE: The Democratic Caucus did not make appointments to the Legislative Transportation Committee at this time.

MOTION

On motion of Senator Betti Sheldon, the interim committee appointments were confirmed.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8413 by Senators Snyder and McDonald

Returning bills to their house of origin.

SCR 8414 by Senators Snyder and McDonald

Notifying the Governor the legislature will adjourn SINE DIE.

SCR 8415 by Senators Snyder and McDonald

Adjourning SINE DIE.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended and Senate Concurrent Resolution No. 8413, Senate Concurrent Resolution No. 8414 and Senate Concurrent Resolution No. 8415 were advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8413, by Senators Snyder and McDonald

Returning bills to their house of origin.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8413 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

SENATE CONCURRENT RESOLUTION NO. 8413 was adopted by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8414, by Senators Snyder and McDonald

Notifying the Governor the legislature will adjourn SINE DIE.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8414 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

SENATE CONCURRENT RESOLUTION NO. 8414 was adopted by voice vote.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY  
THE GOVERNOR OF ADJOURNMENT SINE DIE

Under the provisions of Senate Concurrent Resolution No. 8414, the President appointed Senators Spanel, Loveland, McDonald and Deccio to join a like committee from the House to notify the Governor that the Legislature is about to adjourn SINE DIE.

MOTION

On motion of Senator Betti Sheldon, the committee appointments were confirmed.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8415, by Senators Snyder and McDonald

Adjourning SINE DIE.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8415 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

SENATE CONCURRENT RESOLUTION NO. 8415 was adopted by voice vote.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eight order of business.

MOTION

On motion of Senator Betti Sheldon, the following resolution was adopted:

SENATE RESOLUTION 1999-8685

By Senators Snyder and McDonald

BE IT RESOLVED, By the Senate, That a committee consisting of four members of the Senate be appointed to notify the House that the Legislature is about to adjourn SINE DIE.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY  
HOUSE OF ADJOURNMENT SINE DIE

Under the provisions of Senate Resolution 1999-8685, the President appointed Senators Costa, Eide, Sheahan and Zarelli to notify the House that the Senate is ready to adjourn SINE DIE.

MOTION

On motion of Senator Betti Sheldon, the committee appointments were confirmed.

MOTION

On motion of Senator Betti Sheldon, the following resolution was adopted:

SENATE RESOLUTION 1999-8684

By Senators Snyder and McDonald

WHEREAS, The 1999 Regular Session of the Fifty-sixth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 1999 Regular Session of the Fifty-sixth Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize out-of-state travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed copies of the Senate Journal of the 1999 Regular Session of the Fifty-sixth Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interims, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers or memorials in the event of a bereavement in a legislator's family; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

April 25, 1999

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5011,

SUBSTITUTE SENATE BILL NO. 5298, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 25, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5416, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 25, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5485, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 25, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5693, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 25, 1999

MR. PRESIDENT:

The House has receded from its amendment(s) to SUBSTITUTE SENATE JOINT RESOLUTION NO. 8208, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5011,  
SUBSTITUTE SENATE BILL NO. 5298,  
SUBSTITUTE SENATE BILL NO. 5416,  
ENGROSSED SENATE BILL NO. 5485,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5693,  
SUBSTITUTE SENATE JOINT RESOLUTION NO. 8208.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5967,  
SUBSTITUTE SENATE BILL NO. 5968.

COMMITTEE FROM HOUSE NOTIFYING  
THE SENATE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of the committee from the House consisting of Representatives Ericksen, Miloscia, Pflug and Veloria. The committee appeared before the bar of the Senate to notify the Senate that the House is about to adjourn SINE DIE.

The report was received and the committee returned to the House of Representatives.

MESSAGES FROM THE HOUSE

April 25, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1493,  
HOUSE BILL NO. 1757,  
SUBSTITUTE HOUSE BILL NO. 1774, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 25, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
SECOND SUBSTITUTE HOUSE BILL NO. 1037,  
SUBSTITUTE HOUSE BILL NO. 1240,  
SUBSTITUTE HOUSE BILL NO. 1282,  
SUBSTITUTE HOUSE BILL NO. 1448,  
SECOND SUBSTITUTE HOUSE BILL NO. 1681,  
HOUSE BILL NO. 1833,  
SUBSTITUTE HOUSE BILL NO. 2005,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2260, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 25, 1999

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 1014 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 25, 1999

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1165 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 25, 1999

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 2201 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 25, 1999

MR. PRESIDENT:

The Co-Speakers have signed:

SUBSTITUTE SENATE BILL NO. 5416,  
SUBSTITUTE SENATE BILL NO. 5967,  
SUBSTITUTE SENATE BILL NO. 5968, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1493,  
HOUSE BILL NO. 1757,  
SUBSTITUTE HOUSE BILL NO. 1774.

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1037,  
SUBSTITUTE HOUSE BILL NO. 1240,  
SUBSTITUTE HOUSE BILL NO. 1282,  
SUBSTITUTE HOUSE BILL NO. 1448,  
SECOND SUBSTITUTE HOUSE BILL NO. 1681,  
HOUSE BILL NO. 1833,  
SUBSTITUTE HOUSE BILL NO. 2005,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2260.

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY  
HOUSE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of the special committee, composed of Senators Costa, Eide, Sheahan and Zarelli, who were appointed under the provisions of Senate Resolution 1999-8685. The committee reported they had notified the House that the Senate is ready to adjourn SINE DIE.

The report was received and the committee was discharged.

MESSAGES FROM THE HOUSE

April 25, 1999

MR. PRESIDENT:

The Co-Speakers have signed:

ENGROSSED HOUSE BILL NO. 1014,

HOUSE CONCURRENT RESOLUTION NO. 4410, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 25, 1999

MR. PRESIDENT:

The Co-Speakers have signed SUBSTITUTE HOUSE BILL NO. 1165, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 25, 1999

MR. PRESIDENT:

The Co-Speakers have signed SUBSTITUTE HOUSE BILL NO. 1166, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 25, 1999

MR. PRESIDENT:

The Co-Speakers have signed HOUSE BILL NO. 2201, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 25, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5729, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 5180.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5255,  
SUBSTITUTE SENATE BILL NO. 5729.

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED HOUSE BILL NO. 1014,  
SUBSTITUTE HOUSE BILL NO. 1165,  
SUBSTITUTE HOUSE BILL NO. 1166,  
HOUSE BILL NO. 2201,  
HOUSE CONCURRENT RESOLUTION NO. 4410.

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY  
THE GOVERNOR OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of the special committee, composed of Senators Loveland, Spanel, Deccio and McDonald, who were appointed under the provisions of Senate Concurrent Resolution No. 8414. The committee reported they joined with a like committee from the House of Representatives and notified the Governor that the Legislature is about to adjourn SINE DIE.

The report was received and the committee was discharged.

MESSAGES FROM THE HOUSE

April 25, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5180,  
SENATE BILL NO. 5255,  
SUBSTITUTE SENATE BILL NO. 5729, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MR. PRESIDENT:

April 25, 1999

The House has adopted:  
SENATE CONCURRENT RESOLUTION NO. 8413,  
SENATE CONCURRENT RESOLUTION NO. 8414,  
SENATE CONCURRENT RESOLUTION NO. 8415, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President has signed:  
SENATE CONCURRENT RESOLUTION NO. 8413,  
SENATE CONCURRENT RESOLUTION NO. 8414,  
SENATE CONCURRENT RESOLUTION NO. 8415.

MOTION

Under the provisions of Senate Concurrent Resolution No. 8413, on motion of Senator Betti Sheldon, the following House Bills were returned to the House of Representatives:

HOUSE BILL NO. 1019,  
HOUSE BILL NO. 1021,  
HOUSE BILL NO. 1022,  
HOUSE BILL NO. 1025,  
HOUSE BILL NO. 1031,  
SUBSTITUTE HOUSE BILL NO. 1046,  
HOUSE BILL NO. 1051,  
SUBSTITUTE HOUSE BILL NO. 1054,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1059,  
SUBSTITUTE HOUSE BILL NO. 1061,  
HOUSE BILL NO. 1070,  
SUBSTITUTE HOUSE BILL NO. 1072,  
SUBSTITUTE HOUSE BILL NO. 1074,  
SUBSTITUTE HOUSE BILL NO. 1078,  
ENGROSSED HOUSE BILL NO. 1085,  
HOUSE BILL NO. 1095,  
HOUSE BILL NO. 1096,  
ENGROSSED HOUSE BILL NO. 1097,  
HOUSE BILL NO. 1098,  
HOUSE BILL NO. 1138,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1147,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1156,  
HOUSE BILL NO. 1159,  
HOUSE BILL NO. 1164,  
HOUSE BILL NO. 1170,  
SUBSTITUTE HOUSE BILL NO. 1171,  
SUBSTITUTE HOUSE BILL NO. 1177,  
SUBSTITUTE HOUSE BILL NO. 1178,  
SECOND SUBSTITUTE HOUSE BILL NO. 1184,  
HOUSE BILL NO. 1188,  
HOUSE BILL NO. 1198,  
HOUSE BILL NO. 1200,  
ENGROSSED HOUSE BILL NO. 1202,  
HOUSE BILL NO. 1203,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1210,  
SUBSTITUTE HOUSE BILL NO. 1234,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1252,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1274,  
SUBSTITUTE HOUSE BILL NO. 1285,  
HOUSE BILL NO. 1288,  
HOUSE BILL NO. 1293,  
HOUSE BILL NO. 1306,  
HOUSE BILL NO. 1320,  
ENGROSSED HOUSE BILL NO. 1325,  
HOUSE BILL NO. 1346,  
HOUSE BILL NO. 1352,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362,  
SUBSTITUTE HOUSE BILL NO. 1368,  
HOUSE BILL NO. 1369,  
HOUSE BILL NO. 1370,  
SUBSTITUTE HOUSE BILL NO. 1376,  
HOUSE BILL NO. 1377,  
SUBSTITUTE HOUSE BILL NO. 1382,  
HOUSE BILL NO. 1383,

SUBSTITUTE HOUSE BILL NO. 1391,  
HOUSE BILL NO. 1455,

SECOND SUBSTITUTE HOUSE BILL NO. 1462,  
SUBSTITUTE HOUSE BILL NO. 1487,  
ENGROSSED HOUSE BILL NO. 1513,  
SUBSTITUTE HOUSE BILL NO. 1529,  
HOUSE BILL NO. 1540,  
HOUSE BILL NO. 1555,  
SECOND SUBSTITUTE HOUSE BILL NO. 1574,  
ENGROSSED HOUSE BILL NO. 1577,  
HOUSE BILL NO. 1579,  
HOUSE BILL NO. 1585,  
SUBSTITUTE HOUSE BILL NO. 1588,  
ENGROSSED HOUSE BILL NO. 1613,  
HOUSE BILL NO. 1621,  
SUBSTITUTE HOUSE BILL NO. 1650,  
SECOND SUBSTITUTE HOUSE BILL NO. 1674,  
HOUSE BILL NO. 1685,  
SECOND SUBSTITUTE HOUSE BILL NO. 1692,  
HOUSE BILL NO. 1711,  
HOUSE BILL NO. 1715,  
ENGROSSED HOUSE BILL NO. 1749,  
SUBSTITUTE HOUSE BILL NO. 1755,  
SUBSTITUTE HOUSE BILL NO. 1789,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1817,  
SECOND SUBSTITUTE HOUSE BILL NO. 1818,  
HOUSE BILL NO. 1829,  
SUBSTITUTE HOUSE BILL NO. 1862,  
HOUSE BILL NO. 1866,  
HOUSE BILL NO. 1869,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1884,  
SECOND SUBSTITUTE HOUSE BILL NO. 1891,  
HOUSE BILL NO. 1923,  
SUBSTITUTE HOUSE BILL NO. 1955,  
SUBSTITUTE HOUSE BILL NO. 1960,  
ENGROSSED HOUSE BILL NO. 1968,  
SECOND SUBSTITUTE HOUSE BILL NO. 1987,  
SUBSTITUTE HOUSE BILL NO. 1990,  
ENGROSSED HOUSE BILL NO. 2073,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2078,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2094,  
SECOND SUBSTITUTE HOUSE BILL NO. 2098,  
SUBSTITUTE HOUSE BILL NO. 2099,  
SECOND SUBSTITUTE HOUSE BILL NO. 2109,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2123,  
SUBSTITUTE HOUSE BILL NO. 2177,  
SUBSTITUTE HOUSE BILL NO. 2210,  
SUBSTITUTE HOUSE BILL NO. 2234,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2238,  
HOUSE BILL NO. 2246,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254,  
SUBSTITUTE HOUSE BILL NO. 2263,

SUBSTITUTE HOUSE BILL NO. 2269,  
SUBSTITUTE HOUSE BILL NO. 2273,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2284,  
HOUSE BILL NO. 2285,  
HOUSE JOINT MEMORIAL NO. 4001,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4005,  
ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4010.

MESSAGES FROM THE HOUSE

April 25, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
SUBSTITUTE SENATE BILL NO. 5011,  
SUBSTITUTE SENATE BILL NO. 5298,  
SUBSTITUTE SENATE BILL NO. 5485,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5693,  
SUBSTITUTE SENATE BILL JOINT RESOLUTION NO. 8208, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

April 25, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
SENATE CONCURRENT RESOLUTION NO. 8413, and the same is herewith transmitted.  
SENATE CONCURRENT RESOLUTION NO. 8414,  
SENATE CONCURRENT RESOLUTION NO. 8415, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MESSAGE FROM THE HOUSE

Under the provisions of Senate Concurrent Resolution No. 8413, the House herewith returns the following Senate Bills to the Senate:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5000,  
SUBSTITUTE SENATE BILL NO. 5001,  
ENGROSSED SENATE BILL NO. 5013,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5019,  
SENATE BILL NO. 5024,  
SUBSTITUTE SENATE BILL NO. 5027,  
SUBSTITUTE SENATE BILL NO. 5032,  
SENATE BILL NO. 5033,  
SENATE BILL NO. 5038,  
ENGROSSED SENATE BILL NO. 5044,  
SUBSTITUTE SENATE BILL NO. 5049,  
SUBSTITUTE SENATE BILL NO. 5050,  
SENATE BILL NO. 5053,  
SUBSTITUTE SENATE BILL NO. 5059,  
SENATE BILL NO. 5060,

SUBSTITUTE SENATE BILL NO. 5061,  
SUBSTITUTE SENATE BILL NO. 5065,  
SUBSTITUTE SENATE BILL NO. 5066,  
SENATE BILL NO. 5071,  
SUBSTITUTE SENATE BILL NO. 5074,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5082,  
SENATE BILL NO. 5084,  
SUBSTITUTE SENATE BILL NO. 5094,  
ENGROSSED SENATE BILL NO. 5097,  
SUBSTITUTE SENATE BILL NO. 5099,  
SENATE BILL NO. 5100,  
SUBSTITUTE SENATE BILL NO. 5103,  
SENATE BILL NO. 5106,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5111,  
SUBSTITUTE SENATE BILL NO. 5112,  
SUBSTITUTE SENATE BILL NO. 5113,  
SUBSTITUTE SENATE BILL NO. 5115,  
SENATE BILL NO. 5117,  
SUBSTITUTE SENATE BILL NO. 5121,  
SENATE BILL NO. 5124,  
SUBSTITUTE SENATE BILL NO. 5148,  
SUBSTITUTE SENATE BILL NO. 5149,  
SENATE BILL NO. 5152,  
SUBSTITUTE SENATE BILL NO. 5160,  
ENGROSSED SENATE BILL NO. 5163,  
SENATE BILL NO. 5170,  
SUBSTITUTE SENATE BILL NO. 5176,  
SUBSTITUTE SENATE BILL NO. 5177,  
SUBSTITUTE SENATE BILL NO. 5181,  
SENATE BILL NO. 5186,  
ENGROSSED SENATE BILL NO. 5187,  
SENATE BILL NO. 5188,  
SUBSTITUTE SENATE BILL NO. 5192,  
SENATE BILL NO. 5193,  
SUBSTITUTE SENATE BILL NO. 5199,

SENATE BILL NO. 5200,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5205,  
SUBSTITUTE SENATE BILL NO. 5212,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5226,  
SENATE BILL NO. 5240,  
SUBSTITUTE SENATE BILL NO. 5248,  
ENGROSSED SENATE BILL NO. 5250,  
SENATE BILL NO. 5258,  
SUBSTITUTE SENATE BILL NO. 5260,  
SUBSTITUTE SENATE BILL NO. 5264,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5268,  
SENATE BILL NO. 5270,  
SENATE BILL NO. 5275,  
SUBSTITUTE SENATE BILL NO. 5280,  
SUBSTITUTE SENATE BILL NO. 5283,  
SENATE BILL NO. 5284,  
SUBSTITUTE SENATE BILL NO. 5285,

SENATE BILL NO. 5291,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5295,  
SUBSTITUTE SENATE BILL NO. 5299,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5300,  
SUBSTITUTE SENATE BILL NO. 5309,  
SUBSTITUTE SENATE BILL NO. 5325,  
SUBSTITUTE SENATE BILL NO. 5328,  
ENGROSSED SENATE BILL NO. 5330,  
SECOND SUBSTITUTE SENATE BILL NO. 5331,  
ENGROSSED SENATE BILL NO. 5336,  
ENGROSSED SENATE BILL NO. 5337,  
SUBSTITUTE SENATE BILL NO. 5340,  
SENATE BILL NO. 5341,  
SENATE BILL NO. 5343,  
ENGROSSED SENATE BILL NO. 5346,  
SUBSTITUTE SENATE BILL NO. 5349,  
SENATE BILL NO. 5353,  
SENATE BILL NO. 5355,  
SUBSTITUTE SENATE BILL NO. 5359,  
SUBSTITUTE SENATE BILL NO. 5363,  
SENATE BILL NO. 5370,  
SUBSTITUTE SENATE BILL NO. 5376,  
SUBSTITUTE SENATE BILL NO. 5378,  
SENATE BILL NO. 5380,  
SENATE BILL NO. 5381,  
SUBSTITUTE SENATE BILL NO. 5383,  
SUBSTITUTE SENATE BILL NO. 5386,  
SUBSTITUTE SENATE BILL NO. 5387,  
SUBSTITUTE SENATE BILL NO. 5400,  
SENATE BILL NO. 5410,  
SUBSTITUTE SENATE BILL NO. 5413,  
SUBSTITUTE SENATE BILL NO. 5415,  
SUBSTITUTE SENATE BILL NO. 5430,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5433,  
SENATE BILL NO. 5434,  
ENGROSSED SENATE BILL NO. 5437,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5439,  
SENATE BILL NO. 5443,  
SENATE BILL NO. 5445,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5447,  
SUBSTITUTE SENATE BILL NO. 5453,  
SENATE BILL NO. 5454,  
SENATE BILL NO. 5464,  
SUBSTITUTE SENATE BILL NO. 5465,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5470,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5480,  
SUBSTITUTE SENATE BILL NO. 5482,  
SENATE BILL NO. 5483,  
SENATE BILL NO. 5484,  
ENGROSSED SENATE BILL NO. 5490,  
SUBSTITUTE SENATE BILL NO. 5491,  
SUBSTITUTE SENATE BILL NO. 5492,  
SENATE BILL NO. 5496,  
SENATE BILL NO. 5497,

SUBSTITUTE SENATE BILL NO. 5501,  
SENATE BILL NO. 5503,  
SUBSTITUTE SENATE BILL NO. 5510,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5512,  
SENATE BILL NO. 5514,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5516,  
SUBSTITUTE SENATE BILL NO. 5518,  
SENATE BILL NO. 5519,  
SUBSTITUTE SENATE BILL NO. 5522,  
SUBSTITUTE SENATE BILL NO. 5528,  
SENATE BILL NO. 5529,  
SENATE BILL NO. 5530,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5531,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5533,  
SENATE BILL NO. 5538,  
SENATE BILL NO. 5542,  
SUBSTITUTE SENATE BILL NO. 5547,  
SUBSTITUTE SENATE BILL NO. 5549,  
SECOND SUBSTITUTE SENATE BILL NO. 5556,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5557,  
SENATE BILL NO. 5560,  
SUBSTITUTE SENATE BILL NO. 5561,  
SENATE BILL NO. 5563,  
ENGROSSED SENATE BILL NO. 5568,  
SENATE BILL NO. 5570,  
SENATE BILL NO. 5575,  
SUBSTITUTE SENATE BILL NO. 5578,  
SENATE BILL NO. 5579,  
ENGROSSED SENATE BILL NO. 5580,  
SENATE BILL NO. 5584,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5587,  
SUBSTITUTE SENATE BILL NO. 5590,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5593,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5595,  
SENATE BILL NO. 5597,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5598,  
SUBSTITUTE SENATE BILL NO. 5604,  
SUBSTITUTE SENATE BILL NO. 5607,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5608,  
SUBSTITUTE SENATE BILL NO. 5611,  
ENGROSSED SENATE BILL NO. 5613,  
SENATE BILL NO. 5617,  
SENATE BILL NO. 5624,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5625,  
ENGROSSED SENATE BILL NO. 5631,  
SUBSTITUTE SENATE BILL NO. 5641,  
SUBSTITUTE SENATE BILL NO. 5657,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5659,  
ENGROSSED SENATE BILL NO. 5662,  
SENATE BILL NO. 5664,  
SENATE BILL NO. 5665,  
SENATE BILL NO. 5667,  
SENATE BILL NO. 5670,  
ENGROSSED SENATE BILL NO. 5675,

SUBSTITUTE SENATE BILL NO. 5679,  
SECOND SUBSTITUTE SENATE BILL NO. 5681,  
SUBSTITUTE SENATE BILL NO. 5683,  
SENATE BILL NO. 5684,  
SENATE BILL NO. 5703,  
SECOND ENGROSSED SENATE BILL NO. 5704,  
SUBSTITUTE SENATE BILL NO. 5710,  
SUBSTITUTE SENATE BILL NO. 5718,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5730,

SUBSTITUTE SENATE BILL NO. 5733,  
SENATE BILL NO. 5739,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5743,  
SENATE BILL NO. 5748,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5750,  
SENATE BILL NO. 5760,  
SUBSTITUTE SENATE BILL NO. 5764,  
SUBSTITUTE SENATE BILL NO. 5770,  
ENGROSSED SENATE BILL NO. 5779,  
SUBSTITUTE SENATE BILL NO. 5792,  
SUBSTITUTE SENATE BILL NO. 5793,  
SUBSTITUTE SENATE BILL NO. 5797,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5800,  
SUBSTITUTE SENATE BILL NO. 5805,  
SUBSTITUTE SENATE BILL NO. 5810,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5811,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5812,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5813,  
ENGROSSED SENATE BILL NO. 5816,  
ENGROSSED SENATE BILL NO. 5819,  
SUBSTITUTE SENATE BILL NO. 5822,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5848,  
SUBSTITUTE SENATE BILL NO. 5850,  
SENATE BILL NO. 5869,  
ENGROSSED SENATE BILL NO. 5881,  
ENGROSSED SENATE BILL NO. 5886,  
SUBSTITUTE SENATE BILL NO. 5893,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5899,  
SUBSTITUTE SENATE BILL NO. 5900,  
SUBSTITUTE SENATE BILL NO. 5902,  
SUBSTITUTE SENATE BILL NO. 5903,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5914,  
SENATE BILL NO. 5920,  
SUBSTITUTE SENATE BILL NO. 5921,  
SUBSTITUTE SENATE BILL NO. 5929,  
SUBSTITUTE SENATE BILL NO. 5932,  
SUBSTITUTE SENATE BILL NO. 5933,  
SENATE BILL NO. 5944,  
SENATE BILL NO. 5951,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5955,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5957,  
SUBSTITUTE SENATE BILL NO. 5963,  
SUBSTITUTE SENATE BILL NO. 5989,

SUBSTITUTE SENATE BILL NO. 6003,  
ENGROSSED SENATE BILL NO. 6004,  
SUBSTITUTE SENATE BILL NO. 6008,  
SENATE BILL NO. 6010,  
SUBSTITUTE SENATE BILL NO. 6031,  
SUBSTITUTE SENATE BILL NO. 6032,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6035,  
SENATE BILL NO. 6037,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6067,  
SENATE JOINT MEMORIAL NO. 8000,  
SENATE JOINT MEMORIAL NO. 8010,  
SUBSTITUTE SENATE JOINT RESOLUTION NO. 8200,  
SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8205,  
SENATE CONCURRENT RESOLUTION NO. 8402,  
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8408,  
SENATE CONCURRENT RESOLUTION NO. 8409,  
SENATE CONCURRENT RESOLUTIONS NO. 8410,  
SENATE CONCURRENT RESOLUTION NO. 8411, and the same are herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### PERSONAL PRIVILEGE

Senator Snyder: "Thank you, Mr. President, a point of personal privilege. I just want to say 'thank you' and extend my deep-felt thanks to you for all the kindness and the decorum and the way that you have conducted yourself on the rostrum this year--and to all the crew on the rostrum and crew in the back room. I know how hard they work and how simple it looks to always have the material out here for us, but it is really a big effort. I also want to thank all my colleagues in the Senate. I think we got through without too many knock-down/drag-out fights--maybe we didn't have any at all. It certainly has been a pleasure to serve with all of you. I certainly want to include all the staff in saying 'thanks' to them.

"It is quite a place; it is a great effort. It is very tiring. I think that a couple of weeks off is going to help a lot and I really think, with a lot of cooperation, the accomplishments were quite high this session and we look forward to coming back in a couple of weeks and to being here for a short period of time and finishing the business. I looked up--the last time there was a tie in 1979, they went continuously, even though they had some rolling recesses at the end, but they adjourned SINE DIE on June 1, so I think we are way ahead of where they were back in those days. Again, Mr. President, thank you very, very kindly."

#### REPLY BY THE PRESIDENT

President Owen: "Thank you, Senator Snyder. Your remarks are very much appreciated, but the President would like to note that we have an outstanding staff who have done a yeoman's job and yeowoman's job here this year, both in the work room and up front here. I think that the Senate and the Legislature as a whole are blessed with some of the finest working people in the world--that do just an outstanding excellent job for us here. I, too, would like to thank them for the job that they do."

#### MOTION

On motion of Senator Betti Sheldon, the Senate Journal for the one hundred-fifth day of the 1999 Regular Session of the Fifty-sixth Legislature was approved.

MOTION

At 12:32 a.m., on motion of Senator Betti Sheldon, the 1999 Regular Session of the Fifty-sixth Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

ONE HUNDRED-FIFTH DAY, APRIL 25, 1999

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**FIRST DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Monday, May 17, 1999

The Senate of the 1999 First Special Session of the Fifty-sixth Legislature of the state of Washington was called to order at 9:00 a.m. by Lieutenant Governor Brad Owen, President of the Senate. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Fairley and Finkbeiner. On motion of Senator Franklin, Senators Brown and Fairley were excused. On motion of Senator Hochstatter, Senator Finkbeiner was excused.

The Sergeant at Arms Color Guard consisting of Pages Michael Hawkins and Kerri Watts, presented the Colors. Reverend Anna Grace, pastor of the Unity Church of Olympia, offered the prayer.

PROCLAMATION BY THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 1999 regular session on April 25, 1999, the 105th day of the session; and

WHEREAS, substantial work remains to be done with respect to education, including school safety, teacher testing, and professional teaching standards; and

WHEREAS, substantial work also remains to be done with respect to salmon recovery efforts, and a biennial transportation budget for the state was not passed;

NOW, THEREFORE, I, Gary Locke, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia at nine o'clock a.m. on Monday, May 17, 1999, for a period of not more than one week for the purpose of enacting legislation as described above.

IN WITNESS WHEREOF, I have hereunto  
set my hand and caused the Seal of the State of  
Washington to be affixed at Olympia this thirtieth  
day of April, A.D., nineteen hundred and ninety-nine.

GARY LOCKE

Governor of Washington

(SEAL)

BY THE GOVERNOR:

RALPH MUNRO  
Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Brad Owen  
President of the Senate  
Legislature of the State of Washington

Olympia, Washington 98504

Dear President Owen:

We respectfully transmit for your consideration the following bills that have been partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bills, as required by Article III, section 12, of the Washington State Constitution:

SUBSTITUTE SENATE BILL NO. 5179,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5180,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5594.

IN TESTIMONY WHEREOF, I have hereunto set my hand and  
affixed the seal of the State of Washington, this 17th day of  
May, 1999.

(Seal)

RALPH MUNRO

Secretary of State

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5179

May 10, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 903, Substitute Senate Bill No. 5179 entitled:

"AN ACT Relating to the authority of the parks and recreation commission;"

I am returning herewith without my approval as to section 903, Substitute Senate Bill 5179. Section 903 amends RCW 43.51.140 and chapter 156, section 2, Laws of 1982. This provision of law was recently amended by my signing of House Bill No. 1331. The language in section 903 does not correspond to the change made in House Bill No. 1331. To avoid conflicting statutory provisions, I am vetoing section 903.

For this reason, I have vetoed section 903 of Substitute Senate Bill No. 5179.

With the exception of section 903, Substitute Senate Bill No. 5179 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5180

May 14, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 124(3); 205(3)(b); 210(14); 502(10); and 722, Engrossed Substitute Senate Bill No. 5180 entitled:

"AN ACT Relating to fiscal matters;"

Engrossed Substitute Senate Bill No. 5180 is the state operating budget for the upcoming biennium. I disagree with some sections and have vetoed them for the following reasons:

**Section 124 (3), page 15, Review of Ecology Policy and Guidelines (Office of the Attorney General)**

This provision would require the state Attorney General to conduct a review of the policies, practices, and guidelines employed by the Department of Ecology in researching, analyzing, and issuing a certification under the

authority of the federal Water Pollution Control Act for the proposed regional landfill in Pierce County. The findings of this review would be reported to the Legislature by December 1, 1999.

The Attorney General has asked for a veto of this subsection, citing the agency's statutory role as one of legal advice and representation, not performance audits or policy reviews. I agree that this provision is inconsistent with the principal role and mission of the Attorney General's Office.

**Section 205 (3)(b), pages 43-44, Civil Commitment Legal Costs (Department of Social and Health Services—Mental Health Program, Civil Commitment Center)**

This subsection would require that the Department of Social and Health Services (DSHS) implement strategies for limiting the average cost of civil commitment trials and annual court reviews. If the cost containment strategies were not effective, the DSHS would be directed to pay only 85 percent of allowable billed charges for all legal services except those provided by the Attorney General. There are several problems with this proviso. First, this limitation would not provide adequately for defense of sexually violent predators, increasing the chance of adverse court findings. Second, since the proviso would not apply to the Attorney General, it is expected that workload would be transferred from the county prosecutors to the Attorney General at a rate that would exceed what could be absorbed. Third, the proviso would place a responsibility for controlling costs on DSHS, while placing the sanction with the county prosecutors and defenders.

**Section 210 (14), page 54, Chiropractic Services (Department of Social and Health Services—Medical Assistance Program)**

This subsection would require that the Medical Assistance program provide, within existing funds, chiropractic services for all people qualifying for medical assistance services under chapter 74.09 RCW. No additional appropriation authority was included for these services. Without additional funds, the Medical Assistance program would have a \$3.8 million General Fund-State shortfall to implement this proviso. I cannot support agency requirements of this magnitude that are clearly unfunded.

**Section 502 (10), page 100, Increase in full-time equivalent student in basic education appropriation (Superintendent of Public Instruction—General Apportionment, Basic Education)**

This subsection contains an error in the information on the percentage increase per full-time equivalent student used in the state basic education appropriation contained in this act. The correct percentage increase from the 1998-99 school year to the 1999-00 school year is 4.0 percent, not 7.0 percent as stated in the bill. This subsection is not essential for the correct apportionment of levy equalization funding to school districts, and is eliminated at the request of the Senate Ways and Means Committee chair to avoid confusion regarding the intent of the Legislature with regard to levy base calculations and equalization funding. I urge the Legislature to correct this technical error at its earliest opportunity.

**Section 722, pages 155-156, Pension Advisory Committee (Department of Retirement Systems)**

This section would create a Pension Advisory Committee in the Department of Retirement Systems (DRS) comprised of active and retiree members of the retirement system, representatives from local government, and the directors of DRS and the Office of Financial Management. The committee would be charged with making recommendations to the legislature's Joint Committee on Pension Policy (JCPP) on major pension priorities and goals for the next five to ten years, proposals to promote equity between state pension systems, and a prioritized list of proposed pension system changes. While I agree with the need to focus on these issues, this effort would duplicate the very similar work performed by the JCPP, and adequate funding was not provided to respond to the magnitude of the task.

**Other Comments**

Section 206(1)(b) provides \$16 million in new funds to enhance developmental disabilities services. This section references the stakeholder work group that was created in statute to develop recommendations on future directions and strategies for service delivery improvement. I am directing the Department of Social and Health Services to implement this subsection giving significant consideration to the priorities that were established by the stakeholder work group in meetings over the past year. After the Department has developed its plan for the use of these new funds, it should present the plan to the stakeholder work group and consider any new advice the group might provide before making fund allocations from this subsection.

Section 222(2)(a) authorizes the Department of Corrections to expend up to \$3.0 million to support county drug courts. I have concerns with this language because no additional funding was provided. I also recognize the value of, and support the concept of drug courts. Therefore, I am directing the Department of Corrections and the Department of Social and Health Services to work together to develop a plan to provide temporary funding in fiscal

year 2000 for existing drug courts whose federal funds are lapsing. This plan will give the county drug courts one year to develop other funding sources to continue these valuable programs.

With the exception of sections 124(3); 205(3)(b); 210(14); 502(10); and 722, Engrossed Substitute Senate Bill No. 5180 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5594

May 3, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 106, 201 and 401, Engrossed Second Substitute Senate Bill No. 5594 entitled:

"AN ACT Relating to enhancing economic vitality;"

Engrossed Second Substitute Senate Bill No. 5594 is an omnibus rural economic development bill. Among other things it will provide the Community Economic Revitalization Board (CERB) with greater ability to fund new types of infrastructure projects; it will create the Rural Washington Loan Fund for making direct loans to business in eligible areas with federal money; and it will create a one-stop clearinghouse in the Department of Community, Trade and Economic Development (CTED) for farmworker housing.

Section 106 of the bill would require the joint legislative audit and review committee to conduct performance reviews of the program administered by CERB. JLARC is an entity controlled by the legislature, so it is unnecessary and unwise to dictate the work schedule of JLARC in statute. The legislature can authorize funding for such performance reviews any time it believes they are warranted.

Section 201 of the bill is identical to section 2 of Engrossed Senate Bill No. 5843 which I signed on April 28, 1999, and is unnecessary.

Section 401 of the bill would establish an ad hoc economic development group to analyze projects, make recommendations, and to promote economic development and business diversification. The membership of the group is unclear, and I have concerns about violation of the separation of powers doctrine. The group would be organized by the legislature, but have control over executive agencies. A process already exists in CTED for using a similar ad hoc groups. Additionally, I will be organizing an economic development sub-cabinet, chaired by my Chief of Staff, to provide greater input on projects of statewide significance.

For these reasons, I have vetoed sections 106, 201 and 401 of Engrossed Second Substitute Senate Bill No. 5594.

With the exception of sections 106, 201 and 401, Engrossed Second Substitute Senate Bill No. 5594 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MOTION

On motion of Senator Betti Sheldon, the partial veto messages on Substitute Senate Bill No. 5179, Engrossed Substitute Senate Bill No. 5180 and Engrossed Second Substitute Senate Bill No. 5594 were held at the desk.

MESSAGE FROM THE GOVERNOR

April 28, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I have the honor to advise you that on April 28, 1999, Governor Locke approved the following Senate Bills entitled:

Senate Bill No. 5021

Relating to the property taxation of nonprofit organizations providing demonstration farms with research and extension facilities, public agricultural museums, and educational tour sites.

Second Substitute Senate Bill No. 5102

Relating to distribution of the fire insurance premium tax to contribute toward the funding of fire fighting training and volunteer fire fighter pensions.

Senate Bill No. 5105

Relating to revising the definition of public water system to include systems providing water through constructed conveyances, in conformance with federal law.

Senate Bill No. 5122

Relating to the statute of limitations for the repayment or recoupment of industrial insurance benefits induced by claimant fraud.

Senate Bill No. 5233

Relating to civil service exemptions within the department of corrections.

Engrossed Substitute Senate Bill No. 5348

Relating to the membership and responsibilities of the state library commission.

Substitute Senate Bill No. 5352

Relating to terms of members of boundary review boards.

Senate Bill No. 5606

Relating to administrative appeals judges in the environmental hearings office.

Engrossed Second Substitute Senate Bill No. 5658

Relating to sea urchin and sea cucumber dive fishery licenses and revenues

Senate Bill No. 5702

Relating to physician assistant licensing and practice restrictions.

Engrossed Substitute Senate Bill No. 5712

Relating to motel liquor licenses.

Substitute Senate Bill No. 5746

Relating to the exemption for new and rehabilitated multiple-unit dwellings in urban centers.

Second Substitute Senate Bill No. 5766

Relating to the long-term care ombudsman program.

Senate Bill No. 5777

Relating to payment for denturist services.

Engrossed Senate Bill No. 5798

Relating to temporary assistance for needy families.

Senate Bill No. 5829

Relating to professional services.

Engrossed Senate Bill No. 5843

Relating to the housing finance commission.

Engrossed Substitute Senate Bill No. 5909

Relating to a worker retraining program.

Senate Bill No. 5986

Relating to duty connected death benefits under the law enforcement officers' and fire fighters' retirement system, plan 1.

Senate Bill No. 5987

Relating to the withdrawal of accumulated contributions under the law enforcement officers' and fire fighters' retirement system.

Substitute Senate Bill No. 6009

Relating to nonphoto identification cards for disabled parking.

Senate Bill No. 6019

Relating to crop credit associations.

Engrossed Substitute Senate Bill No. 6020

Relating to recording of social security numbers on applications for licenses to assist in child support enforcement.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE GOVERNOR

April 28, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I have the honor to advise you that on April 27, 1999, Governor Locke approved the following Senate Bill entitled:

Substitute Senate Bill No. 5729

Relating to standards for location of certain solid waste landfills.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE GOVERNOR

May 4, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I have the honor to advise you that on May 4, 1999, Governor Locke approved the following Senate Bill entitled:

Second Substitute Senate Bill No. 5452

Relating to funding for regional convention, conference, or special events centers.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE GOVERNOR

May 5, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I have the honor to advise you that on May 5, 1999, Governor Locke approved the following Senate Bills entitled:

Senate Bill No. 5040

Relating to boilers and unfired pressure vessels.

Second Substitute Senate Bill No. 5108

Relating to missing and exploited children.

Substitute Senate Bill No. 5134

Relating to full faith and credit for foreign protection orders.

Substitute Senate Bill No. 5147

Relating to payment of industrial insurance awards after death.

Engrossed Substitute Senate Bill No. 5175

Relating to the donation of surplus computers and computer-related equipment to school districts in Washington and educational service districts in Washington.

Substitute Senate Bill No. 5213

Relating to record checks of private school educational employees.

Substitute Senate Bill No. 5214

Relating to detention of minors who illegally possess firearms on school facilities.

Substitute Senate Bill No. 5279

Relating to placement of children in mental health care by the department of social and health services.

Substitute Senate Bill No. 5304

Relating to penalties imposed for violations of the state liquor code.

Senate Bill No. 5499

Relating to in-home care agency licensure.

Substitute Senate Bill No. 5671

Relating to anarchy and sabotage.

Engrossed Senate Bill No. 5720

Relating to real estate research.

Engrossed Senate Bill No. 5897

Relating to the sale of export cigarettes.

Senate Bill No. 5911

Relating to school director positions, residency, and vacancies.

Senate Bill No. 6025

Relating to purchases for resale by institutions of higher education.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE GOVERNOR

May 6, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I have the honor to advise you that on May 6, 1999, Governor Locke approved the following Senate Bills entitled:

Engrossed Second Substitute Senate Bill No. 5421

Relating to the supervision of offenders in the community.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE GOVERNOR

May 7, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I have the honor to advise you that on May 7, 1999, Governor Locke approved the following Senate Bills entitled:

Senate Bill No. 5005

Relating to highway information signs.

Substitute Senate Bill No. 5011

Relating to dangerous mentally ill offenders.

Substitute Senate Bill No. 5064

Relating to confidentiality of certain public transportation information.

Substitute Senate Bill No. 5153

Relating to the freight mobility strategic investment board.

Second Substitute Senate Bill No. 5171

Relating to Washington state patrol employment agreements.

Substitute Senate Bill No. 5273

Relating to a scenic byways designation program.

Senate Bill No. 5384

Relating to studded tires.

Engrossed Substitute Senate Bill No. 5661

Relating to leasehold excise tax clarification and administrative simplification.

Substitute Senate Bill No. 5745

Relating to reducing the tax on bingo and raffles.

Substitute Senate Bill No. 6052

Relating to funding hunter safety programs.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE GOVERNOR

May 11, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I have the honor to advise you that on May 10, 1999, Governor Locke approved the following Senate Bills entitled:

Senate Bill No. 5020

Relating to recreational licenses.

Substitute Senate Bill No. 5029

Relating to membership in the public employees' retirement system.

Engrossed Senate Bill No. 5036

Relating to superior court judges.

Senate Bill No. 5095

Relating to public corporations.

Senate Bill No. 5125

Relating to the duties of the commission on pesticide registration.

Substitute Senate Bill No. 5154

Relating to limiting the liability of electric utilities for efforts undertaken to protect their facilities from damage that might be caused by vegetation.

Substitute Senate Bill No. 5219

Relating to annexations by less than county-wide port districts in areas having no registered voters.

Engrossed Substitute Senate Bill No. 5290

Relating to the freshwater aquatic weeds management program.

Senate Bill No. 5307

Relating to the reclamation of surface disturbances caused by underground mining.

Engrossed Senate Bill No. 5371

Relating to intercity passenger rail service.

Senate Bill No. 5385

Relating to dissolution of cultural arts, stadium and convention districts.

Engrossed Substitute Senate Bill No. 5424

Relating to aquatic plant management.

Senate Bill No. 5502

Relating to a salary survey report by the marine employees' commission.

Second Substitute Senate Bill No. 5536

Relating to state forest lands and municipal drinking water protection.

Substitute Senate Bill No. 5638

Relating to making corrections to the fish and wildlife enforcement code.

Substitute Senate Bill No. 5640

Relating to elections.

Senate Bill No. 5643

Relating to the state voters' pamphlet.

Senate Bill No. 5731

Relating to municipal officers' interest in contracts.

Engrossed Substitute Senate Bill No. 5803

Relating to dairy nutrients.

Second Substitute Senate Bill No. 5821

Relating to professional designers of on-site wastewater treatment systems.

Substitute Senate Bill No. 5828

Relating to the Washington gift of life award.

Substitute Senate Bill No. 6012

Relating to a monthly unit valuation for certain portfolios and funds managed by the state investment board.

Senate Bill No. 6065

Relating to providing an excise tax exemption for property owned, operated, or controlled by a public corporation if the property is used as a public esplanade, street, public way, public open space, park, public utility corridor, or view corridor.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE GOVERNOR

May 12, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I have the honor to advise you that on May 12, 1999, Governor Locke approved the following Senate Bills entitled:

Engrossed Second Substitute Senate Bill No. 5345

Relating to the Washington state school district credit enhancement program.

Senate Bill No. 5358

Relating to eliminating motorcycle handle bar height restrictions.

Senate Bill No. 5374

Relating to corrective amendments to certain drivers' licensing statutes.

Senate Bill No. 5382

Relating to the Scenic Vistas Act.

Substitute Senate Bill No. 5666

Relating to acquisition of vehicles and parts by vehicle wreckers.

Substitute Senate Bill No. 5706

Relating to the decriminalization of license fraud violations and establishing a license fraud task force in the Washington state patrol.

Substitute Senate Bill No. 6090

Relating to funding management of agricultural college lands.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE GOVERNOR

May 13, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I have the honor to advise you that on May 13, 1999, Governor Locke approved the following Senate Bills entitled:

Senate Bill No. 5255

Relating to the Washington conservation corps.

Substitute Senate Bill No. 5364

Relating to the administration and designation of liquor licenses.

Substitute Senate Bill No. 5553

Relating to professional athletics licensing, health, and safety standards.

Substitute Senate Bill No. 5672

Relating to retaliatory action against a whistleblower.

Substitute Senate Bill No. 5728

Relating to proposed bond issues.

Engrossed Senate Bill No. 5789

Relating to the governance of the K-20 telecommunications network.

Senate Bill No. 5837

Relating to membership in the public employees' retirement system for the chief administrative officer of a public utility district, port district, or a county.

Engrossed Senate Bill No. 5962

Relating to the promotion of electronic commerce through digital signatures.

Substitute Senate Bill No. 6063

Relating to the authority of the state investment board to invest and reinvest moneys in the emergency reserve fund.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE GOVERNOR

May 14, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I have the honor to advise you that on May 14, 1999, Governor Locke approved the following Senate Bills entitled:

Engrossed Senate Bill No. 5109

Relating to immunity for school districts that make their facilities available to certain private nonprofit groups serving youth.

Substitute Senate Bill No. 5298

Relating to local effort assistance.

Substitute Senate Bill No. 5399

Relating to traffic offenses.

Substitute Senate Bill No. 5513

Relating to execution witnesses.

Substitute Senate Bill No. 5626

Relating to medicaid reimbursement payments to school districts.

Substitute Senate Bill No. 5864

Relating to allowing residents of long-term care facilities to return to their home.

Engrossed Substitute Senate Bill No. 5988

Relating to revising judicial truancy provisions.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

April 23, 1999

TO THE HONORABLE, THE SENATE  
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Gerald L. Morgen, appointed May 10, 1999, for a term ending July 26, 2001, as a member of the Personnel Appeals Board.

Sincerely

GARY LOCKE, Governor

Referred to Committee on Labor and Workforce Development.

INTRODUCTION AND FIRST READING

SB 6108 by Senator Snyder

AN ACT Relating to the relationship between endangered species, growth management, and the shorelines of the state; amending RCW 90.58.060, 36.70A.480, and 75.46.050; adding new sections to chapter 90.58 RCW; adding new sections to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Environmental Quality and Water Resources.

SB 6109 by Senators McAuliffe, Eide, Kohl-Welles, Prentice, Costa, Goings, Rasmussen, Franklin, Wojahn, Gardner, Hargrove, Thibaudeau, B. Sheldon and Kline

AN ACT Relating to funding school safety programs; creating a new section; making appropriations; providing an effective date; and declaring an emergency.

HOLD.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6109 was held at the desk.

MOTION

At 9:10 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:35 a.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the following resolution was adopted:

SENATE RESOLUTION 1999-8687

By Senator B. Sheldon

WHEREAS, A team of seven Kitsap students recently outperformed seven other teams from around the state to take first place in the annual Washington State Odyssey of the Mind vehicular problem competition; and

WHEREAS, The Kitsap team will participate in the world finals of the International Odyssey of the Mind contest at the University of Tennessee in Knoxville later this month; and

WHEREAS, This competition encourages young people to work together to creatively solve problems; and

WHEREAS, The seven member Kitsap team's construction of a multi-propulsion vehicle able to leap over a three-foot high "mountain" demonstrated excellent teamwork, skills and creativity; and

WHEREAS, The aforementioned mechanical contraption dubbed Mr. Mouth was also able to turn pages on a calendar triggering skits performed by the students in celebration of national holidays from around the world, such as Cinco de Mayo and the Italian New Year; and

WHEREAS, These skits were accompanied by music created and performed by the Kitsap students; and

WHEREAS, It has long been a tradition of the Senate to recognize outstanding student achievement, creativity and teamwork;

NOW, THEREFORE BE IT RESOLVED, That the members of the Washington State Senate do hereby applaud the exceptional efforts and accomplishments of Ben Anderson, Annie Atkinson, Ryan Bressler, Jonathan England, Charli Hancock, all of North Kitsap High School, and Rachel Down and Laura Johnson of Bainbridge High School; and Claudia Rengstorf, curriculum specialist at Central Kitsap School District; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Ms. Rengstorf and the seven members of the Kitsap team headed for the Odyssey of the Mind finals in Tennessee.

Senators Betti Sheldon and McAuliffe spoke to Senate Resolution 1999-8687.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the members of the State Odyssey of the Mind winners, who were seated in the gallery.

MOTION

On motion of Senator Fraser, the following resolution was adopted:

SENATE RESOLUTION 1999-8686

By Senators Fraser, Kohl-Welles, McAuliffe, Shin, Rasmussen, Loveland, Winsley, Gardner, Haugen, Franklin, Hale, Heavey, B. Sheldon, Eide, Kline, Bauer, Snyder, Spanel, Swecker, Wojahn, Goings, T. Sheldon, Thibaudeau, Costa, Oke, Hochstatter, Sellar, Morton, Deccio and Jacobsen

WHEREAS, Washington State is the most trade-dependent state in the nation; and  
WHEREAS, International Trade is a vital and growing component of Washington's economy; and  
WHEREAS, International trade generates over 700,000 jobs, millions of dollars in revenue, and a strong tax base for Washington State; and

WHEREAS, Exports account for twenty-four percent of Washington's gross state product, which accounted for more than forty-one billion dollars in 1998; and

WHEREAS, The World Trade Organization is the sole world body for overseeing multilateral agreements to reduce trade barriers among nations; and

WHEREAS, Seattle, Washington, will host the one hundred thirty-four member countries and thirty-four observer nations of the World Trade Organization's Ministerial Conference, November 30 through December 3, 1999; and

WHEREAS, This global trade event will be the largest meeting of the world's ministers of trade ever held in the United States; and

WHEREAS, The World Trade Organization plays a vital role in promoting international trade, helping it to flow as freely as possible, serving as a forum for trade negotiations, and resolving disputes; and

WHEREAS, The value of international trade to Washington State businesses and workers clearly indicates the demand for an open and supportive environment in which trade can flow freely; and

WHEREAS, This is an historic opportunity for Washington State to show leadership in supporting and developing the international trade agenda for the next century;

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate recognize the vital importance the World Trade Organization has on our economy, our workforce and our international trade; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to the World Trade Organization.

Senators Fraser and Shin spoke to Senate Resolution 1999-8686.

#### MOTION

At 11:44 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 8:58 p.m by President Owen.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the seventh order of business.

#### THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5595, by Senate Committee on Ways and Means (originally sponsored by Senators Jacobsen and Fraser)

Establishing the salmon recovery funding board.

#### MOTION

On motion of Senator Snyder, the rules were suspended and Engrossed Second Substitute Senate Bill No. 5595 was returned to second reading and read the second time.

## MOTION

Senator Jacobsen moved that the following striking amendment by Senators Jacobsen, Swecker, Oke, Spanel and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 75.46.005 and 1998 c 246 s 1 are each amended to read as follows:

The legislature finds that repeated attempts to improve salmonid fish runs throughout the state of Washington have failed to avert listings of salmon and steelhead runs as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.). These listings threaten the sport, commercial, and tribal fishing industries as well as the economic well-being and vitality of vast areas of the state. It is the intent of the legislature to begin activities required for the recovery of salmon stocks as soon as possible, although the legislature understands that successful recovery efforts may not be realized for many years because of the life cycle of salmon and the complex array of natural and human-caused problems they face.

The legislature finds that it is in the interest of the citizens of the state of Washington for the state to retain primary responsibility for managing the natural resources of the state, rather than abdicate those responsibilities to the federal government, and that the state may best accomplish this objective by integrating local and regional recovery activities into a state-wide plan that can make the most effective use of provisions of federal laws allowing for a state lead in salmon recovery. The legislature also finds that a state-wide salmon recovery plan must be developed and implemented through an active public involvement process in order to ensure public participation in, and support for, salmon recovery. The legislature also finds that there is a substantial link between the provisions of the federal endangered species act and the federal clean water act (33 U.S.C. Sec. 1251 et seq.). The legislature further finds that habitat restoration is a vital component of salmon recovery efforts. Therefore, it is the intent of the legislature to specifically address salmon habitat restoration in a coordinated manner and to develop a structure that allows for the coordinated delivery of federal, state, and local assistance to communities for habitat projects that will assist in the recovery and enhancement of salmon stocks.

The legislature also finds that credible scientific review and oversight is essential for any salmon recovery effort to be successful.

The legislature further finds that it is important to monitor the overall health of the salmon resource to determine if recovery efforts are providing expected returns. It is important to monitor salmon habitat projects and salmon recovery activities to determine their effectiveness in order to secure federal acceptance of the state's approach to salmon recovery. Adaptive management cannot exist without monitoring. For these reasons, the legislature believes that a coordinated and integrated monitoring process should be developed.

The legislature therefore finds that a coordinated framework for responding to the salmon crisis is needed immediately. To that end, the salmon recovery office should be created within the governor's office to provide overall coordination of the state's response; an independent science ~~((team))~~ panel is needed to provide scientific review and oversight; a coordinated state funding process should be established through a salmon recovery funding board; the appropriate local or tribal government should provide local leadership in identifying and sequencing habitat ~~((restoration))~~ projects to be funded by state agencies; habitat ~~((restoration))~~ projects should be implemented without delay; and a strong locally based effort to restore salmon habitat should be established by providing a framework to allow citizen volunteers to work effectively.

**Sec. 2.** RCW 75.46.010 and 1998 c 246 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Board" means the salmon recovery funding board created in section 3 of this act.

(3) "Critical pathways methodology" means a project scheduling and management process for examining interactions between habitat projects and salmonid species, prioritizing habitat projects, and assuring positive benefits from habitat projects.

~~((3))~~ (4) "Habitat project list" is the list of habitat projects resulting from the critical pathways methodology under RCW 75.46.070(2) that shall receive consideration for funding by the salmon recovery funding board. Each project on the list must have a written agreement from the landowner on whose land the project will be implemented, and must be based on the limiting factors analysis conducted in RCW 75.46.070.

(5) "Habitat projects" or "projects" include but are not limited to habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat projects that improve streamflows, habitat-related mitigation projects, and habitat project corrective maintenance and monitoring activities. Projects that include use of side channels, off-stream rearing enhancement, improvement in overwintering habitat, or use of acclimation ponds shall receive consideration for funding.

~~((4))~~ (6) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

~~((5))~~ (7) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. ((These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.

~~(6))~~ (8) "Listed stocks" means salmon and trout stocks that are listed or proposed for listing as threatened or endangered under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq.

(9) "Project sponsor" is a county, city, special district, tribal government, state agency, federal agency, a combination of such governments through interlocal or interagency agreement((s provided under chapter 39.34 RCW)), a nonprofit organization, or one or more private citizens.

~~((7))~~ (10) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production except for Atlantic salmon.

~~((8))~~ (11) "Salmon recovery activities" or "activities" includes but is not limited to habitat protection or restoration activities by local governments, other public entities, and private entities. The activities must have as a principal purpose the protection and restoration of salmonid populations. "Activities" may include: Preparation of stream corridor guidelines, programmatic permitting, and preparation of geographic information system protocols. "Activities" do not include updates related to the growth management act.

(12) "Salmon recovery plan" means a state plan developed in response to a proposed or actual listing under the federal endangered species act that addresses limiting factors including, but not limited to harvest, hatchery, hydropower, habitat, and other factors of decline.

~~((9))~~ (13) "Interagency team" or "team" means the interagency review team created in RCW 75.46.080.

(14) "Tribe" or "tribes" means federally recognized Indian tribes.

~~((10))~~ (15) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.

~~((14))~~ (16) "Owner" means the person holding title to the land or the person under contract with the owner to lease or manage the legal owner's property.

(17) "SASSI" means the salmon and steelhead stock inventory report and appendices.

(18) "SSHAP" means the salmon and steelhead habitat inventory and assessment project.

(19) "Technical review team" means the salmon recovery technical review team created in section 7 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 75.46 RCW to read as follows:

(1) The salmon recovery funding board is created consisting of ten members.

(2) Five members of the board shall be voting members who are appointed by the governor, subject to confirmation by the senate. One of these voting members shall be a cabinet-level appointment as the governor's representative to the board. Board members who represent the general public shall not have a financial or regulatory interest in salmon recovery. The governor shall appoint one of the general public members of the board as the chair. The voting members of the board shall be appointed for terms of four years, except that two members initially shall be appointed for terms of two years and three members shall initially be appointed for terms of three years. In making the appointments, the governor shall seek a board membership that collectively provide the expertise necessary to provide strong fiscal oversight of salmon recovery expenditures, and that provide extensive knowledge of local government processes and functions and an understanding of issues relevant to salmon recovery in Washington state. The governor shall appoint at least three of the voting members of the board no later than ninety days after the effective date of this section. Vacant positions on the board shall be filled in the same manner as the original appointments. The governor may remove members of the board for good cause.

In addition to the five voting members of the board, the following five state officials shall serve as ex officio nonvoting members of the board: The director of the department of fish and wildlife, the executive director of the conservation commission, the secretary of transportation, the director of the department of ecology, and the commissioner of public lands. The state officials serving in an ex officio capacity may designate a representative of their respective agencies to serve on the board in their behalf. Such designations shall be made in writing and in such manner as is specified by the board.

(3) Staff support to the board shall be provided by the interagency committee for outdoor recreation. For administrative purposes, the board shall be located with the interagency committee for outdoor recreation.

(4) Members of the board who do not represent state agencies shall be compensated as provided by RCW 43.03.250. Members of the board shall be reimbursed for travel expenses as provided by RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 4.** A new section is added to chapter 75.46 RCW to read as follows:

(1) The board is responsible for making grants and loans for salmon habitat projects and salmon recovery activities from the amounts appropriated to the board for this purpose. To accomplish this purpose the board may:

(a) Provide assistance to grant applicants regarding the procedures and criteria for grant and loan awards;

(b) Make and execute all manner of contracts and agreements with public and private parties as the board deems necessary, consistent with the purposes of this chapter;

(c) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms that are not in conflict with this chapter;

(d) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter; and

(e) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

(2) The interagency committee for outdoor recreation shall provide all necessary grants and loans administration assistance to the board, and shall distribute funds as provided by the board in section 5 of this act.

**NEW SECTION. Sec. 5.** A new section is added to chapter 75.46 RCW to read as follows:

(1) The board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a state-wide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

(i) Are based upon the limiting factors analysis identified under RCW 75.46.070;

(ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHIAP), and any comparable science-based assessment when available;

(iii) Will benefit listed species and other fish species; and

(iv) Will preserve high quality salmonid habitat.

(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

(i) Are the most cost-effective;

(ii) Have the greatest matched or in-kind funding; and

(iii) Will be implemented by a sponsor with a successful record of project implementation.

(3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding.

(4) For fiscal year 2000, the board may authorize the interagency review team to evaluate, rank, and make funding decisions for categories of projects or activities or from funding sources provided for categories of projects or activities. In delegating such authority the board shall consider the review team's staff resources, procedures, and technical capacity to meet the purposes and objectives of this chapter. The board shall maintain general oversight of the team's exercise of such authority.

(5) The board shall seek the guidance of the technical review team to ensure that scientific principles and information are incorporated into the allocation standards and into proposed projects and activities. If the technical review team determines that a habitat project list complies with the critical pathways methodology under RCW 75.46.070, it shall provide substantial weight to the list's project priorities when making determinations among applications for funding of projects within the area covered by the list.

(6) The board shall establish criteria for determining when block grants may be made to a lead entity or other recognized regional recovery entity consistent with one or more habitat project lists developed for that region. Where a lead entity has been established pursuant to RCW 75.46.060, the board may provide grants to the lead entity to assist in carrying out lead entity functions under this chapter, subject to available funding.

(7) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

**NEW SECTION. Sec. 6.** A new section is added to chapter 75.46 RCW to read as follows:

(1) Habitat project lists shall be submitted to the salmon recovery funding board for funding by January 1st and July 1st of each year beginning in 2000. The board shall provide the legislature with a list of the proposed projects and a list of the projects funded by October 1st of each year beginning in 2000 for informational purposes.

(2) The interagency committee for outdoor recreation shall track all funds allocated for salmon habitat projects and salmon recovery activities on behalf of the board, including both funds allocated by the board and funds allocated by other state or federal agencies for salmon recovery or water quality improvement.

(3) Beginning in December 2000, the board shall provide a biennial report to the governor and the legislature on salmon recovery expenditures. This report shall be coordinated with the state of the salmon report required under RCW 75.46.030.

**NEW SECTION. Sec. 7.** A new section is added to chapter 75.46 RCW to read as follows:

(1) The salmon recovery technical review team is created. The technical review team is composed of no less than five members selected by the director of fish and wildlife. The director shall ensure that lead scientists representing state, tribal, federal, and local government interests are represented on the technical review team, and may include members representing the private sector. Members of the technical review team shall have an educational and professional scientific background in salmonids, salmonid habitat, or related fields. The members of the technical review team shall not serve any fixed term. The numbers of members of the technical review team may be increased or decreased depending on the need for scientific expertise, but the technical review team must always consist of at least five members. Administrative support for the technical review team is provided by the department of fish and wildlife. Assignments and direction to the technical review team shall be made by the chair of the technical review team. The chair of the technical review team shall be designated by the members of the team.

(2) The technical review team is responsible for assisting the board by screening projects on the habitat project list submitted by a lead entity under RCW 75.46.060. This screening process includes assisting the board in assessing the technical capacity at the local and regional level to plan and implement successful salmon habitat projects, and determining whether the critical pathways methodology under RCW 75.46.070 has been complied with in the development and ranking of projects on the habitat project list. The technical review team shall review and rank the projects submitted from across the state for funding, organize pertinent information, and provide the board with its findings. The technical review team shall make an active effort to communicate the criteria for reviewing and ranking projects with the lead entities. The technical review team shall make information available to lead entities regarding deficiencies in projects that result in their low ranking in the review process. The technical review team may not remove a project from a habitat project list.

(3) The technical review team is also responsible for working in conjunction with the independent science panel to develop standardized monitoring indicators and data quality guidelines for habitat projects and salmon recovery activities across the state, and for recommending criteria for the systematic and periodic evaluation of monitoring data to help ensure the effectiveness of the state's salmon recovery efforts.

**Sec. 8.** RCW 75.46.040 and 1998 c 246 s 5 are each amended to read as follows:

(1) The salmon recovery office is created within the office of the governor to coordinate state strategy to allow for salmon recovery to healthy sustainable population levels with productive commercial and recreational fisheries. The primary purpose of the office is to coordinate and assist in the development of salmon recovery plans for evolutionarily significant units, and submit those plans to the appropriate tribal governments and federal agencies (~~((in response to the federal endangered species act))~~) as an integral part of a state-wide strategy developed consistent with the guiding principles and procedures under section 9 of this act.

The governor's salmon recovery office may also:

(a) Act as liaison to local governments, the state congressional delegation, the United States congress, federally recognized tribes, and the federal executive branch agencies for issues related to the state's endangered species act salmon recovery plans; and

(b) Provide the biennial state of the salmon report to the legislature pursuant to RCW 75.46.030.

(2) This section expires June 30, 2006.

**NEW SECTION. Sec. 9.** A new section is added to chapter 75.46 RCW to read as follows:

(1) By September 1, 1999, the governor, with the assistance of the salmon recovery office, shall submit a state-wide salmon recovery strategy to the appropriate federal agencies administering the federal endangered species act.

(2) The governor and the salmon recovery office shall be guided by the following considerations in developing the strategy:

(a) The strategy should identify state-wide initiatives and responsibilities with regional and local watershed initiatives as the principal mechanism for implementing the strategy;

(b) The strategy should emphasize collaborative, incentive-based approaches;

(c) The strategy should address all factors limiting the recovery of Washington's listed salmon stocks, including habitat and water quality degradation, harvest and hatchery management, inadequate streamflows, and other barriers to fish passage.

Where other limiting factors are beyond the state's jurisdictional authorities to respond to, such as some natural predators and high seas fishing, the strategy shall include the state's requests for federal action to effectively address these factors;

(d) The strategy should identify immediate actions necessary to prevent extinction of a listed salmon stock, establish performance measures to determine if restoration efforts are working, recommend effective monitoring and data management, and recommend to the legislature clear and certain measures to be implemented if performance goals are not met;

(e) The strategy shall rely on the best scientific information available and provide for incorporation of new information as it is obtained;

(f) The strategy should seek a fair allocation of the burdens and costs upon economic and social sectors of the state whose activities may contribute to limiting the recovery of salmon; and

(g) The strategy should seek clear measures and procedures from the appropriate federal agencies for removing Washington's salmon stocks from listing under the federal act.

(3) Beginning on September 1, 2000, the strategy shall be updated through an active public involvement process, including early and meaningful opportunity for public comment. In obtaining public comment, the salmon recovery office shall hold public meetings throughout the state and shall encourage regional and local recovery planning efforts to similarly ensure an active public involvement process.

(4) This section shall apply prospectively only and not retroactively. Nothing in this section shall be construed to invalidate actions taken in recovery planning at the local, regional, or state level prior to the effective date of this section.

**Sec. 10.** RCW 75.46.050 and 1998 c 246 s 6 are each amended to read as follows:

(1) The governor shall request the national academy of sciences, the American fisheries society, or a comparable institution to screen candidates to serve as members on the independent science panel. The institution that conducts the screening of the candidates shall submit a list of the nine most qualified candidates to the governor, the speaker of the house of representatives, and the majority leader of the senate. The candidates shall reflect expertise in habitat requirements of salmon, protection and restoration of salmon populations, artificial propagation of salmon, hydrology, or geomorphology.

(2) The speaker of the house of representatives and the majority leader in the senate ~~((shall))~~ may each remove one name from the nomination list. The governor shall consult with tribal representatives and the governor shall appoint five scientists from the remaining names on the nomination list.

(3) The members of the independent science panel shall serve four-year terms. Vacant positions on the panel shall be filled in the same manner as the original appointments. Members shall serve no more than two full terms. The independent science panel members shall elect the chair of the panel among themselves every two years. ~~((The members of the independent science panel shall be compensated as provided in RCW 43.03.250 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.))~~ Based upon available funding, the governor's salmon recovery office may contract for services with members of the independent science panel for compensation under chapter 39.29 RCW.

(4) The independent science panel shall be governed by generally accepted guidelines and practices governing the activities of independent science boards such as the national academy of sciences. The purpose of the independent science panel is to help ensure that sound science is used in salmon recovery efforts. The governor's salmon recovery office shall request review of salmon recovery plans by the science review panel. The science ~~((review))~~ panel does not have the authority to review individual projects or habitat project lists developed under RCW 75.46.060, 75.46.070, and 75.46.080 or to make policy decisions. The panel shall periodically submit its findings and recommendations under this subsection to the legislature and the governor.

(5) The independent science panel ~~((shall submit its findings to the legislature and the governor)),~~ in conjunction with the technical review team, shall recommend standardized monitoring indicators and data quality guidelines for use by entities involved in habitat projects and salmon recovery activities across the state.

(6) The independent science panel, in conjunction with the technical review team, shall also recommend criteria for the systematic and periodic evaluation of monitoring data in order for the state to be able to answer critical questions about the effectiveness of the state's salmon recovery efforts.

(7) The recommendations on monitoring as required in this section shall be provided in a report to the governor and to the legislature by the independent science panel, in conjunction with the salmon recovery office, no later than December 31, 2000. The report shall also include recommendations on the level of effort needed to sustain monitoring of salmon projects and other recovery efforts, and any other recommendations on monitoring deemed important by the independent science panel and the technical review team. The report may be included in the biennial state of the salmon report required under RCW 75.46.030.

**Sec. 11.** RCW 75.46.060 and 1998 c 246 s 7 are each amended to read as follows:

(1)(a) Counties, cities, and tribal governments must jointly designate, by ~~((official))~~ resolution or by letters of support, the area for which a habitat ~~((restoration))~~ project list is to be developed and the lead entity that is to be responsible for submitting the habitat ~~((restoration))~~ project list. No project included on a habitat ~~((restoration))~~ project list shall be considered mandatory in nature

and no private landowner may be forced or coerced into participation in any respect. The lead entity may be a county, city, conservation district, special district, tribal government, or other entity.

(b) The lead entity shall establish a committee that consists of representative interests of counties, cities, conservation districts, tribes, environmental groups, business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other ~~((restoration))~~ habitat interests. The purpose of the committee is to provide a citizen-based evaluation of the projects proposed to promote salmon habitat ~~((restoration))~~. The ~~((interagency))~~ technical review team may provide the lead entity with organizational models that may be used in establishing the committees.

(c) The committee shall compile a list of habitat ~~((restoration))~~ projects, establish priorities for individual projects, define the sequence for project implementation, and submit these activities as the habitat ~~((restoration))~~ project list. The committee shall also identify potential federal, state, local, and private funding sources.

(2) The area covered by the habitat project list must be based, at a minimum, on a WRIA, combination of WRIAs, ~~((an evolutionarily significant unit,))~~ or any other area as agreed to by the counties, cities, and tribes in resolutions or in letters of support meeting the requirements of this subsection. Preference will be given to projects in an area that contain a salmon species that is listed or proposed for listing under the federal endangered species act.

(3) The lead entity shall submit the habitat project list to the technical review team in accordance with procedures adopted by the board.

**Sec. 12.** RCW 75.46.070 and 1998 c 246 s 8 are each amended to read as follows:

(1) Critical pathways methodology shall be used to develop a habitat project list and a habitat work schedule that ensures salmon ~~((restoration activities))~~ habitat projects will be prioritized and implemented in a logical sequential manner that produces habitat capable of sustaining healthy populations of salmon.

(2) The critical pathways methodology shall:

(a) Include a limiting factors analysis for salmon in streams, rivers, tributaries, estuaries, and subbasins in the region. The technical advisory group shall have responsibility for the limiting factors analysis;

(b) Identify local habitat projects that sponsors are willing to undertake. The projects identified must have a written agreement from the landowner on which the project is to be implemented. Project sponsors shall have the lead responsibility for this task;

(c) Identify how projects will be monitored and evaluated. The project sponsor, in consultation with the technical advisory group and the appropriate landowner, shall have responsibility for this task; ~~((and))~~

(d) Include a review of monitoring data, evaluate project performance, and make recommendations to the committee established under RCW 75.46.060 and to the technical review team. The technical advisory group has responsibility for this task; and

(e) Describe the adaptive management strategy that will be used. The committee established under RCW 75.46.060 shall have responsibility for this task. If a committee has not been formed, the technical advisory group shall have the responsibility for this task.

(3) The habitat work ~~((list))~~ schedule shall include all projects developed pursuant to subsection (2) of this section ~~((as well as)), and shall identify and coordinate with~~ any other salmon habitat ~~((restoration))~~ project implemented in the region, including habitat preservation projects funded through the Washington wildlife and recreation program, the conservation reserve enhancement program, and other conservancy programs. The habitat work ~~((list))~~ schedule shall also include the start date, duration, estimated date of completion, estimated cost, and, if appropriate, the affected salmonid species of each project. Each schedule shall be updated on an annual basis to depict new activities.

**NEW SECTION. Sec. 13.** A new section is added to chapter 75.46 RCW to read as follows:

State salmon monitoring data provided by lead entities, regional fisheries enhancement groups, and others shall be included in the data base of SASSI and SSHIAP. Information pertaining to habitat preservation projects funded through the Washington wildlife and recreation program, the conservation reserve enhancement program, and other conservancy programs related to salmon habitat shall be included in the SSHIAP data base.

**Sec. 14.** RCW 75.46.100 and 1998 c 246 s 11 are each amended to read as follows:

The sea grant program at the University of Washington is authorized to provide technical assistance to volunteer groups and other project sponsors in designing and ~~((performing))~~ implementing habitat ~~((restoration))~~ projects that address the limiting factors analysis ~~((of regional habitat work plans))~~ required under RCW 75.46.070. The cost for such assistance may be covered on a fee-for-service basis.

**Sec. 15.** RCW 75.46.080 and 1998 c 246 s 9 are each amended to read as follows:

(1) Representatives from the conservation commission, the department of transportation, the department of natural resources, the department of ecology, and the department of fish and wildlife shall establish an interagency review team. ~~((Except as provided in subsection (6) of this section,))~~ Habitat restoration project lists shall be submitted to the interagency review team by

January 1st and July 1st of each year ((beginning in 1999)). The purpose of the team is to assist the salmon recovery funding board in developing procedures and standards for state-wide funding allocation, and to assist the board in reviewing funding applications to identify the highest priority projects and activities for funding.

(2) ~~((If no lead entity has been formed under RCW 75.46.060, the interagency review team shall rank, prioritize, and dispense funds for habitat restoration projects by giving preference to the projects that:~~

- ~~(a) Provide a greater benefit to salmon recovery;~~
- ~~(b) Will be implemented in a more critical area;~~
- ~~(c) Are the most cost-effective;~~
- ~~(d) Have the greatest matched, or in-kind funding; and~~
- ~~(e) Will be implemented by a sponsor with a successful record of project implementation.~~

~~(3)) If a lead entity established under RCW 75.46.060 has been formed, the interagency review team shall evaluate habitat project lists ((and may remove, but not add, projects from a habitat project list.~~

~~(4) The interagency review team shall provide a summary of funding for habitat restoration project lists to the governor and to the legislature by December 1st of each year)) developed pursuant to RCW 75.46.060 and submitted to the board for consideration for funding. The team shall advise the board on whether the list for the area complies with the list development procedures and critical path methodology provided by RCW 75.46.060 and 75.46.070. When the board determines the list to comply with those requirements it shall accord substantial weight to the list's project priorities when making determinations among applications for funding of projects and activities within the area covered by the list. Projects that include use of side channels, off-stream rearing enhancement, improvement in overwintering habitat, or use of acclimation ponds shall receive consideration for funding.~~

~~((5)) (3) The ((interagency review team)) board may annually establish a maximum amount of funding available for any individual project, subject to available funding. ((The interagency review team shall attempt to assure a geographical balance in assigning priorities to projects.~~

~~(6) For fiscal year 1998, the department of fish and wildlife, the conservation commission, and the department of transportation may authorize, subject to appropriations, expenditures for projects that have been developed to restore salmon habitat before completion of the project lists required in RCW 75.46.060(2).~~

~~(7)) (4) Where a lead entity has been established pursuant to RCW 75.46.060, the ((interagency review team)) board may provide ((block)) grants to the lead entity to assist in carrying out lead entity functions under this chapter, subject to available funding.~~

~~(5) The interagency review team shall review, rank, and approve projects submitted for funding until January 1, 2000.~~

~~(6) This section expires July 1, 2000.~~

NEW SECTION. Sec. 16. A new section is added to chapter 75.46 RCW to read as follows:

The salmon recovery account is created in the state treasury. To the account shall be deposited such funds as the legislature directs or appropriates to the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for salmon recovery.

NEW SECTION. Sec. 17. A new section is added to Title 79A RCW to read as follows:

The interagency committee for outdoor recreation shall provide necessary grants and loan administration support to the salmon recovery funding board as provided in section 4 of this act. The committee shall also be responsible for tracking salmon recovery expenditures under section 6 of this act. The committee shall provide all necessary administrative support to the board, and the board shall be located with the committee. The committee shall coordinate its activities under this section with the salmon recovery technical review team created in section 7 of this act and provide necessary information to the salmon recovery office.

Sec. 18. RCW 76.12.110 and 1998 c 347 s 55 are each amended to read as follows:

There is created a forest development account in the state treasury. The state treasurer shall keep an account of all sums deposited therein and expended or withdrawn therefrom. Any sums placed in the account shall be pledged for the purpose of paying interest and principal on the bonds issued by the department, and for the purchase of land for growing timber. Any bonds issued shall constitute a first and prior claim and lien against the account for the payment of principal and interest. No sums for the above purposes shall be withdrawn or paid out of the account except upon approval of the department.

Appropriations may be made by the legislature from the forest development account to the department for the purpose of carrying on the activities of the department on state forest lands, lands managed on a sustained yield basis as provided for in RCW 79.68.040, and for reimbursement of expenditures that have been made or may be made from the resource management cost account in the management of state forest lands. ~~((For the 1997-99 fiscal biennium, moneys from the account shall be distributed as directed in the omnibus appropriations act to the beneficiaries of the revenues derived from state forest lands. Funds that accrue to the state from such a distribution shall be deposited into the salmon recovery account, hereby created in the state treasury. Funds appropriated from the salmon recovery account shall be used for efforts to restore endangered anadromous fish stocks.))~~

**Sec. 19.** 1999 c 309 s 114 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund--State Appropriation (FY 2000) \$	((5,762,000))
	<u>5,700,000</u>
General Fund--State Appropriation (FY 2001) \$	((5,720,000))
	<u>5,657,000</u>
General Fund--Federal Appropriation \$	674,000
Water Quality Account--State Appropriation \$	700,000
<b>TOTAL APPROPRIATION \$</b>	<b>((12,856,000))</b>
	<u>12,731,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,612,000 of the general fund--state appropriation for fiscal year 2000, \$1,588,000 of the general fund--state appropriation for fiscal year 2001, \$700,000 of the water quality account appropriation, and \$209,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

(2) \$465,000 of the general fund--federal appropriation and \$200,000 of the general fund--state appropriation are provided solely for the salmon recovery office to meet its responsibilities for the state-wide salmon recovery strategy. Of this amount: (a) \$200,000 of the general fund--state appropriation is provided for the operation of the independent science panel; and (b) \$465,000 of the general fund--federal appropriation is provided for the salmon recovery office staff to support local salmon recovery planning efforts. \$232,500 of the general fund--federal appropriation in this subsection may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

~~((3) \$62,000 of the fiscal year 2000 general fund--state appropriation and \$63,000 of the fiscal year 2001 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079, establishing the salmon recovery funding board in the office of the governor. If legislation establishing the board is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.))~~

**Sec. 20.** 1999 c 309 s 129 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 2000) \$	((12,791,000))
	<u>12,716,000</u>
General Fund--State Appropriation (FY 2001) \$	((11,855,000))
	<u>11,780,000</u>
General Fund--Federal Appropriation \$	23,340,000
General Fund--Private/Local Appropriation \$	500,000
<b>TOTAL APPROPRIATION \$</b>	<b>((48,486,000))</b>
	<u>48,336,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to evaluate and promote the use by state and local agencies of the training facilities at the Hanford reservation.

(2) Funding in this section provides for a feasibility study to collect Washington enrollment data on distance learning programs sponsored by in-state and out-of-state private institutions in cooperation with the higher education coordinating board and the state board for community and technical colleges. Findings shall be submitted to the appropriate committees of the legislature by January 2000.

~~(3) (\$75,000 of the fiscal year 2000 general fund--state appropriation and \$75,000 of the fiscal year 2001 general fund--state appropriation are provided solely to track and administer state and federal funding for salmon recovery allocated by the salmon recovery funding board established under Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079.~~

(4)) The office of financial management, in collaboration with the institutions of higher education, the higher education coordinating board, and the state board for community and technical colleges, shall modify state information systems in order to provide consistent data on students engaged in distance learning. Higher education institutions shall provide enrollment information in support of this effort. Reporting on the numbers and categories of students enrolled in distance learning by class level and institutions shall begin by fall term, 2000. Washington independent institutions of higher education are encouraged to participate in this process and to provide distance learner enrollment data.

~~((5))~~ (4) \$1,000,000 of the general fund--state appropriation and \$500,000 of the general fund--private/local appropriation are provided solely for the commission on early learning. One-half of the amount provided from the general fund--state shall not be expended unless matched by an equal amount from private sources.

**Sec. 21.** 1999 c 309 s 304 (uncodified) is amended to read as follows:

**FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

<u>General Fund--State Appropriation (FY 2000) \$</u>	<u>137,000</u>
<u>General Fund--State Appropriation (FY 2001) \$</u>	<u>138,000</u>
Firearms Range Account--State Appropriation \$	34,000
Recreation Resources Account--State Appropriation \$	2,370,000
Recreation Resources Account--Federal Appropriation \$	11,000
NOVA Program Account--State Appropriation \$	604,000
 TOTAL APPROPRIATION \$	 <del>((3,019,000))</del>
	<u>3,294,000</u>

The appropriations in this section are subject to the following condition and limitation: \$137,000 of the fiscal year 2000 general fund--state appropriation and \$138,000 of the fiscal year 2001 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079 (salmon recovery). If legislation establishing the board is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 22. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Salmon Recovery Grants Program (00-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire \$119,928,000 appropriation is provided solely to the salmon recovery funding board to provide grants to local governments, state agencies, tribes, conservation districts, private landowners, and nonprofit entities for salmon recovery activities pursuant to chapter . . . (House Bill No. 2079), Laws of 1999 sp. sess. or chapter . . . (Senate Bill No. 5595), Laws of 1999 sp. sess. If neither chapter . . . (House Bill No. 2079), Laws of 1999 sp. sess. nor chapter . . . (Senate Bill No. 5595), Laws of 1999 are enacted by June 30, 1999, the amount provided in this section shall lapse.

(2) Up to \$19,650,000 of the general fund--federal appropriation is provided for grants to local governments for salmon recovery in accordance with a grant from the department of interior, United States fish and wildlife service received in December 1998.

(3) \$6,200,000 of the state building construction account, \$14,380,000 of the salmon recovery account, and \$55,238,000 of the general fund--federal appropriation shall be distributed by the salmon recovery funding board within the following categories:

(a) A minimum of twenty-four percent shall be provided for fish passage barrier correction and fish screens to protect fish;

(b) A minimum of thirty-eight percent shall be provided for habitat projects;

(c) A minimum of thirty-eight percent shall be provided to purchase riparian easements to restore and to protect environmentally sensitive land in riparian areas to protect water quality and improve salmon and steelhead habitat. The salmon recovery funding board shall adopt rules for the implementation of this subsection consistent with the requirements of the conservation reserve enhancement program, except the eligibility is not limited to agricultural lands and contracts may exceed fifteen years in duration. It is the intent of the legislature that this appropriation will be used primarily for landowners that do not qualify for the federal conservation reserve enhancement program. The appropriation in this subsection shall not be used for fee simple land acquisition.

(4) \$9,930,000 of the salmon recovery account appropriation is provided solely for planning and engineering activities. The appropriation in this subsection shall be distributed as follows:

- (a) \$2,100,000 shall be available for grants to cities and counties for the protection of critical areas using nonregulatory programs;
- (b) \$500,000 for the southwest Washington salmon recovery region;
- (c) \$1,500,000 for the people for salmon nonprofit organization;
- (d) \$830,000 for conservation district activities to implement the Puget Sound plan;
- (e) \$1,000,000 for monitoring salmon restoration projects and activities;
- (f) \$400,000 for technical assistance to landowners to implement the natural resources conservation service field office technical guide standards;
- (g) \$800,000 for the development of stream corridor guidelines for salmon recovery and habitat restoration;
- (h) \$1,100,000 for contracted engineering services for habitat projects; and
- (i) \$1,700,000 for salmonid screening, habitat enhancement, and restoration program.

(5) \$6,530,000 of the salmon recovery account and up to \$8,000,000 the general fund--federal appropriation is provided for salmon recovery efforts. The appropriation in this subsection shall be distributed as follows:

- (a) \$50,000 of the salmon recovery account is for developing selective harvesting techniques and equipment;
- (b) \$150,000 of the salmon recovery account is for developing and implementing methods for reducing the by-catch of salmon and other endangered or threatened species;
- (c) \$6,330,000 of the salmon recovery account is for the jobs for the environment program; and
- (d) Up to \$8,000,000 of the general fund--federal appropriation is for commercial license buy-back.
- (i) If federal grants for salmon recovery efforts are equal to or less than \$50,000,000 during the 1999-01 fiscal biennium, then \$4,000,000 may be expended for the purpose of this subsection.
- (ii) If federal grants for salmon recovery efforts are more than \$50,000,000 during the 1999-01 fiscal biennium, then up to \$8,000,000 may be expended for the purposes of this subsection.
- (iii) The amount in this subsection is provided solely to buy back commercial licenses for Washington-based commercial salmon fishers who fish in Washington or Alaska and who directly target or incidentally catch a threatened or endangered salmon species. Any expenditure from the amount in this subsection used in connection with a license buy-back program in another state must be matched by an equal amount of non-Washington state sources. Washington-based Alaska trollers'

licenses may be bought back only if the state or states buying the license affirms that at least seventy-five percent of the seller's historic catch is allowed to pass through Alaskan waters. The amount in this subsection may also be used as grants for programs that combine license buy-back with programs that facilitate the funding of a conversion to selective fishing methods.

(6) A final list of projects funded with appropriations from this section shall be submitted to the office of financial management and the legislature by June 30th of each year.

Appropriation:

General Fund--Federal	\$	82,888,000
State Building Construction Account--		
State	\$	6,200,000
Salmon Recovery Account	\$	30,840,000

Subtotal Appropriation \$	----- 119,928,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0
TOTAL \$	----- 119,928,000

**NEW SECTION. Sec. 23.** RCW 75.46.130 (Appropriated funds) and 1998 c 246 s 17 are each repealed.

**NEW SECTION. Sec. 24.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 25.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

#### MOTION

Senator Honeyford moved that the following amendments to the striking amendment by Senators Jacobsen, Swecker, Oke, Spanel and Hargrove be considered simultaneously and be adopted:

On page 4, line 32, after "voting members" strike all material through "board" on line 32 and insert ". Two members shall be appointed by the senate one from each of the two major political caucuses, and two by the house of representatives one from each of the two major political caucuses. One member shall be appointed by the governor. Such appointee shall be a cabinet-level appointment who has been confirmed by the Senate prior to serving on the board."

On page 4, line 37, after "recovery." Strike "The governor shall appoint on of the general public members of the board as the chair." and insert "The legislatively appointed voting members shall select one of themselves as chair."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Honeyford on page 4, lines 32 and 37, to the striking amendment by Senators Jacobsen, Swecker, Oke, Spanel and Hargrove to Engrossed Second Substitute Senate Bill No. 5595.

The motion by Senator Honeyford failed and the amendments to the striking amendment were not adopted.

#### MOTION

Senator Rossi moved that the following amendment by Senators Rossi and Jacobsen to the striking amendment by Senators Jacobsen, Swecker, Oke, Spanel and Hargrove be adopted:

On page 9, beginning on line 5, after "for" delete everything from "assisting" through "RCW 75.46.060" on line 7, and insert "receiving habitat project lists submitted by lead entities under RCW 75.46.060, for screening and ranking projects on such lists, and for providing its ranking of projects, within categories on a statewide basis, to the board"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rossi and Jacobsen on page 9, beginning on line 5, to the striking amendment by Senators Jacobsen, Swecker, Oke, Spanel and Hargrove to Engrossed Second Substitute Senate Bill No. 5595.

The motion by Senator Rossi carried and the amendment to the striking amendment was adopted.

#### MOTION

Senator Morton moved that the following amendment by Senators Morton and Horn to the striking amendment by Senators Jacobsen, Swecker, Oke, Spanel and Hargrove be adopted:

On page 17, after line 7 of the amendment, insert the following:

**"NEW SECTION. Sec. 17.** A new section is added to chapter 75.46 RCW to read as follows:

Commercial net fishing for salmon and trout in Washington state fresh or marine waters is prohibited for a period of five years from the effective date of this act. This section shall apply to all citizens of the state including nontribal and tribal members. The types of commercial net fishing gear prohibited by this section include, but are not limited to, purse seine, gill net, set net, trawl, dip net, trammel net, beach seine, and all other categories of net fishing gear. A violation of this section is a class C felony."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Morton and Horn on page 17, after line 7, to the striking amendment by Senators Jacobsen, Swecker, Oke, Spanel and Hargrove to Engrossed Second Substitute Senate Bill No. 5595.

The motion by Senator Morton failed and the amendment to the striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Jacobsen, Swecker, Oke, Spanel and Hargrove to Engrossed Second Substitute Senate Bill No. 5595, as amended under suspension of the rules.

The motion by Senator Jacobsen carried and the striking amendment, as amended under suspension of the rules, was adopted.

#### MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 1 of the title, after "funding;" strike the remainder of the title and insert "amending RCW 75.46.005, 75.46.010, 75.46.040, 75.46.050, 75.46.060, 75.46.070, 75.46.100, 75.46.080, and 76.12.110; amending 1999 c 309 s 114 (uncodified); amending 1999 c 309 s 129 (uncodified); amending 1999 c 309 s 304 (uncodified); adding new sections to chapter 75.46 RCW; adding a new section to Title 79A RCW; creating a new section; repealing RCW 75.46.130; making appropriations; providing an effective date; providing an expiration date; and declaring an emergency."

On motion of Senator Jacobsen, the rules were suspended, Second Engrossed Second Substitute Senate Bill No. 5595, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Second Substitute Senate Bill No. 5595, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 5595, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Costa, Eide, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 31. Voting nay: Senators Benton, Deccio, Fairley, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, Morton, Roach, Sellar, Sheahan, Stevens and Zarelli - 16. Excused: Senators Brown and Finkbeiner - 2. SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5595, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

Senator Costa moved that the Senate advance to the ninth order of business.

#### MOTION

Senator Snyder moved that the motion to advance to the ninth order of business be laid on the table.  
Senator Heavey demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Snyder to lay the motion by Senator Costa on the table.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Snyder to lay the motion by Senator Costa on the table carried by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Deccio, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Rossi, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West and Wojahn - 32. Voting nay: Senators Benton, Costa, Eide, Gardner, Goings, Heavey, Kline, Kohl-Welles, Patterson, Roach, Sheahan, Stevens, Swecker, Winsley and Zarelli - 15. Excused: Senators Brown and Finkbeiner - 2.

#### THIRD READING

ENGROSSED SENATE BILL NO. 5819, by Senators Shin, Costa and Eide (by request of Governor Locke)

Modifying the benefits period for certain unemployed workers.

The bill was read the third time.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5819.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5819 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 15; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 31. Voting nay: Senators Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sellar, Sheahan, Sheldon, T. and West - 15. Absent: Senator Deccio - 1. Excused: Senators Brown and Finkbeiner - 2. ENGROSSED SENATE BILL NO. 5819, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

May 17, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2091, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 2091 by House Committee on Natural Resources (originally sponsored by Representatives Buck, Regala, Dunshee, Thomas, Alexander, Doumit, Kessler, McMorris, Grant, Hatfield, Linville, G. Chandler, Reardon, Ericksen, Quall, Ogden, Clements, Schoesler, Anderson, Lisk, Eickmeyer, D. Sommers and Veloria) (by request of Governor Locke)

Contributing to salmon and water quality enhancement in areas impacted by forest practices.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Engrossed Substitute House Bill No. 2091 was advanced the second reading and placed on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

MOTION

At 9:33 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:17 p.m. by President Owen.

MOTION

On motion of Senator Snyder, Rule 15 will be suspended for the remainder of the day.

EDITOR'S NOTE: Rule 15 states, 'The Senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day, the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.'

MOTION

On motion of Senator Honeyford, Senator Benton was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2091, by House Committee on Natural Resources (originally sponsored by Representatives Buck, Regala, Dunshee, Thomas, Alexander, Doumit, Kessler, McMorris, Grant, Hatfield, Linville, G. Chandler, Reardon, Ericksen, Quall, Ogden, Clements, Schoesler, Anderson, Lisk, Eickmeyer, D. Sommers and Veloria) (by request of Governor Locke)

Contributing to salmon and water quality enhancement in areas impacted by forest practices.

The bill was read the second time.

MOTION

Senator Thibaudeau moved that the following amendment be adopted:

On page 6, line 29, after "effort." insert "All activities conducted under the adaptive management process shall be subject to requirements of the open public meetings act."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Thibaudeau on page 6, line 29, to Engrossed Substitute House Bill No. 2091.

The motion by Senator Thibaudeau failed and the amendment was not adopted.

#### MOTION

Senator Gardner moved that the following amendments be considered simultaneously and be adopted:

Beginning on page 4, line 36, after "RCW." strike all material through "section." on page 5, line 2

On page 5, beginning on line 16, after "(1)" strike all material through "(2)" on line 32

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 5, beginning on line 35, after "resources" strike all material through "section" on line 36

On page 7, beginning on line 6, after "made to" strike all material through "report" on line 16, and insert "the permanent rules according to the adaptive management process"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Gardner on page 4, line 36; page 5, beginning on line 16; page 5, beginning on line 35; and page 7, beginning on line 6; to Engrossed Substitute House Bill No. 2091.

The motion by Senator Gardner failed and the amendments were not adopted.

#### MOTION

Senator Fraser moved that the following amendments be considered simultaneously and be adopted:

On page 17, line 23, after "agency." insert "The department shall ensure that the acquisition complies with all internal revenue service requirements for transfers of conservation easements if the landowner so requests."

On page 24, after line 24, insert the following:

"(7) In such cases where the acquisition is of a conservation easement, the department shall ensure that the acquisition complies with all internal revenue service requirements for transfers of conservation easements."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Fraser on page 17, line 23, and page 24, after line 24, to Engrossed Substitute House Bill No. 2091.

The motion by Senator Fraser failed and the amendments were not adopted.

#### MOTION

Senator Morton moved that the following amendment be adopted:

On page 17, after line 30, insert the following:

"(5) Forestry riparian easements under this section are to be managed on a sixty year rotation basis, unless the landowner chooses not to actively manage the riparian easement. Harvest of up to one third of the timber on the land included in the easement may be conducted during each twenty year period of the rotation. Under no circumstances may harvest activities take place on the same one third of the easement in any sixty year period. Any riparian easement land harvested under this subsection must be reforested within three years from the date of harvest to appropriate densities based upon forestry management practices accounting for such factors as soil type, elevation, and gradient. The state, through the department of natural resources, must provide seedlings at no cost to landowners exclusively for the purpose of reforestation under the requirements of this subsection."

Renumber the remaining subsections consecutively and correct any internal references.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 17, line 30, to Engrossed Substitute House Bill No. 2091.

The motion by Senator Morton failed and the amendment was not adopted.

#### MOTION

Senator Morton moved that the following amendment be adopted:

On page 48, after line 7, insert the following:

"NEW SECTION. Sec. 903. In order to facilitate healthy streams and foster salmonid recovery efforts, the Department of Natural Resources shall conduct a survey of publicly held lands in Washington with unconfined avulsing streams as defined in section 301 of this act that do not have sufficient forest canopy to adequately shade such streams. By January 1, 2001, the

Department shall report such findings to the legislature along with the reasons for the lack of canopy and an estimate of the resources needed and a schedule for reforestation of such lands."

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Morton on page 48, after line 7, to Engrossed Substitute House Bill No. 2091.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Deccio, Eide, Fairley, Fraser, Gardner, Hale, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McDonald, Morton, Patterson, Rasmussen, Roach, Sellar, Sheahan, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn and Zarelli - 29. Voting nay: Senators Bauer, Costa, Franklin, Goings, Hargrove, Haugen, Jacobsen, McAuliffe, McCaslin, Oke, Prentice, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder and Swecker - 17. Excused: Senators Benton, Brown and Finkbeiner - 3. MOTION

Senator Spanel moved that the following amendments be considered simultaneously and be adopted:

Beginning on page 48, line 26, after "(2)" strike all material through "(3)" on page 49, line 5

On page 49, line 16, strike "(((3))) (4)" and insert "(3)"

On page 49, line 20, strike "(((4))) (5)" and insert "(4)"

On page 49, line 25, strike "(((5))) (6)" and insert "(5)"

Correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Spanel on page 48, line 26; page 49, lines 16, 20 and 25; to Engrossed Substitute House Bill No. 2091.

The motion by Senator Spanel failed and the amendments were not adopted.

#### MOTION

Senator Kohl-Welles moved that the following amendments by Senators Kohl-Welles and Jacobsen be considered simultaneously and be adopted:

On page 10, line 10, strike "eight-tenths of"

On page 10, line 12, strike "sixteen" and insert "twenty"

On page 10, beginning on line 30, strike "it includes, in whole or in part," and insert "timber harvest from the harvest unit to which it applies is reduced by at least fifteen percent due to"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Kohl-Welles and Jacobsen on page 10, lines 10, 12, and beginning on line 30, to Engrossed Substitute House Bill No. 2091.

The motion by Senator Kohl-Welles failed and the amendments were not adopted.

#### MOTION

Senator Hargrove moved that the following amendment be adopted:

On page 20, on line 13, after "subject to the" strike "current" and insert "permanent"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 20, line 13, to Engrossed Substitute House Bill No. 2091.

The motion by Senator Hargrove carried and the amendment was adopted.

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 2091, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2091, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2091, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Costa, Deccio, Franklin, Goings, Hale, Hargrove, Honeyford, Horn, Jacobsen, Johnson, Long, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, T., Shin, Snyder, Swecker, West, Winsley and Zarelli - 29. Voting nay: Senators Eide, Fairley, Fraser, Gardner, Haugen, Heavey, Hochstatter, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Sheldon, B., Spanel, Stevens, Thibaudeau and Wojahn - 17. Excused: Senators Benton, Brown and Finkbeiner - 3. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2091, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the third order of business.

#### MESSAGE FROM THE GOVERNOR

May 17, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I have the honor to advise you that on May 17, 1999, Governor Locke approved the following Senate Bills entitled:

Substitute Senate Bill No. 5277

Relating to child care grants for state institutions of higher education.

Substitute Senate Bill No. 5312

Relating to prevention of workplace violence in health care settings.

Substitute Senate Bill No. 5416

Relating to creating the children's health insurance program.

Engrossed Substitute Senate Bill No. 5599

Relating to agricultural worker protection regulatory duties.

Senate Bill No. 5628

Relating to uniform continuing professional education requirement and licensing requirements for certified public accountants.

Substitute Senate Bill No. 5744

Relating to representation of parties in child dependency and termination proceedings.

Engrossed Second Substitute Senate Bill No. 5825

Relating to student assessments.

Senate Bill No. 5915

Relating to reports to the legislature.

Substitute Senate Bill No. 5967

Relating to human services.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5619

May 17, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5619 entitled:  
"AN ACT Relating to forest fire protection assessment;"

Substitute Senate Bill No. 5619 created a new mechanism for owners of multiple parcels of forested land, that would have allowed them to pay the correct fire protection assessment fee, without being required to over pay and apply later for a refund. The cumbersome payment mechanism is a problem that requires attention.

However, the mechanism in this bill is also flawed and could, in time, result in inaccurate assessments and a reduction in revenues for a program that is already deficient in funding. Both the overall revenue situation and the fee collection mechanism need to be considered together as part of a comprehensive package. By vetoing of this bill, it is my intention that this fee collection issue, and broader forest fire protection, prevention, and fee issues, will be dealt with in the next legislative session.

For these reasons I have vetoed Substitute Senate Bill No. 5619 in its entirety.

Respectfully submitted,

GARY LOCKE, Governor

MOTION

On motion of Senator Betti Sheldon, the veto message on Substitute Senate Bill No. 5619 was held on the desk.

MOTION

At 11:11 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Tuesday, May 18, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIRST DAY, FIRST SPECIAL SESSION, MAY 17, 1999

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**SECOND DAY**

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MORNING SESSION

-----  
Senate Chamber, Olympia, Tuesday, May 18, 1999

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Finkbeiner. On motion of Senator Deccio, Senator Finkbeiner was excused.

The Sergeant at Arms Color Guard consisting of Pages John Baxter and Nathanael Shoemaker, presented the Colors. Reverend Doug Dornhecker, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

INTRODUCTION AND FIRST READING

SB 6110 by Senator Prentice

AN ACT Relating to timing of the presidential primary; and amending RCW 29.19.020.  
Referred to Committee on State and Local Government.

MOTION

At 10:07 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 4:18 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

May 18, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125 and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

May 18, 1999

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 1203, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6111 by Senators Roach and Goings

AN ACT Relating to collaborative processes on issues regarding hydroelectric licensing; adding a new section to chapter 43.330 RCW; creating a new section; and making appropriations.  
Referred to Committee on Energy, Technology and Telecommunications.

SB 6112 by Senator Horn

AN ACT Relating to requirements for operating a motorcycle on Washington highways; amending RCW 46.20.505, 46.20.515, and 46.30.020; and adding a new section to chapter 82.12 RCW.  
Referred to Committee on Transportation.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1125 by House Committee on Transportation (originally sponsored by Representatives Fisher, K. Schmidt, Radcliff, O'Brien, Fortunato, Eickmeyer, Hankins, Cooper, Murray, Wood and Mitchell) (by request of Governor Locke)

Funding transportation.

HB 1203 by Representatives Pflug, Hurst, Mitchell, Miloscia, Fortunato, Stensen and Cairnes

Authorizing state highway bonds.

#### MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Engrossed Substitute House Bill No 1125 and House Bill No. 1203 were advanced to second reading and placed on second reading calendar.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

#### MOTION

On motion of Senator Snyder, the following resolution was adopted:

#### SENATE RESOLUTION 1999-8689

By Senators Snyder and Hargrove

WHEREAS, The Aberdeen Elks Band #593 was formed in 1920, and has remained an active organization since that time; and

WHEREAS, The all-volunteer B.P.O.E. organization was named "The National Elks Band" in 1973, at the Grand Lodge Convention in Chicago; and

WHEREAS, The fifty five member Aberdeen Band has represented Aberdeen and the state of Washington at Grand Lodge Conventions in New Orleans, Las Vegas, Honolulu, Houston, St. Louis, Portland, and Seattle; and

WHEREAS, The band was awarded the Elks Grand Lodge Award for its participation in fund raising concerts for the Statue of Liberty restoration; and

WHEREAS, The band boasts membership from not only Grays Harbor residents, but also Raymond and Olympia, all commuting weekly to Aberdeen meetings; and

WHEREAS, The age of its members ranges from twenty-four to eighty-eight years of age, with an average tenure of twenty-five years; and

WHEREAS, The band has been under the accomplished direction of Craig Wellington, a forty year member of the band, since he assumed the baton in 1981, from Donald McCaw, who led the band for more than thirty years; and

WHEREAS, The band is best known for its annual, standing-room-only Flag Day concerts at the historic Seventh Street Theatre in Hoquiam;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate proudly acknowledges the civic-minded dedication and musical accomplishments of the Aberdeen Elks Band and encourages everyone to attend and enjoy the band's Flag Day concert this year at 3 p.m. on Sunday, June 13.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

#### MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

#### MOTION

On motion of Senator Franklin, Senator Shin was excused.

#### SECOND READING

HOUSE BILL NO. 1203, by Representatives Pflug, Hurst, Mitchell, Miloscia, Fortunato, Stensen and Cairnes  
Authorizing state highway bonds.

The bill was read the second time.

#### MOTION

On motion of Senator Eide, the rules were suspended, House Bill No. 1203 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1203.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1203 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45. Voting nay: Senator Heavey - 1.

Excused: Senators Deccio, Finkbeiner and Shin - 3.

HOUSE BILL NO. 1203, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 4:45 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 5:27 p.m. by President Owen.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125, by House Committee on Transportation (originally sponsored by Representatives Fisher, K. Schmidt, Radcliff, O'Brien, Fortunato, Eickmeyer, Hankins, Cooper, Murray, Wood and Mitchell) (by request of Governor Locke)

Funding transportation.

The bill was read the second time.

## MOTION

Senator Haugen moved that the following striking amendment by Senators Haugen, Tim Sheldon and Gardner be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2001.

(2) Legislation with fiscal impacts enacted in the 1997 or 1998 legislative session not assumed in this act are not funded in the 1997-99 transportation budget.

(3) Legislation with fiscal impacts enacted in the 1999 legislative session not assumed in this act are not funded in the 1999-01 transportation budget.

(4) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2000" or "FY 2000" means the fiscal year ending June 30, 2000.

(b) "Fiscal year 2001" or "FY 2001" means the fiscal year ending June 30, 2001.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

(f) "Performance-based budgeting" means a budget that bases resource needs on quantified outcomes and results expected from use of the total appropriation. "Performance-based budgeting" does not mean incremental budgeting that focuses on justifying changes from the historic budget or to line-item input-driven budgets.

(g) "Goals" means the statements of purpose that identify a desired result or outcome. The statements shall be realistic, achievable, directive, assignable, evaluative, and logically linked to the agency's mission and statutory mandate.

(h) "Strategic plan" means the strategies agencies create for investment choices in the future. All agency strategic plans shall present alternative investment strategies for providing services.

(i) "Enacted in the form passed by the legislature" means the referenced bill, as identified by a four-digit number, was:

(i) Passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto; or

(ii) Attached in full onto another bill as an amendment and the entire bill, including the amendment, was passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto.

**NEW SECTION. Sec. 2.** The legislature recognizes that the 1999 endangered species act listing or proposed listing of salmonid species throughout the state of Washington may require increased operational and capital expenditures for transportation. As the state's fiscal obligations pursuant to the listing or proposed listing become clearer over time, it may be necessary to revisit funding decisions reflected in this act in order to shift resources to meet those obligations. The department of transportation, the transportation improvement board, and the county road administration board shall report to the legislature on December 1, 1999, on capital project delay impacts, including impact on costs and project delivery, due to the endangered species act listing or proposed listing.

## PART I

### GENERAL GOVERNMENT AGENCIES--OPERATING

**NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account--State Appropriation \$

327,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The entire appropriation is provided solely for costs associated with the motor fuel quality program.

**NEW SECTION. Sec. 102. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**

Motor Vehicle Account--State Appropriation \$

900,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$103,000 of the appropriation is provided solely for the local government finance reporting system project. This amount shall lapse unless \$207,000 is appropriated for this project from the state general fund; and

(2) \$202,000 of the appropriation is provided solely for the transportation infrastructure needs data base project. This amount shall lapse unless \$405,000 is appropriated for this project in the omnibus operations appropriations act.

(3) \$325,000 of the appropriation is provided solely for contracting with the office of the state auditor for the collection of local government fiscal data associated with the local government finance reporting system. In implementing the reporting system, the legislative evaluation and accountability program shall work with the local government finance study technical advisory committee. The committee shall include, but not be limited to, one member from the senate and one member from the house of representatives. An alternate legislator shall also be picked for each designated legislator to serve in the event that the designated legislator is unable to fulfill his or her duties on the committee. This amount shall lapse unless the legislature appropriates \$325,000 for the same purpose by June 30, 1999, in the omnibus appropriations act.

**NEW SECTION. Sec. 103. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account--

State Appropriation \$

111,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The utilities and transportation commission shall develop a competitive rail grade crossing safety grant program which will fully fund selected safety projects to the extent allowable under chapter 81.53 RCW.

(2) Beginning on the effective date of this act through May 1, 2000, the utilities and transportation commission may not grant any new certificates under chapter 81.68 RCW in any areas where a public transportation system has been formed.

(3) The appropriation in this section is for the fiscal year ending June 30, 2000.

(4) During the 1999 interim the legislative transportation committees shall convene a task force to study issues related to the siting of, and fees charged for the siting of, utility facilities on, over, under, and along railroad rights of way.

**NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account--State Appropriation \$

931,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: A report of actual expenditures and descriptions of the expenditures from the motor vehicle fund will be submitted to the legislature with the governor's 2001-2003 biennial budget request.

**GENERAL GOVERNMENT AGENCIES--CAPITAL**

**NEW SECTION. Sec. 105. FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS**

Motor Vehicle Account--State Appropriation \$

2,690,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$900,000 is a reappropriation provided to complete the Cama Beach project and the Damon point project funded in section 110, chapter 457, Laws of 1997. The projects shall be completed by June 30, 2001. Upon completion of these projects any surplus funding may be used for the projects listed in subsection (2) of this section.

(2) \$1,790,000 is a one-time appropriation provided solely for the following projects, apportioned as follows:

(a) Ike Kinswa State Park, \$100,000 to commission a hydrology and geology study for the park road drainage system and a traffic study of the intersection of the park entrance roads with SR 122;

(b) Mt. Spokane State Park, \$1,300,000;

(c) Beacon Rock State Park, \$300,000; and

(d) Cama Beach State Park, \$90,000.

These projects shall be completed by June 30, 2001. Project status reports shall be submitted to the senate transportation committee and the house of representatives transportation committee in January 2000 and January 2001.

**PART II  
TRANSPORTATION AGENCIES**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account--State Appropriation \$	1,452,000
Highway Safety Account--Federal Appropriation \$	9,038,000
School Zone Safety Account--State Appropriation \$	1,004,000
TOTAL APPROPRIATION \$	11,494,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$25,000 of the highway safety account--state is provided as a one-time appropriation to implement the Cooper Jones act, chapter 165, Laws of 1998.

**NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account--State Appropriation \$	290,000
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**NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation \$	72,510,000
Motor Vehicle Account--State Appropriation \$	9,546,000
Motor Vehicle Account--Private/Local Appropriation \$	376,000
County Arterial Preservation Account-- State Appropriation \$	28,612,000
TOTAL APPROPRIATION \$	111,044,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$8,000,000 of the motor vehicle account--state appropriation is provided solely for projects on the freight and goods systems on county roads.

**NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Urban Arterial Trust Account--State Appropriation \$	104,508,000
Transportation Improvement Account-- State Appropriation \$	99,414,000
Public Transportation Systems Account-- State Appropriation \$	33,496,000
TOTAL APPROPRIATION \$	237,418,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: To the extent practicable, the board shall give preference, for amounts which would otherwise be

granted to cities, to those projects which complement projects funded under the county corridor congestion relief program contained in section 232(8) of this act.

**NEW SECTION. Sec. 205. FOR THE SENATE**

Motor Vehicle Account--State Appropriation \$

2,378,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) The appropriation in this section is provided solely to fund the activities of the senate transportation committee.
- (2) The senate transportation committee shall work during the 1999 interim with members of the senate ways and means committee to assess funding options for aviation.
- (3) The senate transportation committee shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.
- (4) A legislative task force consisting of one member from each caucus of the senate and one member from each caucus of the house of representatives shall conduct a road jurisdiction study. The legislative task force shall appoint a technical advisory panel consisting of representatives of cities, counties, and the department of transportation. The study shall include but not be limited to an examination of the following issues:
  - (a) Whether changed conditions merit redesignation of certain local roadways as state routes and the return of certain state routes to local jurisdictions;
  - (b) Alternatives to current revenue distribution methodologies for funding roadway and highway needs;
  - (c) Determine roadway responsibilities, authorities, and practices by jurisdictional level; and
  - (d) Evaluate governance issues associated with road jurisdiction.
- (5) The committee shall oversee program accountability reviews of department of transportation, department of licensing, and Washington state patrol programs selected by the senate transportation committee.

**NEW SECTION. Sec. 206. FOR THE HOUSE OF REPRESENTATIVES**

Motor Vehicle Account--State Appropriation \$

2,378,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) The appropriation in this section is provided solely to fund the activities of the house of representatives transportation committee.
- (2) The house of representatives transportation committee shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.
- (3) The committee shall oversee program accountability reviews of department of transportation, department of licensing, and Washington state patrol programs selected by the house of representatives transportation committee.
- (4) A legislative task force consisting of one member from each caucus of the senate and one member from each caucus of the house of representatives shall conduct a road jurisdiction study. The legislative task force shall appoint a technical advisory panel consisting of representatives of cities, counties, and the department of transportation. The study shall include but not be limited to an examination of the following issues:
  - (a) Whether changed conditions merit redesignation of certain local roadways as state routes and the return of certain state routes to local jurisdictions;
  - (b) Alternatives to current revenue distribution methodologies for funding roadway and highway needs;
  - (c) Determine roadway responsibilities, authorities, and practices by jurisdictional level; and
  - (d) Evaluate governance issues associated with road jurisdiction.

**NEW SECTION. Sec. 207. FOR THE BLUE RIBBON COMMISSION ON TRANSPORTATION**

Motor Vehicle Account--State Appropriation \$

1,800,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) The \$1,800,000 motor vehicle account--state appropriation is provided solely for the purpose of enabling the blue ribbon commission on transportation to fulfill its mission. The funds are to be administered by the senate transportation committee and the house of representatives transportation committee on behalf of the blue ribbon commission on transportation.

(2) The blue ribbon commission on transportation shall commission and supervise the development of a modal trade-off model. The purpose of the model is to assist, not replace decision making; it will not simply produce numerical solutions. The model shall be developed in cooperation with the senate transportation committee, the house of representatives transportation committee, the transportation commission, and the department of transportation's modal directors of research, planning, and programming.

**NEW SECTION. Sec. 208. FOR THE MARINE EMPLOYEES COMMISSION**

Puget Sound Ferry Operations Account--  
 State Appropriation \$ 356,000

**NEW SECTION. Sec. 209. FOR THE TRANSPORTATION COMMISSION**

Transportation Account--State Appropriation \$ 807,000

**NEW SECTION. Sec. 210. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Transportation Account--State Appropriation \$ 600,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: When approving projects, the freight mobility strategic investment board shall:

- (1) Emphasize funding projects according to their order on the prioritization list developed by the board;
- (2) Not allow the program's share of total project cost to exceed sixty-five percent unless the board grants a special exception;
- (3) Set a \$50,000,000 cap on the amount it will authorize for any one project; and
- (4) Give a project a higher priority designation if project partners increase their funding and the board deems the reprioritization is appropriate.

**NEW SECTION. Sec. 211. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

State Patrol Highway Account--  
 State Appropriation \$ 154,538,000

State Patrol Highway Account--  
 Federal Appropriation \$ 6,153,000

State Patrol Highway Account--  
 Private/Local Appropriation \$ 169,000

TOTAL APPROPRIATION \$ 160,860,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The following amounts are provided solely for administration of the field operations group subprogram: \$120,372,000 of the state patrol highway account--state appropriation; \$2,854,000 of the state patrol highway account--federal appropriation; and \$83,000 of the state patrol highway account--private/local appropriation.

(2) The following amounts are provided solely for the administration of the commercial vehicle division subprogram: \$26,367,000 of the state patrol highway account--state appropriation; \$3,299,000 of the state patrol highway account--federal appropriation; and \$86,000 of the state patrol highway account--private/local appropriation.

(3) \$7,799,000 of the state patrol highway account--state appropriation is provided solely for the administration of the traffic investigation division subprogram.

(4) \$1,137,000 of the state patrol highway account--state appropriation is provided solely for the license fraud task force to begin on July 1, 1999. Positions funded are one sergeant/detective, three Washington state patrol detectives, and one clerical support person, for administrative support for the task force as a whole. \$115,400 of this amount is for reimbursement to the department of revenue and \$228,315 of this amount is for reimbursement to the attorney general's office. If Senate Bill No. 5706 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse. Any funds provided in this subsection not used to implement Senate Bill No. 5706 as enacted by the legislature shall revert at the end of the 1999-01 biennium.

(5) \$1,435,000 of the state patrol highway account--state appropriation is provided solely to the field operations group subprogram as a one-time appropriation to begin funding phase III of the Washington state patrol's upgrade to the state-wide

emergency communication system. The Washington state patrol shall provide a full analysis of the costs, benefits, and requirements for completing all phases of the upgrade to the state-wide emergency communication system to the senate transportation committee and the house of representatives transportation committee by December 1, 1999.

(6) The Washington state patrol is authorized to use the federal community-oriented policing program (COPS) for 18 COPS troopers to begin in July 2000. The troopers must be used on the state's highways and up to six may be utilized in the Vancouver, Washington area.

**NEW SECTION. Sec. 212. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

State Patrol Highway Account--		
State Appropriation	\$	67,015,000
State Patrol Highway Account--		
Federal Appropriation	\$	104,000
State Patrol Highway Account--		
Private/Local Appropriation	\$	743,000
TOTAL APPROPRIATION		\$ 67,862,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$877,000 of the state patrol highway account--state appropriation is provided solely to maintain pursuit vehicles and provide for replacement of the vehicles at 110,000 miles. The agency may purchase a total of 354 pursuit vehicles during the biennium ending June 30, 2001. The appropriation in this section reflects carry forward and new funding due to the consolidation of gasoline, maintenance, parts, and pursuit vehicles into the fleet section of the support services bureau.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**

Motorcycle Safety Education Account--		
State Appropriation	\$	118,000
Wildlife Account--State Appropriation	\$	50,000
Highway Safety Account--State Appropriation	\$	6,578,000
Motor Vehicle Account--State Appropriation	\$	4,571,000
TOTAL APPROPRIATION		\$ 11,317,000

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

Motorcycle Safety Education Account--		
State Appropriation	\$	102,000
Wildlife Account--State Appropriation	\$	46,000
Highway Safety Account--State Appropriation	\$	5,725,000
Motor Vehicle Account--State Appropriation	\$	3,651,000
TOTAL APPROPRIATION		\$ 9,524,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$745,000 of the highway safety fund--state appropriation is a reappropriation of funds originally appropriated for the document scanner project in the 1997-99 biennium.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

Marine Fuel Tax Refund Account--		
State Appropriation	\$	26,000

Wildlife Account--State Appropriation	\$	
		556,000
Motor Vehicle Account--State Appropriation	\$	
		56,137,000
DOL Services Account--State Appropriation	\$	
		2,907,000
TOTAL APPROPRIATION		\$
		59,626,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$81,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5000 enacted in the form passed by the legislature. If Senate Bill No. 5000 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(2) \$273,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5280 enacted in the form passed by the legislature. If Senate Bill No. 5280 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$82,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5641 enacted in the form passed by the legislature. If Senate Bill No. 5641 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) \$300,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 6009 enacted in the form passed by the legislature. If Senate Bill No. 6009 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(5) \$15,000 of the motor vehicle account--state appropriation is provided solely to implement House Bill No. 2201 enacted in the form passed by the legislature.

(6) The department of licensing shall issue license plate emblems at the discretion of the adjutant general.

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Motorcycle Safety Education Account-- State Appropriation	\$	
		1,960,000
Highway Safety Account--State Appropriation	\$	
		78,075,000
TOTAL APPROPRIATION		\$
		80,035,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,880,000 of the highway safety account--state appropriation is provided solely for the department to enter into a contract for the implementation of an improved state driver's license and identicard. The contract with the vendor providing the improved license and identicard shall state that the license and the identicard shall not contain: (a) The driver's social security number in either visible or machine readable form; or (b) the driver's fingerprint or thumbprint. Consistent with RCW 42.17.260(9) the department shall not sell or otherwise make available any information that it gathers from citizens of the state of Washington in administering the driver's licensing program except as already authorized in Title 46 RCW.

(2) In September of 1999 the department of licensing shall report to the senate transportation committee and the house of representatives transportation committee on:

(a) The controls implemented by the department to ensure the integrity and credibility of the written driver's license test administered by the department; and

(b) The policies and procedures implemented by the department to ensure that the driver's manuals produced and distributed by the department contain correct data based on current federal, state, and local statutes, ordinances, and rules.

(3) \$610,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1147 enacted in the form passed by the legislature. If House Bill No. 1147 is not enacted in the form passed by the legislature by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$17,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1774 enacted in the form passed by the legislature. If House Bill No. 1774 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(5) \$130,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 2259 enacted in the form passed by the legislature. If House Bill No. 2259 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(6) \$34,000 of the highway safety fund--state appropriation is provided solely to implement Senate Bill No. 5374 enacted in the form passed by the legislature. If Senate Bill No. 5374 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(7) If Senate Bill No. 6009 is enacted in the form passed by the legislature \$335,000 of the highway safety fund--state appropriation shall lapse.

(8) \$329,000 of the highway safety account--state appropriation is provided solely to implement Senate Bill No. 5399 enacted as passed by the legislature.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Account--State Appropriation \$	44,508,000
Motor Vehicle Account--Federal Appropriation \$	400,000
TOTAL APPROPRIATION \$	44,908,000

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation \$	4,010,000
Aircraft Search and Rescue Safety and Education Account--State Appropriation \$	159,000
Transportation Account--State Appropriation \$	247,000
TOTAL APPROPRIATION \$	4,416,000

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Motor Vehicle Account--State Appropriation \$	630,010,000
Motor Vehicle Account--Federal Appropriation \$	234,939,000
Motor Vehicle Account--Private/Local Appropriation \$	43,344,000
High Capacity Transportation Account--State Appropriation \$	110,000
Special Category C Account--State Appropriation \$	55,220,000
Transportation Account--State Appropriation \$	197,284,000
Transportation Account--Federal Appropriation \$	56,808,000
Puyallup Tribal Settlement Account-- State Appropriation \$	8,662,000
Transportation Infrastructure Account--State Appropriation \$	1,750,000
Transportation Infrastructure Account-- Private/Local Appropriation \$	1,750,000

TOTAL APPROPRIATION \$

1,229,877,000

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of \$55,220,000 includes \$40,500,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5060 or House Bill No. 1203 enacted in the form passed by the legislature. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--state appropriation includes \$1,285,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report December 1st and June 1st of each year to the senate transportation committee and the house of representatives transportation committee and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(4) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

(5) The north Sumner interchange project shall be funded entirely from the motor vehicle account appropriation. The project shall no longer receive a portion of its funding from the economic development account.

(6) \$34,920,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(7) The motor vehicle account--state appropriation includes \$469,779,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(8) \$500,000 of the motor vehicle account--state appropriation is provided solely for analysis and design of congestion solutions at the intersections of the South Lake Union/Mercer corridor with Interstate 5 and SR 99. The amount provided in this subsection shall be expended on the state's portion of the project. The department's authority to expend the amount referenced in this subsection is contingent on the city of Seattle appropriating \$500,000 or more toward design and analysis for the local street portion of the project.

(9) \$10,000,000 of the motor vehicle account--state appropriation and \$40,000,000 of the transportation account--state appropriation are provided as a cash contribution for the development of the public private initiatives project at Tacoma Narrows. State funds shall be used initially for the acquisition of right of way and the forensic studies of the existing bridge including purchase of equipment necessary to conduct the studies. The balance of state funds not required for acquisition of right of way and forensic studies shall be placed with the designated bond trustee at the same time the privately secured debt proceeds are deposited.

(10)(a) \$3,992,000 of the motor vehicle account--state appropriation is provided for the following two highway projects on SR 16 except as set forth under (b) of this subsection: Union to Sixth avenue/Pearl street and Sixth avenue/Pearl street to Jackson avenue. These projects are part of a coordinated approach that, along with construction of the Tacoma Narrows bridge project, will provide congestion relief on the SR 16 corridor. The appropriations in this section include funds for the construction of high occupancy vehicle (HOV) lanes on SR 16 on both the eastern and western sides of the Tacoma narrows bridge. The HOV construction project is part of a coordinated approach that, along with construction of the Tacoma Narrows bridge project, will provide congestion relief on the SR 16 corridor.

(b) If the Tacoma Narrows bridge project is delayed, the transportation commission may reprioritize projects on SR 16.

(11) \$5,800,000 of the motor vehicle account--state appropriation is provided solely for the completion of the weigh stations at Stanwood and Cle Elum along with weigh in motion at those sites an weigh in motion at Fort Lewis Northbound. The Washington state patrol and department of transportation shall work cooperatively to complete these projects.

(12) \$485,000 of the motor vehicle account--state appropriation is a reappropriation provided solely to enable the translake committee to finalize and present its recommendations. Upon presentation of the recommendations, or upon the expenditure of the appropriation provided by this subsection, the department of transportation shall disband the committee.

(13) \$800,000 of the motor vehicle account--state appropriation is provided solely to the Washington state department of transportation, office of urban mobility, to advance the recommendations of the translake Washington study committee. These funds shall be used to develop a scope of work for an environmental impact statement and related engineering work, including an environmental strategy, a decision process, a statement of purpose and need, and a formal notice of intent. None of the

appropriation for the scope of work for the environmental impact statement shall be available to support any activities of the translake Washington study committee.

(14) \$500,000 of the motor vehicle fund--state appropriation is provided solely for predesign of the northeast 44th street interchange on I-405. The department of transportation and the city of Renton shall develop a proposal that includes a funding plan for the interchange that specifies the partner's share of the cost. The department and the city shall report to the legislative transportation committees by December 1, 1999.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K**

Transportation Account--State Appropriation \$	1,212,000
Motor Vehicle Account--State Appropriation \$	
	10,162,000
TOTAL APPROPRIATION \$	11,374,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The motor vehicle fund--state appropriation includes \$10,162,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW; and for support costs of the public-private transportation initiatives program.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Account--State Appropriation \$	251,426,000
Motor Vehicle Account--Federal Appropriation \$	887,000
Motor Vehicle Account--Private/Local Appropriation \$	3,417,000
TOTAL APPROPRIATION \$	255,730,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Motor Vehicle Account--State Appropriation \$	318,691,000
Motor Vehicle Account--Federal Appropriation \$	284,587,000
Motor Vehicle Account--Private/Local Appropriation \$	3,117,000
Transportation Account--State Appropriation \$	121,000
TOTAL APPROPRIATION \$	606,516,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$6,650,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM**

**Q**

State Patrol Highway Account--State Appropriation \$	221,000
Motor Vehicle Account--State Appropriation \$	37,085,000
Motor Vehicle Account--Federal Appropriation \$	1,662,000
Motor Vehicle Account--Private/Local Appropriation \$	122,000
<b>TOTAL APPROPRIATION \$</b>	<b>39,090,000</b>

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity:

(1) The motor vehicle account--state appropriation includes \$4,324,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than commercial vehicle information system and network (CVISN). These moneys shall be placed into reserve status until such time as federal funds are secured and a state match is required. If matching federal funds are not obtained by September 30, 2000, the amount provided in this subsection shall lapse.

(2) The motor vehicle account--state appropriation includes \$600,000 for a two-year pilot program for contracted roving service patrols. The department shall provide a progress report on this pilot program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee on December 1, 2000. The pilot program will be evaluated with future direction and funding to be determined by the documented results and benefits of the pilot program.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Puget Sound Capital Construction Account-- State Appropriation \$	4,464,000
Motor Vehicle Account--State Appropriation \$	98,390,000
Motor Vehicle Account--Federal Appropriation \$	125,000
Puget Sound Ferry Operations Account-- State Appropriation \$	6,308,000
Transportation Account--State Appropriation \$	1,517,000
<b>TOTAL APPROPRIATION \$</b>	<b>110,804,000</b>

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity: \$586,000 of the motor vehicle account--state appropriation is provided solely to enable the secretary of transportation to implement a leadership training program at the department of transportation. The program shall include a mentoring component. The department shall develop performance measures to evaluate the effectiveness of the program, including but not limited to a performance measure to determine the effect of the program on employee retention. The department shall provide a progress report on the training program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee by December 1, 2000.

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

Motor Vehicle Account--State Appropriation \$	12,109,000
Motor Vehicle Account--Federal Appropriation \$	17,000,000

Transportation Account--State Appropriation	\$	1,371,000
TOTAL APPROPRIATION		30,480,000

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT

Transportation Account--State Appropriation	\$	2,595,000
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Puget Sound Ferry Operations--State Appropriation	\$	1,155,000
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(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR

Motor Vehicle Account--State Appropriation	\$	907,000
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(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES

Motor Vehicle Account--State Appropriation	\$	3,743,000
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(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL

Motor Vehicle Account--State Appropriation	\$	2,240,000
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(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Transportation Account--State Appropriation	\$	12,039,000
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(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Fund--Puget Sound Ferry Operations Account-- State Appropriation	\$	3,462,000
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(7) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Account--State Appropriation	\$	158,000
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(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES

Motor Vehicle Account--State Appropriation	\$	90,000
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(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

Motor Vehicle Account--State Appropriation	\$	1,100,000
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(10) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Account--State Appropriation	\$	392,000
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**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V**

High Capacity Transportation Account-- State Appropriation	\$	3,701,000
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Air Pollution Control Account--State Appropriation	\$	6,253,000
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Transportation Account--State Appropriation	\$	7,187,000
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Transportation Account--Federal Appropriation	\$	7,345,000
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Transportation Account--Private/Local		
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Appropriation	\$	105,000
Public Transportation Systems Account-- State Appropriation	\$	800,000
TOTAL APPROPRIATION	\$	24,391,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$750,000 of the transportation account--state appropriation is provided solely for grants and activities relating to coordinating special needs transportation among state and local providers. When selecting grant recipients, the agency council on coordinated transportation shall give priority to projects and programs that can be accomplished in the 1999-2001 biennium. The department may expend up to \$250,000 without a matching appropriation. The department's authority to expend more than that amount is conditioned upon the legislature authorizing a matching appropriation equal to the total expenditure of the amount provided in this subsection.

(2) \$50,000 of the public transportation systems account--state appropriation is provided solely to continue and enhance an existing pilot project between a public transit provider and a school district expanding public transit service to high school students in order to reduce the use of single occupancy vehicles.

(3) The department shall assess its commute trip reduction program. The assessment shall include an evaluation of tax credits or other incentives to employers who reduce commute trips to their work sites by encouraging employees to telecommute. Up to \$50,000 of the air pollution control account--state appropriation is provided for a pilot project implementing telecommuting as part of the commute trip reduction program. The pilot project may include use of tax credits or other financial incentives.

(4) In evaluating applications for rural mobility grants to public transportation agencies, the department shall give added weight to projects that improve connectivity among transit providers and across jurisdictional boundaries.

(5) \$4,900,000 of the transportation account--federal appropriation is provided solely for commute trip reduction programs administered by the department of transportation. These funds come from the TEA-21 congestion mitigation air quality program. The office of financial management shall place \$1,000,000 of the air pollution control account--state appropriation in reserve status.

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

Puget Sound Capital Construction Account-- State Appropriation	\$	140,135,000
Puget Sound Capital Construction Account-- Federal Appropriation	\$	29,575,000
Passenger Ferry Account--State Appropriation	\$	789,000
Motor Vehicle Account--State Appropriation	\$	116,221,000
TOTAL APPROPRIATION	\$	286,720,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section, unless otherwise specified, are provided to carry out only the projects in the Washington state ferries capital program plan - version 3. The department shall reconcile the 1997-99 capital expenditures within ninety days of the end of the biennium and submit a final report to the senate transportation committee, the house of representatives transportation committee, and the office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$27,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) \$1,500,000 of the motor vehicle account--state appropriation is provided solely for preliminary engineering activities to develop a new class of auto/passenger ferries. The design specifications for the vessels shall require that the vessels deliver optimal performance in terms of vessel speed, safety, reliability, and minimization of environmental impacts including damage on the shoreline from the wake of the vessels. The vessels are intended to ensure Washington state ferries compliance with applicable international and domestic vessel safety standards and the Americans with disabilities act on identified routes. This class of ferries should have a single adaptable design able to operate efficiently and effectively on different ferry routes, each of which has specific vessel capacity and handling requirements. These vessels are intended to relieve existing and projected vehicular traffic demand on congested routes such as, but not limited to, Seattle/Bremerton, Fautleroy/Southworth, and Port Townsend/Keystone.

(a) Washington state ferries shall prepare:

(i) A conceptual design outlining the owner's functional requirements;

(ii) A design report that includes a budget estimate and outline of specifications and plans;

(iii) Specific contractual requirements and specifications;

(iv) An evaluation of using the request for proposals process in accordance with RCW 47.56.030;

(v) A request for interest to provide a propulsion system for this vessel class; and

(vi) An exploration of a public private partnership between Washington state ferries, shipbuilders, and their supporting engineering firms for design and construction of the vessel or vessels.

(b) Washington state ferries shall report to the legislature by December 1, 1999, on the conceptual design criteria and budget estimates for preferred hull design and propulsion system/engine alternatives. The report shall include recommended statutory changes that the legislature would need to enact in order to proceed with acquisition of this class of vessels.

(4) The motor vehicle account--state appropriation includes \$110,729,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) The department shall structure the request for proposal for the purchase of passenger-only ferries authorized under RCW 47.60.652 to include the purchase of a fifth back-up ferry to support maintenance schedules, emergency service needs, and provide continuity of service on all passenger-only ferry routes. The purchase of a fifth passenger-only ferry is subject to subsequent legislative appropriation.

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Marine Operating Account--State Appropriation \$

303,014,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$29,104,000 for vessel operating fuel in the 1999-2001 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1999-2001 biennium may not exceed \$205,640,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$341.75 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1999-2001 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1999, and thereafter, as established in the 1999-2001 general fund operating budget.

(3) Up to \$2,770,000 of the marine operating account--state appropriation may be used for leasing and operating an appropriate passenger only ferry vessel for the purpose of supporting existing, or testing new, passenger only service while testing alternative vessel technologies.

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--PROGRAM Y**

Essential Rail Assistance Account--

State Appropriation \$

85,000

High Capacity Transportation Account-- State Appropriation \$	15,094,000
Transportation Account--State Appropriation \$	95,915,000
Transportation Account--Federal Appropriation \$	10,000,000
Public Transportation Systems Account-- State Appropriation \$	5,000,000
TOTAL APPROPRIATION \$	126,094,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) No appropriation in this section may be used to fund rail passenger service south of Portland, Oregon.
- (2) \$2,000,000 of the transportation account--state appropriation and \$4,000,000 of the high capacity transportation account--state appropriation are provided solely for the freight rail assistance program to provide grants and loans for light density rail lines.
- (3) \$3,000,000 of the high capacity transportation account--state appropriation is provided solely for acquisition of up to six rail passenger cars to add capacity to existing advanced technology train sets operating in Washington state.
- (4) \$6,298,000 of the high capacity transportation account--state appropriation is provided to fund the operation of a second train set providing additional roundtrip service from Seattle to Vancouver, British Columbia. The department's authority to expend the appropriation referenced in this subsection for service north of Blaine is conditioned upon Canada, the province of British Columbia, and/or private sources undertaking the capital expenditures necessary to make the rail capital improvements required to facilitate improved round trip rail service between Seattle and Vancouver, B.C.
- (5) \$10,000,000 of the transportation account--state appropriation and \$5,000,000 of the public transportation systems account--state appropriation are provided solely for the King street maintenance facility to be built in partnership with Amtrak. The amount referenced in this subsection is conditioned on the execution of agreements between the department of transportation, Amtrak, sound transit, and other participating parties which will assure that the maintenance and operation of the maintenance facility will not require state funding, except for billings for maintenance of state owned passenger trains.
- (6) To the greatest extent practicable, expenditure of funds shall maximize funds from partnerships and coordinate with other agencies investing in track improvements.
- (7) \$5,000,000 of the transportation account--federal appropriation is provided from TEA-21 surface transportation program enhancement funds is provided solely for restoration of and improvements to the King Street station.

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

Motor Vehicle Account--State Appropriation \$	129,886,000
Motor Vehicle Account--Federal Appropriation \$	8,040,000
Transportation Account--State Appropriation \$	10,767,000
Transportation Infrastructure Account--State Appropriation \$	3,250,000
Transportation Infrastructure Account-- Private/Local Appropriation \$	1,750,000
High Capacity Transportation Account--State Appropriation \$	150,000
Highway Infrastructure Account--Federal Appropriation \$	1,500,000
Highway Infrastructure Account--State	

Appropriation \$

234,000

TOTAL APPROPRIATION \$

155,577,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$300,000 of the transportation account--state appropriation is provided solely to establish alternatives for flood management and flood hazard reduction projects in the Chehalis basin.

(a) The department of transportation shall convene a technical committee to develop watershed-based solutions to flooding within the Chehalis basin. The technical committee shall be comprised of representatives of the department of transportation, department of ecology, department of fish and wildlife, the department of community, trade, and economic development, the military department's emergency management division, and affected counties and tribes. The department of transportation shall also seek the participation of the United States army corps of engineers, federal emergency management administration, the United States geological survey, the United States fish and wildlife service, the United States environmental protection agency, and other entities with critical knowledge related to the structural or nonstructural flood hazard reduction projects in the Chehalis basin. Funds shall be distributed by the department of transportation for alternative analysis, mapping, and model testing projects as recommended by the technical committee. The solutions considered by the technical committee shall be consistent with fish and habitat recovery efforts and avoid additional flood hazard to downstream communities. The department of transportation shall present a report to the senate transportation committee and the house of representatives transportation committee by December 1, 1999, regarding findings and progress made by funded projects.

(b) If the federal government makes funds available to accomplish the project described in (a) of this subsection, the department of transportation shall place the appropriation identified in this section in reserve.

(2) \$85,121,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. Notwithstanding RCW 79.91.100, between July 1, 1999, and June 30, 2001, the department of natural resources shall execute and deliver an instrument granting an easement to cities, towns, and counties who request an easement for roadway purposes, including the right to make necessary fills, on, over, or across the beds of navigable waters if those easements are necessary to facilitate the construction of projects funded in whole or part by a portion of the appropriation referenced in this subsection. The department of natural resources shall not charge the city, town, or county for the easement except as necessary to recover reasonable administrative costs. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(3) \$400,000 of the transportation account--state appropriation is provided solely for a study by the senate transportation committee and the house of representatives transportation committee in cooperation with the port of Benton developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

(4) The motor vehicle account--state appropriation includes \$105,121,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) \$10,000,000 of the transportation account--state appropriation is provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section unless agreement on ocean disposal sites has been reached which protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(6) The motor vehicle account--state appropriation includes \$1,167,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(7) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for a small city pavement preservation program, to be administered by the department's TransAid division. The department, in consultation with stakeholders, shall establish program guidelines. The guidelines should include but not be limited to a provision limiting program eligibility to cities with a population of 2,500 or less.

(8) \$20,000,000 of the motor vehicle account--state appropriation is provided solely for a county corridor congestion relief program, to be administered by the department's TransAid division. The purpose of the program is to provide funding for congested urban corridors, as defined and selected by the department of transportation in consultation with counties, regional transportation planning organizations, and the transportation improvement board. At a minimum, project selection criteria should include:

Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; systemic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.

(9) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for improving traffic and pedestrian safety near schools. The TransAid division within the department of transportation shall administer this program. Funds should be used for traffic and pedestrian improvements near schools, including roadway channelization and signalization.

(10) The TransAid division within the department of transportation shall develop a prequalification procedure for potential bidders on projects administered or approved by the transportation improvement board. The board shall work with other interested parties including but not limited to associations representing general contractors and the office of minority and women's business enterprises. The prequalification procedure's goal is to ascertain that bidders are qualified by experience, financing, equipment, and organization to do the work called for in the contract documents. The prequalification procedure may require a bidder to (1) satisfy threshold requirements established by the board prior to being furnished a proposal form on any contract; or (2) complete a preaward survey of the bidder's qualification prior to award.

(11) Up to \$100,000 of the motor vehicle account--state appropriation is provided solely for audits of city and county transportation funding to determine whether any city or county has supplanted its local transportation funding with state funding provided under sections 408 and 409 of this act. The department shall report the results of this audit to the senate transportation committee, the house of representatives transportation committee, and the office of financial management by December 31, 2000.

(12) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for city fish passage barrier removal and habitat restoration. Funds should be used for eliminating fish passage barriers, including stormwater facilities, and providing for habitat restoration for salmonid species that are listed as threatened or endangered. The amount provided in this section may only be expended upon authorization from the department of transportation's environmental affairs office.

### **PART III TRANSPORTATION AGENCIES CAPITAL FACILITIES**

#### **NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL**

Appropriation:

State Patrol Highway Account--State Appropriation \$ 2,328,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$508,000 of the state patrol highway account--state appropriation funds minor works which include communication tower maintenance, Spokane district headquarters HVAC, Morton HVAC replacement, emergency repairs, and Anacortes scale repairs.

(2) \$500,000 of the state patrol highway account--state appropriation is provided for the Naselle detachment office.

(3) \$615,000 of the state patrol highway account--state appropriation is provided for repaving the academy drive course.

(4) \$275,000 of the state patrol highway account--state appropriation is provided for the squawk mountain communication tower.

(5) \$380,000 of the state patrol highway account--state appropriation is provided for the replacement of two traffic control aircraft.

(6) \$50,000 of the state patrol highway account--state appropriation is provided for the Ridgefield expansion design and the academy hookup fee for waste treatment.

**NEW SECTION. Sec. 302.** The Washington state patrol is authorized to continue with the exchange of the Olympia, Washington Martin Way property for a light industrial land complex to be used to consolidate existing separately located state activities and functions. The agency will work with the office of financial management, department of general administration, the senate transportation committee, and the house of representatives transportation committee in the exchange and approval processes.

#### **NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Account--State Appropriation \$ 26,147,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Before any funds are expended for the transportation facility to be located in Tumwater, Washington, the director of general administration shall conduct an evaluation of the planned facility design and budget using life-cycle cost analysis, value-

engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement as required under RCW 43.82.010(10). Furthermore, the director shall present the findings of the evaluation to the fiscal committees of the house of representatives and the senate by December 31, 1999. Up to \$100,000 of the motor vehicle account--state appropriation may be expended by the department of general administration to conduct an analysis of future transportation-related facility office space needs in Thurston county, by agency, for the next ten years. The analysis shall consult with state agencies, private developers, and building owners to determine the inventory of space available and planned over the next ten years in government and nongovernment buildings, and the impact on current office space. The analysis must be completed by January 31, 2000.

(2) The department of transportation is authorized to enter into a financing contract using certificate of participation in the amount of \$14,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire and remodel a regional complex in the department's southwest region.

**PART IV  
TRANSFERS AND DISTRIBUTIONS**

**NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account Appropriation \$	184,810,000
Ferry Bond Retirement Account Appropriation \$	53,353,000
Transportation Improvement Board Bond Retirement Account--State Appropriation \$	35,158,000
Puget Sound Capital Construction Account--State Appropriation \$	270,000
Motor Vehicle Account--State Appropriation \$	6,543,000
Special Category C Account--State Appropriation \$	405,000
TOTAL APPROPRIATION \$	280,539,000

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Fund--Puget Sound Capital Construction Account Appropriation \$	36,000
Motor Vehicle Account--State Appropriation \$	811,000
Special Category C Account Appropriation \$	53,000
TOTAL APPROPRIATION \$	900,000

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$	492,721,000
Transportation Fund Appropriation for motor vehicle excise tax distribution \$	491,606,000

**NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**

Motor Vehicle Fund--State Patrol Highway Account:

For transfer to the Department of  
Retirement Systems Expense Fund \$

171,000

**NEW SECTION. Sec. 405. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 406.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

**NEW SECTION. Sec. 407. FOR THE STATE TREASURER--TRANSFERS**

(1) RV Account--State Appropriation:

For transfer to the Motor Vehicle Fund--State \$

1,590,000

(2) Transportation Account--State Appropriation:

For transfer to the Transportation Infrastructure  
Account--State \$

5,000,000

The department of transportation shall only transfer funds provided under this subsection on an as-needed basis.

**NEW SECTION. Sec. 408. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Fund--State Appropriation  
for distribution to the cities \$

18,250,000

Motor Vehicle Fund--State Appropriation  
for distribution to the counties \$

10,000,000

The distributions in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation for distribution to cities is provided solely to be distributed to cities with a population of over two thousand five hundred in a manner consistent with RCW 46.68.110(4) in one distribution on March 1, 2000. The motor vehicle fund--state appropriation for distribution to the counties is provided solely to be distributed in a manner consistent with RCW 46.68.122 in one distribution on March 1, 2000. If the voters of this state pass an initiative that eliminates or reduces the motor vehicle excise tax authorized under RCW 82.44.020, the appropriations in this section shall lapse.

(2) The amounts provided in this section may not be used to supplant any existing local government funding for transportation projects or programs. Any local government in violation of this requirement shall immediately forfeit its eligibility for future distributions provided under this section.

**NEW SECTION. Sec. 409. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Fund--State Appropriation  
for distribution to the cities \$

19,580,000

Motor Vehicle Fund--State Appropriation  
for distribution to the counties \$

10,000,000

The distributions in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation for distribution to cities is provided solely to be distributed to cities with a population of over two thousand five hundred in a manner consistent with RCW 46.68.110(4) in one distribution on March 1, 2001. The motor vehicle fund--state appropriation for distribution to the counties is provided solely to be distributed in a manner consistent with RCW 46.68.122 in one distribution on March 1, 2001. If the voters of this state pass an initiative that eliminates or reduces the motor vehicle excise tax authorized under RCW 82.44.020, the appropriations in this section shall lapse.

(2) The amounts provided in this section may not be used to supplant any existing local government funding for transportation projects or programs. Any local government in violation of this requirement shall immediately forfeit its eligibility for future distributions provided under this section.

**NEW SECTION. Sec. 410.** The office of the state treasurer is authorized to transfer any transportation improvement account and urban arterial trust account balances available in the highway bond retirement account into the transportation improvement board bond retirement account following a cooperative agreement by the department of transportation and the transportation improvement board on the exact amount of the transfer.

**NEW SECTION. Sec. 411.** The motor vehicle account revenues are received at a relatively even flow throughout the year. Expenditures may exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

**NEW SECTION. Sec. 412.** In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective transportation funds and accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 413. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS.** The department of transportation shall make the following transfers contingent on passage of the bills referenced in each proviso as identified by bill number in the form passed by the legislature:

(1) If Senate Bill No. 5615 or House Bill No. 1588 is enacted in the form passed by the legislature the department of transportation shall transfer:

(a) The balances remaining at the close of the 1997-99 biennium in the economic development account and the transportation capital facilities account to the motor vehicle account--state; and

(b) The balance remaining at the close of fiscal year 2000 in the marine operating account to the Puget Sound ferry operations account.

(2) If neither Senate Bill No. 5615 nor House Bill No. 1588 is enacted in the form passed by the legislature the department of transportation is authorized to transfer any balances available in the highway construction stabilization account to the motor vehicle account to fund the appropriations contained in this act.

**NEW SECTION. Sec. 414. FOR THE TRANSPORTATION IMPROVEMENT BOARD--TRANSFERS.** The transportation improvement board shall make the following transfers contingent on passage of the bills referenced in each proviso as enacted in the form passed by the legislature:

(1) If Senate Bill No. 5360 or House Bill No. 1053 is enacted in the form passed by the legislature the transportation improvement board shall transfer the balances remaining at the close of the 1997-99 biennium in the small city account and the city hardship assistance account to the urban arterial trust account.

(2) If Senate Bill No. 5615 or House Bill No. 1588 is enacted in the form passed by the legislature the transportation improvement board shall transfer:

(a) The balances remaining at the close of the 1997-99 biennium in the small city account and the city hardship assistance account to the urban arterial trust account; and

(b) The balance remaining at the close of the 1997-99 biennium in the central Puget Sound public transportation systems account to the public transportation systems account.

**PART V**  
**1997-99 SUPPLEMENTAL APPROPRIATIONS**  
**Transportation Agencies**

**Sec. 501.** 1997 c 457 s 204 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Motor Vehicle Fund--Urban Arterial Trust

Account--State Appropriation \$

57,159,000

Motor Vehicle Fund--Transportation Improvement

Account--State Appropriation \$

122,014,000

Motor Vehicle Fund--City Hardship Assistance

Account--State Appropriation \$

Motor Vehicle Fund--Small City Account-- State Appropriation \$	2,649,000
	((7,921,000))
	<u>9,921,000</u>
Central Puget Sound Public Transportation Account--State Appropriation \$	27,360,000
Public Transportation Systems Account-- State Appropriation \$	3,928,000
TOTAL APPROPRIATION \$	((221,031,000))

223,031,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation improvement account--state appropriation includes \$40,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. However, the transportation improvement board may authorize the use of current revenues available in lieu of bond proceeds.

**Sec. 502.** 1998 c 348 s 203 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

Motor Vehicle Fund--State Patrol Highway Account--State Appropriation \$	((163,789,000))
	<u>166,035,000</u>
Motor Vehicle Fund--State Patrol Highway Account--Federal Appropriation \$	((4,374,000))
	<u>4,688,000</u>
Motor Vehicle Fund--State Patrol Highway Account--Local Appropriation \$	170,000
Transportation Fund--State Appropriation \$	4,522,000
TOTAL APPROPRIATION \$	((172,855,000))

175,415,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The Washington state patrol is authorized to use the federal community oriented policing program (COPS) for 54 troopers with 18 COPS troopers to begin in July 1998 and 36 COPS troopers to begin in January 1999.

(2) \$4,463,000 of the transportation fund--state appropriation and \$3,737,000 of the motor vehicle fund--state patrol highway account--state appropriation are provided for an equalization salary adjustment of three percent on July 1, 1997, and six percent on July 1, 1998, for commissioned officers (entry level trooper through captain), commercial vehicle enforcement officers, and communication officers of the Washington state patrol. The salary adjustments are intended to bring the existing salary levels into the fiftieth percentile of other Washington state law enforcement compensation plans. This is in addition to the salary increase contained in the omnibus appropriation bill or bills. The total of the two increases, in the transportation budget and omnibus appropriation bill or bills, may not exceed twelve percent.

(3) The Washington state patrol will develop a vehicle replacement plan for the next six years. The plan will include an analysis of the current 100,000 miles replacement policy and agency assignment policy. Projected future budget requirements will include forecasts of vehicle replacement costs, vehicle equipment costs, and estimated surplus vehicle values when sold at auction.

(4) The Washington state patrol vessel and terminal security (VATS) program will be funded by the state patrol highway fund beginning July 1, 1997, and into future biennia.

(5) A personnel data base will be maintained of the 801 commissioned traffic law enforcement officers, with a reconciliation at all times to the patrol allocation model and a vehicle assignment and replacement plan.

(6) \$150,000 of the state patrol highway account appropriation is to fund the Washington state patrol's portion of the drug recognition expert training program previously funded by the traffic safety commission.

(7) The Washington state patrol with legislative transportation committee staff will perform an interim study of the Washington state patrol's commercial vehicle enforcement program with a report to be presented to the legislature and office of financial management in January 1998 with a developed business plan and program recommendations which includes, but is not limited to, weigh in motion technologies.

(8)(a) The Washington state patrol, in consultation with the Washington traffic safety commission, shall conduct an analysis of the most effective safety devices for preventing accidents while delivery trucks are operating in reverse gear. The analysis shall focus on trucks equipped with cube-style, walk-in cargo boxes, up to eighteen feet long, that are most commonly used in the commercial delivery of goods and services.

(b) The state patrol shall incorporate research and analysis currently being conducted by the national highway traffic safety administration.

(c) Upon completion of the analysis, the state patrol shall forward its recommendations to the legislative transportation committee and office of financial management.

(9) \$381,000 of the transportation fund--state appropriation is provided for the following traditional general fund purposes: The governor's air travel, the license fraud program, and the special services unit. This transportation fund--state appropriation is not a permanent funding source for these purposes.

(10) \$461,000 of the state patrol highway account appropriation is provided solely for monitoring and stopping fuel tax evasion. The Washington state patrol will report on December 1, 1998, to the legislative transportation committee on the activities and revenue collected associated with fuel tax evasion.

(11) \$289,000 of the state patrol highway account appropriation is provided solely for vehicle license fraud investigation. A report will be presented each session to the legislature on the activities and revenue collected by the vehicle license fraud unit.

(12) \$268,000 of the motor vehicle fund--state patrol highway account is provided solely to cover the employer's share of medicare premiums for commissioned officers hired prior to 1986. If a referendum of these officers does not receive majority support this appropriation shall not be expended by the state patrol.

(13) \$105,000 of the motor vehicle fund--state patrol highway account--state appropriation and \$314,000 of the motor vehicle fund--state patrol highway account--federal appropriation are provided solely for laptop personal computers, peripheral equipment, and necessary software for existing community oriented policing program (COPS) troopers.

(14) \$2,300,000 of the motor vehicle fund--state patrol highway account--state appropriation is provided solely to purchase 100 equipped pursuit vehicles. If the transportation fund--state appropriation reduction described in section 503(9) of this act does not take place, the amount provided in this subsection shall lapse. If the state patrol does not purchase the vehicles prior to June 30, 1999, the amount provided in this subsection shall lapse.

**Sec. 503.** 1998 c 348 s 205 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

Motor Vehicle Fund--State Patrol Highway Account--State Appropriation \$	52,926,000
Motor Vehicle Fund--State Patrol Highway Account--Federal Appropriation \$	104,000
Transportation Fund--State Appropriation \$	((2,513,000))
	<u>214,000</u>
TOTAL APPROPRIATION \$	((55,543,000))

53,244,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$1,017,000 for the state patrol highway account--state appropriation is provided solely for year 2000 conversions of transportation automated systems. For purposes of this subsection, transportation automated systems does not include WASIS and WACIS.

(2) \$50,000 of the state patrol highway account--state appropriation is provided solely for a feasibility study to assess the effect of mobile computers on trooper productivity by type of service and measurement of the productivity gains achieved through reduction in administrative time and paperwork processing. The agency shall submit a copy of the proposed study workplan to the office of financial management, the department of information services, and the legislative transportation committee no later than October 1, 1997. A final report shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services no later than January 31, 1998. This project is subject to the provisions of section 502 of this act.

(3) \$50,000 of the state patrol highway account--state appropriation is provided solely for a review of the feasibility of improving the patrol's computer-aided dispatch system to permit tracking of trooper availability and response time to calls for service. The agency shall submit a copy of the proposed study workplan to the office of financial management, the department of information services, and the legislative transportation committee no later than October 1, 1997. A final report shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services no later than January 31, 1998. This project is subject to the provisions of section 502 of this act.

(4) These appropriations maintain current level funding for the Washington state patrol service center and have no budget savings included for a consolidation of service centers based on the study conducted by the technology management group. During the 1997 interim, the costs for current level will be reviewed by the office of financial management and department of information services with a formal data center recommendation, that has been approved by the information services board, to the legislature in January 1998. Current level funding will be split between fiscal year 1998 and fiscal year 1999 with consideration of funding adjustments based on the review and the formal policy and budget recommendations.

(5) \$2,513,000 of the transportation fund--state appropriation is for the following traditional general fund purposes: The executive protection unit, revolving fund charges, budget and fiscal services, computer services, personnel, human resources, administrative services, and property management. This appropriation is not a permanent funding source for these purposes.

(6) \$22,000 of the motor vehicle fund--state patrol highway account appropriation is provided solely to cover the employer's share of medicare premiums for commissioned officers hired prior to 1986. If a referendum of these officers does not receive majority support this appropriation shall not be expended by the state patrol.

(7) The 1998 Washington state patrol interim working group shall review the data center, electronic services division, communications division, and strategic planning and shall provide recommendations on increasing the effectiveness and efficiencies of the programs under review and audit.

(8) \$1,580,000 of the state patrol highway account--state appropriation is provided solely for the transition of the Washington state patrol mainframe data processing functions to the Washington state department of information services data center in Olympia, Washington. The Washington state patrol and the department of information services shall work cooperatively to ensure the transition to the department of information services is completed successfully.

(9) The transportation fund--state appropriation is reduced by \$2,299,000 to correct a double appropriation.

**Sec. 504.** 1998 c 348 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

Highway Safety Fund--Motorcycle Safety Education

Account--State Appropriation \$

94,000

General Fund--Wildlife Account--State

Appropriation \$

42,000

Highway Safety Fund--State Appropriation \$

((10,732,000))

8,218,000

Motor Vehicle Fund--State Appropriation \$

((5,610,000))

Transportation Fund--State Appropriation \$	<u>4,735,000</u>
	441,000
TOTAL APPROPRIATION \$	((16,919,000))

13,530,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: ((4)) \$2,498,000 of the highway safety fund--state appropriation and \$793,000 of the motor vehicle fund--state appropriation are provided for the following activities: (1) Identify business objectives and needs relating to technology improvements and integration of the drivers' licensing and vehicle title and registrations systems; (2) converting the drivers' licensing software applications to achieve Year 2000 compliance; (3) convert the drivers' field network from a uniscope to a frame-relay network; (4) develop an interface between the unisys system and the CRASH system; and (5) operate and maintain the highways-licensing building network and the drivers' field network.

**Sec. 505.** 1998 c 348 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

General Fund--Marine Fuel Tax Refund Account--  
State Appropriation \$

26,000

General Fund--Wildlife Account--State  
Appropriation \$

549,000

Motor Vehicle Fund--State Appropriation \$

((49,630,000))

49,615,000

Department of Licensing Services Account--  
State Appropriation \$

2,944,000

TOTAL APPROPRIATION \$

((53,149,000))

53,134,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$600,000 of the licensing service account--state appropriation is provided for replacement of printers for county auditors and subagents.

(2) The department of licensing, in cooperation with the fuel tax advisory committee, shall prepare and submit a report to the legislative transportation committee containing recommendations for special fuel and motor vehicle fuel recordkeeping and reporting requirements, including but not limited to recommendations regarding the form and manner in which records and tax reports must be maintained and made available to the department; which persons engaged in the business of selling, purchasing, distributing, storing, transporting, or delivering fuel should be required to submit periodic reports regarding the disposition of such fuel; and the feasibility of implementing an automated fuel tracking system. The report is due no later than October 31, 1997.

(3) The department of licensing, in cooperation with representatives of local governments and the department of revenue shall analyze the collection of the local option fuel tax under RCW 82.80.010. Based on that analysis the department of licensing shall offer recommendations regarding the appropriate government entity to collect the local option fuel tax and the best method to accomplish that collection. The department of licensing shall report its findings and recommendations to the legislative transportation committee and the office of financial management by December 1, 1998.

(4) The department of licensing, in conjunction with the interagency commission on outdoor recreation, the department of transportation, and other affected entities, shall conduct a study and make recommendations regarding:

(a) Whether the study required by RCW 43.99.030 to determine what portion of the motor vehicle fuel tax collected is tax on marine fuel is an effective and efficient mechanism for determining what portion of fuel tax revenues should be refunded to the marine fuel tax refund account;

(b) Other possible methodologies for determining the appropriate amount of tax revenue to refund from the motor vehicle fund to the marine tax refund account; and

(c) Whether the tax on fuel used by illegally nonregistered boats should be refunded to the marine tax refund account.

The department of licensing shall make a report of its findings and recommendations to the legislative transportation committee and the office of financial management by December 1, 1998.

(5) \$382,000 of the motor vehicle fund--state appropriation is provided solely to implement Substitute House Bill No. 2659. If Substitute House Bill No. 2659 is not enacted by June 30, 1998, this amount shall lapse.

**Sec. 506.** 1998 c 348 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Highway Safety Fund--Motorcycle Safety Education

Account--State Appropriation \$

1,411,000

Highway Safety Fund--State Appropriation \$

((61,087,000))

59,869,000

Transportation Fund--State Appropriation \$

4,985,000

TOTAL APPROPRIATION \$

((64,112,000))

66,265,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$225,000 of the highway safety account--state appropriation is provided solely to implement Substitute House Bill No. 2442 or Senate Bill No. 6190. If neither bill is enacted by June 30, 1998, this amount shall lapse.

(2) \$480,000 of the highway safety account--state appropriation is provided solely to implement Senate Bill No. 6165. If Senate Bill No. 6165 is not enacted by June 30, 1998, this amount shall lapse.

((6)) (3) \$1,000,000 of the highway safety account--state appropriation is provided solely to implement 1998 legislation that changes statutes relating to driving under the influence. If legislation changing the DUI statutes is not enacted by June 30, 1998, this amount shall lapse.

**Sec. 507.** 1997 c 457 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Fund--State Appropriation \$

((24,703,000))

24,436,000

Motor Vehicle Fund--Federal Appropriation \$

400,000

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$

((24,338,000))

24,330,000

TOTAL APPROPRIATION \$

((49,441,000))

49,166,000

**Sec. 508.** 1998 c 348 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Motor Vehicle Fund--Economic Development Account--

State Appropriation \$

2,434,000

Motor Vehicle Fund--State Appropriation \$

	((163,275,000))
	<u>123,575,000</u>
Motor Vehicle Fund--Federal Appropriation \$	155,485,000
Motor Vehicle Fund--Private/Local Appropriation \$	40,000,000
Special Category C Account--State Appropriation \$	((73,271,000))
	<u>65,471,000</u>
Transportation Fund--State Appropriation \$	((230,546,000))
	<u>225,546,000</u>
Puyallup Tribal Settlement Account--State Appropriation \$	5,000,000
Puyallup Tribal Settlement Account--Private/Local Appropriation \$	200,000
High Capacity Transportation Account--State Appropriation \$	1,401,000
TOTAL APPROPRIATION \$	((671,612,000))
	<u>619,112,000</u>

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of ((~~\$73,271,000~~)) \$65,471,000 includes \$26,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817 ((and includes \$12,000,000 in proceeds from the sale of bonds authorized by House Bill No. 1012)). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. ((If House Bill No. 1012 is not enacted by June 30, 1998, \$7,800,000 of the special category C account--state appropriation shall lapse.))

(2) The motor vehicle fund--state appropriation includes \$2,685,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year.

(4) The motor vehicle fund--state appropriation in this section includes \$600,000 solely for a rest area and information facility in the Nisqually gateway area to Mt. Rainier, provided that at least forty percent of the total project costs are provided from federal, local, or private sources. The contributions from the nonstate sources may be in the form of in-kind contributions including, but not limited to, donations of property and services.

(5) The appropriations in this section contain \$118,247,000 reappropriation from the 1995-97 biennium.

(6) The motor vehicle fund--state appropriation in this section includes \$250,000 to establish a wetland mitigation pilot project. This appropriation may only be expended if the department of transportation establishes a technical committee to better implement the department's strategic plan. The technical committee shall include, but is not limited to, cities, counties, environmental groups, business groups, tribes, the Puget Sound action team, and the state departments of ecology, fish and wildlife, and community, trade, and economic development, and appropriate federal agencies. The committee shall assist the department in implementing its wetland strategic plan, including working to eliminate barriers to improved wetland and watershed management. To this end, the technical committee shall: (a) Work to facilitate sharing of agency environmental data, including

evaluation of off-site and out-of-kind mitigation options; (b) develop agreed-upon guidance that will enable the preservation of wetlands that are under imminent threat from development for use as an acceptable mitigation option; (c) develop strategies that will facilitate the implementation of mitigation banking, including developing mechanisms for valuing and transferring credits; (d) provide input in the development of wetland functions assessment protocols related to transportation projects; (e) develop incentives for interagency participation in joint mitigation projects within watersheds; and (f) explore options for funding environmental mitigation strategies. The department shall prepare an annual report to the legislative transportation committee and legislative natural resources committees on recommendations developed by the technical committee.

(7) The department shall report January 1st and July 1st of each year, to the legislative transportation committee and the office of financial management of the timing and the scope of work being performed for the regional transit authority. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(8) The translake study funded in this section shall include recommendations to address methods for mitigating traffic noise in the study area.

(9) Funding for the SR 509 project extending south and east from south 188th street in King county is contingent on the development of a proposal linking the project to other freight corridors and a funding plan with participation from partners of the state that are agreed to by the legislative transportation committee and the governor.

(10) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

(11) \$2,000,000 of the motor vehicle fund--state appropriation is provided solely for transfer to the advanced environmental mitigation revolving account--state.

~~((14))~~ (12) \$13,000,000 of the motor vehicle fund--state appropriation and \$12,000,000 of the transportation fund--state appropriation are provided solely for preliminary engineering and purchase of right of way for highway construction.

~~((15) \$35,000,000 of the motor vehicle fund--state appropriation is conditioned upon voter approval of a referendum on a state-wide ballot that provides funding for transportation purposes. If the voters approve such a referendum, \$35,000,000 of the motor vehicle fund--state appropriation is put in reserve solely to be used for the purposes of preliminary engineering and purchase of right of way for highway construction. These moneys may only be expended upon approval of both the legislative transportation committee and the office of financial management.))~~

(13) The department may advertise and award certain specified projects prior to June 30, 1999. This authority extends to the 10 projects listed in the transportation executive information system document titled "1999 Supplemental Budget — Spring Start Projects (Rev.)" dated March 13, 1999.

**Sec. 509.** 1998 c 348 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K**

Transportation Fund--State Appropriation	\$		((1,280,000))
			<u>1,255,000</u>
Motor Vehicle Fund--State Appropriation	\$		16,235,000
TOTAL APPROPRIATION	\$		((17,515,000))
			<u>17,490,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$16,235,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of only the SR 16 corridor improvements and park and ride projects selected under the public-private transportation initiative program authorized under chapter 47.46 RCW; and support costs of the public-private transportation initiatives program.

(2) The appropriations in this section contain \$16,235,000 reappropriated from the 1995-97 biennium.

**Sec. 510.** 1998 c 348 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Fund--State Appropriation	\$		((239,200,000))
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Motor Vehicle Fund--Federal Appropriation \$	<u>237,013,000</u>
	465,000
Motor Vehicle Fund--Private/Local Appropriation \$	3,335,000
TOTAL APPROPRIATION \$	((243,000,000))

240,813,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall deliver the highway maintenance program according to the plans for each major maintenance group to the extent practical. However, snow and ice expenditures are highly variable depending on actual weather conditions encountered. If extraordinary winter needs result in increased winter maintenance expenditures, the department shall, after prior consultation with the transportation commission, the office of financial management, and the legislative transportation committee adopt one or both of the following courses of action: (a) Reduce planned maintenance activities in other groups to offset the necessary increases for snow and ice control; or (b) continue delivery as planned within other major maintenance groups and request a supplemental appropriation in the following legislative session to fund the additional snow and ice control expenditures.

(3) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(4) Funding appropriated for local storm water charges assessed under RCW 90.03.525, which is allocated for, but not paid to, a local storm water utility because the utility did not meet the conditions provided under RCW 90.03.525, may be transferred by the department to program Z of the department to be distributed as grants under the storm water grant program.

**Sec. 511.** 1998 c 348 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Motor Vehicle Fund--State Appropriation \$	((288,720,000))
	<u>285,220,000</u>
Motor Vehicle Fund--Federal Appropriation \$	274,259,000
Motor Vehicle Fund--Private/Local Appropriation \$	2,400,000
TOTAL APPROPRIATION \$	((568,379,000))

561,879,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$6,800,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The appropriations in this section contain \$27,552,000 reappropriated from the 1995-97 biennium.

(3) If the Oregon state legislature enacts a public/private partnership program and the Washington state transportation commission, in consultation with the legislative transportation committee, negotiates and enters into an agreement between Washington and Oregon to place the Lewis and Clark bridge into Oregon's public/private partnership program, up to \$3,000,000 of the motor vehicle fund--state appropriation may be used as Washington's contribution toward the design of the project pursuant to the agreement between Washington and Oregon. Any additional contributions shall be subject to Washington state legislative appropriations and approvals. The department shall provide a status report on this project to the legislative transportation committee by June 30, 1998.

((6)) (4) \$630,000 of the motor vehicle fund--state appropriation is provided for slope stabilization along state route 166 in the Ross Point vicinity. This amount is intended to fund preliminary engineering, right of way acquisition, and to begin construction.

**Sec. 512.** 1998 c 348 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q**

State Patrol Highway Account--State

Appropriation \$

153,000

Motor Vehicle Fund--State Appropriation \$

((30,412,000))

29,982,000

Motor Vehicle Fund--Federal Appropriation \$

1,000,000

Motor Vehicle Fund--Private/Local

Appropriation \$

275,000

TOTAL APPROPRIATION \$

((31,840,000))

31,410,000

The appropriation in this section is subject to the following conditions and limitations and specified amount is provided solely for that activity:

(1) The department, in cooperation with the Washington state patrol and the tow truck industry, shall develop and submit to the legislative transportation committee by October 31, 1997, a recommendation for implementing new tow truck services during peak hours on the Puget Sound freeway system.

(2) The department, in cooperation with the Washington state patrol, the department of licensing, the state of Oregon, and the United States department of transportation, shall install and operate the commercial vehicle information systems and network (CVISN) at a selected pilot site. If the state department of transportation receives additional federal funding for this project that is eligible to supplant state funding, the appropriation in this section shall be reduced by the amount of the state funds supplanted.

**Sec. 513.** 1998 c 348 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Motor Vehicle Fund--Puget Sound Capital

Construction Account--State Appropriation \$

777,000

Motor Vehicle Fund--State Appropriation \$

((70,032,000))

69,685,000

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$

1,093,000

Transportation Fund--State Appropriation \$

1,158,000

TOTAL APPROPRIATION \$

((73,060,000))

72,713,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1)(a) The motor vehicle fund--state appropriation includes \$14,300,000 provided solely for programming activities and other efforts needed to bring the department's information systems, and devices with computers built into them, into compliance with the year 2000 requirements of the department of information services. The department is directed to expend the moneys internally

reallocated for this purpose before spending from this appropriation. The department is directed to provide quarterly reports on this effort to the legislative transportation committee and the office of financial management beginning October 1, 1997.

(b) Up to \$2,900,000 of the amount provided in (a) of this subsection may be expended for testing and required modifications to electronic devices and other equipment and specialized software that are essential for department operations to ensure they are year 2000 compliant. Before expending any of this amount for these purposes, the department shall consult with the legislative transportation committee and the office of financial management.

(2) The legislative transportation committee shall review and analyze freight mobility issues affecting eastern and southeastern Washington as recommended by the freight mobility advisory committee and report back to the legislature by November 1, 1997. \$500,000 of the motor vehicle fund--state appropriation is provided for this review and analysis. The funding conditioned in this subsection shall be from revenues provided for interjurisdictional studies.

(3) In order to increase visibility for decision making, the department shall review its budgeting and accounting methods for management information systems. The review shall include, but not be limited to, the cost-benefit analysis of existing processes and evaluation of less complex alternatives such as direct appropriations. The results of the review shall be reported to the legislative transportation committee and the office of financial management by July 1, 1998.

**Sec. 514.** 1997 c 457 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

Motor Vehicle Fund--State Appropriation \$	((16,098,000))
	<u>15,884,000</u>
Motor Vehicle Fund--Federal Appropriation \$	10,466,000
Transportation Fund--State Appropriation \$	((1,384,000))
	<u>1,379,000</u>
TOTAL APPROPRIATION \$	((27,948,000))
	<u>27,729,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: Up to \$2,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations, with allocations for participating counties maintained at the 1995-1997 biennium levels for those counties not having metropolitan planning organizations within their boundaries.

**Sec. 515.** 1998 c 348 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT <del>((Motor Vehicle Fund--State Appropriation \$</del>	2,515,000))
<u>Transportation Fund--State Appropriation \$</u>	<u>3,715,000</u>
(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR Motor Vehicle Fund--State Appropriation \$	840,000
(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES Motor Vehicle Fund--State Appropriation \$	3,391,000
(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL Motor Vehicle Fund--State Appropriation \$	((2,240,000))
	<u>2,140,000</u>

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION Motor Vehicle Fund--State Appropriation \$	12,535,000
(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation \$	2,928,000
(7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES Motor Vehicle Fund--State Appropriation \$	536,000
(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES Motor Vehicle Fund--State Appropriation \$	90,000
(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE Motor Vehicle Fund--State Appropriation \$	735,000
(10) FOR ARCHIVES AND RECORDS MANAGEMENT Motor Vehicle Fund--State Appropriation \$	355,000

**Sec. 516.** 1998 c 348 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

Motor Vehicle Fund--Puget Sound Capital Construction Account--State Appropriation \$	((209,886,000))
	<u>192,886,000</u>
Motor Vehicle Fund--Puget Sound Capital Construction Account--Federal Appropriation \$	30,165,000
Motor Vehicle Fund--Puget Sound Capital Construction Account--Private/Local Appropriation \$	765,000
Transportation Fund--Passenger Ferry Account-- State Appropriation \$	640,000
TOTAL APPROPRIATION \$	((241,456,000))

224,456,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are provided to carry out only the projects (version ((3)) 2) adjusted by the legislature for the 1997-99 budget. The department shall reconcile the 1995-97 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$100,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries, including construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

(4) Washington state ferries is authorized to reimburse up to \$3,000,000 from the Puget Sound capital construction account--state appropriation or Puget Sound capital construction account--federal appropriation to the city of Bremerton and the port of Bremerton for Washington state ferries' financial participation in the development of a Bremerton multimodal transportation terminal, port of Bremerton passenger-only terminal expansion, and ferry vehicular connections to downtown traffic circulation improvements. The reimbursement shall specifically support the construction of the following components: Appropriate passenger-only ferry terminal linkages to accommodate bow-loading catamaran type vessels and the needed transit connections; and the Washington state ferries' component of the Bremerton multimodal transportation terminal as part of the downtown Bremerton redevelopment project, including appropriate access to the new downtown traffic circulation road network.

(5) The Puget Sound capital construction account--state appropriation includes funding for capital improvements on vessels to meet United States Coast Guard Subchapter W regulation revisions impacting SOLAS (safety of life at sea) requirements for ferry operations on the Anacortes to Sidney, B.C. ferry route.

(6) The Puget Sound capital construction account--state appropriation, the Puget Sound capital construction account--federal appropriation, and the passenger ferry account--state appropriation include funding for the construction of one new passenger-only vessel and the department's exercise of the option to build a second passenger-only vessel. In accordance with chapter 166, Laws of 1998, Washington state ferries shall accelerate activities to ensure the acquisition of five additional passenger-only vessels and the construction of related terminal facilities, including maintenance facilities for the Southworth and Kingston to Seattle passenger-only ferry routes.

(7) The Puget Sound capital construction account--state appropriation includes funding for the exploration and acquisition of a design for constructing a millennium class ferry vessel.

(8) The Puget Sound capital construction account--state appropriation includes \$90,000 for the purchase of defibrillators. At least one defibrillator shall be placed on each vessel in the ferry fleet.

(9) The appropriations in this section contain \$46,962,000 reappropriated from the 1995-97 biennium.

**Sec. 517.** 1998 c 348 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Marine Operating Fund--State Appropriation \$

((270,522,000))

270,473,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of ((~~\$28,696,000~~)) \$27,076,000 for vessel operating fuel in the 1997-99 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1997-99 biennium may not exceed ((~~\$179,095,000~~)) \$180,715,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$313.95 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1997-99 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1997, and thereafter, as established in the 1997-99 general fund operating budget.

(3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

(4) The appropriation in this section includes up to \$1,566,000 for additional operating expenses required to comply with United States Coast Guard Subchapter W regulation revisions for vessels operating on the Anacortes to Sidney, B.C. ferry route. The department shall explore methods to minimize the cost of meeting United States Coast Guard requirements and shall report the results to the legislative transportation committee and office of financial management by September 1, 1997.

(5) The department shall request a reduction of the costs associated with the use of the terminal leased from the Port of Anacortes and costs associated with use of the Sidney, British Columbia terminal.

(6) Agreements between Washington state ferries and concessionaires for automatic teller machines on ferry terminals or vessels shall provide for and include banks and credit unions that primarily serve the west side of Puget Sound.

(7) In the event federal funding is provided for one or more passenger-only ferry vessels for the purpose of transporting United States naval personnel, the department of transportation is authorized to acquire and construct such vessels in accordance with the authority provided in RCW 47.56.030, and the department shall establish a temporary advisory committee comprised of representatives of the Washington state ferries, transportation commission, legislative transportation committee, office of financial management, and the United States Navy to analyze and make recommendations on, at a minimum, vessel performance criteria, docking, vessel deployment, and operating issues.

(8) The appropriation provides funding for House Bill No. 2165 (paying interest on retroactive raises for ferry workers).

(9) The commission is authorized to increase Washington state ferry tariffs in excess of the fiscal growth factor, established under chapter 43.135 RCW, in fiscal year 1998 and fiscal year 1999.

(10) Funding for Anacortes to Sidney advertising is contingent upon partners meeting their commitment. In no event may the state share exceed fifty percent of the cash contribution toward the project.

(11) \$1,370,000 of this appropriation is provided solely for the Hiyu operation for Southworth/Vashon 5 days per week for 16 hours per day. Prior to placing the Hiyu in permanent service on a route between Vashon and Southworth, the Washington state ferries shall conduct a study of the impact of additional service on Vashon and Southworth and report back to the legislative transportation committee by May 15, 1998.

(12) \$446,000 of this appropriation is provided solely to provide an additional crew member on Jumbo Mark 2 ferries as required by emergency evacuation regulations adopted by the United States Coast Guard. If the Coast Guard requirement can be met without the hiring of additional staff, the portion of this appropriation provided to meet that requirement shall not be expended.

**Sec. 518.** 1998 c 348 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION AND RAIL--PROGRAM Y**

Essential Rail Assistance Account--State

Appropriation \$

256,000

High Capacity Transportation Account--State

Appropriation \$

((13,225,000))

13,185,000

Air Pollution Control Account--State

Appropriation \$

6,290,000

Transportation Fund--State Appropriation \$

((55,029,000))

46,858,000

Transportation Fund--Federal Appropriation \$

3,947,000

Transportation Fund--Private/Local

Appropriation \$

105,000

Central Puget Sound Public Transportation

Account--State Appropriation \$

((4,250,000))

250,000

TOTAL APPROPRIATION \$

((83,102,000))

70,891,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$46,180,000 of the transportation fund--state appropriation is provided for intercity rail passenger service including up to \$8,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000; up to \$1,000,000 for one spare advanced technology train power-car and other spare parts, subsidies for operating costs not to exceed \$12,000,000, to maintain service of two state contracted round trips between Seattle and Portland and one state contracted round trip between Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours.

(2) Up to \$3,000,000 of the transportation fund--state appropriation is provided for the rural mobility program administered by the department of transportation. Priority for grants provided from this account shall be given to projects and programs that can be accomplished in the 1997-99 biennium.

(3) Up to \$600,000 of the high capacity transportation account--state appropriation is provided for rail freight coordination, technical assistance, and planning.

(4) The department shall provide biannual reports to the legislative transportation committee and office of financial management regarding the department's rail freight program. The department shall also notify the committee for project expenditures from all fund sources prior to making those expenditures. The department shall examine the ownership of grain cars and the potential for divestiture of those cars and other similar assets and report those findings to the committee prior to the 1998 legislative session.

(5) Up to \$750,000 of the transportation fund--state appropriation and up to \$250,000 of the central Puget Sound public transportation account--state appropriation are provided to fund activities relating to coordinating special needs transportation among state and local providers. These activities may include demonstration projects, assessments of resources available versus needs, and identification of barriers to coordinating special needs transportation. The department will consult with the superintendent of public instruction, the secretary of the department of social and health services, the office of financial management, the fiscal committees of the house of representatives and senate, special needs consumers, and specialized transportation providers in meeting the goals of this subsection.

(6) The appropriations in this section contain \$4,599,000 reappropriated from the 1995-97 biennium.

(7) The high capacity transportation account--state appropriation includes \$75,000 for the department to develop a strategy and to identify how the agency would expend additional moneys to enhance the commute trip reduction program. The report would include recommendations for grant programs for employers and jurisdictions to reduce SOV usage and to provide transit incentives to meet future commute trip reduction requirements. The report is due to the legislative transportation committee by January 1, 1998.

(8) In addition to the appropriations contained in this section, the office of financial management shall release the \$2,000,000 transportation fund--state funds appropriated for the intercity rail passenger program in the 1995-97 biennium but held in reserve pursuant to section 502, chapter 165, Laws of 1996.

(9) Up to \$150,000 of the transportation fund--state appropriation is provided for the management and control of the transportation corridor known as the Milwaukee Road corridor owned by the state between Ellensburg and Lind, and to take actions necessary to allow the department to be in a position, with further legislative authorization, to begin to negotiate a franchise with a rail carrier to establish and maintain a rail line over portions of the corridor by July 1, 1999.

~~((14))~~ (10) \$4,000,000 of the high capacity transportation account--state appropriation for passenger rail infrastructure improvement is provided solely for rail improvements to add rail passenger service north of Seattle. These funds are conditioned on match of at least equal amounts from both Burlington Northern Sante Fe and Amtrak for rail line improvements and upon Amtrak purchasing an additional train set for operation in the corridor. These funds shall not be expended until authorized by the legislative transportation committee and the office of financial management; and the participation of international partners in service provided in the corridor shall be considered in such a decision.

**Sec. 519.** 1998 c 348 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

Motor Vehicle Fund--State Appropriation	\$	((9,802,000))
		<u>9,862,000</u>
Motor Vehicle Fund--Federal Appropriation	\$	33,726,000
High Capacity Transportation Account-- State Appropriation	\$	

	((650,000))
	<u>450,000</u>
Transportation Account--State Appropriation \$	1,175,000
TOTAL APPROPRIATION \$	((45,353,000))
	<u>45,213,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$1,785,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) As a condition of receiving the full state subsidy in support of the Puget Island ferry, Wahkiakum county must, by December 31, 1997, increase ferry fares for passengers and vehicles by at least ten percent. If the fares are not increased to meet this requirement, the department, in determining the state subsidy after December 31, 1997, shall reduce the operating deficit by the amount that would have been generated if the ten percent fare increase had been implemented.

(3) The appropriations in this section contain \$1,750,000 reappropriated from the 1995-97 biennium.

(4) Up to \$500,000 of the high capacity transportation account--state appropriation is provided for implementation of the recommendations of the freight mobility advisory committee, and any legislation enacted resulting from those recommendations.

(5) \$175,000 of the transportation fund--state appropriation is provided solely to fund the freight mobility strategic investment board. If Second Substitute House Bill No. 2180 is not enacted by June 30, 1998, this amount shall lapse.

(6) The transportation account--state appropriation includes \$600,000 to establish alternatives for flood management and flood hazard reduction projects in the Chehalis Basin. A technical committee comprised of the department of transportation, department of ecology, the United States army corps of engineers, federal emergency management administration, United States geological survey, affected counties and tribes, and other entities with critical knowledge related to flood hazard reduction projects in the Chehalis Basin shall be formed. Funds shall be distributed to counties within the Chehalis Basin by the department of transportation for projects that further understanding of the causes of flooding and options for flood hazard reduction. Alternatives shall be consistent with fish and habitat recovery efforts. Projects funded shall be coordinated with the technical committee. The department of transportation shall present a report to the legislative transportation committee and other appropriate legislative committees regarding findings and/or progress made by funded projects by December 1, 1998.

~~((8))~~ (7) \$750,000 of the motor vehicle fund--state appropriation is provided solely for a median barrier upon the Spokane street viaduct. Use of this funding is contingent upon a commitment of funding from other partners for the remainder of the project cost.

~~((9))~~ (8) Up to \$150,000 of the high capacity transportation account--state appropriation is provided for the installation of active railroad crossing warning devices at the Sunnyside beach park entrance in Steilacoom.

~~((10))~~ (9) \$400,000 of the transportation fund--state appropriation is provided solely for a study by the legislative transportation committee, in cooperation with the port of Benton, developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

#### Transportation Agencies Capital Facilities

**Sec. 520.** 1997 c 457 s 303 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$

((21,696,000))

21,261,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The department of transportation shall provide to the legislative transportation committee prior notice and the latest project information at least two weeks in advance of the bid process for transportation capital facilities projects going to bid in the 1997-99 biennium.

(2) Construction of the Mount Rainier storage facility shall not commence until the department has secured an operational lease that would allow the placement of the facility on United States forest service lands near the entrance to the Mather memorial parkway.

(3) The appropriation in this section contains \$7,719,000 reappropriated from the 1995-97 biennium.

### Transfers and Distributions

**Sec. 521.** 1998 c 348 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Fund--Puget Sound Capital Construction Account Appropriation	\$	500,000
Motor Vehicle Fund Appropriation	\$	130,000
Transportation Improvement Account Appropriation	\$	200,000
Special Category C Account Appropriation	\$	190,000
Transportation Capital Facilities Account Appropriation	\$	1,000
Urban Arterial Account Appropriation	\$	5,000
TOTAL APPROPRIATION	\$	((1,995,000))
		<u>1,026,000</u>

**Sec. 522.** 1998 c 348 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

(1) R V Account--State Appropriation: For transfer to the Motor Vehicle Fund--State	\$	1,176,000
(2) Motor Vehicle Fund--State Appropriation: For transfer to the Transportation Capital Facilities Account--State	\$	42,569,000
(3) ((Small City Account--State Appropriation: For transfer to the Transportation Improvement Account--State	\$	7,500,000))
<u>Motor Vehicle Fund--State Appropriation:</u> <u>For transfer to the Highway Infrastructure</u> <u>Account--State</u>	<u>\$</u>	<u>234,000</u>

**Sec. 523.** 1997 c 457 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

City Hardship Account Appropriation \$

	200,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$	
	471,937,000
Transportation Fund Appropriation <u>for motor vehicle</u> <u>excise tax distribution</u> \$	
	((3,744,000))
	<u>118,747,000</u>
TOTAL APPROPRIATION \$	
	((475,884,000))
	<u>590,884,000</u>

**Miscellaneous**

**NEW SECTION. Sec. 524.** A new section is added to 1997 c 457 (uncodified) to read as follows:

**INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative state-wide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and

(e) Progress toward enabling electronic access to public information.

(3) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and state-wide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(4) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(5) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(6) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(7) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

**NEW SECTION. Sec. 525.** The following acts or parts of acts are each repealed:

- (1) 1997 c 457 s 502;
- (2) 1997 c 457 s 514; and
- (3) 1997 c 457 s 515.

## **PART VI PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS**

**NEW SECTION. Sec. 601.** As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems, in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation and retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, and temporary separation for development purposes.

Agency plans and offers shall be reviewed and monitored jointly by the department of personnel, office of financial management, and the department of retirement systems. The senate transportation committee and the house of representatives transportation committee shall also review and monitor the plans of agencies that receive funds appropriated under this act.

**NEW SECTION. Sec. 602.** It is the intent of the legislature that agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such program is approved by the director of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2001, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state and the projected or actual net dollar and staff savings over the 1999-2001 biennium.

**NEW SECTION. Sec. 603. PERFORMANCE BASED BUDGETING.** (1) The department of licensing, the department of transportation, the Washington state patrol, and the Washington traffic safety commission, in cooperation with the office of financial management, the senate transportation committee, and the house of representatives transportation committee will continue the implementation of performance based budgeting. The performance based budgeting process will provide a measurable link between agency objectives, service levels, and budget. The agencies shall:

(a) Continue to develop, enhance, validate, and test indicators of performance, stated in achieving the agencies' goals; and

(b) Refine performance based budgeting and investment levels in the following programs:

(i) Department of transportation: Maintenance program M, preservation program P, traffic operations program Q, and marine program X;

(ii) Department of licensing: Driver's services and vehicle services;

(iii) Washington state patrol: Field operations bureau; and

(iv) Washington traffic safety commission; and

(c) Submit and implement a plan to provide program managers with the training and technical assistance necessary to extend the practices of performance measurement and performance based budgeting throughout agency programs.

(2) The transportation agencies shall submit a strategic plan and activity summary with their agency request budgets and tie the plan's strategies together with the 2001-2003 budget requests. The strategic plan must include a six-year outlook and define and clarify the agency mission and vision, provide the basis for budget development, and outline and prioritize the agency's goals and strategies. The agencies will continue to improve agency infrastructures to capture and report performance data for use by agency management, the office of financial management, the senate transportation committee, and the house of representatives transportation committee in the decision making process.

(3)(a) The agencies shall input monthly their financial information and quarterly program performance measurements into the transportation executive information system and will utilize the transportation executive information system investment system in the development of their agency policy request budgets.

(b) The department of licensing and the Washington state patrol shall submit budgets to the legislature at the subprogram level.

**NEW SECTION. Sec. 604. PROGRAM ACCOUNTABILITY REVIEWS.** The senate transportation committee, the house of representatives transportation committee, the office of financial management, and the transportation agencies shall establish the means of conducting program accountability reviews of all transportation programs. The reviews shall include:

(1) Review and analysis of existing programs to determine any program changes required to meet established criteria along with the list of programs to be reviewed as determined by the program accountability review steering committee made up of the senate transportation committee, the house of representatives transportation committee, the office of financial management, and agency personnel. Each review will have a plan with timelines, deliverables, and milestones to ensure it is completed on time with anticipated deliverables. Each review will have a review accountability report presented to the senate transportation committee and the house of representatives transportation committee with recommendations and implementation schedule agreed to by the reviewers and the agency program being reviewed.

(2) A concentration on:

(a) Appropriateness of service objectives used to determine service levels;

(b) Effectiveness of current management systems;

(c) Development or improvement of existing outcome, output, efficiency, and effectiveness performance measures;

(d) The effectiveness of communication and decision making within the program;

(e) Staffing levels and organizational structure, including changes to roles and responsibilities;

(f) The existence and effectiveness of oversight and control measures within the program;

(g) The process of distributing funds and staff among activities;

(h) Methods for making trade off decisions within and between programs and activities;

(i) Development of tools that assist policymakers and managers in using performance measures and investment tradeoff methods;

(j) Development of long-term investment strategies; and

(k) Other program items that would be beneficial to include in the program accountability review.

(3) The recommendations will be considered in future biennium transportation budgets in determining whether to enhance, streamline, retain, reduce, or eliminate programs based on value and benefits provided to the state.

**NEW SECTION. Sec. 605.** (1) Forty percent of the funds available for surface transportation flexible funds available under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are made available for the Washington state department of transportation.

(2) Twenty-two percent of the funds available for surface transportation flexible funds available under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are made available for rural economic development projects in rural counties with population densities of less than one hundred persons per square mile pro rata based on population and community empowerment zones as defined in RCW 43.63A.700. These funds shall be used for the transportation component of identified, emerging, nonspeculative economic development projects that create new employment or revitalize existing business. As required under federal law, these funds shall be administered by the Washington state department of transportation. The community economic revitalization board within the department of community, trade, and economic development shall work with local project proponents and the Washington state department of transportation to identify economic development projects with essential transportation components. The board shall make recommendations regarding funding for a project's transportation component to the Washington state transportation commission. Beginning in the fiscal year 2000, any economic development funds that are not obligated from the prior federal fiscal year by June first of each year shall be available for economic development projects state-wide in accordance with the same administration and selection process established in this subsection for rural economic development projects.

(3) Thirty-eight percent of the funds available for surface transportation flexible funds available under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are made available for the state-wide competitive program for regionally significant projects. The transportation improvement board shall be responsible for selecting projects under this program. For federal fiscal years 2000 and 2001, to be eligible, projects shall: (a) Meet the criteria established by the transportation improvement board for selecting regionally significant projects; (b) be included in a metropolitan planning organization's transportation improvement plan; (c) meet the goal of targeting funds for coordinated projects within corridors that are regionally significant; and (d) support the functioning of corridors for their full length rather than in individual spot improvements.

**Sec. 606.** RCW 43.19.1906 and 1995 c 269 s 1404 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the thirty-five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes. Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars, if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases by institutions of higher education not exceeding thirty-five thousand dollars: PROVIDED, That for purchases between two thousand five hundred dollars and thirty-five thousand dollars quotations shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. For purchases between two thousand five hundred dollars and thirty-five thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. A record of competition for all such purchases made from two thousand five hundred to thirty-five thousand dollars shall be documented for audit purposes; and

(8) Negotiation of a contract by the department of transportation, valid until June 30, 2001, with registered tow truck operators to provide roving service patrols in one or more Washington state patrol tow zones whereby those registered tow truck operators wishing to participate would cooperatively, with the department of transportation, develop a demonstration project upon terms and conditions negotiated by the parties.

Beginning on July 1, 1995, and on July 1 of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

**Sec. 607.** RCW 88.16.090 and 1995 c 175 s 1 are each amended to read as follows:

(1) A person may pilot any vessel subject to the provisions of this chapter on waters covered by this chapter only if appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) A person is eligible to be appointed a pilot if the person is a citizen of the United States, over the age of twenty-five years and under the age of seventy years, a resident of the state of Washington at the time of appointment and only if the pilot applicant holds as a minimum, a United States government license as a master of ocean or near coastal steam or motor vessels of not more than one thousand six hundred gross tons or as a master of inland steam or motor vessels of not more than one thousand six hundred gross tons, such license to have been held by the applicant for a period of at least two years prior to taking the Washington state pilotage examination and a first class United States endorsement without restrictions on that license to pilot in the pilotage districts for which the pilot applicant desires to be licensed, and if the pilot applicant meets such other qualifications as may be required by the board. A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee as follows: For the period beginning July 1, 1995, through June 30, ((1999)) 2001, the fee shall be two thousand five hundred dollars; and for the period beginning July 1, ((1999)) 2001, the fee shall be three thousand dollars. The fees shall be deposited in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications. The board shall hold examinations at such times as will, in the judgment of the board, ensure the maintenance of an efficient and competent pilotage service. An examination shall be scheduled for the Puget Sound pilotage district if there are three or fewer successful candidates from the previous examination who are waiting to become pilots in that district.

(5) The board shall develop an examination and grading sheet for each pilotage district, for the testing and grading of pilot applicants. The examinations shall be administered to pilot applicants and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same compensation and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who willfully gives advance knowledge of information contained on a pilot examination is guilty of a gross misdemeanor.

(6) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or candidate is fully able to carry out the duties of a pilot under this chapter. The board may in its discretion check with the appropriate authority for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months.

(7) The board shall prescribe, pursuant to chapter 34.05 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

(8) The board may require vessel simulator training for a pilot applicant and shall require vessel simulator training for a pilot subject to RCW 88.16.105. The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(9) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims, and records of familiarization trips of pilot

candidates. Willful misrepresentation of such required information by a pilot candidate shall result in disqualification of the candidate.

(10) The board shall adopt rules to establish time periods and procedures for additional training trips and retesting as necessary for pilots who at the time of their licensing are unable to become active pilots.

**NEW SECTION. Sec. 608.** The following bills, as enacted in the form passed by the legislature, are necessary to implement portions of this act: House Bill Nos. 1053, 1147, 1304, 1466, 1588, 2201, 2245, and 2259 and Senate Bill Nos. 5060, 5283, 5360, 5605, 5615, 5955, 6030, and 6068.

**Sec. 609.** RCW 47.26.425 and 1999 c 94 s 21 and 1999 c . . . (SHB 1053) s 6 are each reenacted to read as follows:

Any funds required to repay the first authorization of two hundred million dollars of bonds authorized by RCW 47.26.420, as amended by section 18, chapter 317, Laws of 1977 ex. sess. or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090(1)(g), and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the urban arterial trust account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

**Sec. 610.** RCW 47.26.4252 and 1999 c 94 s 22 and 1999 c . . . (SHB 1053) s 7 are each reenacted to read as follows:

Any funds required to repay the authorization of series II bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979, or the interest thereon when due, shall first be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090(1)(g), subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979. If the moneys distributed to the urban arterial trust account shall ever be insufficient to repay the first authorization bonds together with interest thereon, and the series II bonds or the interest thereon when due, the amount required to make such payments on such bonds or interest thereon shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.090. Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues which are distributable to the state, counties, cities, and towns, shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds or series II and series III bonds or interest on those bond issues.

**Sec. 611.** RCW 47.26.4254 and 1999 c 94 s 23 and 1999 c . . . (SHB 1053) s 8 are each reenacted and amended to read as follows:

(1) Any funds required to repay series III bonds authorized by RCW 47.26.420, or the interest thereon, when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and that is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090(1)(~~g~~) (g), subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420. If the moneys so distributed to the urban arterial trust account, after first being applied to administrative expenses of the transportation improvement board and to the requirements of bond retirement and payment of interest on first authorization bonds and series II bonds as provided in RCW 47.26.425 and 47.26.4252, are insufficient to meet the requirements for bond retirement or interest on any series III bonds, the amount required to make such payments on series III bonds or interest thereon shall next be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.090, subject, however, to subsection (2) of this section.

(2) To the extent that moneys so distributed to the urban arterial trust account are insufficient to meet the requirements for bond retirement or interest on any series III bonds, sixty percent of the amount required to make such payments when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state. The remaining forty percent shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the cities and towns pursuant to RCW 46.68.090(1)(i) and to the counties pursuant to RCW 46.68.090(1)(j). Of the counties', cities', and towns' share of any additional amounts required in each fiscal year, the percentage thereof to be taken from the counties' distributive share and from the cities' and towns' distributive share shall correspond to the percentage of funds authorized for specific county projects and for specific city and town projects, respectively, from the proceeds of series III bonds, for the period through the first eleven months of the prior fiscal year as determined by the chairman of the transportation improvement board and reported to the state finance committee and the state treasurer not later than the first working day of June.

(3) Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues that are distributable to the state, counties, cities, and towns shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds, series II bonds, or series III bonds or interest on these bonds.

**Sec. 612.** RCW 47.26.505 and 1999 c 94 s 24 and 1999 c . . . (SHB 1053) s 9 are each reenacted and amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the transportation improvement account in the motor vehicle fund under RCW 46.68.090(1)(h), and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the transportation improvement account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

**Sec. 613.** RCW 43.43.300 and 1965 c 8 s 43.43.300 are each amended to read as follows:

Beginning on July 1, 1963, every Washington state patrol employee who is a member of the retirement fund shall contribute seven percent of his or her monthly salary(~~(, which)~~). For the biennium beginning July 1, 1999, and ending June 30, 2001, the employee contribution rate for every member of a retirement system created under this chapter and: (1) Covering employees whose activities constitute a highway purpose under the eighteenth amendment (Article II, section 40) of the state Constitution; where (2) the majority of both the employer and employee contributions are funded from moneys appropriated from the state patrol highway account of the motor vehicle fund; shall be set so that the contribution rates required to fund the costs of the retirement system shall be equal for members and employers; except that in no event shall the member contribution rate exceed seven percent. If the pension funding council determines that contribution rates must exceed seven percent in order to fund the costs of the retirement system, any cost over seven percent shall be borne by the employer. The member contribution rate determined under this section shall be deducted from the compensation of each member on each and every payroll.

In the event a member severs his or her connection with the Washington state patrol or is dismissed, the amount paid by the state of Washington shall remain in the retirement fund.

**NEW SECTION. Sec. 614.** The joint committee on pension policy shall study the method for setting employer and employee contribution rates for the Washington state patrol retirement system. The study shall include options for implementing a method or methods that allow both the employer and members to share the benefits from investment gains that exceed the long-term investment return assumptions adopted by the pension funding council.

**NEW SECTION. Sec. 615.** The legislature finds and declares that it is essential for the economic, social, and environmental well-being of the state and the maintenance of a high quality of life that the people of the state have an efficient and effective transportation system. The legislature, public officials, and citizens need to know the extent to which state agencies, programs, and activities that impact the state's transportation system are achieving the purposes for which they were created.

The legislature recognizes that if it is to adequately fulfill its responsibility to provide for a balanced, efficient state-wide transportation system, it is essential to establish a joint legislative transportation committee that will provide an opportunity for members of the house of representatives and the senate to examine, develop, and oversee critical transportation policy and fiscal issues and make recommendations on such issues to the house of representatives and senate standing committees on transportation.

**Sec. 616.** RCW 44.40.010 and 1980 c 87 s 39 are each amended to read as follows:

The joint fact-finding committee on highways, streets, and bridges originally created by chapter 111, Laws of 1947, recreated and renamed the joint committee on highways by chapter 3, Laws of 1963 extraordinary session, is hereby recreated and renamed the legislative transportation committee. The renaming of said committee shall not affect any powers invested in it or its duties imposed upon it by any other statute. All appropriations made to the committee under its former name shall continue to be available to said committee as renamed, the legislative transportation committee. The committee shall consist of (~~eleven~~) twelve senators to be appointed by the president of the senate and twelve members of the house of representatives to be appointed by the speaker thereof. Not more than six members from each house may be from the same political party. A list of appointees shall be submitted before the close of each regular legislative session during an odd-numbered year or any successive special session convened by the governor or the legislature prior to the close of such regular session or successive special session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority. All vacancies must be filled from the same political party and from the same house as the member whose seat was vacated.

The chair will be elected biennially by the membership of the committee. After January 1, 2001, each succeeding chair must be from the opposite house of the current chair, and be from the majority party. The vice-chair must be from the opposite house.

On the effective date of this act, the president of the senate shall appoint an additional senate member as provided by the 1999 amendment of this section. With the appointment of the additional member, the terms of officers elected before the effective date of this act are terminated, and the committee shall hold a new election of officers.

The committee shall adopt rules and procedures for its orderly operation.

**NEW SECTION. Sec. 617.** A new section is added to chapter 44.40 RCW to read as follows:

The members of the legislative transportation committee shall form an executive committee consisting of two members from each of the four major political caucuses, which will include the chair and vice-chair of the legislative transportation committee. There will be four alternates to the executive committee, one from each of the four major political caucuses. Each alternate may represent a member from the same political caucus from which they were chosen when that member is absent, and have voting privileges during that absence.

The executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the committee, as well as other duties delegated to it by the committee. Except when those responsibilities are assumed by the legislative transportation committee, the executive committee is responsible for adopting interim work plans and meeting schedules and approving all contracts signed on behalf of the committee.

**NEW SECTION. Sec. 618. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor Vehicle Account--State Appropriation \$

300,000

**NEW SECTION. Sec. 619.** The following acts or parts of acts are each repealed:

(1) RCW 46.68.095 (Distribution of additional state-wide taxes) and 1999 c 94 s 7, 1994 c 179 s 4, & 1990 c 42 s 103; and  
(2) RCW 46.68.100 (Allocation of net tax amount in motor vehicle fund) and 1999 c 94 s 8, 1994 c 179 s 5, 1991 c 310 s 2, 1986 c 66 s 1, 1984 c 7 s 73, 1977 ex.s. c 317 s 9, 1977 c 51 s 1, 1975-'76 2nd ex.s. c 57 s 1, 1973 1st ex.s. c 124 s 1, 1972 ex.s. c 24 s 2, 1970 ex.s. c 85 s 4, 1967 ex.s. c 145 s 79, 1967 ex.s. c 83 s 8, 1961 ex.s. c 7 s 6, & 1961 c 12 s 46.68.100.

**NEW SECTION. Sec. 620.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 621.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

Senator Johnson demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Haugen, Tim Sheldon and Gardner to Engrossed Substitute House Bill No. 1125.

#### ROLL CALL

The Secretary called the roll and the striking amendment was adopted by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheldon, B., Sheldon, T., Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 33. Voting nay: Senators Benton, Deccio, Hale, Honeyford, Johnson, McDonald, Morton, Oke, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 14. Excused: Senators Finkbeiner and Shin - 2.

#### MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 43.19.1906, 88.16.090, 43.43.300, and 44.40.010; amending 1997 c 457 ss 110, 204, 215, 223, 303, and 403 (uncodified); amending 1998 c 348 ss 203, 205, 207, 208, 209, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 402, and 404 (uncodified); reenacting and amending RCW 47.26.4254 and 47.26.505; reenacting RCW 47.26.425 and 47.26.4252; adding a new section to chapter 44.40 RCW; adding a new section to 1997 c 457 (uncodified); creating new sections; repealing RCW 46.68.095 and

46.68.100; repealing 1997 c 457 s 502 (uncodified); repealing 1997 c 457 s 514 (uncodified); repealing 1997 c 457 s 515 (uncodified); making appropriations; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 1125, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1125, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1125, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Voting nay: Senator Heavey - 1.

Excused: Senators Finkbeiner and Shin - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, Engrossed Substitute House Bill No. 1125, as amended by the Senate, was immediately transmitted to the House of Representatives.

#### PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. As a senior member of the Legislature, I am going to assume a prerogative that I think I want to try to articulate something. Tomorrow, some of the things that were said on this floor are really going to be felt by the people that said them. I am very proud to be a member of the Washington State Legislature. We don't do things today like they did forty or fifty years ago. This is an honest place. We differ on issues, but I would swear on a Bible that there is not a person in this body or the other that would ever be corrupt or do things that were dishonest. I really believe that. I think enough of the people who serve here.

"Forty or fifty years ago, it wasn't that way. Senator Zarelli is correct, but let's don't let the past haunt the reputations of the present. I think that Senator Benton and Senator Haugen have done a tremendous job of representing this side of the rotunda. When we leave here, I think we don't want to leave a bad taste in the mouths of anybody, particularly the public, who really don't look very kindly on us.

"I just need to make this statement that this is an honest body; the House is an honest body. We may disagree on issues, but that is what we get the big bucks for. Thank you."

#### MOTION

At 6:12 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 7:45 p.m.

The Senate was called to order at 8:48 p.m. by President Pro Tempore Wojahn.

#### MOTION

On motion of Senator Betti Sheldon, the Senate returned to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Brad Owen  
President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

Dear President Owen:

We respectfully transmit for your consideration the following bills that have been partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bills, as required by Article III, section 12, of the Washington State Constitution:

SENATE BILL NO. 5127,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5508,  
ENGROSSED SENATE BILL NO. 5649,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5693,  
SUBSTITUTE SENATE BILL NO. 5781,  
SUBSTITUTE SENATE BILL NO. 5968, and  
SUBSTITUTE SENATE BILL NO. 6001.

IN TESTIMONY WHEREOF, I have hereunto set my hand and  
affixed the seal of the State of Washington, this 19th day of  
May, 1999.

(Seal)

RALPH MUNRO

Secretary of State

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 5127

May 18, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 5127 entitled:  
"AN ACT Relating to investigations of abuse or neglect;"

Senate Bill No. 5127 requires specialized training for law enforcement officers and caseworkers who investigate allegations of child sexual abuse. It also prohibits a law enforcement officer from participating in an investigation of alleged abuse concerning a child for whom the officer is a parent, guardian or foster parent.

The training required by Senate Bill No. 5127 is not adequately funded by the operating budget for the 1999-2001 biennium that I signed on May 14, 1999. To fully implement the required training, the legislature must appropriate at least \$537,000 in supplemental funds next year.

The process of investigating child abuse allegations and prosecuting alleged perpetrators is complex and must adhere to many laws and procedures. Section 1 of Senate Bill No. 5127 is sufficiently vague that it could be misconstrued to alter existing law. Vetoing it does not weaken the substance of this bill.

For these reasons, I have vetoed section 1 of Senate Bill No. 5127.

With the exception of section 1, Senate Bill No. 5127 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5508

May 18, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2 and 3, Engrossed Substitute Senate Bill No. 5508 entitled:

"AN ACT Relating to catch record card requirements for recreational crab fishers;"

Engrossed Substitute Senate Bill No. 5508 requires the Department of Fish and Wildlife to utilize crab catch record cards in determining the recreational harvest of crab. Sections 2 and 3 of the bill would require recreational Dungeness crab fishers to have catch record cards on July 15, 1999, before they could fish. While I support the intent of this bill, the 1999 Dungeness crab license year has already begun, and this requirement would create significant difficulties for fishers who have already purchased licenses. It would also be practically impossible for the Department of Fish and Wildlife to notify crab fishers, and create and distribute catch record cards by mid-July.

The Department of Fish and Wildlife strongly agrees that catch record cards would be very valuable in tracking crab harvest and population statistics. And, it has committed to implementing the program by administrative rule, effective with the next license year beginning in April 2000.

For these reasons, I have vetoed sections 2 and 3 of Engrossed Substitute Senate Bill No. 5508.

With the exception of sections 2 and 3, Engrossed Substitute Senate Bill No. 5508 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SENATE BILL NO. 5649

May 18, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 8, Engrossed Senate Bill No. 5649 entitled:

"AN ACT Relating to vehicle impound notices, security, and auctions;"

Engrossed Senate Bill No. 5649 helps make vehicle impoundment and release more efficient, provides protections for tow truck operators, and enacts several related miscellaneous provisions.

Under current law, when a tow truck operator auctions an abandoned vehicle, any proceeds above towing and storage charges must be sent to the Department of Licensing for deposit in the Motor Vehicle Fund. The owner who abandoned the auctioned vehicle can recover the proceeds by filing a claim within one year – however, most do not.

Section 8 of Engrossed Senate Bill No. 5649 would require tow truck operators to send excess auction proceeds directly to the owner of the abandoned vehicle, instead of the Motor Vehicle Fund. However, there is no provision for disposition of the proceeds if the owner cannot be located. This change would reduce Motor Vehicle Fund revenue by nearly \$700,000 in the next biennium, depriving the state of funds for needed transportation projects. Present law sufficiently protects owners who care to file claims for excess auction proceeds.

For these reasons, I have vetoed section 8 of Engrossed Senate Bill No. 5649.

With the exception of section 8, Engrossed Senate Bill No. 5649 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5693

May 18, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3 and 6, Engrossed Substitute Senate Bill No. 5693 entitled:

"AN ACT Relating to establishing a public/private endowment for developmental disabilities services;"

Engrossed Substitute Senate Bill No. 5693 creates a developmental disabilities fund that is funded through private contributions and state appropriations. Its intent is to encourage and assist families engaging in long-range financial planning for the lifetime care of family members with disabilities by seeking private contributions to a state managed endowment.

While I agree with this intent and understand the desire of parents to make sure that they have planned for the lifetime care of a family member with disabilities, there are many fundamental policy issues unanswered in this bill:

- The legislation contains no definition of "developmentally disabled." A state-supported endowment should use the same or very similar definition as used in other state-funded programs for people with developmental disabilities in order to allow coordination with existing state-supported programs.
- This legislation provides no opportunity for the State Investment Board to invest in non-governmental securities.
- This legislation does not preclude using state funds for additional services beyond the case management plan. State dollars should not be used to fund additional services beyond a case management plan.
- It needs clarification that while a governing board will work out the rules in concert with the Department of Community, Trade and Economic Development (CTED), it is CTED that will formally adopt the rules. CTED should adopt any rules needed to govern provision of services and dispersal of funds.
- It is unclear if the program is just for individuals whose families contribute, or for all families. Provisions must be made for distribution of funds when contributions are made by entities that do not have family members benefiting from the fund.
- It is unclear as to the responsibility of the endowment fund when funds last longer than the life of a person with developmental disabilities or when the person lives longer than fund contributions.

Section 3 of the bill is related to the powers of the State Investment Board with regard to the endowment. Section 6 relates to the development of the proposed operating plan. My intent with this veto is to allow the creation of an endowment, but remove mechanisms for distribution of funds and functions for the governing board. I anticipate that the policy concerns I have outlined will be dealt with during the next legislative session.

For these reasons, I have vetoed sections 3 and 6 of Engrossed Substitute Senate Bill No. 5693.

With the exception of sections 3 and 6, Engrossed Substitute Senate Bill No. 5693 is approved.

Respectfully submitted,

GARY LOCK, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5781

May 18, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 6, 7, and 8, Substitute Senate Bill No. 5781 entitled:

"AN ACT Relating to the commute trip reduction tax credit;"

Substitute Senate Bill No. 5781 extends the commute trip reduction (CTR) tax credit to June 30, 2006 and continues the current policy of using the Air Pollution Control Account (APCA) to reimburse the State General Fund for the first \$1.5 million of tax credits given each year.

Sections 6 and 7 of the bill would extend the entire CTR tax credit program to December 31, 2006. Based upon the last proposed legislative transportation budget, this bill as drafted, combined with the operating budget for

the 1999-2001 biennium, creates a shortfall in the APCA of between \$1.3 million and \$2.4 million in the next biennium.

I support extension of the CTR tax credit as a means of reducing traffic congestion. However, I cannot in good faith support the long-term implementation of the statutory changes contained in sections 1 through 5 of this bill unless the legislature also provides a solution to the projected deficit in the APCA.

The deficit in the APCA could result in increases in air pollution because of reduced technical assistance, voluntary compliance, and monitoring efforts. The state's margin of safety in healthy air standards in some areas is already in jeopardy due to our inability to adequately track and respond to changes in air pollution emissions. In the central Puget Sound region and the city of Vancouver, for example, the margin of safety for ozone pollution is one percent of current emissions. A return to non-attainment of the ozone standard is already extremely likely in light of the separate overall ten percent reduction in the Department of Ecology's current level of effort. A shortfall in the APCA would exacerbate this problem.

For areas that fall into non-attainment, we risk losing several million dollars of federal air pollution control grant money and hundreds of millions in federal transportation funds for expanding roadway capacity. We could be forced to restrict business growth when air quality fails to meet federal standards. We risk more federal intervention and less local control of air quality decisions, not to mention increasing costs to businesses to implement tighter federal controls.

I am directing the Office of Financial Management to work with the Department of Ecology, Department of Transportation, Legislative Transportation Committee, Senate Ways and Means Committee, and House Appropriations Committee to develop a workable proposal for funding the APCA and the CTR tax credit program, for implementation during the 2000 regular legislative session.

Section 8 of the bill is an unnecessary emergency clause that would require this bill to take effect July 1, 1999.

For these reasons, I have vetoed sections 6, 7, and 8 of Substitute Senate Bill No. 5781.

With the exception of sections 6, 7, and 8, Substitute Senate Bill No. 5781 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5968

May 18, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2(14), Substitute Senate Bill No. 5968 entitled:  
"AN ACT Relating to human services;"

Substitute Senate Bill No. 5968 establishes a Pro-Share program with the federal government that will fund nursing homes operated by public hospital districts.

Section 2(14) of the bill is an appropriation item proviso that would require the Department of Social and Health Services – Medical Assistance Administration to provide chiropractic services to adults. However, additional funding is not provided. This unfunded mandate would force the Medical Assistance Administration to reduce services elsewhere. While chiropractic services can be very beneficial, I do not believe other services of the Medical Assistance Administration should be reduced to provide them.

For these reasons, I have vetoed section 2(14) of Substitute Senate Bill No. 5968.

With the exception of section 2(14), Substitute Senate Bill No. 5968 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6001

May 18, 1999

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 6, Substitute Senate Bill No. 6001 entitled:  
"AN ACT Relating to the office of family and children's ombudsman;"

Substitute Senate Bill No. 6001 expands the scope of information available to the Family and Children's Ombudsman. Among other things, it permits guardians ad litem and service providers to give confidential information to the Ombudsman, and requires the Department of Social and Health Services (DSHS) to provide access to institutions and information. It also prohibits retaliatory action against employees of DSHS and others who properly provide information.

Section 1 of Substitute Senate Bill No. 6001 includes a requirement that the Ombudsman provide information to a legislator regarding a constituent, if the constituent has given his or her consent to release the information and if the constituent would otherwise be able to obtain the information under law. This provision is apparently intended to require the Ombudsman to provide legislators with DSHS records in the Ombudsman's possession. The provision is unnecessary since, with the above conditions present, legislators are currently able to obtain records directly from DSHS.

Section 6 of Substitute Senate Bill No. 6001 would give the Ombudsman the power to subpoena all records and documents in the possession or control of DSHS that the Ombudsman considers necessary in an investigation. Similarly, section 5 of the bill grants the Ombudsman access to all relevant information, records, or documents in the possession or control of DSHS that the Ombudsman considers necessary in an investigation. I am concerned about expanding the subpoena power in the absence of a compelling need. Since the Ombudsman will have statutory access to all necessary records, there is no compelling need. Additionally, there has never been an instance when DSHS, even without a statutory mandate, has refused to give the Ombudsman all requested records.

For these reasons, I have vetoed sections 1 and 6 of Substitute Senate Bill No. 6001.

With the exception of sections 1 and 6, Substitute Senate Bill No. 6001 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MOTION

On motion of Senator Betti, the partial veto messages on Senate Bill No. 5127, Engrossed Substitute Senate Bill No. 5508, Engrossed Senate Bill No. 5649, Engrossed Substitute Senate Bill No. 5693, Substitute Senate Bill No. 5781, Substitute Senate Bill No. 5968, and Substitute Senate Bill No. 6001 were held on the desk.

MESSAGE FROM THE GOVERNOR

May 18, 1999

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to advise you that on May 18, 1999, Governor Locke approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5208

Relating to fertilizer labeling language.

Substitute Senate Bill No. 5418

Relating to K-12 accountability and assistance.

Engrossed Senate Bill No. 5485

Relating to a reserve account for tobacco product manufacturers not participating in the master settlement agreement.

Engrossed Substitute Senate Bill No. 5866

Relating to eliminating component registration of fertilizer products.

Engrossed Second Substitute Senate Bill No. 5931

Relating to electronic filing and publication of campaign finance and lobbyist reports.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

May 18, 1999

MR. PRESIDENT:

The Co-Speakers have signed HOUSE BILL NO. 1203, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

May 18, 1999

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 2295,  
HOUSE BILL NO. 2303, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

May 18, 1999

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2297, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1203.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 2295 by Representatives B. Chandler, Clements, G. Chandler, Sump, McMorris and Mulliken

Providing that growing or packing agricultural products is not a manufacturing activity for tax purposes.

EHB 2297 by Representatives H. Sommers, Doumit and Kenney

Calculating maximum levy amounts.

HB 2303 by Representatives Regala and Buck

Establishing an effective date for the 1999 timber tax credit.

#### MOTIONS

On motion of Senator Betti Sheldon, House Bill No. 2295 was held on the desk.

#### MOTIONS

On motion of Senator Betti Sheldon, the rules were suspended and Engrossed House Bill No. 2297 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Betti Sheldon, the rules were suspended and House Bill No. 2303 was advanced to second reading and placed on the second reading calendar.

#### PERSONAL PRIVILEGE

Senator Heavey: "A point of personal privilege. Thank you, Madam President. Ladies and gentlemen of the Senate. I thought I had made this clear, but I would like to reiterate it. I meant nothing on personalities when I was talking about the Legislative Transportation Committee. In 1989, I introduced a bill in that other body over there to abolish the Legislative Transportation Committee. It is a long-held belief of mine that we should follow the normal process of budget allocations, working their way through the budget, voted on by both bodies and signed by the Governor and that is how it is done. I have a strong objection to any committee having statutory authority to be able to appropriate money themselves.

"I meant nothing--I have the highest regard for all members of this Legislature and I concur with the gentleman from Yakima. I don't believe there is a dishonest person in this place--I don't believe there has been a dishonest person in this place since I have been here. I was speaking to an appearance of bad government. It may not be bad; it appears to be bad when you have legislators with their own little budgets making appropriations.

"Anybody that takes offense, I am sorry. Sometimes, I go--when I am in the spirit of debate--I go off into the deep end. I apologize for that and I apologize to any one that I have harmed and that they have taken offense. I hope those on the other side of the rotunda are listening, or at least replay the tape--I realize I'm not the only one. Nothing personal was intended. In fact, the House members on Transportation have the upmost interest in a good transportation system for the state of Washington.

"My concern is with the committee that was created--fifty-two years ago--with appropriation authority. Now, if I am not going far enough, please let me know, because I want to make it clear, it was not aimed at any one individual or individuals or any committee other than the fact that I believe it is wrong to have a statutory committee with statutory appropriation authority. I apologize if I inferred otherwise."

#### MOTION

At 8:59 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 9:27 p.m. by President Pro Tempore Wojahn.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Honeyford, Senator Zarelli was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 2297, by Representatives H. Sommers, Doumit and Kenney

Calculating maximum levy amounts.

The bill was read the second time.

MOTION

On motion of Senator Snyder, the rules were suspended, Engrossed House Bill No. 2297 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2297.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2297 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 5; Excused, 2.

Voting yea: Senators Bauer, Benton, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 42. Absent: Senators Brown, Costa, Horn, Kline and Roach - 5. Excused: Senators Finkbeiner and Zarelli - 2. ENGROSSED HOUSE BILL NO. 2297, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Horn was excused.

SECOND READING

HOUSE BILL NO. 2303, by Representatives Regala and Buck

Establishing an effective date for the 1999 timber tax credit.

The bill was read the second time.

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, House Bill No. 2303 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2303.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2303 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Bauer, Benton, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Wojahn - 43. Absent: Senators Brown, Costa and Kline - 3. Excused: Senators Finkbeiner, Horn and Zarelli - 3. HOUSE BILL NO. 2303, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 9:34 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, May 19, 1999.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

SECOND DAY, FIRST SPECIAL SESSION, MAY 18, 1999

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

#### THIRD DAY

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, May 19, 1999

The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Peter Easling and Ryan Bates, presented the Colors. Reverend Doug Dornhecker, pastor of the First Christian Church of Olympia, offered the prayer.

#### MOTION

On motion of Senator Betti Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

#### INTRODUCTION AND FIRST READING

SB 6113 by Senators Honeyford, Costa, Horn, McCaslin and Patterson

AN ACT Relating to corporation and partnership names; and amending RCW 23B.04.010, 23B.15.060, 24.03.045, 24.06.045, 25.05.505, 25.10.020, 25.15.010, and 25.15.045.

Referred to Committee on Judiciary.

#### MOTION

On motion of Senator McAuliffe, the following resolution was adopted:

SENATE RESOLUTION 1999-8690

By Senators McAuliffe, Eide, B. Sheldon, Johnson, Swecker, T. Sheldon, Zarelli, Bauer, Goings, Kohl-Welles and Wojahn

WHEREAS, High academic standards in school will help prepare Washington's students for a world of constant change and innovation; and

WHEREAS, The Commission on Student Learning has worked since 1992 to raise academic standards for students and schools, create new assessments, and lead the entire K-12 school system in Washington toward greater accountability; and

WHEREAS, The Commission on Student Learning forged partnerships with thousands of educators, parents, professionals, business people, and parents to join together in support of student learning; and

WHEREAS, The Commission on Student Learning skillfully brought organizations and interest groups together in support of common goals and objectives and helped achieve remarkably broad agreement regarding education reform; and

WHEREAS, The Commission on Student Learning has informed, empowered, and inspired thousands of educators across the state to embrace and achieve the ambitious goals of Washington's education reform law;

WHEREAS, Commissioners Charles Collins, Terry Bergeson, Millard Battles, Brian Benzel, Pam Carter, Gary Gainer, Booth Gardner, Roberta Krause, Ivory Nelson, C.T. Purdom, John Traynor, Kathleen Anderson, Adelina Gonzalez, and John Lucero have shown unmatched energy and commitment to the education of all children and have set an example to which all public servants aspire; and

WHEREAS, The Commission on Student Learning will terminate on June 30, 1999, and leave Washington's public education system better able to equip students with the knowledge and skills essential for their future;

NOW, THEREFORE, BE IT RESOLVED, That the Senate gratefully acknowledges the work completed by the Washington Commission on Student Learning on behalf of all students in Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to each of the commissioners on the Washington Commission on Student Learning.

MOTION

At 10:09 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:45 p.m. by President Pro Tempore Wojahn.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

May 19, 1999

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE Bill No. 2091 and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

May 19, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
ENGROSSED HOUSE BILL NO. 2297,

HOUSE BILL NO. 2303, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED HOUSE BILL NO. 2297,  
HOUSE BILL NO. 2303.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6114 by Senators Deccio, West, T. Sheldon, Rossi, Heavey, Hargrove, Haugen, Rasmussen, Winsley, McCaslin, Honeyford and Horn

AN ACT Relating to the insurance commissioner; amending RCW 43.01.010, 48.02.010, 43.17.020, and 42.17.2401; and reenacting and amending RCW 43.17.010.  
Referred to Committee on State and Local Government.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

May 18, 1999

MR. PRESIDENT:

The House has passed SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5595 with the following amendment(s):

On page 3, after line 21, strike everything down to and including "private entities." on page 4, line 22 and insert the following:

~~((3))~~ (4) "Habitat project list" is the list of habitat projects resulting from the critical pathways methodology under RCW 75.46.070(2) that shall receive consideration for funding by the salmon recovery funding board. Each project on the list must have a written agreement from the landowner on whose land the project will be implemented, and must be based on the limiting factors analysis conducted in RCW 75.46.070 when completed.

(5) "Habitat projects" or "projects" include but are not limited to habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, and habitat project corrective maintenance and monitoring activities. Projects that include the use of side channels, off-stream rearing enhancement, improvement in overwintering habitat, or use of acclimation ponds shall receive consideration for funding.

~~((4))~~ (6) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

~~((5))~~ (7) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. ~~((These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.~~

~~((6))~~ (8) "Listed stocks" means salmon and trout stocks that are listed or proposed for listing as threatened or endangered under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq.

(9) "Project sponsor" is a county, city, special district, tribal government, state agency, a combination of such governments through interlocal or interagency agreement (~~(s provided under chapter 39.34 RCW)~~), a nonprofit organization, or one or more private citizens.

~~((7))~~ (10) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production except for Atlantic salmon.

(11) "Salmon recovery activities" or "activities" includes but is not limited to habitat protection or restoration activities by local governments, tribes, other public entities, and private entities."

On page 8, line 15, after "funding." insert "The board shall determine an equitable minimum amount of funds for each region, and shall distribute the remainder of funds on a competitive basis."

On page 9, line 11, after "team," strike everything down to and including "projects" on line 30 and insert "and shall include members representing the private sector. Members of the technical review team shall have an educational and professional scientific background in salmonids, salmonid habitat, or related fields. The members of the technical review team shall not serve any fixed term. The numbers of members of the technical review team may be increased or decreased depending on the need for scientific expertise, but the technical review team must always consist of at least five members. Administrative support for the technical review team is provided by the department of fish and wildlife. Assignments and direction to the technical review team shall be made by the chair of the technical review team. The chair of the technical review team shall be designated by the members of the team.

(2) The technical review team is responsible for receiving habitat project lists submitted by lead entities under RCW 75.46.060, for screening and ranking projects on such lists, for providing its ranking of projects, within categories on a statewide basis, to the board", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Jacobsen, the Senate concurred in the House amendments to Second Engrossed Second Substitute Senate Bill No. 5595.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Engrossed Second Substitute Senate Bill No. 5595, as amended by the House.

#### MOTION

On motion of Senator Deccio, Senator Johnson was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 5595, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 38.

Voting nay: Senators Benton, Deccio, Hochstatter, McCaslin, Morton, Roach, Sheahan, Stevens and Zarelli - 9.

Absent: Senator Sellar - 1.

Excused: Senator Johnson - 1.

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5595, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Madam President. We are honored today by a gentleman's birthday. I understand it is around sixty something. He is young enough to be my son, one of the very, very fine people--one of the greatest speakers, orators, this body has been blessed with. I am, of course, referring to--no not you, Dan--I am referring to my seatmate here to my right, the Honorable Senator Bob Morton from the Seventh District. Shall we give him a hand?"

MESSAGE FROM THE HOUSE

May 18, 1999

MR. PRESIDENT:

The Co-Speakers have signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2091, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2091.

MOTION

At 3:21 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 4:27 p.m. by President Pro Tempore Wojahn.

MOTION

At 4:28 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:43 p.m. by President Pro Tempore Wojahn.

MOTION

On motion of Senator Spanel, the Senate advanced to the seventh order of business.

MOTION

On motion of Senator Eide, Senators Franklin, Loveland, Betti Sheldon and Thibaudeau were excused.

THIRD READING

ENGROSSED SENATE BILL NO. 5163, by Senators Brown, Kohl-Welles, Patterson, Wojahn and Eide

Modifying good cause reasons for failure to participate in WorkFirst program components.

The bill was read the third time.  
Debate ensued.

POINT OF INQUIRY

Senator Benton: "Senator Brown, can you tell me when we discussed this bill in the regular session, there was an amendment, I recall, that was passed and adopted to this bill that adjusted the time frame and created a moratorium, I think. Could you refresh my memory as to what that amendment was and whether or not that amendment is still attached to this bill?"

Senator Brown: "Yes, Senator Benton, as a matter of fact, that is correct. The amendment that we attached is on the bill and what the amendment does is keep the status quo in place for two more years, pending an investigation by DSHS of the availability of infant childcare in this state. So, the amendment that was offered from Senator Hale is on the bill in its form at this time."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5163.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5163 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 11; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Sellar, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Swecker, West, Winsley and Wojahn - 32.

Voting nay: Senators Benton, Deccio, Hochstatter, Honeyford, Horn, McDonald, Morton, Roach, Rossi, Stevens and Zarelli - 11.

Absent: Senator Jacobsen - 1.

Excused: Senators Franklin, Johnson, Loveland, Sheldon, B. and Thibaudeau - 5.

ENGROSSED SENATE BILL NO. 5163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Finkbeiner served notice that he would move to reconsider the vote by which Engrossed Senate Bill No. 5163 passed the Senate.

#### MOTION TO IMMEDIATELY CONSIDER

Senator Snyder moved to immediately reconsider the vote by which Engrossed Senate Bill No. 5163 passed the Senate.

Debate ensued.

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "The Chair is going to rule that we can do it on the next working day, so be ready to stay here all night. At 12:01, we can take up this bill again."

#### PARLIAMENTARY INQUIRY

Senator West: "A parliamentary inquiry, Madam President. Is it required that we adjourn prior to having the next legislative day?"

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "I believe so. We can adjourn at 11:59 until 12:01. Does that answer your question?"

#### MOTION

On motion of Senator Eide, Senator Haugen was excused.

### THIRD READING

SUBSTITUTE SENATE BILL NO. 5363, by Committee on Labor and Workforce Development (originally sponsored by Senators Fairley, Winsley, Patterson, Franklin, Fraser, Snyder, Spanel, West, McAuliffe, Roach, Costa, Kohl-Welles) (by request of Governor Locke)

Enacting the civil service reform act of 1999.

The bill was read the third time.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5363.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5363 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 16; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hargrove, Heavey, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 28.

Voting nay: Senators Deccio, Hale, Hochstatter, Honeyford, Horn, Long, McCaslin, McDonald, Morton, Oke, Rossi, Sellar, Sheahan, Sheldon, T., Stevens and Zarelli - 16.

Absent: Senator Jacobsen - 1.

Excused: Senators Franklin, Haugen, Johnson, and Sheldon, B. - 4.

SUBSTITUTE SENATE BILL NO. 5363, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### MOTION

Senator Snyder moved that Substitute Senate Bill No. 5363 be immediately transmitted to the House of Representatives.

### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Finkbeiner served notice that he would move to reconsider the vote by which Substitute Senate Bill No. 5363 passed the Senate.

### PARLIAMENTARY INQUIRY

Senator Benton: "A parliamentary inquiry, Madam President. A motion has been made, but the motion is a debatable motion if I am not mistaken and a notice can be given during a period of debate on that motion. There is not a vote required on a motion of reconsideration, therefore, notice has been given before the vote was taken to immediately transfer and I think that is all that is required is that the President receive notice and the notice was given. Is that not correct?"

### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "Senator Benton, since there was a motion pending, there would be no action until after that motion was voted on. The notice was not in order. There was a motion pending when the notice was given and we hadn't voted on the pending motion."

### MOTION

Senator Benton moved that the motion by Senator Snyder to immediately transmit Substitute Senate Bill No. 5363 to the House of Representatives be laid upon the table.

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "That is in order."

Senator McDonald demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Benton to lay on the table the motion by Senator Snyder to immediately transmit Substitute Senate Bill No. 5363 to the House of Representatives.

#### ROLL CALL

The Secretary called the roll and the motion to lay the motion by Senator Snyder on the table failed by the following vote: Yeas, 20; Nays, 26; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, Swecker, West and Zarelli - 20.

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 26.

Excused: Senators Franklin, Johnson and Sheldon, B. - 3.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Finkbeiner served notice that he would move to reconsider the vote by which Substitute Senate Bill No. 5363 passed the Senate.

#### POINT OF CLARIFICATION

Senator Finkbeiner: "I would like to ask for a point of clarification.

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "I believe you have already asked for that. We just voted on the motion to lay the motion by Senator Snyder on the table."

Senator Finkbeiner: "That is correct. I am speaking to Substitute Senate Bill No. 5363. My understanding was that when I previously gave notice of reconsideration, you ruled that notice out of order, so I would like to give that notice at this time."

President Pro Tempore Wojahn: "We didn't rule it out of order, we simply took it under advisement. We did not rule it out of order. Again, Senator Snyder's motion is still pending--it is still pending--so your motion is out of order."

#### CALL FOR THE PREVIOUS QUESTION

Senators Snyder, Spanel and Goings called for the previous question and the demand was sustained.

Senator McDonald demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on shall the main question be now put.

#### ROLL CALL

The Secretary called the roll and the demand for the previous question carried by the following vote: Yeas, 25; Nays, 20; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 25.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 20.

Absent: Senator Sellar - 1.

Excused: Senators Franklin, Johnson and Sheldon, B. - 3.

#### MOTION

On motion of Senator Deccio, Senator Sellar was excused.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Snyder that Substitute Senate Bill No. 5363 be immediately transmitted to the House of Representatives.

The motion by Senator Snyder carried to immediately transmit Substitute Senate Bill No. 5363 to the House of Representatives.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Finkbeiner served notice that he would move to reconsider the vote by which Substitute Senate Bill No. 5363 passed the Senate.

#### POINT OF CLARIFICATION

Senator Finkbeiner: "I would like to ask for a point of clarification."

#### POINT OF ORDER

Senator Snyder: "A point of order, Madam President. The bill is technically no longer in the possession of the Senate, so it is impossible to give notice for reconsideration."

#### POINT OF ORDER

Senator Finkbeiner: "A point of order, Madam President. My understanding is that while the bill is in physical control of the Senate, it is still in control of the Senate, regardless of whether a motion to immediately transmit-- and I am getting this idea from Rule 37, which states that 'any member who has voted on the prevailing side may give notice of reconsideration unless a motion to immediately transmit the measure to the house has been decided in the affirmative and the measure is no longer in possession of the senate.'"

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "We did that."

Senator Finkbeiner: "I'm sorry, what's that?"

President Pro Tempore Wojahn: "We did that."

Senator Finkbeiner: "My understanding by reading Rule 37 is that those are two separate states of being of the bill. One would be if a motion had been decided to immediately transmit and the second is also, if it is no longer in the possession, so I would like to ask the President, is the bill currently in possession of the Senate, physically at the desk?"

#### REMARKS BY SENATOR SNYDER

Senator Snyder: "I think it takes both of those things. He is just stating that it only takes it as long as it is in control of the Senate. I believe if you read the rule carefully, it says, 'if a vote in the affirmative has not been decided, and the bill is still within the possession of the house.' So, I think the vote has been decided in the affirmative, and by now, I am sure the bill is gone."

#### REMARKS BY SENATOR FINKBEINER

Senator Finkbeiner: "When I made my motion for reconsideration, the bill was still at the desk and it had not been physically transported out the door, so I would just like to state that for the record."

#### MOTION

At 5:21 p.m., on motion of Senator Snyder, the Senate was declared to be at ease.

The Senate was called to order at 5:55 p.m. by President Pro Tempore Wojahn.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5363, under discussion before the Senate went at ease.

#### RULING BY PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "In ruling upon the point of order by Senator Finkbeiner, the President finds that Senate Rule 37 permits a member voting on the prevailing side on final passage of a message, to give notice of reconsideration unless two things have occurred: (1) a motion to immediately transmit the measure has been decided in the affirmative; and (2) the measure is no longer in possession of the Senate.

"Substitute Senate Bill No. 5363 was still in possession of the Senate when Senator Finkbeiner gave notice of reconsideration. Therefore, his notice was in order."

#### SIGNED BY THE PRESIDENT

The President signed:

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5595.

#### MOTION

On motion of Senator Eide, Senators Hargrove and Haugen were excused.

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5587 by Senators Wojahn, Snyder, Thibaudeau, Fairley, Costa, Winsley, Prentice, McAuliffe, Kohl-Welles, Brown, Shin, Rasmussen and Franklin

Adopting a patient bill of rights.

The bill was read the third time.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5587.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5587 and the bill failed to pass the Senate by the following vote: Yeas, 24; Nays, 19; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Fraser, Gardner, Goings, Heavey, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 24.

Voting nay: Senators Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 19.

Absent: Senator Jacobsen - 1.

Excused: Senators Franklin, Hargrove, Haugen, Johnson and Sellar - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5587, having failed to receive the constitutional majority, was declared lost.

### THIRD READING

SENATE BILL NO. 5670 by Senator Snyder and Rasmussen

Creating criteria for the issuance of water quality permits for the treatment of noxious weeds.

The bill was read the third time.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5670.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5670 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Franklin, Hargrove, Johnson and Sellar - 4.

SENATE BILL NO. 5670, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5670 was immediately transmitted to the House of Representatives.

### THIRD READING

SENATE CONCURRENT RESOLUTION NO. 8409 by Senators Goings, Oke, Shin, Gardner, Swecker, Roach, B. Sheldon, Snyder, McCaslin, McAuliffe, Franklin, Rasmussen and Eide

Creating a Joint Select Committee on Veterans and Military Affairs.

The concurrent resolution was read the third time.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8409.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8409 and the concurrent resolution passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44.

Absent: Senator Jacobsen - 1.

Excused: Senators Franklin, Hargrove, Johnson and Sellar - 4.

SENATE CONCURRENT RESOLUTION NO. 8409, having received the constitutional majority, was declared passed.

### MOTION

On motion of Senator Betti Sheldon, Senate Concurrent Resolution No. 8409 was immediately transmitted to the House of Representatives.

#### MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

May 19, 1999

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2304, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 2304 by Representatives Quall, Talcott, Edwards, McIntire, McDonald, Edmonds and Kenney

Providing for school safety programs.

#### MOTIONS

Senator Betti Sheldon moved that the rules be suspended and Engrossed House Bill No. 2304 be advanced to second reading and placed on the second reading calendar.

#### OBJECTION

Senator Finkbeiner objected to suspending the rules and advancing Engrossed House Bill No. 2304 to second reading and placing it on the second reading calendar.

Senator Snyder demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Betti Sheldon to suspend the rules and advance Engrossed House Bill No. 2304 to second reading and to place the bill on the second reading calendar.

#### ROLL CALL

The Secretary called the roll and the motion to suspend the rules failed to receive the necessary two-thirds majority by the following vote: Yeas, 25; Nays, 21; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Fraser, Gardner, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Wojahn - 25. Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 21. Excused: Senators Franklin, Hargrove and Sellar - 3.

#### MOTION

On motion of Senator Betti Sheldon, Engrossed House Bill No. 2304 was passed to the Committee on Rules.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

May 17, 1999

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004,  
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1147, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1004 by House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, O'Brien, Benson, Radcliff, Mitchell, Quall, Dickerson, Cairnes, Morris, Hurst, Campbell, Koster, Bush, Mulliken, Kastama, Miloscia, Conway, Esser, Scott, McIntire, Kessler, Keiser, Mielke, Carrell, McDonald, Dunn, Kenney, Ogden, Schoesler, Rockefeller and Wood)

Requiring transient sex offenders to report regularly to the county sheriff.

2E2SHB 1147 by House Committee on Appropriations (originally sponsored by Representatives K. Schmidt, Fisher, Hatfield, Radcliff, Kenney, Keiser, Hurst, Lovick, Ogden, Murray, Wood, Ruderman, Rockefeller and McIntire)

Enhancing novice driver traffic safety.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended and Engrossed Substitute House Bill No. 1004 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, Second Engrossed Second Substitute House Bill No. 1147 was held at the desk.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

May 17, 1999

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2247, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

May 18, 1999

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 2273, and the same is herewith transmitted.

DEAN R. FOSTER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2247 by House Committee on Appropriations (originally sponsored by Representatives Cooper, Linville and Ruderman) (by request of Office of Financial Management)

Reducing the account balance requirements necessary for the imposition of the oil spill response tax.

SHB 2273 by House Committee on Finance (originally sponsored by Representatives Haigh, Romero, Alexander, Hatfield, DeBolt, Eickmeyer, Wolfe, Rockefeller, Lovick, Lantz and Thomas)

Changing provisions relating to taxation of destroyed property.

#### MOTION

On motion of Senator Betti Sheldon, the rules were suspended and Engrossed Substitute House Bill No. 2247 and Substitute House Bill No. 2273 were advanced to second reading and placed on the second reading calendar.

#### MOTION

On motion of Senator Betti Sheldon, the rules were suspended House Bill No. 2295, which was held on the desk May 18, 1999, was advanced to second reading and placed on the second reading calendar.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004 by House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, O'Brien, Benson, Radcliff, Mitchell, Quall, Dickerson, Cairnes, Morris, Hurst, Campbell, Koster, Bush, Mulliken, Kastama, Miloscia, Conway, Esser, Scott, McIntire, Kessler, Keiser, Mielke, Carrell, McDonald, Dunn, Kenney, Ogden, Schoesler, Rockefeller and Wood)

Requiring transient sex offenders to report regularly to the county sheriff.

The bill was read the second time.

## MOTION

Senator Costa moved that the following striking amendment by Senators Costa, Long and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the intent of this act to revise the law on registration of sex and kidnapping offenders in response to the case of *State v. Pickett*, Docket number 41562-0-1. The legislature intends that all sex and kidnapping offenders whose history requires them to register shall do so regardless of whether the person has a fixed residence. The lack of a residential address is not to be construed to preclude registration as a sex or kidnapping offender. The legislature intends that persons who lack a residential address shall have an affirmative duty to report to the appropriate county sheriff, based on the level of risk of offending.

**Sec. 2.** RCW 9A.44.130 and 1998 c 220 s 1 and 1998 c 139 s 1 are each reenacted and amended to read as follows:

(1) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution. Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, must notify the county sheriff immediately. The sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.500 upon the public safety department of any public or private institution of higher education.

(3)(a) The person shall provide the following information when registering: ~~((a))~~ (i) Name; ~~((b))~~ (ii) address; ~~((c))~~ (iii) date and place of birth; ~~((d))~~ (iv) place of employment; ~~((e))~~ (v) crime for which convicted; ~~((f))~~ (vi) date and place of conviction; ~~((g))~~ (vii) aliases used; ~~((h))~~ (viii) social security number; ~~((i))~~ (ix) photograph; and ~~((j))~~ (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection ~~((9))~~ (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health

services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) **OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION.** Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) **OFFENDERS UNDER FEDERAL JURISDICTION.** Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) **OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED.** Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) **OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS.** Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) **OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.** Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any

adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection ~~((9))~~ (10) of this section.

(vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION. Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection ~~((9))~~ (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. If any person required to register pursuant to this section moves out of Washington state, the person must also send written notice within ten days of moving to the new state or a foreign country to the county sheriff with whom the person last registered in Washington state. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within fourteen days after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section,

except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report in person to the sheriff of the county where he or she is registered. If he or she has been classified as a risk level I sex or kidnapping offender, he or she must report monthly. If he or she has been classified as a risk level II or III sex or kidnapping offender, he or she must report weekly. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within fourteen days after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

~~((7))~~ (8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

~~((8))~~ (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means any offense defined as a sex offense by RCW 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a minor), 9.68A.050 (dealing in depictions of minor engaged in sexually explicit conduct), 9.68A.060 (sending, bringing into state depictions of minor engaged in sexually explicit conduct), 9.68A.090 (communication with minor for immoral purposes), 9.68A.100 (patronizing juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in the second degree), as well as any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030.

(b) "Kidnapping offense" means the crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent.

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

~~((9))~~ (10) A person who knowingly fails to register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Costa, Long and Hargrove to Engrossed Substitute House Bill No. 1004.

The motion by Senator Costa carried and the striking amendment was adopted.

## MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "reenacting and amending RCW 9A.44.130; creating a new section; and declaring an emergency."

On motion of Senator Costa, the rules were suspended, Engrossed Substitute House Bill No. 1004, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1004, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1004, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47. Excused: Senators Franklin and Hargrove - 2. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Betti Sheldon, Engrossed Substitute House Bill No. 1004, as amended by the Senate, was immediately transmitted to the House of Representatives.

## MOTIONS

On motion of Senator Snyder, the Committee on Rules was relieved of further consideration of Engrossed House Bill No. 2304.

On motion of Senator Snyder, the rules were suspended and Engrossed House Bill No. 2304 was advanced to second reading and placed on the second reading calendar.

## MOTION

On motion of Senator Snyder, the Senate commenced consideration of Engrossed House Bill No. 2304.

## SECOND READING

ENGROSSED HOUSE BILL NO. 2304, by Representatives Quall, Talcott, Edwards, McIntire, McDonald, Edmonds and Kenney

Providing for school safety programs.

The bill was read the second time.

## MOTION

Senator Loveland moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The sum of four million dollars, or as much thereof as may be necessary, is appropriated from the general fund to the superintendent of public instruction for the biennium ending June 30, 2001, for:

(1) Alternative school start-up grants which are in addition to the grants funded in the two million dollars alternative school start-up appropriation contained in section 501(2)(l), chapter 309, Laws of 1999, and these grants shall be awarded in the same manner and for the same purposes;

(2) School safety programs for prevention and intervention. School districts may apply for and administer these grants independently or jointly with other school districts or educational service districts. The funds may be expended for proven-effective programs to improve safety in schools, including: Security assessments of school facilities; violence prevention and reporting training for staff as appropriate to the particular duties and responsibilities of the specific staff, including administrators; nonviolence and leadership training for staff and students; and school safety plans. The educational service districts and school districts may contract for any services under this subsection.

(3) The superintendent of public instruction shall report to the education committees of the house of representatives and senate on the number and types of programs administered through these grants by February 15, 2001, and February 15th of every two years thereafter.

**NEW SECTION. Sec. 2.** For the fiscal biennium ending June 30, 2001, the sum of three million dollars, or as much thereof as may be necessary, is appropriated from the general fund--state to the superintendent of public instruction for matching grants to enhance security in schools. This appropriation is a supplement to the five million nine hundred twenty-three thousand dollar appropriation for school security contained in section 501(2)(e), chapter 309, Laws of 1999, and shall be expended in the same manner and for the same purposes.

**NEW SECTION. Sec. 3.** The biennial appropriations in sections 1 and 2 of this act shall be allotted by the office of financial management evenly between fiscal year 2000 and fiscal year 2001.

**Sec. 4.** 1999 c 309 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 2000) \$	((68,937,000))
	<u>65,437,000</u>
General Fund--State Appropriation (FY 2001) \$	((69,635,000))
	<u>66,135,000</u>
General Fund--Federal Appropriation \$	268,710,000
General Fund--Private/Local Appropriation \$	68,648,000
Hospital Commission Account--State Appropriation \$	3,128,000
Health Professions Account--State Appropriation \$	37,529,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation \$	14,856,000
State Drinking Water Account--State Appropriation \$	2,531,000
Drinking Water Assistance Account--Federal Appropriation \$	5,456,000
Waterworks Operator Certification--State Appropriation \$	593,000
Water Quality Account--State Appropriation \$	3,124,000
Accident Account--State Appropriation \$	258,000
Medical Aid Account--State Appropriation \$	45,000
State Toxics Control Account--State Appropriation \$	2,614,000
<u>Health Services Account Appropriation \$</u>	<u>7,000,000</u>
Medical Test Site Licensure Account--State	

Appropriation \$	1,651,000
Youth Tobacco Prevention Account--State Appropriation \$	1,804,000
Tobacco Prevention and Control Account--State Appropriation \$	620,000
TOTAL APPROPRIATION \$	550,139,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,434,000 of the health professions account appropriation is provided solely for the development and implementation of a licensing and disciplinary management system. Expenditures are conditioned upon compliance with section 902 of this act. These funds shall not be expended without appropriate project approval by the department of information systems.

(2) The department or any successor agency is authorized to raise existing fees charged to the nursing assistants, podiatrists, and osteopaths; for certificate of need; for temporary worker housing; for state institution inspection; for residential care facilities and for transient accommodations, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(3) \$339,000 of the general fund--state appropriation for fiscal year 2000, \$339,000 of the general fund--state appropriation for fiscal year 2001, and \$678,000 of the general fund--federal appropriation are provided solely for technical assistance to local governments and special districts on water conservation and reuse. \$339,000 of the general fund--federal amount may be expended in each fiscal year of the biennium, only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(4) \$1,685,000 of the general fund--state fiscal year 2000 appropriation and \$1,686,000 of the general fund--state fiscal year 2001 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

~~(5) (\$4,645,000 of the general fund--state fiscal year 2000 appropriation and \$4,645,000 of the general fund--state fiscal year 2001 appropriation are provided solely for distribution to local health departments.~~

~~(6))~~ The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

~~((7))~~ (6) \$620,000 of the tobacco prevention and control account appropriation and \$209,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5516 or, if the bill is not enacted, for the development of a sustainable, long-term, comprehensive tobacco control program. The plan shall identify a specific set of outcome measures that shall be used to track long range progress in reducing the use of tobacco. Nationally accepted measures that can be used to compare progress with other states shall be included. The plan shall emphasize programs that have demonstrated effectiveness in achieving progress towards the specified outcome measures. Components of the plan that do not have a record of success may be included, provided that the plan also includes the means of evaluating those components. The plan shall also include an inventory of existing publically funded programs that seek to prevent the use of tobacco, alcohol, or other drugs by children and youth and recommendations to coordinate and consolidate these programs in order to achieve greatest positive outcomes within total available resources. A preliminary plan shall be submitted to the appropriate committees of the legislature by December 1, 1999, with the final plan submitted by September 1, 2000.

~~((8))~~ (7) \$2,075,000 of fiscal year 2000 general fund--state appropriation and \$2,075,000 of fiscal year 2001 general fund--state appropriation are provided for the Washington poison center. The department shall require the center to develop a long range financing plan that identifies options for diversifying funding for center operations, including, but not limited to, federal

grants, private sector grants and sponsorships, and multistate or regional operating agreements. The plan shall be submitted to the appropriate committees of the legislature by December 1, 2000.

~~((9))~~ (8) \$50,000 of fiscal year 2000 general fund--state appropriation and \$50,000 of fiscal year 2001 general fund--state appropriation are provided solely for fund raising and other activities for the development of early hearing loss clinics. The development plan for these clinics shall not assume ongoing general fund--state appropriations.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Loveland to Engrossed House Bill No. 2304.

The motion by Senator Loveland carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending 1999 c 309 s 221 (uncodified); creating new sections; making appropriations; providing an effective date; and declaring an emergency."

On motion of Senator McAuliffe, the rules were suspended, Engrossed House Bill No. 2304, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Eide, Senator Thibaudeau was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2304, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2304, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Franklin, Hargrove and Thibaudeau - 3.

ENGROSSED HOUSE BILL NO. 2304, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, Engrossed House Bill No. 2304, as amended by the Senate, was immediately transmitted to the House of Representatives.

#### MOTION

On motion of Senator Eide, Senator Fairley was excused.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2247, by House Committee on Appropriations (originally sponsored by Representatives Cooper, Linville and Ruderman) (by request of Office of Financial Management)

Reducing the account balance requirements necessary for the imposition of the oil spill response tax.

The bill was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 2247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2247.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2247 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Fairley, Franklin, Hargrove and Thibaudeau - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, Engrossed Substitute House Bill No. 2247, as amended by the Senate, was immediately transmitted to the House of Representatives.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2273, by House Committee on Finance (originally sponsored by Representatives Haigh, Romero, Alexander, Hatfield, DeBolt, Eickmeyer, Wolfe, Rockefeller, Lovick, Lantz and Thomas)

Changing provisions relating to taxation of destroyed property.

The bill was read the second time.

#### MOTION

On motion of Senator Snyder, the rules were suspended, Substitute House Bill No. 2273 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2273.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2273 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Fraser, Goings, Hale, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senators Gardner and Heavey - 2.

Excused: Senators Fairley, Franklin, Hargrove and Thibaudeau - 4.

SUBSTITUTE HOUSE BILL NO. 2273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, Substitute House Bill No. 2273 was immediately transmitted to the House of Representatives.

#### SECOND READING

HOUSE BILL NO. 2295, by Representatives B. Chandler, Clements, G. Chandler, Sump, McMorris and Mulliken

Providing that growing or packing agricultural products is not a manufacturing activity for tax purposes.

The bill was read the second time.

#### MOTION

On motion of Senator Loveland, the rules were suspended, House Bill No. 2295 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2295.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2295 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Brown, Deccio, Eide, Finkbeiner, Fraser, Gardner, Goings, Hale, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senators Costa and Heavey - 2.

Absent: Senator Benton - 1.

Excused: Senators Fairley, Franklin, Hargrove and Thibaudeau - 4.

HOUSE BILL NO. 2295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, House Bill No. 2295 was immediately transmitted to the House of Representatives.

#### MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

May 18, 1999

MR. PRESIDENT:

The House refuses to concur and insists on its position regarding the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER, Co-Chief Clerk

MOTION

On motion of Senator Snyder, the rules were suspended, Engrossed Substitute House Bill No. 1125 was returned to second reading and read the second time.

MOTION

On motion of Senator Snyder, the rules were suspended and the Senate will reconsider the striking amendment by Senators Haugen, Tim Sheldon and Gardner, which was adopted May 18, 1999.

MOTION

Senator Snyder moved that the following amendments by Senators Snyder and McDonald to the striking amendment by Senators Haugen, Tim Sheldon and Gardner, on reconsideration, be considered simultaneously and be adopted:

On page 7, line 12 of the amendment, strike "2,378,000" and insert "2,586,000"

On page 8, after line 6 of the amendment, strike section 206 and insert the following:

**NEW SECTION. Sec.206. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor vehicle account--state appropriation ..... \$ 4,283,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$2,467,000 of the motor vehicle account--state appropriation is provided for the operation of the house of representatives transportation committee. The appropriation includes \$500,000 for personal service contracts and other activities as deemed necessary by the house of representatives transportation committee.

(2) The transportation committees of the legislature shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.

(3) A legislative task force consisting of one member from each caucus of the senate and one member from each caucus of the house of representatives shall conduct a road jurisdiction study. The legislative task force shall appoint a technical advisory panel consisting of representatives of cities, counties, and the department of transportation. The study shall include but not be limited to an examination of the following issues:

(a) Whether changed conditions merit redesignation of certain local roadways as state routes and the return of certain state routes to local jurisdictions;

(b) Alternatives to current revenue distribution methodologies for funding roadway and highway needs;

(c) Determine roadway responsibilities, authorities, and practices by jurisdictional level; and

(d) Evaluate governance issues associated with road jurisdiction.

(4) The transportation committees of the legislature shall oversee program accountability reviews of department of transportation, department of licensing, and Washington state patrol programs selected by the senate transportation committee."

On page 74, beginning on line 8 of the amendment, after "department of" strike "transportation.

(2) Twenty-two" and insert "transportation. Twenty-two"

On page 74, line 32 of the amendment, strike "(3)" and insert "(2)"

Correct any internal references accordingly.

On page 85, beginning on line 3, strike everything through "house." on line 6.

On page 85, line 27 of the amendment after "committee" strike " as well as" and insert ", determining the number of legislative transportation committee staff, and"

On page 85, line 30 of the amendment, after "schedules" strike "and" and insert ",,"

On page 85, line 31 of the amendment, after "committee" insert ", and setting policies for legislative transportation committee staff utilization"

On page 85, beginning on line 32 of the amendment, strike all of section 618.

Renumber remaining sections and correct internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Snyder and McDonald on page 7, line 12; page 8, after line 6; page 74, lines 8 and 32; page 85, lines 3, 27, 30, 31 and 32; to the striking amendment by Senators Haugen, Tim Sheldon and Gardner, on reconsideration.

The motion by Senator Snyder carried and the amendments to the committee amendment, on reconsideration, were adopted.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen, Tim Sheldon and Gardner, as amended on reconsideration.

The striking amendment, as amended on reconsideration, was adopted.

#### MOTION

On motion of Senator Snyder, the rules were suspended, Engrossed Substitute House Bill No. 1125, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1125, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1125, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46. Voting nay: Senators Heavey and Wojahn - 2. Excused: Senator Hargrove - 1. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, Engrossed Substitute House Bill No. 1125, as amended by the Senate under suspension of the rules, was immediately transmitted to the House of Representatives.

#### MOTION

At 7:19 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:32 p.m. by President Pro Tempore Wojahn.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

#### MESSAGES FROM THE HOUSE

May 19, 1999

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004 and passed the bill as amended by the Senate.

DEAN R. FOSTER,  
Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

May 19, 1999

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125 and passed the bill as amended by the Senate.

CINDY ZEHNDER,  
Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

May 19, 1999

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2304 and passed the bill as amended by the Senate.

CINDY ZEHNDER,  
Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

May 19, 1999

MR. PRESIDENT:

The Co-Speakers have signed SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5595, and the same is herewith transmitted.

CINDY ZEHNDER,  
Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

May 19, 1999

MR. PRESIDENT:

The Co-Speakers have signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004, and the same is herewith transmitted.

DEAN R. FOSTER,  
Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

May 19, 1999

MR. PRESIDENT:

The Co-Speakers have signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2247,  
HOUSE BILL NO. 2273,  
HOUSE BILL NO. 2295, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

DEAN R. FOSTER,  
Co-Chief Clerk

May 19, 1999

MR. PRESIDENT:

The Co-Speakers have signed ENGROSSED HOUSE BILL NO. 2304, and the same is herewith transmitted.

DEAN R. FOSTER,  
Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

May 19, 1999

MR. PRESIDENT:

The House has passed SENATE BILL NO 5670, and the same is herewith transmitted.

DEAN R. FOSTER,  
Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5670.

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004.

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED HOUSE BILL NO. 2304.

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2247,  
SUBSTITUTE HOUSE BILL NO. 2273,  
HOUSE BILL NO. 2295.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8416 by Senators Snyder and McDonald

Resolving that the 1999 first special session adjourn SINE DIE.

SCR 8417 by Senators Snyder and McDonald

Returning bills to their house of origin.

MOTIONS

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8416 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8417 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8416, by Senators Snyder and McDonald

Resolving that the 1999 first special session adjourn SINE DIE.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8416 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

SENATE CONCURRENT RESOLUTION NO. 8416 was adopted by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8417, by Senators Snyder and McDonald

Returning bills to their house of origin.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8417 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

SENATE CONCURRENT RESOLUTION NO. 8417 was adopted by voice vote.

REMARKS BY SENATOR PRENTICE

Senator Prentice: "Thank you, Madam President. Before we leave, I want to say something to my colleagues here that I have been meaning to say. I want to thank everyone for all of the support that you gave me when I had eye surgery--the phone calls, the cards, the flowers--you can't imagine how much it helped me. I know that you were praying for me; I could feel it. I just want you to know that I have been remiss in not thanking you sooner. You really helped me get through a very difficult time and I want to thank every one of you."

MOTION

At 10:41 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:57 p.m. by President Pro Tempore Wojahn.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Betti Sheldon, the following resolution was adopted:

SENATE RESOLUTION 1999-8688

By Senator Snyder

WHEREAS, Issues raised during past legislative sessions have shown that there is a need to provide properly for those who are currently giving service or have given service to their state and country; and

WHEREAS, Especially due to federal cuts in programs, veterans, members of the active duty military forces, and members of the national guard and reserve components in Washington State must have consideration given to their unique concerns and the programs designed for their assistance;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that a Senate Select Committee on Veterans and Military Affairs is created; and

BE IT FURTHER RESOLVED, That the committee shall consist of eight members, four members from the majority caucus of the Senate, and four members from the minority caucus of the Senate, appointed by the President of the Senate; and

BE IT FURTHER RESOLVED, That the committee shall select a chair from among its members, and that Senate Committee Services shall provide support to the committee; and

BE IT FURTHER RESOLVED, That the committee shall examine and define issues and make recommendations to the full Senate, with respect to desirable changes in programs, laws, and administrative practices affecting veterans and military affairs before the 2000 Legislative Session.

MOTION

At 12:00 midnight, on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 12:17 a.m. by President Pro Tempore Wojahn.

MOTION

On motion of Senator Betti Sheldon, under the provisions of Senate Concurrent Resolution No. 8417, the following House Bill was were returned to the House of Representatives:

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1147.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

May 19, 1999

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8416, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

DEAN R. FOSTER, Chief Clerk

May 19, 1999

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8417, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

May 19, 1999

MR. PRESIDENT:

Under the provisions of Senate Concurrent Resolution No. 8417, the House herewith returns the following Senate Bills:

ENGROSSED SENATE BILL NO. 5819,  
SENATE CONCURRENT RESOLUTION NO. 8409, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 8416.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 8417.

MESSAGES FROM THE HOUSE

May 20, 1999

MR. PRESIDENT:

The Co-Speakers have signed SENATE BILL NO. 5670, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

TIMOTHY A. MARTIN, Chief Clerk

May 20, 1999

MR. PRESIDENT:

The Co-Speakers have signed:

SENATE CONCURRENT RESOLUTION NO. 8416,

SENATE CONCURRENT RESOLUTION NO. 8417, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Betti Sheldon, the Senate Journal for the third day of the 1999 First Special Session of the Fifty-sixth Legislature was approved.

REMARKS BY SENATOR SNYDER

Senator Snyder: "Madam President, Senator West just mentioned that this is a very, very historic and memorable occasion. It is the first time that a lady has ever presided over SINE DIE."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "Well, thank you very much. I think that is wonderful. Thank you very much."

MOTION

At 12:36 a.m., on motion of Senator Betti Sheldon, the 1999 First Special Session of the Fifty-sixth Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

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